

Planning & Zoning Meeting  
March 28, 2023

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. Also present were Legal Counsel, BJ Hess, City Planning, Ervina Covcic, and Secretary, Katie Elliott. Commissioner Jeff Schroeder was excused.

Chairman Mink led the audience in recitation of the pledge of allegiance.

Chairman Mink called the Public Hearing to order at 7:01 p.m.

**Public Hearing** to consider a request from The Scoular Company, for Tower Height Variances for five (5) buildings and support towers on the property located at Lot 1 Block 1 Northside Subdivision (SE 30-8-17), more commonly known as the southwest parcel of land at the end of East Avenue T, Jerome, Idaho, containing approximately 7.39 acres.

Staff Report: Ms. Covcic stated the Scoular Company requests a variance allowing a tower height that exceeds the maximum of 85ft set forth in 17.14.020: Schedule of Building Height and Lot Area Regulations. The applicant requests to allow a tower height variance for five (5) buildings: one concrete slip form mill building at 120ft, bucket elevators at 145ft, two grain bins at 95ft and all other included accessory and support components.

As it pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Covcic stated the parcel is currently zoned Heavy Industrial (M-2). The Heavy Industrial (M-2) zone is intended to provide major manufacturing, processing, warehousing and major research and testing operations. The setbacks are front 25', rear 25', interior side 25' and street side 20'. The maximum height is 85'.

The Jerome Municipal Code defines a Variance as, "A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provision of this title."

Ms. Covcic went over the variance standards with the commission. Regarding Standard A- That special conditions and circumstances exist which are peculiar to the lands, structure or building involved and which are not applicable to other lands, structure or buildings in the same district. The application notes that solid rock below grade does not allow for location reclaim equipment below grade. The grain bins are tall in order to achieve capacity and efficiently fill and empty the bins. Higher capacity bins are required due to the amount of grain. Regarding Standard B- That a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title. The application notes that nearby similar structures exceeding 85ft include Idaho Milk Products, Darigold and Emerge. The variances are necessary due to individual processes. Scoular seeks the same consideration for a variance based on process requirements. Regarding Standard C- That special condition and circumstance do not result from the actions of the

applicant. The application notes that the need is based on standard process design requirements. Regarding Standard D - That granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structure or building in the same district. The application notes that a variance request will not create a special privilege that is denied to others. Nearby businesses enjoy the ability to utilize process requiring equipment/structures that exceed 85ft.

Ms. Covcic stated she sent out the application to City Staff and did not received any comments or concerns.

If approved, Ms. Covcic recommended the following conditions: Comply with all City, State and Federal requirements; and Comply will all City of Jerome department requirements.

Upon inquiry from Chairman Mink, Ms. Covcic stated each zone has a different height requirement and believes it could be for safety concerns. Upon inquiry from Commissioner Reed, Ms. Covcic stated Idaho Milk Products and Scoular both have variances for structures that are over 85' height.

Applicant Testimony: Andy Hohwieler, 529 East Ave T, representing Scoular Inc, testified this is a new expansion. They will be constructing two grain bins and a concrete building. This expansion will sit next to their existing buildings which some structures are higher. Upon inquiry from Chairman Mink, Mr. Hohwieler stated the square buildings will be concrete and the grain bins will be steel.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: Matt Hargrave, 174 Homestead Loop, stated he wanted to bring attention to what it is like being Scoular's neighbors. Mr. Hargrave played a recording into the microphone for the commission. He stated that is noise that can be heard at 2:00 a.m. at his house which is a mile away. He stated they have traced the noise back to Scoular. Mr. Hargrave continued that he has been in contact with J.C. Olsen from Scoular regarding the noise. He stated that the noise is coming from the grain pile that has fans on it and he does not want them to expand without addressing the noise first. Upon inquiry from Chairman Mink, Mr. Hargrave stated they have a pile of barley where they need to dry the grain to pull the tarp over. He stated that he drives grain trucks and has been to many grain facilities that do not sound like Scoular's, and there are approximately 30 houses that have been impacted with the noise.

Becky Dean, 162 E 200 S, testified, they found the opportunity to let Scoular know they are ruining their quality of life. She stated she lives only a half a mile away from the plant and that is what it has sounded like for less than the last year. Ms. Dean stated that she had spoken with

someone familiar with the process the plant is doing to the grain. She does not believe Scoular should be allowed to expand without addressing the noise. She does not believe there is a reason to have their quality of life ruined just because they want to expand and that they have the ability to address the issues but they do not want to. Ms. Dean stated she wants to stop any expansion of the facility until they have addressed the noise issue.

Rebuttal testimony: Andy Hohwieler stated he was glad that Ms. Dean and Mr. Hargrave were taking an active role and letting the company know about the noise. He would be happy to meet with them and hear more about their observations. He wants to be good neighbors and appreciates them letting them know their concerns.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:13 p.m.

**Consider** a request from The Scoular Company, for Tower Height Variances for five (5) buildings and support towers on the property located at Lot 1 Block 1 Northside Subdivision (SE 30-8-17), more commonly known as the southwest parcel of land at the end of East Avenue T, Jerome, Idaho, containing approximately 7.39 acres- *action item*

Commissioner Reed stated his concern is that their issues regarding the noise do not have any bearing on the height variance request. Discussion was held on how the neighbors could address the noise issue with the company; noise complaints sent to code enforcement; the inability to put conditions like a Special Use Permit; and other problems with industries that are in the city but impact property owners in the county. Mr. Hess stated the noise issue would be a code enforcement issue and could be addressed with City Council. Ms. Covic stated staff has been made aware of this problem and has been in contact with Scoular to help mitigate this problem. Commissioner Fraser stated there should be a way for the company to limit the noise in the middle of the night but that is not what the request is for.

Commissioner Johnson made a motion to approve a request from The Scoular Company, for Tower Height Variances for five (5) buildings and support towers on the property located at Lot 1 Block 1 Northside Subdivision (SE 30-8-17), more commonly known as the southwest parcel of land at the end of East Avenue T, Jerome, Idaho, containing approximately 7.39 acres with the following conditions: Comply with all City, State and Federal requirements; and Comply with all City of Jerome department requirements.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Ben Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: Chairman Rod Mink.

**Discussion** - Townhouse Subdivision

Ms. Covcic stated Ms. Chavez had a discussion with the commission regarding a new ordinance pertaining to new townhouse subdivision. Ms. Covcic went over the entire ordinance with the commission. Extensive discussion was held on the following topics: going through the subdivision process; detached garages; permitted in the Residential 3 (R-3) and Residential Multi-family (R-M) zones and by Special Use Permit in Neighborhood Business (C-1), General Business (C-2), High Density Business (C-3), and Mixed Use (MU) zones; parking requirements; minimum lot sizes; maximum of twelve units in one acre; 25% of gross area be common space; and requiring Homeowner's Associations who would take care of the common space area. Ms. Covcic stated she would send these suggestions to City Staff and she would bring it back to the commission at a later date.

### **Consent Agenda**

*The consent calendar consists of items that are considered to be routine in nature and will be enacted in the form of one motion. Any item can be removed from the consent calendar and heard in its regular order at the request of any commissioner or the chairman.*

- A. Approve the minutes from the March 14, 2023 regular meeting;
- B. ~~Consider/Approve Findings and Conclusions for AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, CREATING TITLE 16 CHAPTER 16.047, SEPARATE OWNERSHIP OF UNITS IN DUPLEXES OF THE JEROME MUNICIPAL CODE, PROVIDING FOR DUPLEX UNITS TO BE SPLIT AND SOLD TO DIFFERENT OWNERS; FOR A PROCEDURE TO RECEIVE APPROVAL FOR A DUPLEX SPLIT; PROVIDING FOR CONDITIONS TO APPROVE A DUPLEX SPLIT; AND PROVIDING FOR AN EFFECTIVE DATE.~~

Ms. Elliott stated the Findings and Conclusions were not needed on the ordinance so they do not need to be approved.

Commissioner Johnson made a motion to approve the consent agenda as presented.

Second to the motion by Commissioner Reed and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Ben Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None.

### **CITIZEN CORRESPONDENCE AND ISSUES**

None

### **DISCUSSION PERIOD & STAFF REPORTS**

Commissioner Reed stated he would like to look into signage language regarding having a requirement to have an English translation. He stated there have been a few people that have

come to him regarding that and believes it could be a violation of free speech. Discussion was held on the signage language. Chairman Mink suggested going before City Council with the concern.

Chairman Mink stated the reason he voted nay on the Scoular variance is because he wanted Scoular to be good neighbors but wanted it to pass. Commissioner Reed stated Scoular has done some great things in the community. Commissioner Johnson stated neighbors should not be being kept up with the noise.

Ms. Covcic stated the next meeting will be on April 11<sup>th</sup> which has several hearings set for that day. They will also be having a joint meeting with City Council on April 25<sup>th</sup> @5:30 at the library. This meeting will be a workshop regarding the Comprehensive Plan. Ms. Covcic stated we have one item for the regular meeting on the 25<sup>th</sup> but it could possibly be moved to another date.

There being no further discussion, Chairman Mink closed this regular meeting at 7:55 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary