

Planning & Zoning Meeting  
January 14, 2020

This special meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 p.m. Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. Commissioner Dave Holley and Commissioner Sheryl Gibbons was excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

**PUBLIC HEARING** for a request from Juan Gonzalez for a renewal of a Special Use Permit allowing a commercial entertainment facility (indoor) on the property located at Lot 16 & 17, Block 76, Jerome Townsite SE 13-8-16, more commonly known as 160 West Main Street, Jerome, Idaho.

Chairman Mink called the Public Hearing to order at 7:02 p.m.

Staff Report: Ms. Clark gave a brief background on the application. She stated Mr. Gonzalez was approved for a one year special use permit January of last year after extensive discussion about parking. There is only a few parking spaces available with the current building. However, there is public parking on the corner of 1st Ave West and South Lincoln and east of Mr. Webb's property. There was a verbal agreement with Mr. Webb and the Judicial Annex building for parking.

As pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Clark stated the property in question, 160 West Main Street, is currently zoned Commercial Business District (CBD). The proposed use, a commercial entertainment facility (indoor), requires a Special Use Permit from the Planning and Zoning Commission.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in compliance with the Comprehensive Plan as defined in the following section: Chapter 7, Policy 8 which states, "Continue to provide an atmosphere for successful business development."

Regarding off street parking, Ms. Clark stated parking has been addressed with the availability of the public parking on the corner of 1st Avenue West and South Lincoln along with the verbal agreement with Mr. Webb.

Ms. Clark stated she sent the application to staff and received the following comments: Police- If there is alcohol catered events on a regular basis. They will need to become licensed to sell alcohol on that premises; and Building- Will need a new inspection.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building and fire department permits and inspections; Comply with all city, state and federal

requirements; Complete a parking lot inspection within 24 hours of an event; and the Special Use Permit is allowed up to two years, renewable upon expiration.

Ms. Clark stated the recommended conditions were the same as before. She also stated she did not receive any phone calls or letters concerning the application.

Upon inquiry from Chairman Mink, Ms. Clark stated she was not sure what “regular” basis entailed. Discussion was held what “regular” basis is considered. She stated we could follow up with the Chief of Police.

Applicant Testimony: Juan Gonzalez, 145 1st Ave East, testified they tried out a few events, and there have not been any complaints. He stated he did not want to sell the alcohol for private events. He has told those that rented the venue, they were to have two security guards to ensure alcohol was not being sold to minors or going outside of the venue. He stated they have not had any complaints. Upon inquiry from Chairman Mink, Mr. Gonzalez stated private parties brought their own alcohol. He stated he did not want to be at the venue selling alcohol. Upon inquiry from Chairman Mink, Mr. Gonzalez stated he has not had any complaints regarding parking. He stated his customers are told to park on Alder Street or use the Annex parking lot. He continued that he goes out the next day to make sure the parking lots are clean. Upon inquiry from Commissioner Schroeder, Mr. Gonzalez stated if he needed to get a beer and wine license, he would. Ms. Clark stated the comment was a note for the applicant to be aware of. Mr. Larsen stated if the applicant is having events every weekend with alcohol, he may be required to get a beer and wine license, but the applicant is saying there are some events that have alcohol and some that do not. Mr. Larsen stated the applicant has said, if there are events that have alcohol, the applicant is making sure the events have a licensed caterer. Discussion was held on adding a condition of obtaining a beer and wine license.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:12 p.m.

**CONSIDER** a request from Juan Gonzalez for a renewal of a Special Use Permit allowing a commercial entertainment facility (indoor) on the property located at Lot 16 & 17, Block 76, Jerome Townsite SE 13-8-16, more commonly known as 160 West Main Street, Jerome, Idaho—action item

Commissioner McEntarffer inquired if staff has received any complaints. Ms. Clark stated she did not receive any complaints from the City Staff. Commissioner Schroeder stated with Diamondz closing, they may get busier but stated they have more private events than public. He continued he did not have any concerns. Commissioner King stated since there have been no parking complaints he has no problem with them moving forward.

Commissioner King made a motion to approve a request from Juan Gonzalez for a renewal of a Special Use Permit allowing a commercial entertainment facility (indoor) on the property located at Lot 16 & 17, Block 76, Jerome Townsite SE 13-8-16, more commonly known as 160 West Main Street, Jerome, Idaho with the following conditions: Receive any and all required building and fire department permits and inspections; Comply with all city, state and federal requirements; Complete a parking lot inspection within 24 hours of an event; and the Special Use Permit is allowed up to two years, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

Commissioner Allred inquired if the commission could tie approval based on the history of the events at the facility. Discussion was held enforcement of the conditions, who enforces the conditions, other conditions that could be added, how to revoke a special use permit, who is responsible for violations of the special use permit, and contracts with who is renting the venue. Chairman Mink went back over the recommended conditions that were presented.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. NAYE: None.

**PUBLIC HEARING** for a request from Eric Ebbs, DBA: Jerome Pawn and Gun, LLC, for a Special Use Permit allowing a Pawn Shop on the property located at Lot 1 & 2, Block 85, Jerome Townsite NE 24-8-16, more commonly known as 101 West Main Street, Suite 4, Jerome, Idaho.

Chairman Mink called the Public Hearing to order at 7:25 p.m.

Staff Report: Ms. Clark stated the property in question, 101 West Main Street, is currently zoned Central Business District (CBD). The proposed request, a pawnshop, requires a Special Use Permit from the Planning and Zoning Commission. Title 16 has no bearing on this Special Use request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request IS in accordance with Chapter 7 "Economic Development", Objective 1, which states the City will plan to "provide an environment that encourages expansion of existing businesses and the attraction of new jobs to the community."; and with Chapter 7 "Economic Development", Policy 8, which is to "continue to provide an atmosphere for successful business development."

Regarding the General Standards, Ms. Clark state the Planning and Zoning Code allows a pawnshop in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code. The applicant has indicated there will not be any exterior modifications to the building, which will ensure that the appearance and character of the area is not impacted. The request is in an established business that has other business suites. The operation of a pawnshop does not appear to be disturbing to existing or future neighboring uses. The application notes the building is currently served by essential public facilities. There is no indication that the pawnshop will create excessive

additional requirements at public cost. The application notes the proposed use will not cause an excessive production of traffic, noise, smoke, fumes, glare or odors. This is an existing business complex. A pawnshop will produce a normal amount of foot traffic and noise associated with operating a business. There are no proposed changes to the parking or vehicular approaches to the site. This is an existing building on the corner of Main Street and S Lincoln Ave. There is no indication that the proposed pawnshop will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

As pertains to Title 17 of the JMC, the ordinance addressing Off Street Parking, Ms. Clark stated this business is downtown and they can meet the parking code by using the public parking lot that is located on the southwest corner of 1st Avenue West and South Lincoln.

Ms. Clark stated she sent the application out to the various city departments and she did not receive any concerns from them.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building department and/or fire department inspections and occupancy permits prior to using the space; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration.

Ms. Clark stated she did receive one phone call but when she explained the process, they had no concerns.

Applicant Testimony: Eric Ebbs, P.O. Box 153, testified he came before the commission two years ago but would like to move the business to another building. He stated it is more secluded. He stated every weapon will be put in a safe during non-business hours. He stated he has a 39 gun rack but does not plan on filling the rack up. He continued to state that he has a 72 gun safe, at the building, and does not see it filling up for a while. Upon inquiry from Commissioner King, Mr. Ebbs stated there is a hair dresser business in the middle, and a credit repair business to the west of his business. He stated they have a rear door and double doors on the north side and the east side. Mr. Ebbs went over the locking up of the building with the commission. He stated he is putting in a security system with cameras. He stated he also has a room downstairs that is under lock and key. He stated the room will also have alarms and cameras. Upon inquiry from Chairman Mink, Mr. Ebbs stated the hours of operations will be 9:00 a.m. to 5:00-5:30 p.m. Monday to Saturday. He stated they may try Tuesday to Saturday. Upon inquiry from Commissioner Schroeder, Mr. Ebbs stated he has not had a pawnshop before. Upon inquiry from Chairman Mink, Mr. Ebbs stated there is not a state license for pawnshops in Idaho.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:35 p.m.

**CONSIDER** a request from Eric Ebbs, DBA: Jerome Pawn and Gun, LLC, for a Special Use Permit allowing a Pawn Shop on the property located at Lot 1 & 2, Block 85, Jerome Townsite NE 24-8-16, more commonly known as 101 West Main Street, Suite 4, Jerome, Idaho – action item

Chairman Mink went over the general standards with the commission. The commission did not see any concerns. Discussion was held on conditions regarding securing valuables.

Commissioner King made a motion to approve a request from Eric Ebbs, DBA: Jerome Pawn and Gun, LLC, for a Special Use Permit allowing a pawnshop on the property located at Lot 1 & 2, Block 85, Jerome Townsite NE 24-8-16, more commonly known as 101 West Main Street, Suite 4, Jerome, Idaho with the following conditions: Receive any and all required building department and/or fire department inspections and occupancy permits prior to using the space; Comply with all city, state and federal requirements; Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration; and guns and all other valuable property to be placed in a safe when the business is closed.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. NAYE: None.

**PUBLIC HEARING** to consider the following: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF JEROME, IDAHO, AMENDING JEROME MUNICIPAL CODE SECTION 17.18.050.I TO INCLUDE A LIST OF PROHIBITED HOME OCCUPATIONS IN RESIDENTIAL ZONES AND SETTING FORTH MORE SPECIFIC CRITERIA FOR HOME OCCUPATIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

Chairman Mink called the Public Hearing to order at 7:43 p.m.

Staff Report: Ms. Clark stated the commission had some discussions about having a list of home occupations that were not allowed. She stated the Commission held an extensive discussion prior to the ordinance. She continued to state with the update of the ordinance, it will help her when applicants come in to apply to determine if the use is allowed or not. Ms. Clark briefly went over the ordinance highlighting the following: adding list of prohibited home occupations; allowing a home occupation to be conducted entirely within a dwelling unit or accessory structure; a detached accessory structure shall be located in the rear or side yard; no more than 400 square feet of the dwelling unit or accessory structure shall be used in the home occupation; cannot alter the outside of the structure to keep the character of the zone; no significant traffic; cannot create noise, vibration, glare, fumes, or odors; and no signage associated with the business.

Upon inquiry from Commissioner King regarding previously approved Special Uses up for renewal, Mr. Larsen stated the Commission could deny the Special Use Permit but not sure if

they have to be denied. Ms. Clark stated there are a few current uses that would not be allowed with the new update. Mr. Larsen suggested to the commission to give the applicant an extension. Discussion was held on time frame for an extension of the Special Use Permit, the definition of a dwelling regarding an attached garage, and the square footage that is allowed for the home occupation. Ms. Clark stated the square footage did not change from the previous ordinance.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:53 p.m.

**CONSIDER** a request to consider the following: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF JEROME, IDAHO, AMENDING JEROME MUNICIPAL CODE SECTION 17.18.050.I TO INCLUDE A LIST OF PROHIBITED HOME OCCUPATIONS IN RESIDENTIAL ZONES AND SETTING FORTH MORE SPECIFIC CRITERIA FOR HOME OCCUPATIONS; AND PROVIDING FOR AN EFFECTIVE DATE– action item

Commissioner King stated he did not see any concerns besides those that will be up for renewal. Mr. Larsen stated they could add paragraph three on how to proceed with the non-conforming permits that were previously allowed. He stated the commission could add, in the ordinance, “the commission may not deny a renewal of a Special Use Permit solely on the grounds that it is no longer permitted”. He continued that if there is no other reason to deny the permit, for example no complaints, the commission could approve the use. Discussion was held on uses to be grandfathered in, allow an extension of the use, or deny the request. Mr. Larsen stated the hard decision will be when one of the neighbors appears to the commission and testifies they do not want the home occupation in the neighborhood. Discussion was held on language to add to the ordinance about previously permitted uses and how to handle them.

Commissioner McEntarffer made a motion to recommend approval to City Council an ordinance of the mayor and city council of Jerome, Idaho, amending Jerome Municipal Code Section 17.18.050.I to include a list of prohibited Home Occupations in residential zones and setting forth more specific criteria for Home Occupations: and providing for an effective date; with the addition of paragraph II as presented.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. NAYE: None.

**PUBLIC HEARING** to consider the following: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF JEROME, IDAHO, AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.A TO INCLUDE A NEW SUBSECTION ADDRESSING COUNTY RESPONSIBILITIES UPON ACTION BY THE CITY WHICH CHANGES THE BOUNDARIES OF THE CITY LIMITS; AND AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.G BY ADDING SUBSECTION 7 TO INCLUDE SETBACK REQUIREMENTS FOR IMPACT AREA ZONES; AND AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.J, LAND USE CHART TO PROVIDE FOR NEW USES, “ANIMAL, CONFINED NOT REGULATED BY CHAPTER 13”, “PLANT, LIGHT MANUFACTURING”, “SPORTS, RURAL RECREATION AREA”; AND PROVIDING FOR AN EFFECTIVE DATE.

Chairman Mink called the Public Hearing to order at 8:03 p.m.

Staff Report: Ms. Clark stated the commission had a few discussions regarding this ordinance. She stated they are suggesting adding two new areas. She stated the first addition is only having one hearing when the city changes the city limits. She stated this practice is already in place. She stated the second addition was amending the land use chart with the additional uses. She stated the commission had some concerns regarding the animals but they had agreed to send it to the City Council. She stated the reason why they waited to update the ordinance, was because the County wanted to decrease the area of impact zoning setbacks. She stated the Building Official, City Engineer and herself, met with the County to go over the proposed changes. The proposed changes to the area of impact setback were to decrease the setbacks to the county setbacks. Ms. Clark stated the setbacks were going to be significantly lower than the City setbacks. Ms. Clark recommended the following chart which was approved by the County.

10-8.07 Setback Requirements

Zoning District	Front Setback	Rear Setback	Side Setback	Street Side
<b>IMP-RES</b>	25'	20'	10'	15'
<b>IMP-AL</b>	25'	20'	10'	15'
<b>IMP-COM</b>	25'	10'	12'	25'
<b>IMP-IND</b>	25'	25'	20'	20'

Ms. Clark stated this chart will hopefully prevent having houses too close to the roads when they are annexed into the city. Upon inquiry from Commissioner Allred, Ms. Clark stated the minimum lot size for the county is one acre. She stated this update did not address lot size. She continued to state lot sizes were addressed in another portion of the code. She stated once the property is annexed, the setbacks will revert to the city setbacks. Chairman Mink stated the county does not have to work with the city but they have. Ms. Clark agreed with Chairman and stated it is really nice to be able to work together with the county and compromise.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:12 p.m.

**CONSIDER** the following: AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF JEROME, IDAHO, AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.A TO INCLUDE A NEW SUBSECTION ADDRESSING COUNTY RESPONSIBILITIES UPON ACTION BY THE CITY WHICH CHANGES THE BOUNDARIES OF THE CITY LIMITS; AND AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.G BY ADDING SUBSECTION 7 TO INCLUDE SETBACK REQUIREMENTS FOR IMPACT AREA ZONES; AND AMENDING JEROME MUNICIPAL CODE SECTION 17.110.030.J, LAND USE CHART TO PROVIDE FOR NEW USES, "ANIMAL, CONFINED NOT REGULATED BY CHAPTER 13", "PLANT, LIGHT MANUFACTURING", "SPORTS, RURAL RECREATION AREA"; AND PROVIDING FOR AN EFFECTIVE DATE.– action item

Chairman Mink commended the county for working with the city on this ordinance. Ms. Clark stated she spoke with the County Commissioners and expressed to them that she appreciated working with Ms. Marshall.

Commissioner King made a motion to recommend approval to City Council for an ordinance of the Mayor and City Council of Jerome, Idaho, amending Jerome Municipal Code Section 17.110.030.A to include a new subsection addressing County responsibilities upon action by the City which changes the boundaries of the City limits; and amending Jerome Municipal Code Section 17.110.030.G by adding subsection 7 to include setback requirements for Impact Area Zones; and amending Jerome Municipal Code Section 17.110.030.J, Land Use Chart to provide for new uses, "Animal, Confined not regulated by Chapter 13", "Plant, Light manufacturing", "Sports, Rural Recreation Area", and providing for an effective date.

Second to the motion by Commissioner Schroeder and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. NAYE: None.

#### **DISCUSSION** Landscape Ordinance

Ms. Clark went over the proposed landscape ordinance with the Commission. She stated a committee was formed and met several times. She stated the committee comprised of three planning and zoning commissioners, a couple council members, and city staff. She stated she brought this subject to the City Council and they wanted the commission to present an ordinance to them. Ms. Clark briefly went over the landscape ordinance. Discussion was held on: who the ordinance would apply to; minimum standards; street buffers; side and rear buffers; buffers between different land uses; interior parking lots; waivers or alternative compliance; and maintenance. Upon inquiry from Commissioner Schroeder, Ms. Clark stated



there is no landscape code at this time. She stated, she refers them to the Design Review guidelines which encourage landscapes but are not required. She stated they started with the first original ordinance and took out some of the specific wording to make it friendlier. She stated the City Council asked for it to be simple and easier to follow. Discussion was held on properties in the city that would have benefited with a landscape ordinance. Commissioner Schroeder stated it is a great start. Upon inquiry from Commissioner King, Ms. Clark stated this ordinance is only for commercial and industrial zones. Commissioner McEntarffer inquired from Ms. Clark about rock and drain rock not being allowed. He stated his understanding was that rock and drain rock would be allowed as mulch with the proper fabric. Ms. Clark stated she would research Commissioner McEntarffer's question and get back with him at a later time. Discussion was held on irrigation and potable water.

#### **DISCUSSION** Special Use Permit chart update

Ms. Clark stated Ms. Chavez and Diane Kushlan went over the special use chart and definitions a couple of years ago. She stated with the new businesses coming into town, she is running into some problems and would like to go back over the chart. She stated they would not be going into all of the proposed changes but would like to clean everything up. She stated some definitions do not exist, uses not in the chart, and uses with no definitions. Ms. Clark explained the City of Idaho Falls recently updated their code. She stated they made their code friendlier. She stated our code is hard to interpret and put uses where they belong. She then read proposed language; "If a proposed use of property is not specifically listed in the table, the use shall be prohibited, except if the Administrator determines that the proposed use is equivalent to a permitted or conditional use. In making the determination the Administrator shall consider the following." Ms. Clark stated this wording would give her some guidance on businesses and uses that did not fit in one specific area. She stated it would help her decide if the applicant would need to come before the commission for a Special Use Permit. Ms. Clark also stated there is a potential project that may be coming to Jerome that would benefit in a "Quasi-Public" zone. She stated they have the definition but it is not in the table. She stated she would like to move forward with the two proposed changes at the next meeting but then would work through the rest of the chart during the next couple of meetings. She stated it would take more than one meeting. Upon inquiry from Commissioner Allred, Ms. Clark stated the definition of Quasi-Public use is, Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an education, religious, charitable, philanthropic or nonprofit nature. She stated she is not sure if it was supposed to be excluded or not. Discussion was held on what would qualify as Quasi-Public and what zones it would be permitted. Mr. Larsen stated they went through the chart but he didn't realize that the changes were not adopted and thinks it is in need of an update. Ms. Clark stated the City hired Ms. Kushlan as a consultant to help with the changes.

## Consent Agenda

*The consent calendar consist 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 December 10, 2019 regular meeting.
- B. Consider/Approve Finding and Facts for Brice 19, LLC (DBA: Idaho Milk Transport) for a Special Use Permit allowing a truck terminal yard on the properties located at Jerome Unplatted Tax 41C and 64 of S1/2NW Sec 31 T8 R17, more commonly known as 325 and 401 Farmore Road, Jerome, Idaho.

### **FINDINGS AND CONCLUSIONS ON APPLICATION OF BRICE 19, LLC (DBA: IDAHO MILK TRANSPORT) FOR A SPECIAL USE PERMIT ALLOWING A TRUCK TERMINAL YARD ON THE PROPERTIES LOCATED AT JEROME UNPLATTED TAX 41C AND 64 OF S1/2NW SEC 31 T8 R17, MORE COMMONLY KNOWN AS 325 AND 401 FARMORE ROAD, JEROME, IDAHO.**

A public hearing on the application of Larry Hall, Executive Director for Jerome 20/20, representing Brice 19, LLC, dba Idaho Milk Transport, concerning those parcels commonly known as 325 and 401 Farmore Road, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:02 p.m. on Tuesday, December 10, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Ida Clark, City Planner, provided a staff report regarding the application. Ms. Clark stated the Idaho Milk Transport is a carrier of food grade liquid products throughout the United States, Canada and Mexico and was established in 1986. Corporate headquarters are located in Burley with two other terminals located in Washington and another in California. The applicant would like to expand the business to Jerome.

Ms. Clark stated the properties in question, are currently zoned High Density Business (C-3). The proposed use, terminal yard-truck parking, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 10', Interior Side- 12', and Street Side- 25'

Ms. Clark stated Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas; Objective 3 – Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion; and Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards, Ms. Clark stated the Planning and Zoning code allows terminal yard-truck parking in the C-3 zone with an approved special use permit. The request

appears to be harmonious with the objectives of the Comprehensive Plan and Title 17. The applicant is proposing to occupy an existing building with the truck parking on the bare lot of approximately 8-10 commercial trucks. The land the north and east are currently bare, there is a proposed hydraulic repair business proposed to the west and Rocky Mountain Pipe is to the south. The use of the property as a terminal yard appears to be harmonious and appropriate for the area and will not change the essential character. The proposed site plan does not show any improvements to lot at this time. Dust may become an issue and will need to be carefully monitored to not be hazardous to the existing and future neighboring uses. The applicant has noted it will be served by existing services. Truck parking at this time, does not require any connection to water or sewer services. There is no indication that this use will create excessive additional requirements at public cost. Truck traffic will be produced but it will not be detrimental with a total of eight (8) to ten (10) trucks. Farmore road is not a through road and only serves as an access road for the existing lots. The trucks carry food grade liquid and will be washed at another facility reducing excessive production of noise and odors. This site is currently accessed by Farmore Rd. There is an existing access point and will not interfere with other traffic. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she sent the application to all of the departments and they have reviewed the proposed use. She stated one recommendation was to place a condition to address dust suppression and/or up keep of the parking area if it is not paved in consideration of the surrounding uses.

Ms. Clark stated she also received the following comment from the North Side Canal Company (NSCC): NSCC has no issue with the Special Use permit. Idaho Milk Transport should be made aware that the L-11 canal runs through a pipeline that is adjacent and parallel to Farmore Road on the north side of the property. They should make sure that there is adequate cover over the pipeline to support truck traffic and not collapse it in areas where the trucks will be crossing.

If approved, Ms. Clark recommended the following conditions: Gravel the road and truck parking area or other uses be implemented to reduce dust; Adequate cover and maintenance of the L-11 canal to support truck traffic; Special Use Permit shall be allowed for up to two years, renewable upon expiration; and Comply with all city, state, and federal requirements.

Ms. Clark stated she did not receive any phone calls or letters from the public regarding the application.

Upon inquiry from Chairman Mink, Ms. Clark showed the commission where the L-11 canal is on the projected map. Discussion was held on the L-11 canal. Ms. Clark reminded the commission the L-11 canal is already currently piped and underground but the North Side Canal wanted to make sure there was adequate covering so it would not collapse.

Applicant Testimony: Larry Hall, Executive Director for Jerome 20/20, 103 West Main Street, testified, he has been working with the Brice family for a while. He introduced Marvis Brice and Jenny Thornton who was in the audience. He stated Idaho Milk Transport is currently driving for Darigold and they are looking for property to park their trucks. He stated they have a purchase and sale agreement and are looking to close on the property in the near future. Mr. Hall stated they are purchasing the four acres to the west and they will be renting the building on the property on the east. He stated they may construct a building in the future. He stated the local milk processors are always looking to this service.

Upon inquiry from Chairman Mink, Mr. Hall stated the trucks would be empty when they are parked. Ms. Clark stated the trucks will be washed at the other locations and this yard would only be for parking the trucks. Mr. Hall stated the trucks will be empty and will be rotating in the yard. He stated they would not be left there for a long period of time. Upon inquiry from Commissioner Holley, Mr. Hall stated the owners will work with North Side Canal to ensure the concerns are met. Mr. Hall also stated they do not see them expanding more trucks for a while. Upon inquiry from Commissioner King, Mr. Hall stated he was not sure what the dust abatement would be. Ms. Clark stated the commission could add a condition that makes them keep the dust down. Discussion was held on different ways for dust abatement, and if there is a requirement for a canal evaluation.

Testimony in Favor: Terry Stokes, 296 S 100 W, Jerome, testified, the property used to be Brockman's Mobile Home where trucks used to bring in large homes for years. She stated there was constant use of the parking lot with big trucks across the canal. Upon inquiry from Commissioner Allred, Ms. Stokes stated she understood the weight difference between milk and homes, but stated that Brockman's was on the property for years and thought that the years would make up for the weight difference. She stated Farmore is also on the same road and she was not sure how far up the canal went

Testimony in Neutral: None.

Testimony in Opposition: None.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Hall's 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. 325 and 401 Farmore Road in Jerome, Idaho is currently zoned High Density Business (C-3).
- B. The proposed use, terminal yard truck parking, requires a special use permit to operate in C-3 zones.

- C. JMC 17.60.060 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community.
- E. The proposed use is harmonious with the general objectives of the comprehensive plan to maintain and expand public/private partnerships to demonstrate the community's commitment to and support of economic expansion.
- F. The proposed use is harmonious with the general objectives of the comprehensive plan to continue to provide an atmosphere for successful business development.
- G. The proposed use is harmonious and appropriate for the area and will not change the essential character.
- H. The proposed site plan does not show any improvements to lot at this time. No additional public facilities will be necessary for the proposed use.
- I. The proposed use will not create excessive additional requirements at public costs.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

## **II. Conclusions**

- A. A special use permit is required for the applicant for terminal yard, truck parking in the High Density Business (C-3) zone for the City of Jerome.
- B. A special use permit allowing a terminal yard, truck parking in the C-3 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Brice 19, LLC d.b.a Idaho Milk Transport, for a special use permitting terminal yard, truck parking on the property commonly known as 325 and 401 Farmore Road, Jerome, Idaho, subject to the following conditions:
  - 1. Applicant will work with the North Side Canal Company on an evaluation of the existing canal and obtain a letter from the North Side Canal Company stating the pipeline is sufficient for truck traffic;
  - 2. Applicant will apply an acceptable form of dust abatement to non-paved surfaces;
  - 3. Applicant shall comply with all city, state and federal requirements; and
  - 4. Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 14th day of January, 2020, in support of the decision of the Planning and Zoning Commission on the 10th day of December, 2019, to approve the application as specified herein is hereby made final this 14th day of January, 2020.

- C. Consider/Approve Finding and Facts for Jeannie Fagundes for a Special Use Permit allowing six chickens on the property located at Lot 6, Block 2, Johns Subdivision (SE 18-8-17), more commonly known as 845 3rd Avenue East, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JEANNIE FAGUNDES FOR A SPECIAL USE PERMIT ALLOWING SIX CHICKENS, ON THE PROPERTY LOCATED AT LOT 6, BLOCK 2, JOHNS SUBDIVISION, MORE COMMONLY KNOWN AS 845 3RD AVENUE EAST, JEROME, IDAHO**

A public hearing on the application of Jeannie Fagundes concerning that parcel commonly known as 845 3rd Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:34 p.m. on Tuesday, December 10, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark stated the property in question, 845 3rd Avenue East in Jerome, is currently zoned Residential 1 (R-1). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

Ms. Clark stated Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in compliance with the Comprehensive Plan as relates to Rural Residential Land Uses requiring Special Use Permits in Section 3.1.1.

Ms. Clark reminded the commission that Title 8 of the JMC addresses chicken manure and it does consider the manure to be a public nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17. The application notes the chickens are kept in the backyard in a fully-enclosed coop. There has not been any modifications to the front of the residence. The applicant does not have fencing facing 3rd Ave East; therefore the coop is visible from the front of the street. The applicant notes the cage is cleaned weekly and noise is kept to a minimum. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will 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 the chickens will be maintained by the homeowner and cleaned regular as to not cause odors. There are no changes proposed to the vehicular approaches to the property. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she sent to application to all of the departments and received the following comments from staff: Planning and Zoning- I was asked to accompany code enforcement due to him believing there were chickens. I did note chickens on the property and made contact with Mrs. Fagundes. She was given the SUP application. The application was not returned and Animal Control followed up with her. This address is located in a subdivision with CC&R's that do not allow chickens; however, there is no active HOA. Mrs. Fagundes was asked to speak with her surrounding neighbors as the application requests. She stated she could not and her husband did not have time; and Code Enforcement has been working with the applicant regarding the nuisance code.

If approved, Ms. Clark recommended the following conditions: current chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Upon inquiry from Commissioner Holley, Ms. Clark stated there is nothing in the code that prohibits the chicken coop being seen from the street. Ms. Clark stated that she did not received any phone calls or letters regarding the application.

Applicant Testimony: Jeannie Fagundes, 845 3rd Avenue East, testified, she has lived in the area for 15 years. She stated her daughter rescued the chickens for FFA. She stated after they got the chickens, they found out they needed a permit. She stated the coop is moveable which makes the chickens able to be moved around the back yard. Upon inquiry from Commissioner Schroeder, Ms. Fagundes stated the chickens have been there about eight (8) months. Upon inquiry from Commissioner Holley, Ms. Fagundes stated the coop is detachable and they can move it around the yard. She keeps them in the cage. She stated the coop has nesting boxes and roosts. Upon inquiry from Commissioner McEntarffer, Ms. Fagundes stated they only have three chickens and she is not looking at getting any more. She stated her daughter takes care of the chickens and cleans their coop.

Testimony in Favor: None.

Testimony in Neutral: None

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:42 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Fagundes 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. Lot 6, Block 2, Johns Subdivision SE 18-8-17, more commonly known as 845 3rd Avenue East, Jerome, Idaho is zoned Residential 1 (R-1), which requires a special use permit to use the property for the housing of up to six (6) chickens.
- B. Title 16 of the JMC has no bearing on this application.
- C. The application for a special use permit complies with the City of Jerome Comprehensive Plan, Section 3.1.1., and inasmuch as it is compatible with the existing and potential land uses.
- D. The application is inconsistent with the General Standards for Special Uses stated in JMC 17.60.030. A special use permit is required for up to six chickens in an R-1 zone. The proposed special use is harmonious in appearance in that the use is contained to the back yard and an appropriate accessory structure (chicken coop) is employed to house the chickens. There was no evidence presented that the use is hazardous or disturbing to existing neighboring uses. There were no complaints specific to the chickens. Standards E-I of JMC 17.60.030 were not implicated.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to allow for up to six (6) chickens on the subject property, which property is located in the R-1 zone.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- C. The Commission approves the application of Jeannie Fagundes for a special use permit allowing six (6) chickens on that property located at 845 3rd Avenue East, Jerome, Idaho 83338 subject to:
  - a. Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare;
  - b. Any chicken coop or accessory structure associated with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code;
  - c. Special use permit shall be allowed for up to one (1) year, renewable upon expiration; and
  - d. Chicken coop will not be visible from the front.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 14th day of January, 2020, in support of the decision of the Planning and



Zoning Commission on the 10th day of December, 2019 to approve the application as specified herein is hereby made final this 14th day of January, 2020.

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

Commissioner Allred made a motion to approve the consent agenda as present.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer and Commissioner Randy King. NAYE: None.

**CITIZEN CORRESPONDENCE**

None

**DISCUSSION PERIOD & STAFF REPORTS**

Ms. Clark stated there will be a second meeting on January 28th. She stated there will be two Public Hearings and a design review. She stated the February 11th meeting is filling up and she will bring forward the landscape ordinance at that meeting. She stated she would like to make sure everyone attends the meeting. She stated there have been multiple ordinances and would like to get back to only one meeting a month but there may be a second meeting in February. Upon inquiry from Chairman Mink, Ms. Clark stated City Council does have three readings of the ordinance unless they suspend the rules in which they decide that night. She stated it is up to the City Council on how they proceed with those.

There being no further discussion, Chairman Mink closed this regular meeting at 9:01 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary