

Planning & Zoning Meeting
March 2, 2020

This special meeting of the City of Jerome Planning & Zoning Commission was called to order at 5:32 p.m. Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Dave Holley, and Commissioner Carl McEntarffer. Commissioner Randy King arrived at 6:03 p.m. Also present were City Planner Ida Clark, and Secretary Katie Elliott. Legal Counsel, Ted Larsen arrived at 6:58 p.m.

Chairman Mink opened the continued public hearing at 5:34 p.m.

CONTINUATION OF A PUBLIC HEARING to consider the following: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, CREATING TITLE 17 CHAPTER 18.070 LANDSCAPING REQUIREMENTS AND AMENDING TITLE 17 CHAPTER 26.080 SCREENING AND/OR LANDSCAPING, OF THE JEROME MUNICIPAL CODE PROVIDING FOR MINIMAL LANDSCAPING REQUIREMENTS FOR NEW DEVELOPMENT IN VARIOUS ZONES THROUGHOUT THE CITY OF JEROME AND FOR THE LANDSCAPING OF PARKING LOTS WITH MORE THAN 20 PARKING SPACES; FOR A PENALTY FOR VIOLATION OF THIS CHAPTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report: Ms. Clark reminded the commission that they previously continued the public hearing. She stated she updated the ordinance with the comments from the previous meeting and had one other comment she received. She went over the landscape language in Section A of the ordinance. Discussion was held on the updated language. Ms. Clark stated she changed the language to state: "All landscape plans shall be prepared by a landscape designer or landscape architect". Ms. Clark stated it should be clear for people to understand. She stated the next comment regarded the fencing. She stated she wanted to make sure the language and City code matched. Discussion was held on berms, buffer materials, combinations of berms and buffers. Ms. Clark stated she had some discussion regarding a plan that was just brought in. She stated the plan proposed drain rock which at this time is prohibited. Discussion was held on mulch, drain rock, size of drain rock, and the language to add to the ordinance. Commissioner McEntarffer suggested having drain rock under one and a half inches prohibited. Discussion was held on other rocks and problems with smaller, lighter rocks. Ms. Clark stated they extended this hearing out for public comment and she has not received any further comment. More discussion was held on mulch, rock products, and appropriate barriers under the mulch. Ms. Clark stated the City Council will be reviewing the ordinance at the March 3rd meeting. Upon inquiry from Chairman Mink, Ms. Clark stated the effective date is determined by the City Council. She explained the process the City Council has on approving an ordinance.

No testimony was presented in Favor, Neutral or Opposition.

There being no further testimony, Chairman Mink closed the public hearing at 5:50 p.m.

CONSIDER the following: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, CREATING TITLE 17 CHAPTER 18.070 LANDSCAPING REQUIREMENTS AND AMENDING

TITLE 17 CHAPTER 26.080 SCREENING AND/OR LANDSCAPING, OF THE JEROME MUNICIPAL CODE PROVIDING FOR MINIMAL LANDSCAPING REQUIREMENTS FOR NEW DEVELOPMENT IN VARIOUS ZONES THROUGHOUT THE CITY OF JEROME AND FOR THE LANDSCAPING OF PARKING LOTS WITH MORE THAN 20 PARKING SPACES; FOR A PENALTY FOR VIOLATION OF THIS CHAPTER; AND PROVIDING FOR AN EFFECTIVE DATE – action item

Commissioner Holley made a motion to recommend approval to City Council, AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME, CREATING TITLE 17 CHAPTER 18.070 LANDSCAPING REQUIREMENTS AND AMENDING TITLE 17 CHAPTER 26.080 SCREENING AND/OR LANDSCAPING, OF THE JEROME MUNICIPAL CODE PROVIDING FOR MINIMAL LANDSCAPING REQUIREMENTS FOR NEW DEVELOPMENT IN VARIOUS ZONES THROUGHOUT THE CITY OF JEROME AND FOR THE LANDSCAPING OF PARKING LOTS WITH MORE THAN 20 PARKING SPACES; FOR A PENALTY FOR VIOLATION OF THIS CHAPTER; AND PROVIDING FOR AN EFFECTIVE DATE.

Second to the motion by Commissioner McEntarffer and carried.

Discussion was held on the upkeep of planted landscape and if the commission would revisit the ordinance at a later date. Ms. Clark stated they have a maintenance clause in the landscape ordinance and the City has also stepped up the fines for the nuisance ordinance.

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

DISCUSSION- Special Use Chart and Definitions

Ms. Clark stated she went through previous meetings that were held on the chart and definitions. She stated she compiled them together and would like to go over a few things with the commission. Discussion was held on a few of the definitions and the use chart. One of the areas that was discussed was Adult Business. There was an extensive discussion on where to allow this use and the definition. The Commission agreed to allow the use in the Light Industrial (M-1) and Heavy Industrial (M-2) zones by Special Use Permit only. They agreed to remove the use from the High Density Business (C-3) zone.

Regarding Daycare, Ms. Clark stated they grouped all of the Daycare definitions in one location as they were spread throughout the previous code. Regarding Drive-Through Establishments, Ms. Clark stated they were previously listed individually throughout the code and they combined them all together. She continued that Dwelling Units were also combined together and then defined individually. Upon inquiry from Chairman Mink, Ms. Clark stated a business is classified with the main purpose of the business and not the secondary use. Discussion was held on primary and secondary uses of businesses in Jerome.

Ms. Clark went back over the use chart regarding dwelling units with the commission. Discussion was held on: how to define multi-family dwellings up to four, five to eight, and nine or more units; zoning for those dwelling units; housing density; mixed use concept for housing in the future; car congestion; housing crisis; parking; and allowing other categories by Special Use Permits. Ms. Clark stated she would work on Dwelling definitions and bring them back to the commission at a later meeting. She also stated she will bring back information from other cities regarding housing categories and where they are allowed in zones.

Regarding Restaurants, they were moved to Eating Establishments. Ms. Clark stated Education Services were clarified and separated into Public and Private education. Ms. Clark stated Farm was defined and she wanted to review the new Ag. Ordinance to make sure it is consistent. Regarding Farm Animal, she stated it was recommended to have its own category and liked that the animals are listed out.

Regarding Flex Space, Ms. Clark stated the definition was changed. Discussion was held on intent of this use, if it is named correctly, and what uses would go under this category. Ms. Clark stated she would expand the definition and bring back to the commission.

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 February 11th, 2020 regular meeting.
- B. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JUAN GONZALEZ FOR 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.

A public hearing on the application of Juan Gonzalez concerning the use of real property described herein within the City of Jerome, Idaho, for renewal of the special use permit was held, pursuant to notice, commencing at 7:02 p.m. on Tuesday, January 14, 2020 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 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark's report, 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. The property described in the heading herein is in the City of Jerome and is currently zoned Commercial Business District (CBD).
- B. The proposed use, a commercial entertainment facility (indoor), requires a special use permit to operate in CBD.
- C. The Application is consistent with the General Standards for Special Uses as stated in JMC 17.60.030. The proposed special uses is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an CBD zone, in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property, will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring residences, will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors., will not

create an interference with traffic on surrounding public thoroughfares, and will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A renewal of the special use permit is required for the applicant to be able to use the above described property for a commercial entertainment facility (indoor) in the CBD zone for the City of Jerome.
- B. A special use permit promoting an event facility is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows event facilities in CBD zone.
- D. The Commission approves the renewed application of Juan Gonzalez for a commercial entertainment facility (indoor) located at the above described real property subject to the following conditions:
 - a. Receive any and all required building and fire department permits and inspections;
 - b. Comply with all city, state and federal requirements;
 - c. Complete a parking lot inspection within 24 hours of an event; and
 - d. The permit is allowed 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 25th day of February, 2020, in support of the decision of the Planning and Zoning Commission on the 14th day of January, 2020 to approve the application as specified herein is hereby made final this 25th day of February, 2020.

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

- C. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF 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

A public hearing on the application of Eric Ebbs concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:25 p.m. on Tuesday, January 14, 2020, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, provided the staff report on the application of Mr. Ebbs. 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 stated 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, Jerome, 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark's report, 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. The property described in the heading herein is in the City of Jerome and is currently zoned Central Business District (CBD).
- B. The proposed use, a pawnshop, requires a special use permit to operate in CBD.
- C. JMC 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a business such as this one promotes economic development and growth.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- F. The proposed use will promote the city as an ideal location for a new development of residential, commercial and industrial area;
- G. The proposed use does not appear to be disturbing to existing or future neighboring uses;
- H. The building is currently served by essential public facilities.
- I. The proposed use will not cause an excessive production of traffic, noise, smoke, fumes, glare or odors.
- J. The proposed use will produce a normal amount of foot traffic and noise associated with the operating a business, and will not result in changes to parking or vehicular approaches.
- K. The proposed use will not result in the destruction, loss or damage of a nature, scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to be able to use the above described property for a pawn shop in the CBD zone for the City of Jerome.
- B. A special use permit promoting a new business is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Eric Ebbs for a business located at the above described real property subject to the following conditions:
 - 1. Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior building and occupying the facility;
 - 2. Comply with all city, state, and federal requirements;
 - 3. That all guns and other valuable property shall be placed in a safe when the business is closed; and
 - 4. This special use permit is allowed for up to two (2) years and is renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 25th day of February, 2020, in support of

the decision of the Planning and Zoning Commission on the 14th day of January, 2020 to approve the application as specified herein is hereby made final this 25th day of February, 2020.

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

- D. Consider/Approve Findings and Facts for Chunmei Tan, for approval of a Special Use Permit allowing three goats, on the property described as Tax 2, Block A-218, Jerome Townsite NE 18-8-17, more commonly known as 1302 North Fillmore Street, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF CHUNMEI TAN FOR A SPECIAL USE PERMIT ALLOWING THREE GOATS, ON THE PROPERTY LOCATED AT TAX 2, BLOCK A-218, JEROME TOWNSITE NE 18-8-17, MORE COMMONLY KNOWN AS 1302 NORTH FILLMORE STREET, JEROME, IDAHO

A public hearing on the application of Chunmei Tan concerning that parcel commonly known as 1302 North Fillmore Street, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 8:07 p.m. on Tuesday, February 11, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

The following testimony and evidence was offered at the hearing:

Staff Report: Ms. Ida Clark, City Planner, stated the applicant is not present for the hearing. She stated the property in question, 1302 North Fillmore in Jerome, is currently zoned Residential 1 (R-1), and is approximately one (1) acre. The proposed use, the possession of three goats, 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.

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 This is only compatible with the Comp Plan when the request is considered compatible "Rural Residential Land Use." (3.1.1)

Ms. Clark stated proper disposal of stable matter must be considered as it can be considered a public nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows goats 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 of the Jerome Municipal Code. The application notes the animals will be kept in a fenced area in the back of the property. The applicant stated there is a garage behind the house that has been converted into a barn and shelter for the goats. There will be no changes to the front of the house.

The applicant notes the animals will be fed and watered daily to make sure they are properly maintained. They will be kept in a secure area so as not to be disturbing to the neighbors. Goats have the potential to be disturbing to neighboring uses. The goats have previously knocked down the fence and were loose in the neighborhood. The applicant stated they have since fixed the fence so they cannot get out. There is no indication that additional services will be needed to serve this use. It does not appear goats will create excessive additional requirements at public cost. It appears that goats will not be detrimental to persons, property or the general welfare by creating excessive traffic, smoke, fumes, glare, or noise. The application notes odors will not be a problem as they will compost the stable matter on their property. This request will not impact vehicular approaches. It does not appear that the goats will 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 only received the following comment back: Animal Control – Ensure adequate fencing is established so the animals do not get out.

If approved, Ms. Clark recommended the following conditions: Goats will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Stable matter will be disposed of properly; Any accessory structure associated with the goats shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to one year, renewable upon expiration.

Ms. Clark stated she received two letters in opposition which will be read. Upon inquiry from Commissioner King, Ms. Clark stated there is no cap on goats. She stated the applicant is asking for three now but may ask for a total of five. Upon inquiry from Chairman Mink, Ms. Clark stated the whole property is one acre. Upon inquiry from Commissioner McEntarffer, Ms. Clark stated the code does not address animal units. She continued that history has been that the commission has approved one horse, cow per one acre. Ms. Clark went over the layout of the property with the commission.

Applicant Testimony: Ms. Clark stated the applicant is not present.

Testimony In Favor: none

Testimony In Neutral: none

Testimony in Opposition: Bettie Winterholler, 614 10th Avenue East, testified she has lived in Jerome for 70 years. She stated goats in a residential area is asinine. It is the City and does not think there needs to be farm animals in the City. She stated there will be flies and other critters that accompany animals. She stated she is upset that the application has come before the council for consideration. She stated her friends all have concerns with animals in the city. She stated she does not think there needs to bring more animals brought in to the city. She understands the applicant has great aspirations. She stated she understands the good intentions but does not think it will work. Chairman Mink stated several cities have had a big push for allowing chickens without a permit but the city allows livestock with a permit. He stated this helps with weeds. Ms. Winterholler stated she has neighbors that shoo chickens out of their yard in the morning. Chairman Mink stated they need to contact the City since that is a violation.

Judy Grimes, 605 10th Avenue East, testified, she is in agreement with Ms. Winterholler. She stated they have already having issues with dogs in the area. She stated they have pitbulls and they cannot go to the mailbox and Ms. Winterholler has been bit twice. She stated there is too much stuff that needs better control. She stated she is against the goats. Ms. Grimes inquired who she needs to speak with regarding dead trees. Ms. Clark stated she would need to speak with Code Enforcement on that issue. Upon inquiry from Mr. Larsen, Ms. Grimes stated she has not had any issues with these goats.

Ms. Elliott read two letters that were received:

I am writing regarding the goat hearing for 1302 N Fillmore on 1/28/20. I am against approval of this permit for various reasons. I am not fond of farm animals in my town neighborhood. In the past neighbors had geese... they got out all of the time and ate my garden, coy fish out of my pond not to mention the danger of them darting in and out of traffic on Fillmore. I do not enjoy waking up hearing the neighbors roosters crowing at 4:00 AM, dogs chasing ducks and geese and now goats. Goats are notorious for getting out and eating about anything. Has anyone checked to see if the lot is big enough to support 3 goats? They need a minimum of 15 sq ft per goat and a shelter in the winter? Who makes sure the waste is cleaned up and properly disposed of?

I did speak with some of my neighbors and none of them were in favor of the goats. The comments were concerns for goats getting out of the yard, into traffic, noise from dogs barking at them. Wondering about whether or not law enforcement (animal control) do anything if there are problems. (Not much success prior with calls for ducks, geese out in traffic.)

I sincerely hope my neighborhood in town does not become a home for goats!

*Cindy Walter
1432 N Fillmore*

Farm animals belong in the country not the city.

*Sincerely
Phillis Ann Boeker
1420 Olympia Drive*

There being no further testimony or evidence presented, Chairman Mink closed the public hearing at 8:27 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented and having reviewed the application of Chunmei Tan, and the other documents and material in the file, and having heard the testimony give verbally at the hearing enters its findings and conclusions as follows:

I. Findings

- A. Tax 2, Block A-218, Jerome Townsite NE 18-8-17, more commonly known as 1302 North Fillmore Street, Jerome, Idaho is zoned Residential 1 (R-1), which requires a special use permit to use the property for the housing of any livestock, such as goats.
- 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. Standards C and D, in particular are inconsistent with the application. Standard C requires the proposed use to be “operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.” Standard D requires the proposed use to not be “hazardous or disturbing to existing or future neighboring uses.” At the hearing on this matter, several neighbors came forth to express concern about how the proposed use would disturb the character of the area and disturb existing neighboring uses. Based on that testimony and on the fact the application failed to attend the meeting to offer any evidence or to rebut such testimony, the Commission finds that the application fails to satisfy the General Standards for Special Uses set forth in JMC 17.60.030.

II. Conclusions

- A. A special use permit is required for the applicant to be able to allow for three (3) goats on the subject property, which property is located in 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 application, however, is inconsistent with the standards for special use permits stated in JMC 17.60.030.
- D. The Commission denies the application of Chunmei Tan for a special use permit allowing three (3) goats on that property located at 1302 North Fillmore Street, Jerome, Idaho 83338 because the application is inconsistent with the General Standards for Special Uses set forth in JMC 17.60.030.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 25th day of February, 2020, in support of the decision of the Planning and Zoning Commission on the 11th day of February, 2020 to approve the application as specified herein is hereby made final this 25th day of February, 2020.

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

- E. Consider/Approve Findings and Facts for Tensco, Inc., c/o Gerald Martens, for a variance allowing reduced residential front yard setbacks on those parcels described as a portion of N2 SE 4, Section 7, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more commonly known as the westernmost portion of 21st and 22nd Avenues East, approximately 366 feet west to the City limit boundary and approximately 500 feet south containing approximately 4.19 acres.

**FINDINGS AND CONCLUSIONS ON A REQUEST FROM TENSCO, INC.,
C/O GERALD MARTENS, FOR A VARIANCE ALLOWING
REDUCED RESIDENTIAL FRONT YARD SETBACKS**

A public hearing at the request of Tensco, Inc., c/o Gerald Martens, for a variance allowing reduced residential front yard setbacks on those parcels described as a portion of N2 SE 4, Section 7, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more commonly known as the westernmost portion of 21st and 22nd Avenues East, approximately 366 feet west to the City limit boundary and approximately 500 feet south containing approximately 4.19 acres.

Staff Report: City Planner, Ida Clark provided a report upon this request. Ms. Clark stated Stoney Ridge Subdivision Phase 1 was approved in 2006. Phase 2 and 3

have also been approved and developed. At each phase, the street right-of-way was approved at 50 feet. Current City staff has been unable to find written documentation why the 50 foot right-of-way (ROW) was originally approved. There are currently 112 homes platted with five streets constructed in the subdivision. Phase 4 will complete the southwestern portion of the subdivision as it is at the city boundary line. Current code requires local streets have a 56' ROW. Due to the approval of the previous Phases (1, 2, and 3) and for conformity, the applicant is requesting a variance for front yard setback from 25' to 22' in order to meet the required 56' ROW. The property in question, as stated above, is currently zoned Residential 1 (R-1). Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 20', Interior Side- 7', and Side Street- 15'. Minimum Lot Area: 6,250 Sq. Ft.

Regarding the variance criteria, Ms. Clark stated the application notes the enforcement of City Code to the 56' ROW will reduce the building envelope and will create nonconformity within the existing subdivision. Phases 1 through 3 have already been designed and developed with the decreased 50' ROW. A literal interpretation would mean that the design for Phase 4 would have to be altered to meet the current code which would create nonconformity within the development that has already been approved by the City. The application notes the current condition and circumstances are existing from previous approval, by the City, of the subdivision phases 1 through 3. Variances are typically granted when the applicant proves undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. It does not appear the variance would be in conflict with the public interest.

Upon inquiry from Chairman Mink, Ms. Clark stated she was not sure why, but the previous plats were approved at the 50 feet.

Applicant Testimony: Gerald Martens, 11 East 500 South, Jerome, testified, they have developed 100 or more lots with the 50 foot right of way (ROW), with a 36 foot wide street. He stated the proposed area was in the original plat but since it expired, they had to come back for approval. He stated he was not the original developer but this variance would not change the width of the road. He stated this variance would make everything the same as the previous Phases. He stated the future Phases of the subdivision will continue north so he will not need the variance. Upon inquiry from Chairman Mink, Mr. Martens stated without the variance, the houses would be pushed back three feet from lining up with the other homes. Upon inquiry from Commissioner Schroeder, Mr. Martens stated the homes will be the same size but the lots will be a little smaller with the variance. Upon inquiry from Commissioner Schroeder, Mr. Martens stated this is the last Phase in this alignment. He stated he has development rights to the property directly to the north of the property. Upon inquiry from Commissioner Schroeder, Mr. Martens stated he could develop the property to the west but there would need to be a wastewater trunk line from the west. He stated if it was developed, he would continue the roads.

Testimony in Favor: None

Testimony in Neutral: Lupita Espinoza, 432 20th Avenue East, inquired if they would be building homes behind her house. Ms. Clark stated the next hearing will be for the Subdivision where they would be addressing those questions.

Testimony in Opposition: None

There being no further testimony, Chairman Mink closed the public hearing at 12:20 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Marten's report, 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. The proposed lots are located in an area zoned as R-1 in the city of Jerome.
- B. The R-1 zone pursuant to Title 17 of the City of Jerome Municipal Code requires setbacks , regardless of use, as follows: Front- 25', Rear 20', Interior Side 7' and Side street 15' with a minimum Lot area of 6,250.00 sq feet.
- C. The purpose of the variance is to reduce the right of way from 56' to 50' to create conformity within the existing subdivision and consistent with Phases 1, 2 and 3 of the subdivision.
- D. Variances are typically granted when the applicant proves undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest. It does not appear the variance would be in conflict with the public interest.
- E. The application notes the variance would not change the width of the road.
- F. The applicant notes the homes would be the same size but the lots will be a little smaller with the variance.
- G. The variance would allow for all the homes to line up without having the homes 3 feet back from the homes in the other Phases of the subdivision
- H. The application and the requested variance will not confer any special privileges upon the applicant.

II. Conclusions

- A. The application is consistent with development standards and objectives for R-1 Zone.

- B. Not granting the variance as requested in the application would result in an unnecessary hardship—as referenced in Title 17 of the City of Jerome Municipal Code—to the applicant.
- C. This variance is granted and contingent upon the following:
 - a. Applicant shall receive any and all required building department and/or fire department permits and inspections; and
 - b. Applicant shall conform with all city, state and federal requirements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of February, 2020, in support of the decision of the Planning and Zoning Commission on the 25th day of February, 2020, to approve the application for a variance is hereby made final this 11th day of February, 2020, subject to appeal by an interested party within the prescribed period under Idaho law.

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

- F. Consider/Approve Findings and Facts for Tensco, Inc., c/o Gerald Martens, for approval on a preliminary plat for Stoney Ridge Subdivision Phase 4, described as a portion of N2 SE 4, Section 7, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more commonly known as the westernmost portion of 21st and 22nd Avenues East, approximately 366 feet west to the City limit boundary and approximately 500 feet south containing approximately 4.19 acres.

FINDINGS AND CONCLUSIONS ON PUBLIC REVIEW OF THE SUBDIVISION PLAT APPLICATION SUBMITTED BY GERALD MARTENS FOR THE APPROVAL ON A PRELIMINARY PLAT FOR STONEY RIDGE SUBDIVISION PHASE 4, LOCATED IN A PORTION OF N2 SE4, SECTION 7, TOWNSHIP 10 SOUTH, RANGE 17 EAST, BOISE MERIDIAN, JEROME COUNTY, IDAHO.

A public review was held, pursuant to notice, commencing at approximately 7:21 p.m. on Tuesday, February 11, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho, on the subdivision preliminary plat of Stoney Ridge Subdivision Phase 4, with respect to a parcel of real property described as follows:

(See complete legal description attached hereto as Exhibit A)

The gross area contained in this platted land as described is 4.19 acres.

The review began with a staff report from City Planner, Ida Clark. Ms. Clark stated the property in question, described as a portion of N2 SE 4, Section 7, Township 8 South, Range 17 East, Boise Meridian, Jerome County, Idaho, more commonly known as the westernmost portion of 21st and 22nd Avenues East,

approximately 366 feet west to the City limit boundary and approximately 500 feet south containing approximately 4.19 acres more or less, is currently zoned Residential 1 (R-1). The proposed project, a sixteen (16) lot residential subdivision with a seventieth (17) lot designated as stormwater retention, requires a preliminary plat recommendation from the Planning and Zoning Commission. Ms. Clark stated the setbacks were previously discussed in the first public hearing and the variance for the front setback was approved. The maximum height of 35' and the minimum lot size of 6,250 square feet.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use, Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; and Objective 6 – Developing a variety of densities that support mixed land use. Ms. Clark also stated the application meets the following objectives within Chapter Thirteen – Housing, Objective 3 - Encourage residential developments that are well planned and encourage the development of various housing types to meet the needs of the citizens of Jerome.

As pertains to Title 16 of the Jerome Municipal Code (JMC), Ms. Clark reviewed the Subdivision – Preliminary Plat Criteria with the commission. She stated the applicant met with the City Engineer and the City Planner to discuss the proposed project. The applicant has provided proof of ownership. The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. The application was deemed complete and scheduled for the next available meeting date which would allow staff to review the application, take comments from other agencies and properly notice for the public hearing. Ms. Clark stated she sent a notice regarding the proposed subdivision, to the following agencies: Idaho Power, Intermountain Gas, School District, Jerome County, North Side Canal Company and the Post Office. No comments were received from the above agencies. She also stated she sent the application to City Departments including Building, Engineering, Fire, Water and had the following comments: Local street right-of-way (ROW) for North Davis St., 21st and 22nd Avenues will need to be at 56' per design standards or a variance, which was approved in the previous public hearing at tonight's meeting. Mailed notice was sent to adjacent property owners on January 10, 2020 with a public hearing continuation notice sent on January 24th, 2020. Ms. Clark noted this is a review of a seventeen (17) lot preliminary plat only. Further development of Stoney Ridge Subdivision will require submission of new preliminary and final plats; unless, a preliminary plat including all proposed phases is submitted for review.

The Commission will meet on February 11, 2020 to discuss the proposed preliminary plat and discuss how the findings have been met and follow the procedures outlined above to approve or deny the application. The applicant shall have one year to file and obtain the certification of the acceptance of the final plat

application by the administrator within one year after action by the commission. The minimum lot size requirement is 6,250 square feet. As proposed, all lots meet the minimum lot size for the zone. The project will extend 21st and 22nd Avenues to the western most boundary of City limits. The plat also proposes to build North Davis St. As proposed, the streets have been designed with a 50' ROW, which will need to be increased to 56'. The application notes all streets will be dedicated to public use and be constructed to meet City standards. The streets are located accordingly to serve all proposed lots. The streets meet the required horizontal and vertical geometry and minimum and maximum grades. The streets line up the City's Grid System and will be a continuation of 21st and 22nd Avenues with the continuation of North Davis St. The streets meet the requirements for angle, sight triangle and vertical alignment. The application does not propose any alleys due to the configuration of the lots and the street layout. The application material propose a 10' utility easement on all front property lines. Additionally, the materials show a 10' easement on the rear property lines. Water and sewer models will need to be prepared before Will Serve letters can be issued. As proposed the sewer will run along the southeast portion of a county parcel located at 122 North Road through an easement. This will allow the sewer to tie in on the western portion 20th Ave East. The easement agreement has been included with the application. The materials show the retention pond on the southwest corner of the development in Lot 9. Stormwater retention/detention has been calculated to meet City of Jerome requirements. The development will continue with 5' wide sidewalks and rolled curb.

If approved, Ms. Clark recommended the following conditions: Comply with all City of Jerome Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County; and Comply with all City, State and Federal Requirements.

Following Ms. Clark's testimony and staff review, Mr. Martens, the applicant and representative of the project, testified. Mr. Martens stated this is the final phase of the western side of the development. He stated this is the final phase of the extension of the subdivision as it will reach the city limits. He stated the next phases will be to the north of this property. Mr. Martens spoke about the stormwater retention area and stated the water has always collected in that area but they will landscape it. He stated the roads will continue through to promote connectivity. Mr. Martens briefly explained the wastewater connection plan. He continued everything will be the same as the previous phases regarding the house size, lot size, and CC&R's. Mr. Martens explained they are proposing to phase this development. He stated they will develop the most south lots and move to the west. He explained the house market has been about 10 to 14 houses a year in the subdivision. He stated they would like to begin this spring starting on 21st Street. He would like to build around 8 to 10 homes this year. Mr. Martens pointed out the retention pond that

would be on the most south west portion of the property. He stated they would shape, clean out and grade the retention pond for proper maintenance. He also pointed out where the retention pond was in relation to homes located on the northwestern portion of 20th Ave East.

No other testimony in favor of the preliminary plat was offered. No testimony in opposition to the preliminary plat was offered. No neutral testimony was offered. The hearing was closed at 7:32 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the preliminary plat application, Ms. Clark's report, 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. The subdivision preliminary plat as presented is consistent with Chapter 3, Objective 1 and 6, and Chapter 13, Objective 3 of the Comprehensive Plan as described in Ms. Clark's report. No evidence contradicting Ms. Clark's report was presented. And, the project, as described by Ms. Clark and by Mr. Martens does in fact appear to promote the objectives and policies of the Comprehensive Plan in the manner described by Ms. Clark.
- B. Based on the Staff Report and based on Mr. Marten's testimony regarding the sewer and his assurance to follow engineering requirements for the sewer and water for the proposed subdivision, the Commission finds that there is availability of public services to accommodate the proposal.
- C. The Commission finds that based on the representations of Ms. Clark, the capital improvement program of the City is not implicated by this project.
- D. Again, based on the assurances by Mr. Martens and Ms. Clark that the costs of bringing any required utilities, water and sewer to the parcels being born by the subdivider, the public is financially capable of supporting services for the proposed development.
- E. The Commission heard no evidence from any person at the hearing that would suggest there are other health, safety or environmental problems that would prevent the approval of the preliminary and final plat as presented.

II. Conclusions

- A. The proposed preliminary plat is in accordance with and satisfies the requirements of Title 16. Chapter 16 of the Jerome Municipal Code.
- B. The preliminary plat is approved on the following conditions:

- (1) comply with all City of Jerome Comply with all City of Jerome Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements;
- (2) a final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County when the final plat is presented, Mr. Martens will provide additional information regarding the ownership and maintenance of the storm water collection basin; and
- (3) comply with all City, State and Federal Requirements submit a final plat for approval to the City Council prior to recording the plat with the County.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of February, 2020, in support of the decision of the Planning and Zoning Commission on the 25th day of February, 2020, to approve the application for a preliminary plat is hereby made final this 11th day of February, 2020, subject to appeal by an interested party within the prescribed period under Idaho law.

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

Commissioner McEntarffer made a motion to approve the consent agenda.

Second to the motion by Commissioner King and carried.

Commissioner Schroeder inquired if Ms. Clark had found out who would be maintaining the retention pond or if the Commission needed to worry about it. Ms. Clark stated in the Findings of Facts, there is a condition regarding the retaining pond. She stated the City Council will review the final plat. The Council will hear the recommendation from Planning and Zoning Commission regarding who will be responsible for upkeep of the retention pond.

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

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark went over the next few meetings with the commission. She stated the next regular meeting will be held on March 10th and there is another special meeting on March 16th. Both will be held at 7:00 p.m. She stated they will be asking to have Paul Johnson appointed to the Planning and Zoning Commission at the City Council meeting on March 3rd. Ms. Clark reminded everyone they will continue to send out emails, text, and phone calls to remind everyone of the upcoming meetings. Upon inquiry from Commissioner King, Ms. Clark stated the commission will need plan on both meetings for each month. She stated there may be a few months with holidays where they will not hold the second meeting. Mr. Larsen reminded the Commission if they deny a Special Use Permit, the Findings of Facts must be presented within 14 days.

There being no further discussion, Chairman Mink closed this special meeting at 6:59 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary