

**City of Heyburn Planning & Zoning Meeting & Public Hearing**  
**Tuesday, October 17, 2023**  
**4:00 P.M.**

**Welcome, Declaration of a Quorum:**

Planning & Zoning Chairperson Heather Petersen welcomed everyone to the meeting at 4:00 p.m. A quorum was confirmed, those present were Amy Despain, Noel Santana, and Cindy Povlsen. Employees present were Tony Morley, Ivan McCracken, Paul Ross, and Debra Encinas. Bryan Jensen was excused.

**Welcome newly appointed and reappointed Planning and Zoning Commission Members.**

Chairperson Heather Petersen welcomed Cindy Povlsen as the new member of the Planning and Zoning Commission.

**Discuss / Consider Approval of the Minutes of the September 19, 2023, Planning & Zoning Meeting & Public Hearing – ACTION ITEM**

Motion by Amy Despain to approve the minutes of the September 19, 2023, Planning & Zoning Meeting & Public Hearing as presented. Second by Noel Santana. Vote: All in favor, none opposed.

**Public Hearing – Application for SPECIAL USE PERMIT pursuant to Idaho Code 67-6512 submitted by Advanced Biofuels of Idaho requesting to manufacture biofuels onsite from industrial and agricultural waste. The application will involve the use of seven (7) parcels of land located along J Street including 1130 J Street an 8-acre grass parcel, 1042 N Hwy 30 New Holland Tractor Showroom, J & 10<sup>th</sup> New Holland Tractor Parking Lot, 1000 J Street ABI Digestion Facility, 810 J Street UPS Distribution Center.**

Tony Morley City Administrator explained the documents that were submitted for this meeting. Mr. Morley proceeded to read a few letters/comments from the public that were submitted too late to be included in the staff report. Mr. Morley read an email from Bryan Jensen, P&Z Vice Chairman, who was unable to attend the meeting but wanted his comments for discussion. Mr. Jensen thoughts and concerns about ABI coming to the City of Heyburn and issues to address. Some issues included odor, traffic, 7<sup>th</sup> Street, infrastructure, and needed upgrades.

Mr. Morley read an email from Steven Camp. Mr. Camp owns approximately 60 acres to the east of this development, it is agricultural land. Mr. Camp is concerned that this will reduce the value of his property. He is worried about odors and unsightly industrial development.

Mr. Morley read the comments from David Molina. Mr. Molina is mostly concerned about the odor that will be coming from this facility. He is also worried about heavy traffic that will be added to H Street.

Mr. Morley read the letter from David Swenson, manager of Industrial Services at Intermountain Gas Company. Intermountain Gas Company is in support of Advanced Biofuels of Idaho renewable natural gas project.

Scott Mears President of Advanced Biofuels of Idaho, LLC presented. Mr. Mears explained how their project is going to work, they are going to have some digesters that will handle waste, cattle manure and some that will handle food waste. Mr. Mears said the concept is that they will be taking waste streams from all over town and funneling them into the facility so they can make natural gas and pump it back into the pipeline. Mr. Mears also said he and his family are planning on relocating to the area as well. Mr. Mears said when digesters are producing smells, it's because they are out of balance.

Bob Wimmer is the contractor/project manager working on the design for this facility and presented. He addressed some of the concerns that had already been raised.

Chairperson Heather Petersen opened the public hearing.

Those speaking in favor of the Special Use Permit Application were:

Jared Jones with Gary Jones Construction said they were part of the Renova Project. Mr. Jones said that Mr. Mears contacted them directly to be a part of his new concept for this project. Mr. Jones said there is a need for digesters to handle the environmental waste.

Marvin Christenson said Mr. Mears is an honest man.

Ben Orton lives on N Street, is in favor if some of his concerns are addressed. He is concerned about the smell, and the distance between the plant and Heyburn Elementary School. How many trucks can be handled and how many trucks are expected throughout the day. Mr. Orton would also like to know once the wastewater treatment plant is upgraded, what the operating costs of those upgrades are going to be once they are handed to the city and are the current staff going to need training and certifications for it.

Those speaking who are neutral to the Special Use Permit Application were:

Joanne Justesen residing at 620 Doggett Drive, lives within a mile of this proposal. Mrs. Justesen said she has a lot of the same concerns that Bryan Jensen mentioned in his letter. Mrs. Justesen also has the same concern as Mr. Orton and the safety of children at the school. She asked about airplane concerns.

Those speaking against the Special Use Permit Application were:

Linda Rosa residing at 1990 O Street. Mrs. Rosa said her husband and her are extremely concerned. Concerns about property values, odor problems, and safety issues. She thinks such a business should not be in city limits. Asked about ownership and traffic.

David Molina owns some property across the street from the proposed facility. Mr. Molina is concerned with how this project will affect the value of his development. He wonders if the odor and sound mitigation will still be working 10-20 years from now.

Mr. Wimmer said in response they will do everything they can to mitigate odors. Mr. Wimmer said they are anticipating 40-50 trucks per day between the hours of 6 am and 6 pm, 3 to 4 trucks

per hour. The facility is designed to handle as much as 8 trucks per hour. The cost of the upgrade to the wastewater treatment plant will be negotiated in the developer's agreement.

Ivan McCracken City Engineer stated that it is Brian Vails' opinion that new certifications will not be required for the wastewater upgrades; they will just need to learn to run the new equipment.

Mr. Wimmer visited about the wastewater treatment plant and plans to assist with operation and optimization. Equipment will be in buildings that are insulated to keep noise in. No particulates will be released into the air, it will all be maintained within a building. They work within a very tight regulatory design set of criteria for safety, including national codes. Their structures are going to be much lower than any structures within the surrounding area, airport safety should not be implicated. Explosions should be contained.

Mark Hodge went up to speak, he is not opposed, he is in favor of this project. Mr. Hodge says the noise will be less, traffic will be similar, and his smells come from Burley wastewater.

Mr. Wimmer said they have treatment systems for all the compounds of concern like hydrogen sulfide, ammonia, and methane. This company is a one hundred percent privately entity owned, no corporate shareholders.

Mr. Mears thanked everyone for attending the meeting and that all their concerns are valid. Their goal is to make Heyburn better, financially, and environmentally. Mr. Mears said ABI is a new company, it was started for this project.

Hearing no further comments, Chairperson Heather Petersen closed the public hearing.

**Discuss / Consider Approving Application for SPECIAL USE PERMIT submitted by Advanced Biofuels of Idaho requesting to manufacture biofuels onsite from industrial and agricultural waste. The application will involve the use of seven (7) parcels of land located along J Street including 1130 J Street an 8-acre grass parcel, 1042 N Hwy 30 New Holland Tractor Showroom, J & 10<sup>th</sup> New Holland Tractor Parking Lot, 1000 J Street ABI Digestion Facility, 810 J Street UPS Distribution Center – ACTION ITEM**

After extensive discussion of the relevant points and resolution of concerns to their satisfaction, motion by Amy Despain to approve the SPECIAL USE PERMIT submitted by Advanced Biofuels of Idaho requesting to manufacture biofuels onsite from industrial and agricultural waste. The application will involve the use of seven (7) parcels of land located along J Street including 1130 J Street an 8-acre grass parcel, 1042 N Hwy 30 New Holland Tractor Showroom, J & 10<sup>th</sup> New Holland Tractor Parking Lot, 1000 J Street ABI Digestion Facility, 810 J Street UPS Distribution Center with the same stipulations if the need to expand arises with the staff report recommendations that have been discussed at this meeting, contingent upon a developer's agreement being ratified by the city council. Second by Noel Santana. Vote: All in favor, none opposed.

**Motion to Adjourn – ACTION ITEM**

Motion to adjourn the meeting by Noel Santana. Second by Cindy Povlsen. Vote: All in favor, none opposed.

The meeting adjourned at 6:17 p.m.

Heather Petersen  
Chairperson

Debra Encinas  
Planning & Zoning Clerk