



# Cassia County Board of Commissioners

Cassia County Courthouse  
Commission Chambers  
1459 Overland Ave. – Room 206  
Burley, ID 83318  
[www.CassiaCounty.org](http://www.CassiaCounty.org)

## Board Members:

Chairman Dennis Crane (District #3) ~ [dcrane@cassiacounty.org](mailto:dcrane@cassiacounty.org)  
Paul Christensen (District #1) ~ [pchristensen@cassiacounty.org](mailto:pchristensen@cassiacounty.org)  
Bob Kunau (District #2) ~ [bob.kunau@cassiacounty.org](mailto:bob.kunau@cassiacounty.org)

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Wednesday, November 19, 2014

7:00 PM

The Board of Cassia County Commissioners met this day in a special session for a public hearing in the Commission Chambers of the Cassia County Courthouse.

### THOSE PRESENT:

#### County Commissioners:

Dennis Crane, Chairman

Paul Christensen

Bob Kunau

#### Prosecuting Attorney:

#### Administrator:

#### Clerk of the Board:

Doug Abenroth

Kerry D. McMurray

Joseph W. Larsen

#### Others

(As Attached)

The Board went on the record at 7:02 p.m. Chairman Crane conducted the meeting and introduced County officials present. He asked all to sign the attendance sheet, state their name and address when speaking, and to be polite in their presentations. Chairman Crane presented the agenda which was as follows:

- 1) Presentation Report from Planning and Zoning Administrator Kerry McMurray
- 2) Petition presentation by the City of Burley Administrator Mark Mitton
- 3) Comments by those in favor of the proposal
- 4) Comments by those who are neutral with the proposal
- 5) Comments by those who oppose the proposal
- 6) Rebuttal by Petitioner
- 7) Commissioners will ask for further questions or comments

### PRESENTATION REPORT

Kerry McMurray reported that this hearing was to hear a request to amend a Cassia County zoning ordinance to allow for solid waste transfer stations to be located within Industrial Commercial zones. The hearing is not to determine a site for a specific transfer station.

The Cassia County Planning and Zoning Commission previously heard the petition and recommended to this Board that transfer stations be allowed in Industrial Commercial zones but only through the process of being granted a conditional use permit. That recommendation came by way of a letter to the Board from the Planning and Zoning Commission on October 17, 2014, which was provided in regular Board meeting on October 20, 2014. A hearing with appropriate publication notice was set for 7:00 p.m. Wednesday, November 19, 2014.

McMurray reviewed with the Board the statutory factors to be considered in making a decision:

- 1) Evaluate the request to determine content and extent of what is being requested.

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- 2) Give attention to effects of zoning change on political subdivisions providing services including schools.
- 3) Consideration of the County's Comprehensive Plan and other evidence gathered during the process.
- 4) Ordinance to not be in conflict with the County's Comprehensive Plan.

### **PETITION PRESENTATION**

 City of Burley Administrator Mark Mitton made a presentation on behalf of the petitioner. He indicated the City of Burley had been looking for some time for a location for a transfer station to transfer City waste prior to it going to the landfill. They acquired property a number of years ago at the corner of Highway 30 and 300 West and have felt that would be an appropriate site. Current County zoning does not allow for such in that zoning.

Mitton showed a presentation including pictures of what is in the area and existing uses which included a fertilizer mixing plant, a fabrication building, Cooper Equipment, McCain Foods, Americold, asphalt batch plant, Southern Field Welding, Stars Ferry Building Supply, Anderson Trucking, sand and gravel processing near the batch plant, areas with junk in them, truck repair shops. Also included were pictures of a transfer station in Fremont County designed by their engineers depicting its appearance and function as well as other larger and smaller transfer stations. The pictured transfer stations included roll up doors to be totally closed to keep waste from blowing around. He pointed out that current requirements include a liner. Also shown were some homes and a subdivision in the immediate vicinity.

Mitton said the City of Burley does not feel there will be a negative impact on residences in the area and that it is compatible with other uses there. He indicated that the transfer station would reduce traffic on Highway 30 as a larger truck would transfer waste only a couple of times daily. He said it also meets some of the goals of the County's Comprehensive Plan.

Commissioner Christensen asked Mitton about the format of their proposed property. Mitton indicated that it would be totally fenced to catch anything that would escape in that chain link fence which would be gathered up each day. They don't anticipate much escape as the doors would be open only as the truck enters and as it leaves. Christensen asked which direction the receiving doors would face and Mitton said they would probably be to the north. The receiving semis would enter west to east. It was also pointed out that the trucks have a closed top on them.

 Randall Harris asked Mitton where they are currently parking their garbage trucks. Mitton responded that they are at the City Service Center on Parke Ave. Harris asked how much area is needed for that purpose and Mitton responded about an acre. Harris asked the total space there and Mitton responded four to five acres.

 Shirley Martindale said the mile stretch of road where the waste transfer station would be located is where the most traffic and the most problems currently are. Trucks pulling in and out there instead of just going straight through would increase the problem. Chairman Crane indicated that those comments could be made later rather than as a question to Mr. Mitton.

 Ron Osterhout asked what restrictions the City would have on what could be left at the transfer facility such as batteries, metal, wood, appliances, and tires. Mitton responded that those items are not supposed to be in City garbage receptacles. When they find them they are hauled out separately. This is only normal household waste.

### **THOSE IN FAVOR**

 Mike Tilley indicated that this would be the nicest facility for miles as government buildings are built with better specifications. He felt it would enhance rather than diminish property values as compared to what else is in the area.

### **THOSE NEUTRAL**

 Lyle Santos owns Total Waste Management and transferred waste for the City of Burley for over eight years. They had good luck with no complaint. No smell was reported where they were moving out as quickly as they come in. There was no garbage residue except for liquid waste they experienced with Smith's Food King which he recommended it go directly to the landfill. He currently goes to the Minidoka Transfer Station north of Rupert and there is no smell or blowing. He indicated that Southern Idaho Solid Waste Director Josh Bartlome has done a lot to improve things at the landfill as well as at all the transfer stations. He suggested it be open to any Cassia County resident.

Santos said rates were approved in Burley City Council meeting last night that are about double that of Heyburn, three times that of Paul, and over 38% on average over companies servicing the Boise area which is not good for local businesses. Santos suggested a lower rate for users or for them to share the costs of this transfer station. Santos suggested cost reduction for the rates to match Paul, Heyburn, or Declo where they are a tax free entity. Christensen asked Mitton to respond to comments about rates. Mitton stated they are in effect currently and just needed to be set by the City Council for the new one to eight yard containers. Santos responded that the City's containers on average are \$190.80 per month and his cost for delivery out in the County to the landfill are \$100 per month. He further stated that at the City of Burley's rates, he could haul to Boise and still make money.

 Ted Bodily asked about the City of Burley using property that they already have. Chairman Crane responded that is the decision of the City of Burley and this hearing doesn't include that decision. He asked if the City would be liable for devaluation of homes. Commissioner Christensen indicated that hasn't happened in other land use situations, such as CAFO's and Chairman Crane said the reason for the meeting is to determine if a change of zoning would take place. Bodily asked if what is currently being done doesn't work well enough. Crane said it is working well but the City of Burley desires to save by not having to run each of their garbage trucks out to the landfill, rather combine the waste into a larger semi with this process. Bodily asked about costs and what is the cheapest. Crane indicated that is a decision of the City. Christensen indicated that economics doesn't play into the decision whether or not to issue a conditional use permit. Bodily said it should be good for both entities.

### **THOSE IN OPPOSITION**

 Karlene Bunn presented to the Board a handout of information in opposition as attached. Bunn read details of concerns in opposition of the waste transfer station which included leakage, flood, proper notification to businesses, negative effect on property valuations per Assessor Dwight Davis, camera monitoring, non-compliance with the County's Comprehensive Plan, odor, inmate cleanup, noise, air, fumes, vibration, and traffic load.

Mrs. Bunn also commented on a conversation recorded in Commissioner Minutes between Josh Bartlome from Southern Idaho Solid Waste and Commissioner Christensen regarding additional costs that would be incurred by construction and operation of a transfer station by the City of Burley.

 Mike R. Kidd agreed with what was said by Mrs. Bunn.

 Dennis Bunn said the Albion transfer station has open doors to the east. It doesn't have the full contained area like the pictures presented which he said was beautiful. He saw last week in Twin Falls a transfer station with all the doors open and wanted to know how the wind would be kept from blowing garbage around. He said Bruce Bristol's family donated the property in Albion where the transfer station is and they have since regretted it due to smells and paper in their yard which is over a quarter mile away.

 Ron Osterhout expressed concern that all 42 acres of the City of Burley's property would be included in the amendment. He differed with Mr. Tilley on property values. The pictures depicted were the worst homes instead of homes of higher value in Carefree Estates. The homes in the subdivision close to the transfer station include about \$5 million worth of homes, many that have been improved. Osterhout said he had hauled a lot of waste to the Minidoka transfer station and the doors that face north are rarely seen shut. He stressed how difficult it is to keep the garbage from blowing in the wind while the doors are open and it is being pushed from the concrete floor into the container. He said where tires, wood, and metal will still need to be transferred by residents to the landfill; he sees little value to residents out of the City. He felt the costs should be borne by the City rather than the County since the County is already paying for the landfill costs.

 Randall Harris commented that he had traveled to Colorado at the time the Ethanol Plant was built in Burley. He said pictures looked good but they were sold a lie with the odor. He talked about a zoning meeting where someone was going to bring in a private lined landfill by the Burley Butte and the City and County opposed that. Harris talked of garbage tumbling from the current landfill across the road for four miles into a dairy. He is part of a group that collects garbage on the highway and they hold the record of garbage collected now. He has properties in the city and pays tax for no garbage being collected. He talked about the accumulation of garbage on the City of Burley's property near the high school. Harris asked about an environmental impact study. He talked about that money belonging to the citizens rather than the City or County government. Harris felt that if a transfer station were placed on the proposed property, it would set the precedence for other like businesses in that area. He suggested putting a subdivision in that area to contribute to the tax base instead.

 Stacey Dayley said he hoped what he had heard regarding a decision already having been made and that it is a "done deal" was not true. He wanted to know if the transfer station was located a half mile from any of the Commissioners' homes whether or not they would have the same concerns that are being expressed here tonight. Dayley hoped what has been presented is tangible in standing up for the values of the County as a whole and not just the City. He talked of the odor in Park View Place in the City and the air stinks there from the Ethanol Plant. He expressed hope that the decision would be one that would represent all the citizens as a whole and not just a few.

 John Kestle expressed concern about population growth encroaching where the transfer station is proposed to be located. He stated water is shallow there and there would be an issue with increased usage from growth. Kestle also talked of garbage that blows around currently in the wind.

 Ivan Garner agreed with Mrs. Bunn and Mr. Bodily. He commented on pictures of facilities and said there should be interest in what actually would be built here. He owns property in seven different counties in Idaho and he has seen transfer stations in each. In Island Park the area around the transfer station looks beautiful but you can't hide the odor that affects the area within a mile and a half of it. He expressed concern that the Commissioners don't want to look at the financial impacts at this point. Further, Garner said that the County shouldn't always pay whatever the City asks of them.

 Rodney Hammond. Works at Americold and they have about 200 trucks running in and out of there each day and this would increase that number. Hammond said you can find trash within a mile in either direction of the Paul transfer station.

 Debra Hammond said they were excited to raise their family in the country. That's why they bought their first home in that area. Their kids grew up there and she is glad they're grown with this coming their way. Hammond expressed that this takes away from the very reason many live out in the country.

 Jeanette Warren concurred with most of what has been said. She said if she has to help pay for this she would like to use it and she understood that those in the country would not be able to. She has been involved with the highway cleanup and is concerned that a lot of the garbage picked up is from the hospital which includes scrubs, needles, gloves, and porta potties. Warren is concerned that garbage containers are supposed to be covered and it would be closer to use the City's property near the Service Center and would be less mileage to the landfill.

 Randall Harris talked about working for Del Monte 20 years ago when they put all their waste on their field. He stated they closed because they would have had to put in a \$30 million waste management system. Their waste was conveyed to a cement silage pit near Tilley's home causing their well water to turn black and be undrinkable. He expressed concern about possible water seepage.

 Ted Bodily asked again if the Board had already made a decision behind the scenes to which Chairman Crane indicated his disappointment that Bodily would even think that.

Chairman Crane asked County Attorney Doug Abenroth to explain the reasoning for the meeting and the decisions that were at hand.

 Doug Abenroth clarified the reason for the hearing was to respond to the City of Burley's request as a petitioner to amend industrial commercial zones to allow for waste transfer stations in that zone for which they currently are not permitted. A Planning and Zoning Commission hearing was held previously to hear the request and they made a recommendation to the County Commissioners to approve amending the ordinance but requiring a conditional use permit for waste transfer stations in Industrial Commercial zones. Abenroth explained tonight's hearing is to take comment, receive evidence, obtain documents, and to hear comments that are pro, neutral, or against the petition. The duty of the Board of County Commissioners is to analyze this information according to Idaho State statute and make a decision based on that as well as the County Comprehensive Plan. Their decision is not to decide specifically on the City of Burley's proposed site for the waste transfer station.

#### **PETITIONER'S REBUTTAL**

 Mark Mitton had no rebuttal and pointed out that the City had just asked for the County to change an ordinance. Mitton pointed out that Jones Construction, as one of the closest neighbors, originally sent a letter opposing the transfer station has subsequently changed their opposition to be in support of it.

#### **FURTHER QUESTIONS OR COMMENTS**

 City Councilman Russ Mallory said he had heard a lot of emotional plea but that mostly it was not based on fact. He reminded the Commissioners and those present that the City is part of the County whether they like it or not. Mallory said as a voter, he expected a result based on facts and what is good for all the people of Cassia County. He further stated that it isn't an "us versus them" decision and that we are all citizens of Cassia County.

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 Commissioner Christensen commented that, as Abenroth had mentioned, a change in ordinance would include all of the area of map marked in pink.

 Chad Harris asked if it would be good for the County if arbitrarily making the change of ordinance took place. Harris wanted to know if it would allow anyone to make a similar request.

 Commissioner Christensen deferred the question to McMurray. McMurray stated that if it isn't changed for the entirety of the industrial commercial zone, it would be getting into spot zoning which does not follow Idaho statute.

 Abenroth stated that the Planning and Zoning Commission had concerns with lights, flies, rats, trash, and those types of things. That was the reason for recommending an ordinance amendment with requirement of a conditional use permit as with CAFO's. A conditional use permit allows for public comment before placement of a transfer station is permitted.

 Commissioner Kunau felt we were getting in a hurry and that this is all done. When all is said and done with a conditional use permit, the City may decide they do not want a transfer station. Kunau said he would hate to see a transfer station at the Service Center as there are a number of school students in that area.

 Stacey Dayley asked if a transfer station could be located anywhere where it is pink on the map once this would be approved.

 Ted Bodily asked if the City owned property in other locations depicted in pink on the map. Abenroth reiterated that anyone with property in that area could, if they obtained a conditional use permit from the Planning and Zoning Commission. Abenroth stated it could be based on the issuance of a conditional use permit.

 Scott Harris expressed that the reason for having this hearing is that there is an effect of this type of facility on residential areas. Harris suggested then that it be approved in all areas. Abenroth stated that an application for that request and a subsequent hearing could take place to consider it. We are only entertaining the request made by the City of Burley tonight.

Chairman Crane indicated they had gone through all agenda items and he desired to give the City of Burley another chance for rebuttal.

 The City of Burley had no further rebuttal.

Chairman Crane asked the Board if they had any other questions; if not would they like to take action or take it under advisement. Commissioner Christensen said he would like to take it under advisement. Commissioner Kunau concurred.

**8:53 PM**

**MOTION: COMMISSIONER CHRISTENSEN MOVED TO TAKE THE REQUEST OF THE CITY OF BURLEY AS PETITIONER UNDER ADVISEMENT. COMMISSIONER KUNAU SECONDED THE MOTION. THE MOTION PASSED UNANIMOUSLY.**

Adjournment: 8:54 p.m.

APPROVED:

/s/ \_\_\_\_\_

Dennis Crane, Chairman of the Board

ATTEST:

/s/ \_\_\_\_\_

Joseph W. Larsen, Clerk of the Board

# Cassia County Commission

## Public Hearing Zoning Ordinance Amendment Waste Transfer Station

Date: November 19, 2014

	PRINT Name	Address	Please CHECK here if you wish to Speak
1	Mark Mitton	2411 Boardwalk Ct	✓
2	Karlene Bunn	303 Ranchette	✓
3	Dennis Bunn	303 Ranchette	
4	Karen Musick	40 Rancho Dr	
5	<del>Tommy</del>	40 Rancho Dr	
6	Island Field	307 Ramblewood Lane	
7	Ruth Kidd	307 Ramblewood	
8	Julie Lamm	279 W 100 S	
9	David Lamm	279 W. 100 S.	
10	Pamela Burgess	304 Redwood Dr.	
11	MIKE R KIDD	307 RAMBLEWOOD LN	✓
12	Lyle Santos	101 Churchill Dr.	
13	Casey Andersen	1443 Burton Ave	
14	Kurt Malby	2220 Conant St.	
15	Doris Andersen	352 W. 100 S. - Burley	
16	Paul S. Anderson	352 W 100 S Burley	
17	Jenny Martindale	508 Ranchette Dr Burley	
18	Terry Martindale	308 Ranchette Dr Burley	
19	Polly J. Butler	307 Ranchette Dr. Burley	
20	Allen R. Butler	307 Ranchette Burley	
21	Seanette Wacker	23 So. 300W Burley	
22	Randall Hargis	72 S 200W "	✓
23	K Scott Hargis	72 S 217W	✓
24	Georgia Blanch	420W 100 S.	
25	Nancy Blanch	402 W 100 S	
26	Eddie Blanch	402 W 100 S	
27	Gindy Bodily	380W. 100 S.	
28	Mike Tilly	35 N 300W Burley	✓

29	John W CRAUER	2343 Cedarwood	
30	Lynn - 76 ants	385 W 100 S	
31	Low #4 Osterhout	257 S. 50 E. Burley - 30	Capitol Estates
32	Judy Osterhout		Rancho Drive
33	Bruce Morgan	201 Cedarwood	
34	Roy Stinson	307 Redwood Burley	
35	Karen Kettle	845 222 W Burley	
36	John Kettle	845 222 W Burley	
37	Bryce Hanks	330 W. 100 S. Burley	
38	Heather Dayley	320 Ramblerwood Burley	
39	Debra Hammond	320 Ramblerwood Burley	
40	Debra Hammond	307 Redwood Burley	
41	Linda & Joe Feleiser	306 E Hwy 81 Burley	
42	DON Burgess	304 Redwood Drive	
43	TED BODILY	380 W 100 S Burley	
44	Charmaine Harris	46 Rancho Dr. Burley	
45	Chad Harris	46 Rancho Dr. Burley	
46	Stacy Pfeiffer	320 Ramblerwood Burley	
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