

Planning & Zoning Meeting
August 23, 2022

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 Carl McEntarffer, Commissioner Shonna Fraser, and Commissioner Paul Johnson. Commissioner Jeff Schroeder was excused. Also present were Legal Counsel, Ted Larsen, City Planner, Ervina Covic, Human Resource Manager, Esmeralda Chavez, and Secretary Katie Elliott.

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 for annexation and zoning for the property described as the following:
Being a portion of the SW¼SE¼ of Section 19, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 19;

Thence, along the South Boundary of the SE ¼ of said Section 19, South 89°52'01" West 1999.45 feet to the REAL POINT OF BEGINNING;

Thence, continuing along said South Boundary, North 89°52'01" West 54.29 feet to the Southwest corner of that certain Parcel of Land described in Deed recorded July 30, 1982 as Instrument No. 266760 in the office of the County Recorder of Jerome County;

Thence, along the Western Boundary of said Parcel of Land, North 26°47'23" West 159.35 feet;

Thence, continuing along said Western Boundary, North 54°00'36" West 253.69 feet;

Thence, continuing along said Western Boundary, North 14°47'32" West 133.77 feet;

Thence, continuing along said Western Boundary, North 01°20'00" West 140.20 feet;

Thence, continuing along said Western Boundary, North 06°53'41" East 97.41 feet;

Thence, continuing along said Western Boundary, North 05°13'45" West 107.97 feet;

Thence, continuing along said Western Boundary, North 37°17'57" East 85.41 feet;

Thence, continuing along said Western Boundary, North 25°56'18" East 352.77 feet;

Thence, continuing along said Western Boundary, North 89°52'43" West 28.25 feet;

Thence, continuing along said Western Boundary, North 00°07'56" East 40.46 feet to the Northwest corner of said Parcel of Land;

Thence, along the Northern boundary of said Parcel of Land, South 84°29'46" East 267.76 feet;

Thence, continuing along said Northern Boundary, North 00°09'01" West 158.41 feet;

Thence, continuing along said Northern Boundary, North 89°54'24" East 599.10 feet to the Northeast corner of said Parcel of Land, said corner being the Southeast corner of that certain map entitled "Hovey Subdivision", recorded June 9, 1978 as Instrument No. 234259 in said office of the County Recorder of Jerome County;

Thence, along the Eastern Boundary of said Parcel of Land, South 00°09'59" East 601.26 feet;

Thence, leaving said Eastern Boundary, North 89°52'02" West 354.82 feet;

Thence, South 00°09'01" East 189.00 feet;

Thence, leaving said Eastern Boundary, North 89°52'02" West 325.00 feet;

Thence, South 00°09'01" East 535.90 feet to said REAL POINT OF BEGINNING; more commonly known as the cultivated farm ground behind 50 E 100 S, Jerome, Idaho; containing approximately 17.84 acres.

Staff Report: Ms. Covcic stated the City has received a request for annexation from 4K Highway 93, LLC. The application is requesting to annex one parcel located at a portion of SW ¼ SE ¼ S 19, T 8 S, R 17 E, Boise Meridian, Jerome County, Idaho. The applicant is proposing the land be zoned Residential-2 (R-2). The application states the property is currently zoned impact area residential rural but there is interest in the land being developed for residential use. The land is continuous to the City of Jerome boundary and it is within the current Area of City Impact. City services are available off of East Nez Perce Avenue or 100 South Road East.

Idaho State Code, 50-222, defines Category A annexations as, "annexation wherein all private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation." As proposed, the annexation falls under Category A. The property owners have requested and consented to annexation. The applicant requested annexation from City Council on July 5, 2022 and the City Council has directed the Planning & Zoning Commission to review this request.

Per Jerome Municipal Code Title 17.80.12, "Prior to annexation of an unincorporated area, the council shall request and receive a recommendation from the commission as to the compatibility of the comprehensive plan with, and to the proposed zoning for the unincorporated area. The commission and the council shall follow the notice and hearing procedures for zoning ordinance map amendments set forth in Chapter 17.90 of this title and Idaho Code section 67-6511. Concurrently or immediately following the adoptions of an ordinance of annexation, the council shall amend the zoning map and/or this title as required." The applicant is requesting a zone of Residential-2 (R-2) which allows for single or two-family dwellings. Residential zoning also requires centralized water and sewer facilities for all subdivisions.

As proposed, the annexation request meets the following items outlined in the City of Jerome Comprehensive Plan: Chapter 3 – Land Use, Objective 3: Controlling urban sprawl in order to protect outlying rural areas; Objective 6: Developing a variety of densities that support mixed land use; Policy 5: Expand city boundaries where city services are available; and Policy 6: Adopt Area of City Impact ordinance and map to direct future growth. The annexation also meets Chapter 7 – Economic Development: Objective 2: Promote the City as an ideal location for new development of residential, commercial and industrial area; Objective 6: Expand the City's boundaries and jurisdiction in an orderly manner while maintaining quality services; and Chapter 13 – Housing: Objective 1: Maintain and/or improve the quality of housing and residential development.

Applicant Testimony: Christopher Barber, 868 East Main, testified he sold this property in 2005 to Neil Kasbergen, it was intended to be an industrial pathway in Jerome but has now switched

gears to residential. There are four other lots that will be transferred to the Jerome Recreation Department but asking for this 17 acres to be residential. They would like to be annexed into the City. It will be contiguous with the other housing around the property and thinks it will be the best fit for the area. Upon inquiry from Commissioner Reed, Mr. Barber stated the other property that will be annexed into the City will not be housing as it will be transferred to the Jerome Recreation for a recreation facility. Upon inquiry from Commissioner McEntarffer, Mr. Barber stated they would have egress and ingress off of Nez Perce and they are also looking into bringing South Fillmore down as another point of access. Mr. Barber stated when the property was bought, they had the property lines that boarder Nez Perce, squared off and straightened out.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:10 p.m.

Consider an annexation and zoning for the property described as the following:

Being a portion of the SW¼SE¼ of Section 19, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Southeast corner of said Section 19;

Thence, along the South Boundary of the SE ¼ of said Section 19, South 89°52'01" West 1999.45 feet to the REAL POINT OF BEGINNING;

Thence, continuing along said South Boundary, North 89°52'01" West 54.29 feet to the Southwest corner of that certain Parcel of Land described in Deed recorded July 30, 1982 as Instrument No. 266760 in the office of the County Recorder of Jerome County;

Thence, along the Western Boundary of said Parcel of Land, North 26°47'23" West 159.35 feet;

Thence, continuing along said Western Boundary, North 54°00'36" West 253.69 feet;

Thence, continuing along said Western Boundary, North 14°47'32" West 133.77 feet;

Thence, continuing along said Western Boundary, North 01°20'00" West 140.20 feet;

Thence, continuing along said Western Boundary, North 06°53'41" East 97.41 feet;

Thence, continuing along said Western Boundary, North 05°13'45" West 107.97 feet;

Thence, continuing along said Western Boundary, North 37°17'57" East 85.41 feet;

Thence, continuing along said Western Boundary, North 25°56'18" East 352.77 feet;

Thence, continuing along said Western Boundary, North 89°52'43" West 28.25 feet;

Thence, continuing along said Western Boundary, North 00°07'56" East 40.46 feet to the Northwest corner of said Parcel of Land;

Thence, along the Northern boundary of said Parcel of Land, South 84°29'46" East 267.76 feet;

Thence, continuing along said Northern Boundary, North 00°09'01" West 158.41 feet;

Thence, continuing along said Northern Boundary, North 89°54'24" East 599.10 feet to the Northeast corner of said Parcel of Land, said corner being the Southeast corner of that certain map entitled "Hovey Subdivision", recorded June 9, 1978 as Instrument No. 234259 in said office of the County Recorder of Jerome County;

Thence, along the Eastern Boundary of said Parcel of Land, South 00°09'59" East 601.26 feet;

Thence, leaving said Eastern Boundary, North 89°52'02" West 354.82 feet;

Thence, South 00°09'01" East 189.00 feet;

Thence, leaving said Eastern Boundary, North 89°52'02" West 325.00 feet;

Thence, South 00°09'01" East 535.90 feet to said REAL POINT OF BEGINNING; more commonly known as the cultivated farm ground behind 50 E 100 S, Jerome, Idaho; containing approximately 17.84 acres- *action item*

Chairman Mink stated South Fillmore would be great to go all the way through which may take traffic off of the light. Commissioner McEntarffer stated they were also looking at having South Davis go through. Chairman Mink liked the zoning as it fits in the area

Commissioner McEntarffer made a motion to recommend to council.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Shonna Fraser, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:13 p.m.

Public Hearing for a request from Western Construction, Inc. c/o Chase Camberlango for a Special Use Permit allowing an asphalt and concrete batch plants with temporary RV parking for employees, on the property described as the following:

Being a portion of the W ½ NW ¼ of Section 24, Township 8 South, Range 16 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of said Section 24, said corner bears North 89°09'39" West 2638.68 feet from the North one-Quarter corner of said Section 24;

Thence, along the North boundary of said NW¼NW¼ of Section 24, South 89°09'39" East 1319.34 feet to the Northeast corner thereof;

Thence, along the East Boundary of said W½ NW¼ of Section 24, South 00°18'53" West 43.75 feet to a point on the South Right-of-Way Boundary of State Highway 25, also known as West Main Street;

Thence, along said South Right-of-way Boundary, North 89°12'56" West 167.56 feet and being the REAL POINT OF BEGINNING;

Thence, leaving said South Right-of-Way Boundary, South 00°18'53" West 219.61 feet along a line parallel with said East boundary;

Thence, South 89°12'56" East 167.56 feet along a line parallel with said South Right-of-Way Boundary to a point on said East Boundary;

Thence, along said East Boundary, South 00°18'53" West 1809.42 feet to the North Boundary of the Union Pacific Railroad Company's Spur Line Running to the City of Jerome;

Thence, along said North Boundary, North 89°42'50" West 214.29 feet to a point on the centerline of the "N" Canal of the North Side Canal Company;

Thence, along said centerline, North 47°08'34" West 142.04 feet;

Thence, continuing along said centerline, North 56°34'08" West 194.09 feet;

Thence, continuing along said centerline, along the arc of a tangent curve to the left having a radius of 300.00 feet, through a central angle of 34°46'12", an arc distance of 182.06 feet and a long chord that bears North 73°57'15" West 179.27 feet;

Thence, continuing along said centerline, South 88°39'39" West 82.60 feet;

Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 200.00 feet, through a central angle of 42°05'24", an arc distance of 146.92 feet and a long chord that bears North 70°17'39" West 143.64 feet;
Thence, continuing along said centerline, North 49°14'57" West 247.01 feet;
Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 300.00 feet, through a central angle of 42°01'29", an arc distance of 220.04 feet and a long chord that bears North 28°14'13" West 215.14 feet;
Thence, continuing along said centerline, North 07°13'28" West 56.28 feet;
Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 500.00 feet, through a central angel of 14°26'22", an arc distance of 126.01 feet and a long chord that bears North 00°00'17" West 125.67 feet;
Thence, continuing along said centerline, North 07°12'54" East 127.70 feet;
Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 450.00 feet, through a central angle of 21°27'07", an arc distance of 168.48 feet and a long chord that bears North 17°56'27" East 167.50 feet;
Thence, continuing along said centerline, North 28°40'01" East 56.51 feet;
Thence, continuing along said centerline, North 20°40'45" East 107.82 feet;
Thence, continuing along said centerline, North 13°24'17" East 141.80 feet;
Thence, continuing along said centerline, North 06°03'21" West 108.28 feet;
Thence, continuing along said centerline, North 18°40'46" West 127.24 feet;
Thence, continuing along said centerline, North 25°37'20" West 454.85 feet to a point on said South Right-of-Way Boundary;
Thence, along said South Right-of-Way Boundary, South 89°12'56" East 51.74 feet;
Thence, leaving said South Right-of-Way Boundary, South 00°47'04" West 20.00 feet;
Thence, South 89°12'56" East 20.00 feet;
Thence, North 00°47'04" East 20.00 feet to a point on said South Right-of-Way Boundary;
Thence, along said South Right-of-Way Boundary, South 89°12'56" East 1021.70 feet; more commonly known as the cultivated field on West Main Street between Producers Livestock Auction 11S 100 West and 961 West Main Street, Jerome, Idaho, containing approximately 46.155 acres.

Staff Report: Ms. Covcic stated the applicant is requesting a special use permit to allow an asphalt plant as well as other accessory uses including aggregate piles, trucks, heavy equipment, employee temporary RV parking, portable testing labs, scales, water fill stations and other support operations. The application notes that the operation is temporary but as demand rises, the operation could become permanent. There are no permanent buildings planned for the site. All production facilities, support, equipment, testing labs, portable toilets and scales will be portable and mobile.

Ms. Covcic stated the property in question at W ½ NW ¼ S 24, T 8 S, R 16 E, Boise Meridian, Jerome County, Idaho is zoned Light Industrial (M-1). According to 17.14.010, asphalt plants are permitted in Light Industrial (M-1) zone by special use permit only. It is noted that the primary use of manufactured home court (RV) is prohibited in the Light Industrial (M-1) zone. The application requests temporary RV parking for employees as a secondary accessory use of the operation.

Title 16 has no bearing on this request.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covic stated the application is in compliance with Chapter 7, Policy 8 which states to "continue providing an atmosphere for successful business development."

Ms. Covic went over the General Standards for Special Uses with the Commission.

Standard A- Will, in fact, constitute a special use as established in City code for the zoning district involved. The Planning and Zoning Code allows the use of asphalt plants in the Light Industrial (M-1) zone with an approved Special Use Permit. The application notes that the request ensures that all support activities, hours and operation will be permitted by the City before the purchase/use of the property by Western Construction, Inc.

Ms. Covic stated the Light Industrial (M-1) zone is meant to encourage the development of manufacturing and wholesale business establishments which shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, are operated entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged and limited office and commercial uses may be permitted as ancillary uses. This district is further designed to act as a transitional use between heavy manufacturing uses and other less intense businesses.

Standard B- Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title. The application states that the site will be operated in accordance with the general objectives of the comprehensive plan as the construction materials manufacturing plants are permitted in the property's current zoning.

Ms. Covic stated the use requested may be allowed by special use permit only and is not outright permitted. Chapter 3 – Land Use section of the Comprehensive Plan states the goal to "offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities. Chapter 8 – Hazardous Areas section of the Comprehensive Plan states the goal to "preserve the environment for future generations by ensuring that the highest level of safety and security for City residents that is reasonably possible, by means of thorough and accurate identifications and elimination of potential hazards of property and life."

Standard C- Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general cavity and that such use will not change the essential character of the same area. The application notes that the property is currently being used for a farming operation. Western Construction intends on making the property a level gravel lot. All structures, plants and equipment are fully portable. The operation would need to have the ability to produce seven (7) days a week, 24 hours per day as the primary client, Idaho Transportation Department (ITD), has projects that require night work, weekend or around the clock work. A typical week would entail summer months from 6am-6pm Monday-Friday.

Ms. Covcic stated the property is in close proximity to residential properties which may be impacted by 24/7 asphalt plant operations. The project is not enclosed and may not fit the vision of that corridor as it is one of the entrances into the City.

Standard D- Will not be hazardous or disturbing to existing or future neighboring uses. The application notes that the operation is required to operate within requirements by DEQ for air quality, dust and noise exposure. The operation will be similar to the truck stop, livestock yard and Lynch fuel storage yard nearby.

Ms. Covcic stated emissions, strong odors and air pollution produced by the plant may be detrimental to neighboring properties, particularly residential properties located within close proximity.

Standard E- Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services. The application notes that project will be accessed from West Main Street and will not be heavily impacted by the use. It is anticipated that fire hydrants will be installed every 600 ft. along the property line North to South for fire safety and prevention of mobile plants. Trash will be picked up once per week in the large disposal. There is no anticipation to tie into City sewer at this time. City water will be used for dust control and water for employees while employees stay onsite in RVs during active work. The RVs will have access to water but all sewer will be removed by a portable sewer cleanout company. Any RVs will be temporary, used by employees and limited to less than 20. Access roads will be provided to access these units by the fire department.

Standard F- Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The application notes that the operation will be an asset to the community by bringing local jobs, supplying hot asphalt to entities at reasonable prices, using local businesses for part, fuel, food, housing options and all supporting needs. The impact to public facilities will be minor as the plant runs off of a generator and everything is portable.

Ms. Covcic stated the property includes 40 acres of light industrial ground with a requested use that includes non-permanent structures.

Standard G- Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise smoke, fumes, glare, or odors. The application notes that the proposed use has already been done near Con Paulos Chevrolet dealership in 2000 and in 2021 and prior to that was behind John Deere dealership. The plants will produce steam, exhaust, equipment backup alarms and associated equipment noise. For this reason, a larger

property was chosen to operate on. The applicant notes that at the Con Paulos Chevrolet dealership site, there were never complaints from any neighbors.

Ms. Covcic stated the uses noted near Con Paulos Chevrolet were of a temporary use and were present to support projects in the vicinity.

Standard H- Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares. The applicant is working with ITD to receive two access approaches off of SH-25 designed and approved by ITD standards.

Standard I- Will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance. There are no historic or scenic properties on this site.

Ms. Covcic stated she sent the application to City Staff and received the following comments: Public Works- Since there will be RV parking, the water connection will need to be protected with a backflow assembly. Building, Fire, Engineering, Streets, and Wastewater all had no comments at this time.

If approved, Ms. Covcic recommended the following conditions: Provide odor control, dust control and screening of operations from neighbors; comply with all City, State and Federal requirements; and Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Ms. Covcic reviewed Standard A with the commission. Mr. Larsen suggested the commission needed to also review Standard B along with Standard A. Mr. Larsen stated Standard B states it will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan and/or this title. They should be considering the definition of the zone and the zoning title.

Applicant Testimony: Chase Camberlango, PO 15569, Boise, testified City Staff covered all of the application. They would have liked two access points but was only granted one access point, at the center of the property, from ITD. They are not planning on staying full time. They currently own two mobile hot plants and they go to where the projects are. They currently have projects in Carey and Soda Springs. Their mobile hot plants are in Bliss and Georgetown right now. Mr. Camberlango stated the hot plants have a very mobile nature. Idaho Transportation has a few large projects in the next few years. They have one project from Jerome to Twin Falls where they will be turning the interstate into three lanes. They also have the new interchange for Jerome. They are trying to position themselves for these projects. They have local gravel pits but would have to import material to supply the plants. Mr. Camberlango stated he was not sure when they would be at the property for work.

Upon inquiry from Commissioner Reed, Mr. Camberlango stated he was not sure how many trucks would be there as it depends on how far they would need to haul the product. He stated the reason why they would like to have a plant in Jerome is to cut down on trucking. He has

never ran more than 28 trucks and no less than six (6) trucks at a time. Upon further inquiry from Commissioner Reed, Mr. Camberlango stated depending on the contract and the time limits of that contract, he is not sure how many trucks will be coming in and out of the property. They may have to work seven (7) days a week just to meet the deadline. He continued that he likes to only have his crew work four (4) days a week to give the crew a three-day weekend which has them working Monday through Thursday if the contract allows it. Mr. Camberlango stated they could have up to 40 trucks an hour on the property.

Commissioner Reed inquired who would be responsible for Highway 25. Mr. Camberlango stated ITD owns the road in front of the property and there is contract language stating, if there is any damage of the roadways used for the haul, route will be repaired by the contractor. He stated it is hard to say when the roadway is damaged by the contractor. Commissioner Reed stated with the number of trucks on the road where they can potentially be pretty heavy, it can create havoc on the road. Mr. Camberlango stated Hwy 25 is a state highway where they would run all legal and permitted loads. There would be more traffic on the road but it would make the roads cheaper to build which would benefit the tax payers. They are trying to compete in a competitive market with trying to build jobs at the cheapest possible price point for their clients. Commissioner Reed stated this property is in the major approach into the city and asked if they had looked into going out into the county. Mr. Camberlango stated the county was not very receptive to their inquiries.

Upon inquiry from Commissioner Fraser, Mr. Camberlango stated they leased the property south of Con Paulos and the city provided them a temporary use. They do not want to guess when they would be getting a plant location. They would like to use the property more than one year. Mr. Larsen stated Special Use Permits, also known as Conditional Use Permits, are for uses that are not outright permitted. It may be allowed under certain conditions which may include a time frame to see how the use can impact the neighbors and some of the other concerns of the City. It is common to have the time frame condition on the permits as it is a recommendation from staff; if the use is approved with a short time frame, impacts can be evaluated and considered. Mr. Camberlango stated they have had numerous Conditional Permits previously. They generally try to get those properties to get those conditional uses for a long time. Upon inquiry from Chairman Mink, Mr. Camberlango stated they typically use belly dump trucks. The trucks they have are legal weight at 28 tons but they generally only run them with 27 tons. They have a few side dumps for other projects but they use belly dumps for paving. Upon inquiry from Chairman Mink regarding the red lines on the picture that was provided, Mr. Camberlango stated the red marks on the map are proposed roads on the property.

Upon inquiry from Commissioner Reed, Mr. Camberlango stated their workers move to the projects with the mobile plants. The workers are having a hard time finding places to park their RV's. They will set them up with water and a portable toilet. The company that services the portable toilet also has a device that empties the holding tanks for the RV's and they usually will send them around once or twice a week when needed.

Upon inquiry from Commissioner Johnson, Mr. Camberlango stated he is not concerned with there being a bottle neck with the one exit and one entrance of the property. He stated there are five lanes on the highway with a left turn lane. He stated it is not productive for them to have trucks stacking up and they want to make sure they are getting them in and out. He stated it should not be an issue.

Upon inquiry from Commissioner Reed, Mr. Camberlango stated that a majority of their work is with ITD so the projects will be on highways. He believes a majority of their trucks will go on the interstate and will not be going through town.

Upon inquiry from Commissioner McEntarffer, Mr. Camberlango stated he has spoken with Con Paulos but he would like to have a larger property plus they are not zoned for the use. Commissioner McEntarffer stated there are some properties around Wal-Mart that are zoned similar to this. Mr. Camberlango stated they are looking at purchasing this property. He stated this would not be going through town or businesses. They are located close to the interstate where they would only have to pass the truck stop and livestock place to get to their property. He stated this was one of the larger properties they found that they thought would be the best spot. Upon inquiry Commissioner McEntarffer, Ms. Chavez stated the applicant did not propose any landscaping with the Special Use Permit. Commissioner McEntarffer stated the landscape ordinance needs to be addressed.

Commissioner Fraser inquired where the nearest neighbor was and does not believe they could control the odor and dust enough not to receive complaints from the residents. Mr. Camberlango stated he is not sure if they would be able to smell the steam or how far it would travel. They have to operate under their conditions for a hot plant. Upon inquiry from Commissioner Fraser, Mr. Camberlango stated the odor is not bad. Chairman Mink inquired if the hot plant industry has changed in the last 40 years. Mr. Camberlango stated they used to use wet scrubbers but now they have a bag house. They have a bag house that has over a 1000 vacuum bag that gets all of the "fines", dirt, out of the rock. It is contained in the bag house where it then goes into a pug meal where moisture is added. This then goes out the side of the bag house. They have some of the nicest equipment and nicest, newest plants in the state. They have some of the top of the line equipment for dust, noise and odor.

Upon inquiry from Commissioner Johnson, Mr. Camberlango stated they do not have any plans on using the railroad tracks.

Testimony in Neutral: Daniel Schiffler- 11 S 100 W, testified he is the branch manager for Producers Livestock, he stated he has a few concerns. With the new truck stop, there would need to be more Law Enforcement to enforce the laws. He spoke of area growth and with that growth comes the need for asphalt and concrete for different things. He does not think it will be too bad if they are only there every once in a while. He stated he just wants to be a good neighbor.

Testimony in Opposition: Ms. Elliott read the following on the record:

Ron Humbach
218 West Blvd

Oppose the application

Asphalt stink and makes a lot of dust that blows all over where bring in gravel and mixing. Concrete batch plants are very dusty, and I live downwind, the wind blows west most of the time over me. I get the smell from the stock yard some times, I don't want asphalt mixed with it.

Daniel Glodowski
48 South 100 West, Jerome, Idaho

Oppose the application

A simple internet search shows a decrease in property values on nearby Property and toxic air pollutants including: Arsenic, Benzene, Formaldehyde, and Cadmium....that cause cancer, nervous system problems, liver and respiratory problems.

Also with the offset of the 100 west road the additional truck traffic will be unsafe. It is already a challenge to turn onto the 100 west roads from Hwy 25.

Jerome already has a reputation of a town with unpleasant odors such as Dairy, Edahow, Rite Stuff, and Jerome Cheese's Whey storage. And adding another to the west end of town with our prevailing west winds will just add to our reputation.

Walter Erickson
315 South Fir, Jerome, ID

Oppose the application

I do not want the dust, noise, traffic lights in my backyard. I feel that an asphalt and concrete plant don't meet the definition of light industry as the land is zoned. I do not think the emission will be good for anyone downwind of the plants. I feel it will hurt my property values. I think Jerome needs to find something better to allow to come in. We don't need the pollution!

Charles Schabacker- Sawtooth Veterinary Services
988 W Main, Jerome, ID

Oppose the application

The value of my business will be seriously devalued if this plant is allowed to be sited here. Odors of hot oil, asphalt, dust and heavy truck traffic will ruin other businesses in the surrounding area. There is no reason to allow an industrial complex such as this to be built within Jerome City limits and would be better sited in crossroads or around the True West Beef

plant. The asphalt plant will be an ugly eyesore for everyone entering the city from the west and the west winds will blow the stench and dust into the heart of Jerome.

Joseph TJ Harbaugh
409 South Fir

Oppose the application

There is already Triple C in that area which provided plenty of dust when the winds are Easterly which they generally are. They want temporary housing permits which means it provides no local employment or income to hotels/motels. The noise at night from them doing asphalt when roads aren't busy is my sleep gone. If nothing else restrict them to 8:00 AM – 6 PM and have them water or oil for dust and allergies.

Terry Harbaugh

805 W Blvd Jerome ID 83338

Oppose the application

This will be horrible for our town. The smell will be bad, making time outside unenjoyable & the fact there will be RV parking leads me to believe workers will be brought in and no local employment will happen. There is plenty of other land to use not next to people's homes.

Tina M. Garcia-King

410 South Fir Street, Jerome ID

Oppose the application

I am all for progress, and having the Town grow, but not for an asphalt plant. When all the dust from our Easterly Idaho winds will make our houses become covered in dust. As I live due East of where they want to build the plant. Not to mention the bad smell that is also associated with the Asphalt plant. So I would like to go on record that I strongly oppose the application for an Asphalt and concrete plant to be built on this site.

Walter Erickson, 315 South Fir, testified, he wanted to make sure the commission knew that once Rich Thompson trucking is up and running, they will also have trucks going. When they were out behind Con Paulos, there were no residential areas to the west or east of the plant. He stated he lives two (2) blocks from the proposed plant. They may have a modern plant but they will have a stock pile, and he would like to know how they are going to control the dust. He also stated the notices were sent to absentee home owners as there are a lot of people that rent in the area. He stated that is a reason why there are not very many people that come to the meetings to oppose applications like this. He stated it is hard to get absentee home owners

to listen. The dust will travel into city and not just affect the neighboring home owners. Mr. Erickson continued that most people can smell Edahow throughout the city. The dust and odor particles will travel a long way. He does not want to see property value decrease. He also stated he does not want quality of his life to be interrupted by the traffic, smell and noise.

Charles Schabacker, 630 Golf Course Rd, testified he owns Sawtooth Vet Services. He stated there already is a considerable amount of vehicles on that road from the vet's office and surrounding businesses that add to the congestion. He believes this will devalue his business. Mr. Schabacker stated he drove passed the plant when it was behind Con Paulos. He stated there was a smell, a lot of noise and truck traffic. He believes his business will be impacted by the smell of hot oil, asphalt, dust and truck traffic. Does not think it would be fair as business owner to allow this to go in across the street from him. Mr. Schabacker inquired if they only use the property once every couple years, who is going to take care of the weeds? Mr. Schabacker stated he does not want to go to work and smell that ever day. He does not believe it is fair for the neighbors in the area. He believes this is not an appropriate place for that business.

Dan Glodowski, 48 S 100 W, testified he believes Jerome is working towards a vision and does not believe this is the current vision they are working on. Mr. Glodowski stated there is a canal that runs along the property and is not sure if the wastewater, run off water system or cows have been addressed. He read a google search for "Will this proposal contribute to the marketability of the vacant commercial retail buildings along the transportation route or downwind of the plant? Will it contribute to the quality of life of nearby residents, children, and businesses? This proposed plant will degrade the environment, and the odors will keep people away. Studies show asphalt plants will decrease the property value. Decreased property values would result in lost tax revenue from surrounding businesses and residential property. When values goes down, the township exceeds, expenses will likely remain the same. Furthermore, increased traffic will damage roadways, taxpayers will have to pay for the repairs. Asphalt plants are considered heavy industrial and should not be established for light industrial."

Commissioner Reed inquired how the commission can determine the characteristic of the zone if this proposal is light industrial or heavy industrial. Chairman Mink stated that could be addressed in their discussion. Mr. Glodowski stated, as he wrote in this letter, the 100 West Road is offset because of the canal. He stated if there are trucks turning opposite of where one is turning, it is hard to make the turn.

Ron Humbaugh, 218 West Blvd, testified he lives east of the property. He stated school buses will be going down 100 West twice a day. He used to work for Franklin Building driving a long haul truck and stated that Triple C used to be across the road from them; their trucks were covered in cement dust. He stated asphalt stinks and he does not want to smell it. He is tired of smelly places. He stated West Blvd can become a freeway sometimes with truck traffic. Sometimes there are semi's that go down that road and the road is not built for those trucks.

Rebuttal Testimony: Chase Camberlango, stated they will maintain the yard. He stated the workers who live in Jerome would be working on equipment on the off seasons. They don't

anticipate having weeds. They will make a gravel lot and spray it every year. Their goal is to be a good neighbor. They saw an opportunity for the community and understand the concerns they have. Mr. Camberlango stated they very rarely get dust and smell complaints. If everything is running correctly, there are no issues. If there is an issue, they will address it right away. They are a family owned business and respect the community they are in. They hope people in the community will call them when they need them. They are not a cooperation and want to be members of the community and good neighbors. Mr. Camberlango stated they do not own a concrete batch plant but may need one for certain projects so it was included on the application. They do not have plans to put one there unless it is needed. Upon inquiry from Chairman Mink, Mr. Camberlango stated the concrete plant would be portable.

Commissioner Reed inquired what the definitions for Light Industrial and Heavy Industrial were. Mr. Larsen stated the Light Industrial (M-1) zone is defined as a zone to be meant to encourage the development of manufacturing and wholesale business establishments which shall be free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare, are operated entirely within enclosed structures and generate little industrial traffic. Commissioner Reed inquired how they would account for the traffic issue, with the potential of having 40 trucks per hour, and that this does not fit within that definition. Mr. Larsen stated this is what the commission needs to discuss. With this being a Special Use permit, this application can be difficult to assess. It may be a use that is between heavy and light. The impact may vary as they may not be there for a couple of years to having 40 trucks every hour. It is a huge range and hard for the commission to assess what the impact is and what conditions to have. This is a very broad application which can make it difficult to assess. Heavy Industrial (M-2) district is defined as a district that encourages the development of major manufacturing, processing, warehousing and major research and testing operations. Limited office and commercial uses may be permitted as ancillary uses. These activities shall include certain uses excluded from the M-1 district for reasons of health, safety or general welfare. All development within this land use shall be reasonably free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare. Mr. Larsen stated the zones are similar. This use may be appropriate in certain portions of both zones depending on the impact it has. Mr. Larsen stated this is why this application must come before the commission to be approved but the commission must consider all of the facts and circumstances including where the site is located.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 8:10 p.m.

Consider a request from Western Construction, Inc. c/o Chase Camberlango for a Special Use Permit allowing an asphalt and concrete batch plants with temporary RV parking for employees, on the property described as the following: Being a portion of the W ½ NW ¼ of Section 24, Township 8 South, Range 16 East, Boise Meridian, Jerome County, Idaho, more particularly described as follows: Commencing at the Northwest corner of said Section 24, said corner bears North 89°09'39" West 2638.68 feet from the North one-Quarter corner of said Section 24; Thence, along the North boundary of said NW¼NW¼ of Section 24, South 89°09'39" East 1319.34 feet to the Northeast corner thereof; Thence, along the East Boundary of said W½ NW¼ of Section 24, South 00°18'53" West 43.75

feet to a point on the South Right-of-Way Boundary of State Highway 25, also known as West Main Street; Thence, along said South Right-of-way Boundary, North 89°12'56" West 167.56 feet and being the REAL POINT OF BEGINNING; Thence, leaving said South Right-of-Way Boundary, South 00°18'53" West 219.61 feet along a line parallel with said East boundary; Thence, South 89°12'56" East 167.56 feet along a line parallel with said South Right-of-Way Boundary to a point on said East Boundary; Thence, along said East Boundary, South 00°18'53" West 1809.42 feet to the North Boundary of the Union Pacific Railroad Company's Spur Line Running to the City of Jerome; Thence, along said North Boundary, North 89°42'50" West 214.29 feet to a point on the centerline of the "N" Canal of the North Side Canal Company; Thence, along said centerline, North 47°08'34" West 142.04 feet; Thence, continuing along said centerline, North 56°34'08" West 194.09 feet; Thence, continuing along said centerline, along the arc of a tangent curve to the left having a radius of 300.00 feet, through a central angle of 34°46'12", an arc distance of 182.06 feet and a long chord that bears North 73°57'15" West 179.27 feet; Thence, continuing along said centerline, South 88°39'39" West 82.60 feet; Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 200.00 feet, through a central angle of 42°05'24", an arc distance of 146.92 feet and a long chord that bears North 70°17'39" West 143.64 feet; Thence, continuing along said centerline, North 49°14'57" West 247.01 feet; Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 300.00 feet, through a central angle of 42°01'29", an arc distance of 220.04 feet and a long chord that bears North 28°14'13" West 215.14 feet; Thence, continuing along said centerline, North 07°13'28" West 56.28 feet; Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 500.00 feet, through a central angle of 14°26'22", an arc distance of 126.01 feet and a long chord that bears North 00°00'17" West 125.67 feet; Thence, continuing along said centerline, North 07°12'54" East 127.70 feet; Thence, continuing along said centerline, along the arc of a tangent curve to the right having a radius of 450.00 feet, through a central angle of 21°27'07", an arc distance of 168.48 feet and a long chord that bears North 17°56'27" East 167.50 feet; Thence, continuing along said centerline, North 28°40'01" East 56.51 feet; Thence, continuing along said centerline, North 20°40'45" East 107.82 feet; Thence, continuing along said centerline, North 13°24'17" East 141.80 feet; Thence, continuing along said centerline, North 06°03'21" West 108.28 feet; Thence, continuing along said centerline, North 18°40'46" West 127.24 feet; Thence, continuing along said centerline, North 25°37'20" West 454.85 feet to a point on said South Right-of-Way Boundary; Thence, along said South Right-of-Way Boundary, South 89°12'56" East 51.74 feet; Thence, leaving said South Right-of-Way Boundary, South 00°47'04" West 20.00 feet; Thence, South 89°12'56" East 20.00 feet; Thence, North 00°47'04" East 20.00 feet to a point on said South Right-of-Way Boundary; Thence, along said South Right-of-Way Boundary, South 89°12'56" East 1021.70 feet; more commonly known as the cultivated field on West Main Street between Producers Livestock Auction 11S 100 West and 961 West Main Street, Jerome, Idaho, containing approximately 46.155 acres. - *action item*

Chairman Mink stated he grew up in the business with his dad helping build the freeway system. They followed the work with the highways. They lived next to the plants and worked there when he was old enough. Dirt was everywhere but it looks like it has changed a bit since. Commissioner McEntarffer stated he still needs a few more things addressed. He stated the landscape ordinance would apply and they need to address the dust control. If they grant the application, he would like some written conditions between Western Construction and the Council to make sure they are addressed. Mr. Larsen stated those can be addressed with

conditions. Chairman Mink led a discussion on the Special Use Standards. Extensive discussion was held.

Regarding Standard A, Commission agreed this use does need a Special Use Permit.

Regarding Standard B, Commission stated the use is not contained which goes against the definition.

Regarding Standard C, Commission agreed it will change the character of the area. To the west is Producers Livestock, school buses, and trucks. To the south and east of the property, there are residential areas. There will be more traffic.

Regarding Standard D, Commission agreed the use will be disturbing if the plant is running 24 hours a day; concerns of the possibility of run off in the canal; lighting for the property was not discussed; concerns of the possibility of the property sitting empty for a couple of years; concerns with keeping the dust down.

Regarding Standard E, Commission agreed there will be fire hydrants and will also have City water hook up.

Regarding Standard F, Commission agreed there is the unknown factor with the roads and who is responsible to maintain the roads. They understand it is a State Highway but it will impact the City. They believe it will change the character for Main Street. They understand the applicant will be bidding for State projects.

Regarding Standard G, Commission agreed the 24/7 operation and the potential use could be a detriment to the area.

Regarding Standard H, Commission agreed the single entrance into the property can be an issue. The commission is concerned about the bottle neck that could potentially be made with the heavy truck traffic and stacking traffic.

Regarding Standard I, Commission agreed there are no historical sites affected.

Commissioner Reed stated the commission made mention if this application were to be passed, landscaping and lighting would need to be addressed. Discussion was held on the lighting ordinance and the landscaping ordinance and what would apply for this application.

Commissioner Johnson made a motion to approve the application from Western Construction, Inc. for a Special Use Permit allowing an asphalt and concrete batch plants with temporary RV parking for employees, on the property described in the agenda, more commonly known as the cultivated field on West Main Street between Producers Livestock Auction 11 South 100 West and 961 West Main Street, Jerome, Idaho, containing approximately 46.155 acres with the following conditions: Follow all light and landscaping ordinances; provide odor control, dust control and screening of operations from neighbors; comply with all City, State and Federal requirements; and Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion failed by the following votes: AYE: None
NAYE: Commissioner Benjamin Reed, Commissioner Shonna Fraser, Commissioner Carl McEntarffer, and Commissioner Paul Johnson.

Chairman Mink stated with the denial of the Special User Permit, the Design Review from Western Construction, Inc. c/o Chase Camberlango was removed from the agenda.

Chairman Mink called the hearing to order at 8:35 p.m.

Public Hearing for a request from Paragon Investments of Idaho for a Lot Split on the property described as Jerome Unplatted Tax 2206197 of S½ 31-8-17, more commonly known as the farmland on the north west corner of 100 East 300 South, Jerome, Idaho, containing approximately 58.14 acres.

Staff report: Ms. Covcic stated the property in question at Jerome Unplatted Tax 2206197 of S ½ 31-8-17 is zoned Mixed Use (MU). The proposed project, a lot split, requires approval from the Planning & Zoning Commission. Regardless of use, setbacks for this property as follows: Front- 25'; Rear- 20'; Interior Side- 20'; and Street Side- 20'. The max height is 35 feet with the minimum lot size of 7,000 sq. feet.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the application is in compliance with the following: Chapter 3, Objective 1: Exploring the growth patterns of the city and plan and prepare for future growth opportunities; and Chapter 3, Objective 6: Developing a variety of densities that support mixed land use. The Comprehensive Plan Land Use Map designates this area as Commercial.

Regarding the Lot Split Criteria, Ms. Covcic stated there is proof of ownership that is required. The applicant is proposing a lot split on the property consisting of 58.139 acres. The two lots will include Parcel A at 16.849 acres and Parcel B at 41.290 acres. There are no structures on the lots. Both lots meet the required minimum lot size of 7,000 sq. ft. The neighboring zones include High Density Business (C-3), Mixed Use (MU) and Area of City Impact Residential Rural. The lots will have frontage access off of East Frontage Road. Parcel B will also have access from 100 East Road South. There is a dedicated 25 ft. of Right Of Way (ROW) along Frontage Road and 25 ft. prescriptive road easement along 300 South Road East and 100 East Road South. City water is located at the corner of 300 South and Frontage Road. An additional water line ends at Fiber Care Bath on Frontage Road. City sewer is located along 300 South Road to the length of the property. The property also has NSCC water shares which will be used to irrigate the lots with the development of a pressurized system owned and maintained by the property owner's association. Any future divisions of land will require subdivision review and approval. A notice regarding the proposed lot split was sent to local taxing districts.

Ms. Covcic stated she sent the application out to City Staff and received the following comment: Public Works- A water main extension will be required. As mentioned, there is a water main at Fiber Care.

If approved, Ms. Covic recommended the following conditions: The lot split shall meet all City of Jerome Department requirements pertaining to construction and any other needed improvement; and Comply with all City, State and Federal requirements.

Applicant Testimony: Aaron Wert, 112 Shoshone St E Ste 4, Twin Falls, HMH Engineering, representing Paragon, testified they are wanting a lot split and looking at rezone one property to High Density Business (C-3). The land directly to the north of the property is owned by Fiber Care Bath which is also zoned C-3. Mr. Wert stated Fiber Care purchased the property to the north after they did a lot line adjustment. He continued that with this lot split, they would stay on that line from Fiber Care and continue it down to the road for development.

Upon inquiry from Chairman Mink, Mr. Wert stated this application is for a lot split.

Neutral: Ms. Elliott read the following on the record:

Re: Paragon Investments Lot Split on the north west corner of 100 E 300 S

Dear City of Jerome Planning and Zoning Department,

North Side Canal Company (NSCC) has the following comments regarding the project reference above:

1. There are 60 shares associated with the property.
2. The L-8 Canal runs through the property.
3. The current and future property owners should be made aware that no improvements such as fences, buildings, structures, etc. are allowed within the canal right-of-way without written authorization from NSCC.
4. The current and future property owners may contact NSCC prior to construction of any improvements near the canal and a representative will meet with them to discuss their plans.
5. Potential flooding of the property should be minimal. However, the property owners should be made aware that NSCC will not be liable for damages due to flooding caused by factors beyond its control.
6. The property owner, at their own expense and with NSCC written approval, has the right to change, move or bury the canal to another location within their property. Any change made cannot impede the canal's design flow and any increased operational and maintenance costs will be the responsibility of the current or future owners.

If you have any questions feel free to contact me at (208)490-4893

Jesus Barrera, Staff Engineer

Lance Johns

47 E Frontage Rd. S. Jerome

Neutral to the application

My irrigation water comes from the canal which is located on the westside of canal. Headgate H10L08 it follows the canal around to the highest point 3 South road for gravitational down hill flow. It shouldn't be disrupted or build over.

Upon inquiry from Commissioner Johnson, City Staff showed the commission where the canal is located on the property. Mr. Wert stated the canal would be on the second parcel if approved.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 8:46 p.m.

Consider a request from Paragon Investments of Idaho for a Lot Split on the property described as Jerome Unplatted Tax 2206197 of S½ 31-8-17, more commonly known as the farmland on the north west corner of 100 East 300 South, Jerome, Idaho, containing approximately 58.14 acres.- *action item*

Commissioner Johnson stated he did not have any concerns regarding the application.

Commissioner Johnson made a motion to approve the request from Paragon Investments of Idaho for a Lot Split on the property described as Jerome Unplatted Tax 2206197 of S½ 31-8-17, more commonly known as the farmland on the north west corner of 100 East 300 South, Jerome, Idaho, containing approximately 58.14 acres, with the following conditions: The lot split shall meet all City of Jerome Department requirements pertaining to construction and any other needed improvement; and Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Shonna Fraser, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None

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 July 12, 2022 regular meetings;

- B. Consider/Approve Findings and Conclusions for Milk Specialties Global/ Kyle Kramer, for a Tower Height Variance, on the property located at Tax 55 of NENW, and Tax 2 Lots 9 & 10, Block 2 Jerome SE Industrial Park Phase III (30-8-17), more commonly known as 1756 South Buchanan Street, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON A REQUEST FROM THE MILK SPECIALTIES GLOBAL/KYLE KRAMER, FOR A TOWER HEIGHT VARIANCE ON THE PROPERTY LOCATED AT TAX 55 OF NENW, AND TAX 2 LOTS 9 & 10, BLOCK 2 JEROME SE INDUSTRIAL PARK PHASE III (30-8-17), MORE COMMONLY KNOWN AS 1756 SOUTH BUCHANAN STREET, JEROME, IDAHO.

A public hearing at the request of Milk Specialties Global / Kyle Kramer, for a height variance allowing a tower height that exceeds the maximum of 85 feet, on the property located at 1756 South Buchanan Street, Jerome was held, pursuant to notice, on Tuesday, July 26, 2022, with all members of the public, in a format allowing participants to hear the meeting, including all deliberations by commissioners and other speakers addressing the commission, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ervina Covcic provided a report upon this request. Ms. Covcic stated Milk Specialties Global/Kyle Kramer requests a variance allowing a tower height that exceeds the maximum of 85 ft. The applicant requests to allow a tower height of 95' 1 7/8". 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 as follows: front- 25', rear- 25', interior side- 25' and street side- 20'. The maximum height is 85'.

Ms. Covcic stated 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 affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots.

Regarding variances, Ms. Covcic went over the 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. Ms. Covcic stated the application notes that the property is at a higher elevation than surrounding buildings.

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. Ms. Covcic stated the application notes that this is for the processing at Milk Specialties Global plant for the milk dryer.

Regarding Standard C, that special condition and circumstance do not result from the actions of the applicant. Ms. Covcic stated the application notes that a variance is being requested for the M-2 zone to build the tower to 95' 1 7/8" from a finished floor of 0'.

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. Ms. Covic stated the application notes that a variance request will not convey any special privilege and that there are other towers in the zone that have been granted a variance over the 85'.

Ms. Covic stated she sent the application to city staff and no comments or concerns were addressed.

If approved, Ms. Covic recommended the following conditions: (a) Comply with all City, State and Federal requirements; and (b) Comply with all City of Jerome department requirements

Applicant Testimony: Richard Julien, 512 Little Rock Creek Rd, Cook Washington, representing Milk Specialties Global, appeared before the Commission and testified on the application. Mr. Julien testified that the building designed is for 95 feet but his client did not know the limit was 85 feet. He stated they went over the code and were not able to see where the height was measured from. The property sits a little bit higher than the surrounding properties so they did not know if that would affect their measurements. He continued that they wanted to do this correctly to get the variance. Mr. Julien went over where the tower would be located on the property. He stated the dryer tower is under the 85 feet requirement but the stack and the steer tower push it over that requirement.

Upon inquiry from Acting Chairman Johnson, Mr. Julien stated they need the tower for the business. They are working with Magic Valley Quality Milk (MVQM). He stated he met with Mr. and Mrs. Burgess and received all of the required signatures for the applications. He stated they went over some of the Burgess' concerns regarding MVQM and his clients have been trying to rectify some of those concerns. They have applied dust control and they are putting the head row back on the property to help collect the trash that is being blown over. Mr. Julien continued that they will be putting in irrigation to help keep the head row alive. He continued that they have removed the light that was being seen on their property.

Upon inquiry from Commissioner Schroeder, Mr. Julien stated they have put a tackifier down and they will continue to maintain that. Once the building is built, they will hardscape a portion of property around that building. They will also be taking out a foot of the gravel and putting down new gravel in its place which they will put tackifier down on also

Testimony in Favor: None.

Testimony in Opposition: Ms. Elliott read the following on the record:

Kathleen Burgess, 47A East 100 South, Jerome

"Oppose the application. We have been visiting with Richard Julien of the Whiting-Turner Company and have voiced our concerns about the dust abatement, light

pollution, noise and odor control. He has promised us that these concerns will be addressed. To his credit, measures have been taken to control the dust. We have yet to see anything in writing that would promise ongoing efforts by this company to address these issues in the event he is no longer there. What measures can be taken to avoid having a company like Jerome Cheese who allows such putrid odors to degrade our quality of life? Until there are written and enforceable measures in place, we will oppose this application.”

Dave Burgess, 47 E 100 S, Jerome, Idaho

“Oppose the application. I oppose the height variance. This milk plant has been very poor neighbors due to lack of dust control in their truck parking areas. We live on the east side of the plant, we have a farm next to their parking lot. Also we have a problem with trash and debris blowing on our property along with truck horns each time they pull into the yard. If you approve this variance I would hope you will encourage pavement of parking area, green buffer on property line and a chain link fence to catch all of their trash that blows on our farm ground.”

Dave Burgess, 47A E 100 S, Jerome, appeared before the Commission in testified in opposition of the application. Mr. Burgess stated he has met with Richard Julian and he told him he was not going to sign the paperwork unless they honor their word and follow through. He would like the Commission to add from enforcement. He stated Mr. Julian has promised the stars and the moon to Mr. Burgess. He continued that there is a lot of garbage that is blowing onto their property as the truck drivers wait until the wind blows to cleanout their trucks. He stated they raise dairy alfalfa and the plastic lock tabs from the tankers get into the alfalfa where they green chop it. He stated the trash problem needs to be addressed. Mr. Burgess continued that Mr. Julian has stated that they will address the problems. Mr. Burgess inquired what came out of the stack. Mr. Burgess stated they have asked to have the property paved to keep the dust down. He stated he spoke with Dave Richey regarding the dust problem, about six months ago, he was told that Mr. Richey spoke with the property owners and they were working on it. Mr. Burgess stated this spring was horrible for dust and this is the first time he has seen anyone working on the problem. He also would like to know how often the tack strip would be applied. He asked if the variance was approved, there is some wordage addressing the dust issue. He continued that he has asked about having the company put up an irrigated green barrier. When the Diehl Company first built the plant, they were required to put up a green barrier which has died because it was never watered. They also sprayed a sterilizer which has made about 40 feet of just dirt on the property. He stated it was never enforced so this has made a dust problem even though they have sprayed a tack strip where the trucks drive. Mr. Burgess stated after speaking with Mr. Julien, he believes this company will be a good neighbor but would like to have something in writing from the company regarding the problem. He opposes this variance because he would like to see some improvements to the property as they are a multi-million dollar company and should be able to do these improvements.

Testimony in Neutral: None.

Rebuttal Testimony: Richard Julien inquired if the City has a dust control ordinance. Mr. Larsen stated it would fall under the nuisance ordinance. Mr. Julien stated he went to the Burgess' and asked them what their concerns were. He stated his client is not MVQM, it is Milk Specialties. He believes his client has gone above and beyond for the Burgess'. He continued they have put tack down, had crews cleaning up the garbage, moved the light, and have a design for a green barrier with irrigation. He stated he has tried to find anything in writing regarding the barrier and has not found anything but they are taking Mr. Burgess word and putting in that barrier. Mr. Julien stated the variance is for the building and he will be building it but it would not be safe for the employees as they would have to go up a ladder. He stated he did not want to go backwards with the design as his company has employees ready to get to work. They will be bringing in about 30 new jobs to the area. He is not sure if anything can be in writing as there is the nuisance ordinance already for that. Mr. Julien stated he is not sure what is coming out from the dryer but believes it is steam and does not believe it smells. He stated he will continue to keep his word to the Burgess and his client is committed to being a good neighbor.

Sean Remington- 469 Park Ave, Twin Falls, representing Milk Specialties Global, appeared before the Commission and testified on the application. Mr. Remington testified they are making evaporated milk. There will be steam from evaporating milk down to a powder. They have 12 plants within the United States and they have not had any odor complaints from the stacks. He stated he is the maintenance guy for the business but knows that they are using fresh milk that is being brought in each day.

Upon inquiry from Commissioner Schroeder, Mr. Larsen stated that odor is controlled under the nuisance code anything that makes surrounding properties unlivable or affect the quality of life is considered a nuisance. Mr. Remington stated they have to apply for an air permit and follow all EPA standards for emissions.

Commissioner Fraser stated it is her understanding that the Commission is to address the tower variance but they cannot deviate from that. She appreciates all the good information that was brought up.

Upon inquiry from Commissioner Reed, Mr. Larsen stated there is not anything written in the code that shows where the height is taken from and default from where the building sits. Commissioner Reed stated there is a grey area regarding this and it is concerning.

There being no further testimony, acting Chairman Johnson closed the public hearing at 7:28 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Julien testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

I. Findings

- A. 1756 South Buchanan Street, Jerome, Idaho, and is currently zoned Heavy Industrial (M-2).
- B. The M-2 zone pursuant to Title 17 of the City of Jerome Municipal Code, has a height limitation of 85 feet.
- C. The purpose of the variance is to allow a variance of the height limit to allow for a tower height of approximate 95' 1 17/8".
- D. Granting this variance will not confer any special privileged on the applicant, but rather would allow the necessary equipment for commercial manufacturing of dry milk at its Milk Specialties Global plant facility.

II. Conclusions

- A. The application is consistent with development standards and objectives for M-2 Zone.
- B. Not granting the variance as requested in the application would result in an unnecessary hardship—as referenced in Title 17 of the City of Jerome Municipal Code—to the applicant.
- C. This variance is granted and contingent upon the following:
 - a. Applicant shall comply with all City, State and Federal requirements; and
 - b. Applicant shall comply with all City of Jerome department requirements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 23rd day of August, 2022, in support of the decision of the Planning and Zoning Commission on the 26th day of July, 2022, to approve the application for a variance is hereby made final this 23rd day of August, 2022, subject to appeal by an interested party within the prescribed period under Idaho law.

ROD MINK, Chairman of the Board
Jerome City Planning and Zoning

Commissioner McEntarffer 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: Commissioner Benjamin Reed, Commissioner Shonna Fraser, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Commissioner McEntarffer stated there are various businesses that have not complied with the conditions of their Special Use Permits. One of those is Valley Wide Coop. They have not completed their landscaping requirement or kept the dust down on the warehouse on the West Blvd property. Ms. Elliott stated the renewal for Valley Wide Coop will be coming up in January. Discussion was held on various properties within the City that has not complied with various requirements of their Special Use Permit and how to follow up with those requirements. Ms. Chavez stated staff would follow up with those businesses.

Mr. Larsen reminded the commission of the procedures for when there is a denial of a Special Use Permit. He stated they need to approve the Findings of Facts and Conclusions within 15 days. There will need to be a special meeting held as there is a fifth Tuesday of August. They can hold the meeting after the City Council meeting on September 6th and by zoom if needed. Discussion was held on procedures for requesting information from applicants who are requesting a Special Use Permit.

There being no further discussion, Chairman Mink closed this regular meeting at 8:57 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary