

CITY OF HELIX
SPECIAL MEETING
MINUTES

MAY 16, 2013

PRESENT: Mayor Eric Christensen
Council Members: Earl Beattie, Kurt Russell, Stacy Pascoe, Jeff Kelley
Police Chief: Rod Mohler
Public Wks Dir: Chuck Lloyd
City Clerk/Treasurer: Sandy Gaydusek
City Attorney: BJ Driscoll

PRAYER: Jeff Kelley

The purpose of this special meeting is to conduct a public hearing regarding the request for a rezone of a parcel of property owned by Jay Johnson, but potentially being sold to Golden Valley Natural Packing for the purpose of operating a meat packing facility.

Mayor Christensen turned the time over to BJ to conduct the Public Hearing. BJ explained the procedures of a public hearing. He said each person would be given five minutes to give testimony, but the time allotment could be extended if necessary. BJ explained there was an application filed by Jay Johnson to rezone his property from R1 (single family dwelling) to A (Agricultural), and an application for a Special Use Permit to operate a meat packing facility. He said the Golden Valley Natural is considering purchasing this property from Mr. Johnson depending on the outcome of the rezone decision. BJ said the Planning and Zoning held a public hearing regarding the rezoning of the property, and a special use permit to operate a meat packing facility with no slaughter house. He said the Planning and Zoning Commission recommend approval of the rezone to A and a Special Use Permit contingent upon the rezone being approved. BJ said the basis used by the Governing Board to make decisions are the comprehensive plan, however this plan is being updated, but the principles of the plan do still apply. He said traffic, safety, nuisances, economic impact, etc. will be considered. They will also consider the Performance Standards from the city code. Sandy indicated all of the required postings, publications, and notifications have been completed.

BJ opened the hearing at 7:43 p.m.

Bryce Esplin representing the applicant Jay Johnson said he resides at 1466 N. 610 E., Shelley, Idaho. He was sworn in to tell the truth. Mr. Esplin said Golden Valley Natural's facility (Ball Packing) in Idaho Falls is located at the corner of Pancheri and North Yellowstone just a few feet from a hotel. He said there have been no complaints regarding the smell, noise, etc. Mr. Esplin said there is also a green belt that goes right past the facility. He said the proposed location was originally intended to be platted for 110 residential lots. Mr. Esplin said, that many lots would have the potential of 660 vehicle trips daily. He said their foot print is minimal compared to this. He said they will have approximately 8 to 10 trucks per day entering the facility, and about 200 employees per day. Mr. Esplin said he talked to the Bingham County Engineers and their expected usage would not cause a problem on this road, and is built to handle this much

vehicular traffic. Mr. Esplin presented documents from the Idaho Department of Commerce showing the economic impact their proposed facility would have for the city, county, etc. regarding taxes, etc. Mr. Esplin also showed the money expected to be spent in the local economy from employees purchasing gas, meals, housing, etc. He provided a letter of support from the Department of Commerce. Mr. Esplin said they are a very generous business. He said they like to help non-profit organizations, etc. He said his company would like to relocate to this location because this is the only property that qualifies for what they need regarding the availability of water, sewer, size, etc. Mr. Esplin said there will be no slaughtering of animal on this property. BJ designated the letter of support from the Department of Commerce as Exhibit A with one page, and the economic impact analysis as Exhibit B with one page. Jeff asked if wild game will be brought into the proposed development, and if so how will the waste be disposed of. Mr. Esplin said a sister company handles wild game will not be brought into this proposed facility. Jeff asked how many shifts the facility's employees work. Mr. Esplin said there are three shifts; one from 6:00 a.m. until 3:00 p.m., one from 3:00 p.m. until 11:30 p.m., and a clean up crew that comes in during the night. He said the company runs six days per week currently, but they will look at the volume needed at the proposed facility to see if six days are needed. Kurt asked if there will be any fans on the roofs of the buildings. Mr. Esplin said there are condenser units located on top of the buildings. Jeff asked about access to the land. Mr. Esplin said there will be landscaping around the facility, and a farmer will continue to farm the back half until the growth of the company mandates expanding the facility. Jeff asked how any traffic issues will be handled. Mr. Esplin said Bingham County has indicated the current roads are adequate for the proposed traffic. He said initially nothing will need to be done such as a turning lane, however this could be looked at in the future.

BJ asked for testimony in favor of the rezoning application.

Ben Ball, 541 Honeytree Lane, Idaho Falls, Idaho was sworn in. Mr. Ball explained the history regarding the Ball business. He said he has witnessed the development of the property where they currently are. He said on the corner of Pancheri and 17th Street he comes and goes and never has seen any traffic problems. Mr. Ball said growth has occurred, and they need to expand their facility. He said they have always been good neighbors. Mr. Ball said they have looked at many properties and feel this proposed property fits their needs. He said they have seen about 25% growth each year.

Roger Chase, 4985 Clearview, Pocatello, Idaho was sworn in. Mr. Chase said he represents the Bingham County Economic Development Council. He said he works with businesses looking for a place to locate, and has working with Golden Valley Natural for a few years. Mr. Chase said the proposed location fits their needs because of the availability of sewer and water. He said this company will be a great asset to the community.

Seth Pascoe, 266 Hummingbird, Shelley, Idaho was sworn in. He said he has visited the Golden Valley Natural facility on the corner of Pancheri and 17th Street and looked around the building. Mr. Pascoe said he actually worked near the facility in the past, and had no idea that it was a

jerky plant. He said he has seen the conceptual design of the proposed plant and feels it is kept very nice. Mr. Pascoe said he is excited to see this business locating in Shelley. He said if Basic American Foods leaves the city, this new business could help our economy. He said this also has the potential to create jobs for his children and bring stability to the area.

There was no more testimony in favor of the application. BJ asked for any public testimony that is neutral.

Eric Hess, 1464 N. 800 E. Shelley, Idaho was sworn in. He said Mr. Esplin has explained his company's plans and expectations, however what recourse is there if this doesn't turn out as expected. Mr. Hess asked where the front of the facility will be located. Stacy said the north end of the proposed property is the front. Mr. Hess said he is concerned about the impact of the adjacent properties. He asked if there would be further industrialization of the surrounding property. Stacy said they cannot control what will happen five to ten years down the road. He said with a special use permit we can control what occurs on the proposed property. Stacy said this is not being rezoned for other types of industries, but for a meat packing facility only. He said you can go to any town where there is commercial near residential property and there is no problem as long as it looks good.

Robert Hess, 1452 N. 800 E. Shelley, Idaho was sworn in. He said he has concerns regarding the traffic. He said he lives on the New Sweden Highway, and with the school located on the road the traffic can be quite congested. He said on the Country Club Road and the New Sweden intersection it is a very tight corner. Mr. Hess said he is concerned about the neighbors that are kitty cornered from the proposed property. He said he hopes the Council will consider all of the testimony. Mr. Hess said he is concerned about the noise a manufacturing plant causes. He said bringing business to the community is great, and if the Balls hold true to their word they should be a good neighbor.

There was no further neutral testimony. BJ called for opposing testimony.

Gil Putnam, 1415 N. 833 E., Shelley, Idaho was sworn in. Mr. Putnam said he is a certified residential appraiser, and has identified Shelley as a bedroom community for Idaho Falls. He said people will live here, but drive somewhere else to work. He said people don't buy homes based on statistics, but buy homes on emotions. Mr. Putnam said it doesn't matter how clean and attractive this plant is, people still won't buy a home near a plant. He said he understands that back in the mid-70's the city fathers did not want trashy homes in the city. Mr. Putnam said Shelley needs to retain its ambiance as a bedroom community. He said residential areas spread out the tax base. Mr. Putnam said if the plant has a case of e-coli it will shut the plant down. He said he and his neighbors envision this property to be a subdivision in the future. Mr. Putnam said being next to a plant will devalue property.

Gary Longhurst, 836 E. 1400 N. Shelley, Idaho was sworn in. Mr. Longhurst said he would like to read into the record certain documents. BJ said if he has those documents they could be

copied and presented as an exhibit for the record. Mr. Longhurst presented a list of documents that will be designated as Exhibit C consisting of one page. Mr. Longhurst presented a petition of opposition against the meat packing facility being located on the proposed property. This petition consisting of three pages will be designated as Exhibit D. Mr. Longhurst said when this matter was first being considered he was not given written notice of the public hearing and he lives kitty cornered to where this facility is proposed to be built. He said he was told about the meeting a few hours before the meeting was scheduled. However, he did participate in the hearing. Mr. Longhurst read from Chapter 9-4 of the City Code which states that the facility will be designed and located with full consideration to the proximity to adjacent uses, the effect on adjacent surrounding properties and to the reduction of such noise factors as odors. In his opinion this does not meet this requirement because on the east and west sides are residential properties and on the south side there are apartments. Mr. Longhurst said to the north of the proposed property is agricultural properties. He said also to the northeast there is a large subdivision with nice homes in it within the \$300,000 to \$400,000 range. Mr. Longhurst said in his opinion it is not compatible with that. He said Title 10-10-3 of the City Code it talks about it must be harmonious with the area. He feels it is not. Mr. Longhurst said to his knowledge there has been no traffic study done. He said GPOD has trouble accessing Highway 91, and he asked the Council to review this. He said now the other side of the road will be loaded with the same congestion. Mr. Longhurst said at the P&Z meeting they discussed widening Country Club Road to three lanes. He asked about the waste disposal also. Mr. Longhurst asked if DEQ and EPA have been involved in this project. He said he has not heard anything about the disbursement levels of lighting, and he is concerned about the noise of the air handling units. He said there are homes in the area without air conditioning and need to leave their windows open at night, and now they will be able to hear those units. Mr. Longhurst said butchering was discussed a little bit. He said when he drives to Ball's Packing Plant on Pancheri there is a sign that states they process sheep, hogs and cattle. Mr. Longhurst said he has not seen any stipulations in the Special Use Permit and would like to see it. Mr. Longhurst said the notice in the paper said it bordered the North Shelley Business Park and it does not, it borders apartments. The Council clarified the name of the adjacent subdivision is the North Shelley Business Park. Mr. Longhurst wondered about the load on the city sewer system, and what type of waste will be pumped into it. He said he is also concerned about the employees leaving at 11:30 p.m. and the noise that is created by this. Mr. Longhurst said the council is making two moves in one. He said in closing when most of the homes were built in this area they knew what they were building around. Mr. Longhurst said those people relied on the 2001 Comprehensive Plan which showed that property as being developed residentially. He said in Chapter 7 of the District Regulations a meat packing plant is classified as an industrial use. He said the residents didn't come to the nuisance. Mr. Longhurst said by approving this plant, the council is bringing in a nuisance to the residents in that area. Mr. Longhurst presented a binder with his information in it that was designated as Exhibit E.

Cortney Heath, 1449 N. 800 E. Shelley, Idaho was sworn in. Mrs. Heath said she has concerns based on emotions. She said she values having businesses come into the area, however not in this location. Mrs. Heath said she lives across from the Riverview School and there is a lot of

traffic. She said when the shift leaves and comes on at 3:00 p.m. that is when school gets out. Mrs. Heath said there has been enough times when people blast by a bus and have endangered her children. She said future growth also concerns her. She said once industrial growth occurs, more tend to follow. She said she prefers to see residential or agricultural use at this location. Mrs. Heath said at a hotel, people spend one or two nights, they do not live there.

Janet Putnam, 833 E. 1415 N. Shelley, Idaho was sworn in. Mrs. Putnam said she has no faith in engineering traffic studies. She said if they consider where traffic accidents happen there would be a traffic light at the intersection of Highway 91 and Country Club Road. She said if development occurs there will probably be the same amount of accidents at Country Club Road and New Sweden. Mrs. Putnam said the domino effect should be considered also. She said if there is a plant, no homes will be built. She said it is the Council's job to look and see into the future even though they say they can't see what will happen in the future. She said when a plant comes into a city, the city is held hostage by the business. Mrs. Putnam said when expansion is needed the business could threaten to pull out of the city. She said their future is in their hands. Mrs. Putnam said she doesn't feel necessarily that the employees will live, eat, and buy in Shelley; there is no guarantee.

Kyle Jorgensen, 832 E. 1425 N. Shelley, Idaho was sworn in. Mr. Jorgensen said several years ago they were told residential areas would be around them. He said they were also told a school would be put in and it was. He said he feels this plant does not fit into this location; it fits better on the other side of Highway 91. Mr. Jorgensen said he concurs with the others that his property value will go down. He said he will look to sell his home if the plant goes in.

Alan Jensen, 834 E. 1415 N. Shelley, Idaho was sworn in. Mr. Jensen said he sent in a letter prior to the Comprehensive Plan meeting, and he was confused about that meeting. He said most of his opinions have been expressed, however the city does have a Comprehensive Plan and it was changed to accommodate residential growth. He said he feels to change the property zoning back to Agricultural is a step backwards. Mr. Jensen is concerned why they have to have this many water rights. Jeff said the property as it sits is vested to serve 110 homes with water. He said the city has no extra water, and is unable to drill for more water without rights. Jeff said when a development shows interest in coming into the community, we first ask how much water they will need, and a water model is ran by the engineers. He said there is available water for this business since the residential homes were not platted completely. Roger Chase said at the present there is a moratorium on wells being drilled for businesses or industries.

There was no further opposing testimony. BJ called for any rebuttal from the applicant.

Bryce Esplin said future expansion will be as growth occurs in the company. He said in regards to the letters that were sent to the property owners; they requested all names and mailing addresses within 300 feet of the proposed location from Bingham County. He said they created the list and sent it to him which he turned in to the city. Mr. Esplin said there are signs up at the sister company that states they slaughter sheep and cattle however it is the sister company that

does this and the proposed facility will not. Mr. Esplin said they requested to be rezoned back to Agricultural because it fit into the area, and they did not want to spot zone with a Commercial or Industrial zoning that could allow other types of industry. He said with a special use permit in an Agricultural zone they could operate a meat packing facility with no slaughter house. Mr. Esplin said the lighting that they will have will be pointed away from the residential neighbors, and they will follow the appropriate regulations. He said they do not have much noise, most of the equipment is housed inside the buildings except for the roof units. He said all of the cooking, smoking, etc, is done inside. Mr. Esplin said regarding the smell, there is an occasional barbecue smell depending on the wind. He said they have approached the necessary Boards regarding DEQ regulations, and will make sure they are compliant. Mr. Esplin said all waste disposal will be through EIRWWA. He said they have been pulling samples to insure their handling capabilities.

There was no further public testimony. BJ closed the hearing for testimony and turned the time over to the council for deliberation. He gave the council their options for this hearing. BJ said they could approve the rezone request and allow the contingency for the special use permit; they can deny the rezone request, or they can continue the meeting at a later date.

Mayor Christensen asked Mr. Longhurst if he received a satisfactory answer regarding the missing notification to him by letter. He stated no.

Jeff thanked everyone who came to participate in this public hearing. He said he understands the concerns of even those who live adjacent to the city limits. He said he has considered the effect on those outside of the city limits because they are part of the Shelley community. Jeff said the biggest concern tonight seems to be the traffic. He said if the proposed property is developed residentially there will be over 200 cars coming and going at any time. He said if the Dial's develop their property residentially it could be a potential of 500 homes with vehicular traffic. Jeff said also the former BMC West building could create a potential number of trucks driving along that area. He said with traffic you do not know what the future will bring, but he feels that this development will create less traffic than a residential use. He said as a council you have to look at the property rights. Jeff said the proposed rezone fits within the controlling laws and regulations. Jeff said city councils represent the citizens and the laws for the community. He said it is businesses that help a community grow. Jeff said he felt the intended use would be harmonious with the surrounding agricultural uses, and any noise or smell from the operation would be acceptable.

Stacy said he has to look at the overall picture. He said right across the canal the Eatons has property zoned as Agricultural, and then rezoned it to Single Family Dwelling so it could be platted, however it never was. Stacy said then he requested that it be rezoned back to Agricultural so he could place animals on the property. He said the same thing is happening now; the property was rezoned to R1 and then due to the Real Estate Market it was not developed, so now it is being requested to be rezoned back to Agricultural. He said he owns

property on Highway 91. Stacy said 85% of the traffic is on Highway 91 and not on New Sweden. He said he lives in a nice subdivision, but there are vehicles that come in and out at 2:00 in the morning, even though it is a residential neighborhood. He said he agrees that this proposed use would produce less traffic than a residential development. Stacy said even though some of the participants in the hearing tonight do not live in the city limits, they are still part of the community due to the use of the pool, parks, etc. He said they look as a council at what is best for the entire community.

Kurt said he travels New Sweden Highway everyday and there is traffic that could be a problem. He said he would like to see growth in the community and feels the economic growth and benefits outweigh the concern of increased traffic.

Earl said there is a lot of emotion and there should be. He said in looking at the standards and recommendations, the property fits back into Agricultural zoning. Earl said he also relies on the P&Z Board's contingent approval of the Special Use Permit and the recommendation for the approval of this rezone. He said he understands the concerns, but feels according to the statutes, there is no reason not to rezone the property back to Agricultural. Earl said in regards to the Comprehensive Plan, things change and sometimes the Comprehensive Plan has to be changed to reflect that on a regular basis.

Jeff said he looks at the general standards that apply. He said the standards talk about being harmonious and objective to the area. He said there are homes that are in the \$300,000 to \$400,000 range in the area. He said he disagrees that this plant will devalue these homes. He said he believes it really is not a manufacturing plant, but a business more like a bakery. Jeff said considering the type of business that is being proposed, this will be harmonious to the area. He said regulations are in place to protect the integrity of the area.

Mayor Christensen called for a motion.

Jeff moved, Earl seconded to approve and accept the rezone request by Jay Johnson from R1 (single family residential) to A (Agricultural) on the parcel of property located at Country Club and New Sweden Road. A roll call vote was taken: Jeff – aye, Kurt – aye, Stacy – aye, and Earl – aye. Approved unanimously.

Adjourned: 9:27 p.m.

ATTEST: Sandy Hayden APPROVE: Em R Christen