

Planning & Zoning Meeting  
April 28<sup>th</sup>, 2020

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m.

Due to Governor Little's Stay Home Order, the meeting was held by teleconference. Council Chambers were closed to the public; the video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by commissioners and other speakers addressing the commission, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the City's website.

Present were Chairman Rod Mink, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. Commissioner Jeff Schroeder, Commissioner Bill Allred, and Commissioner Dave Holley were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Chairman Mink opened the public hearing at 7:01 p.m.

**PUBLIC HEARING** for a request from Alexander Barton for a Special Use Permit allowing six (6) chickens, on the property known as Lot 8 Block 1 Thompson Subdivision SE 24-8-16, more commonly known as 1030 South Date Street, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 1030 South Date Street, in Jerome, is currently zoned Residential 3 (R-3). 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 reminded the commission chicken manure is considered a public nuisance and would need to be properly taken care of.

Regarding the Generals Standards for Special Uses, Ms. Clark stated, the Planning and Zoning Code allows up to six chickens in the R-3 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 chickens will be kept in a coop in their backyard. They would like to utilize a current dog run and build a coop that will be placed at least 3 feet from the house. The application states the chickens will not be allowed to run free in the backyard. The application states no, it will not be hazardous and disturbing to the neighboring uses. 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 request chickens for their family. The chickens will have a proper sized coop and enclosure. Chickens will need to be properly maintained as to not create 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.

If approved, Ms. Clark recommended the following conditions: 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 two (2) years, renewable upon expiration.

Applicant Testimony: Alexander Barton, 1030 South Date, testified, they wanted chickens to have their son get experience with taking care of pets. He stated his son has always liked farm animals. He stated they wanted their son to have the experience of having farm animals at his house instead of going to a friend's house. Commissioner McEntarffer, Commissioner King, and Commissioner Johnson all had no concerns at this time. Chairman Mink inquired about the setbacks of the property. Mr. Barton stated he understood about the setbacks and when he sent in the diagram, he also sent an email that stated if they needed to, they would move the run but they were just going to leave the run where it is currently was because the grass is already dead. He stated if they need to, they have plenty of room in the backyard to move the coop. Chairman Mink stated the run is okay but the coop would need to be moved to meet the setbacks. Mr. Barton stated he would be able to move the coop.

Testimony in Favor: Ms. Clark read the following letters on the record:

Luke Rummell

1025 South Date Street, Jerome, Idaho

The folks who are applying for this have been great neighbors. I do not see any reason why these folks cannot be approved.

Dated April 14, 2020

Testimony in Neutral: Ms. Clark read the following letters on the record:

Sherri Schmidt

1035 South Date St, Jerome

I don't have a problem with this, as long as he keeps the coops cleaned and the smell down.

Dated April 17, 2020

Testimony in Opposition: Ms. Clark read the following letters on the record:

Veda K. Weaver

425 W Ave J Jerome, Idaho

I feel if they want farm animals they should live in the country.

Dated April 17, 2020

Sheila Harmon

1009 S. Cedar St, Jerome

If a person wants chickens then they should move out on the countryside. Chickens lead to getting a rooster and never being contained at only 6. There are four other residences in this subdivision where there are chickens and roosters. This is a nice subdivision lets stick to domestic dogs and cats only. If someone wants to contact me, I will be happy to show you the 4 residences mentioned above.

Dated April 18, 2020

Timothy James Peterson

1031 South Cedar Street, Jerome, Idaho

My issues are as follows: Personal, I am a 14 year veteran of the US Army and I have been diagnosed with PTSD in 2015. (Idaho State Hospital South)

- 1) constant noises, A PTSD trigger
- 2) smells, we all live very closely, health concerns
- 3) other animals, mainly other dogs are going to bark because of different animal species.
- 4) Disgruntled citizens in the past have (voiced) for law and order, and those calls have been ignored by city officials. Negative consequences!

Dated April 13, 2020

Rebuttal testimony: Alex Barton, testified, he will maintain the run and coop regarding the smell. He stated this is for his son to raise chickens and wants his son to help maintain the coop. He stated he understands there are only six chickens allowed and there will not be any roosters. He stated they do not want roosters. He stated they will maintain the smell and odor as they do not want that in their backyard either.

There being no further testimony, Chairman Mink closed the public hearing at 7:15 p.m.

**CONSIDER** a request from Alexander Barton for a Special Use Permit allowing six (6) chickens, on the property known as Lot 8 Block 1 Thompson Subdivision SE 24-8-16, more commonly known as 1030 South Date Street, Jerome, Idaho— action item

Chairman Mink went over the General Standards of a Special Use Permit with the commission. Commissioner McEntarffer clarified the setbacks regarding the property lines and houses. Chairman Mink stated the setbacks are in regards to property lines. Ms. Clark stated it is preferred to not have the coop connected to the house. Chairman Mink clarified where the neighbor's addresses were who submitted written testimony in relation to the applicant.

Commissioner King made a motion to approve a request from Alexander Barton for a Special Use Permit allowing six (6) chickens, on the property known as Lot 8 Block 1 Thompson Subdivision SE 24-8-16, more commonly known as 1030 South Date Street, Jerome, Idaho with the following conditions: 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 two (2) years, renewable upon expiration.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink opened the public hearing at 7:23 p.m.

**PUBLIC HEARING** for a request from Steven Fitkin for a Special Use Permit allowing six (6) chickens, on the property known as Lots 11 & 12, Block 140 JT NW 19-8-17, more commonly known as 428 East Avenue F, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 428 East Avenue F, in Jerome, is currently zoned Residential 2 (R-2). 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 reminded the commission chicken manure is considered 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-2 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 chickens are kept in a coop in their backyard. The chickens have an enclosed coop and a large, fenced area for roaming in the backyard. The application states no, it will not be hazardous or disturbing to the neighboring uses. It is noted the applicant has had chickens for at least a year or more and were unaware of the requirement to have a permit. The applicant is applying after Code Enforcement spoke with them about the city code not due to a complaint. 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. The chickens have a proper sized coop and enclosure in the backyard. Chickens will need to be properly maintained as to not create 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.

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 two (2) years, renewable upon expiration.

Applicant Testimony: Steve Fitkin, 428 East Avenue F, testified he has three children and wants the chickens for a learning opportunity. He stated they like to have the eggs. He stated they spoke with the adjacent neighbors and they have not had any complaints. They have plenty of room to roam if they get a little chatty. Commissioner King inquired what the containment

consists of. Mr. Fitkin stated they have a chain link fence or a welded wire fence that contains the chicken. He stated the coop is on the north side of the shed in the picture. He stated the chicken's wings are clipped. Ms. Clark stated Code Enforcement noticed the chickens from the alley and they were in their containment area. Commissioner McEntarffer inquired if the coop had met the setback requirements. Mr. Fitkin stated the setback requirements were met.

Testimony in Favor: Ms. Clark read the following letters on the record:

Juan M Fregoso  
413 E Ave F, Jerome, Idaho 83338

Selected they supported the application and no other comments were provided.  
Dated April 19, 2020

Berdell Lesneneski, Guardian for Vaudis Jenkins  
404 East Ave E, Jerome, ID 83338

Selected they supported the application and no other comments were provided.  
Dated April 15, 2020

Neal L Biggs  
606 South Eisenhower Street, Jerome, Idaho 83338

Selected they supported the application and no other comments were provided.  
Dated April 21, 2020

Ronald and Georgia North  
701 S Davis St, Jerome, ID 83338

Selected they supported the application and no other comments were provided.  
Dated April 14, 2020

Ms. Clark stated she did receive one phone call with the following information:

I had both Billy Joe and Darlene Johnson, 421 East Ave E, Jerome, ID call on the phone and give their support for Fitkin's application for chickens. They both stated they enjoy chickens and do not mind them at all.  
Dated April 14, 2020

Testimony in Neutral: Ms. Clark read the following letters on the record:

Ephriam D Hansen  
800 South Davis St, Jerome

In the long run I really don't think they should be allowed within the city limits  
Dated April 15, 2020

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:32 p.m.

**CONSIDER** a request from Steven Fitkin for a Special Use Permit allowing six (6) chickens, on the property known as Lots 11 & 12, Block 140 JT NW 19-8-17, more commonly known as 428 East Avenue F, Jerome, Idaho— action item

Chairman Mink went over the General Standards for Special Uses with the commission. Commissioner King, Commissioner McEntarffer, Commissioner Johnson all had no concerns or comments. Chairman Mink stated the containment area for the chickens is considerably larger than most areas.

Commissioner King made a motion to approve a request from Steven Fitkin for a Special Use Permit allowing six (6) chickens, on the property known as Lots 11 & 12, Block 140 JT NW 19-8-17, more commonly known as 428 East Avenue F, Jerome, Idaho, with 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 two (2) years, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink opened the public hearing at 7:36 p.m.

**PUBLIC HEARING** for a request from Robert and Crystal Hunter for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7 Block A-176 JT NE 19-8-17, more commonly known as 812 South Fillmore, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 812 South Fillmore, in Jerome, is currently zoned Residential 2 (R-2). 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 reminded the commission chicken manure is considered 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-2 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 states the chickens will be kept in an enclosed chicken wire run and hutch to keep them contained within their backyard. It is noted there is pasture behind them with horses. The application states no as they cannot keep any roosters and the chickens will be maintained in a coop. 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. The application request chickens for their family to have eggs. Chickens will need to be properly maintained as to not create 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.

If approved, Ms. Clark recommended the following conditions: 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 two (2) years, renewable upon expiration.

Applicant Testimony: Robert Hunter, 812 South Fillmore, testified, they would like to have a couple chickens to have eggs. Mr. Hunter stated he understood the requirements in regards to a coop and a chicken run. Upon inquiry from Commissioner King, Mr. Hunter stated the chickens would be inside the run. He stated he locks the chickens in at night and the enclosure will be covered. Commissioner McEntarffer and Commissioner Johnson had no questions.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:44 p.m.

**CONSIDER** a request from Robert and Crystal Hunter for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7 Block A-176 JT NE 19-8-17, more commonly known as 812 South Fillmore, Jerome, Idaho – action item

Chairman Mink went over the General Standards for Special Uses with the commission.

Commissioner McEntarffer made a motion to approve a request from Robert and Crystal Hunter for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7 Block A-176 JT NE 19-8-17, more commonly known as 812 South Fillmore, Jerome, Idaho, with the following conditions: 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 two (2) years, renewable upon expiration.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

**Discussion- Special Use Permit Chart and Definitions**

Ms. Clark went over the following items with the commission:

### **17.10.040: SCHEDULE OF DISTRICT USE REGULATIONS:**

District regulations shall be as set forth in the official schedule of district regulations, in the performance standards in chapter 17.18 of this title, and as otherwise provided within this Code. The official schedule of district regulations is divided into five (5) land use groups: agricultural, residential, commercial, industrial, and public/semipublic. To determine in which district a specific use is allowed:

- A. Find the use in one of the land use groups;
- B. Read across the chart until either "P" or "S" appears in one of the columns; and
- C. If "P" appears, the use is an allowed use; if "S" appears, the use is only allowed upon the issuance of a special use permit and/or a development agreement upon rezone to an MU or BP zoning designation; if no letter appears the use is prohibited.

~~The Administrator shall interpret the appropriate district for land uses not specifically mentioned by determining the district in which similar uses are permitted. If the Administrator determines that a proposed use is not specifically mentioned and is not similar to any specifically mentioned use the Administrator shall determine that the use is prohibited. When several combined land uses exist, or are proposed, the most intensive land use shall be considered as the primary activity. (Ord. 1070, 2010)~~

If a proposed use of property is not specifically listed in 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:

- (1) The impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the uses listed in the applicable base districts as allowed;
- (2) The proposed use shall not involve a higher level of activity or density than one or more of the uses listed in the applicable base districts as allowed;
- (3) The proposed use is consistent with the purpose of the district in which the use is proposed to be located; and
- (4) The proposed use is in substantial conformance with goals and objectives of the comprehensive plan.
- (5) Should the use be determined equivalent to a use that requires a conditional use permit, the application shall be required to follow the procedures set forth for conditional use permits.

Ms. Clark stated this additional language states if there is a use that comes in, that is not addressed on the use table, this would give her the opportunity to see if the use would fit in the zone,. Then it could be brought before the commission for a Special Use permit. She stated this helps if an application for a use is not listed in the table but is similar to another use, she could better assist the applicants.

Land Uses	Zoning Districts													
	R-1	R-2	R-3	R-M	C-1	C-2	C-3	CBD	M-1	BP	M-2	PS	MU	
Apartment			P	S	S	S	S	S					S	
Boarding or lodging house or dormitory				S				S					S	
Multi-family dwelling (up to 4 units) Dwelling - Group			P S	P S	S	S		S					S	
Dwelling Multi-Family Multi family residential dwellings (5-8 units)			P	P	S	S								
Dwelling Single-family dwelling	P	P	P	P	S			S					S	
Dwelling Two-family (duplex) dwelling		P	P	P	S			S					S	

**17.14.010: OFFICIAL SCHEDULE OF DISTRICT REGULATIONS:**

**17.03.270: DWELLING UNIT:**

Space within a dwelling comprising living, dining, sleeping room or rooms and storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees. (Ord. 1070, 2010)

- 1. GROUP:** A structure used for long term living, eating and sleeping accommodations. The use includes boarding, lodging, dormitories, and halfway houses.
- 2. MULTI-FAMILY:** A structure, or portion thereof, that contains three (3) or more dwelling units including apartment houses, town-houses and condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.
- 3. SINGLE FAMILY:** A detached structure that accommodates a single dwelling.
- 4. TWO-FAMILY (DUPLEX):** A structure containing two (2) dwelling units attached by a common wall, where both dwelling units are located on the same property and designed for two (2) households living independently of each other.

Ms. Clark stated in a previous meeting that was held, there was a request for a rezone from C-2 (General Business) to CBD (High Density Business) where the Commission recommended approval of the rezone. She continued that application was denied by the City Council due to the council believing the application was not in compliance with the Comp Plan in regards to setbacks in the CBD zone. She stated the commission had discussed the setbacks in length. She also stated the Council recommended the Commission review where Group homes are allowed and recommended they be allowed in the C-2 zone by Special Use. Ms. Clark went over the dwelling unit chart and definitions. She stated the biggest change would be allowing Dwelling-Group Homes by Special Use in the C-2 and CBD zones along with Multi-Family Dwelling by Special Use in C-2. Ms. Clark stated if the commission was in agreeance, she would bring back to them in ordinance form at the next meeting. Commissioner McEntarffer stated he agreed to move the language up but that he had some concerns with an empty building. Ms. Clark stated the property from the previous application is currently being rented out as apartments. Commissioner McEntarffer agreed to move forward in an ordinance. Commissioners King, Johnson and Chairman Mink also stated they would like to see it brought back before them.

### **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 March 10<sup>th</sup>, 2020 regular meeting, and the March 16<sup>th</sup>, 2020 special meeting.
- B. Consider/Approve Finding and Facts for Veronica Xander/Casa De Reyes, for approval of a Special Use Permit allowing six chickens, on the property described as Lot 12, Block 80, Jerome Townsite SW 18-8-17, more commonly known as 420 East Main Street, Jerome, Idaho.

### **FINDINGS AND CONCLUSIONS ON APPLICATION OF VERONICA XANDER/CASA DE REYES FOR A SPECIAL USE PERMIT ALLOWING SIX CHICKENS, ON THE PROPERTY LOCATED AT LOT 12, BLOCK 80, JEROME TOWNSITE SW 18-8-17, MORE COMMONLY KNOWN AS 420 EAST MAIN STREET, JEROME, IDAHO**

A public hearing on the application of Veronica Xander/Casa de Reyes concerning that parcel commonly known as 420 East Main Street, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:10 p.m. on Tuesday, March 10, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark stated the property in question, 420 East Main Street, in Jerome, is currently zoned Residential 2 (R-2). 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 according to the definition of Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-2 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 will be kept in a coop directly north, behind the home and will not be visible from the street. The applicant states no, it will not be hazardous and the manure will be used for fertilizing the grass areas on the property and other owned properties. The applicant also states the chickens and area will be cared for on a daily basis. Currently there are three dwellings located on this lot and there is a home directly to the west. 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. The application notes only six chickens will be kept and no roosters. The chickens will have a proper sized coop and enclosure. 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.

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.

Ms. Clark showed the Commission a picture of where the coop would be placed on the property. She stated she did not receive any phone calls or letters regarding the application.

Applicant Testimony: Veronica Xander, 420 East Main, Jerome, Idaho testified, stating she would like to move six (6) chickens to the house. She stated she would like to care for them at her house instead of going to another place to take care of them. She continued that they are using them for their own use in getting eggs. Upon inquiry from Commissioner Holley, Ms. Clark stated there are two other houses on the property. Ms. Xander stated the mobile home to the north of the house is currently vacant and is unsure when they will get tenants in to rent. She continued that the cottage, to the north of the mobile home, currently has tenants. Upon inquiry from Commissioner Holley, Ms. Xander stated they do not

currently have a fence but they are trying to get a fence for the front yard. She stated there will be a coop and also an enclosed chicken run. She continued the chickens will not be loose. Ms. Xander stated they have a dog and he does not bother the chickens but she is not sure about other dogs in the area.

Testimony in Favor: None.

Testimony in Neutral: None

Testimony in Opposition: Debbie Bragg, 404 East Main, Jerome, Idaho, testified this property is adjacent to another house with six (6) chickens. She stated there is no fencing for this property and it has various traffic from people and animals. She stated she does not think it is a good thing for where it is proposed. Ms. Bragg stated she is not sure if there is a limit of chickens per block. She does not think that it is a good thing as it will bring other animals to the area to hurt the chickens. Upon inquiry from Commissioner Holley, Ms. Bragg stated the fence would need to be sturdy as they have a lot of dogs that run through the area. She stated she loves animals and does not want them to get hurt. Upon inquiry from Commissioner Allred, Ms. Bragg stated she lives four (4) houses to the west of the property. Ms. Bragg stated the other residence that have the chickens have a fence and outbuildings to go into at night. Acting Chairman McEntarffer stated one of the requirements is to have a coop. Ms. Bragg stated that is why she is opposed because she thinks it would be too much for the area they have. She stated she grew up on a farm and understands how much room they need. Ms. Clark stated there is an approved special use permit for chickens across the alley from the applicant. She stated they have not received any calls or complaints on that permit.

Testimony in Rebuttal: Ms. Xander testified the chickens will be in an enclosed structure. She stated they already have the t-stakes and wood for the enclosure. She stated she understands the proper square footage for each chickens. Regarding the area having too many chickens, Ms. Xander stated she understood but did not know how to address the situation as she does not think there would be too many. Upon inquiry from Commissioner Allred, Ms. Xander stated the chickens will have a coop to go into at night and will have a fenced enclosure during the day. She stated the fence will be made out of pallets and thinks it will be very sturdy. Upon inquiry from Commissioner Holley, Ms. Clark stated there is not anything in the code requiring what the fence would be made out of; but if they stacked the pallets and it became a nuisance, they would need to address it at that time. Ms. Xander explained to the Commission how they would build the enclosure with the pallets. She explained they will have chicken wire over the top of the enclosure. Commissioner Schroeder suggested burying some wire in the ground to help deter dogs from digging. Commissioner Holley stated his concern is with not having a fenced in yard and having animals running around and not having a barrier deterring those animals.

There being no further testimony, Chairman Mink closed the public hearing at 7:24 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Xander 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 12, Block 80, Jerome Townsite SW18-8-17, more commonly known as 420 East Main Street, Jerome, Idaho is zoned Residential 2 (R-2), 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 (6) chickens in an R-2 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) laying hens on the subject property, which property is located in R-2 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 Veronica Xander/Casa de Reyes for a special use permit allowing six (6) laying chickens on that property located at 420 East Main Street, Jerome, Idaho 83338 subject to:
  - i. Current chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code;
  - ii. Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; and
  - iii. Special Use Permit shall be allowed for up to one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April , 2020, in support of the decision of the Planning and Zoning Commission on the 10<sup>th</sup> day of March, 2020 to approve the application as specified herein is hereby made final this 28<sup>th</sup> day of April, 2020.

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

- C. Consider/Approve Finding and Facts for Kurt Standley, for a zoning map amendment, changing the zone from Light Industrial (M-1) and Mixed Use (MU) to Light Industrial (M-1) on the property more commonly known as 642 Farmore Road, containing approximately 20.00 acres, more or less.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF  
KURT STANDLEY FOR A ZONING MAP AMENDMENT FROM  
LIGHT INDUSTRIAL (M-1) AND MIXED USE (MU) TO LIGHT  
INDUSTRIAL (M-1)**

A Public Hearing at the request from Kurt Standley for a zoning map amendment, changing the zone from Light Industrial (M-1) and Mixed Use (MU) to Light Industrial (M-1), on the parcel described as the following:

*(See full and complete legal description attached hereto)*

*Containing 20.00 +/- acres*

*More commonly referred to as 642 Farmore Road, Jerome, Idaho.*

(hereinafter referred to as the “Property”) was held, pursuant to notice, commencing at 7:26 p.m. on Tuesday March 10, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a brief background on the application. She stated the original parcel, approximately 9.45 acres, was annexed into the City and zoned Light Industrial on December 5, 2017. The parcel to the east is zoned Mixed Use. Mr. Standley is proposing a lot line adjustment that would create a northern and southern parcel as shown in the application. The current parcel is the location of Farmore of Idaho. In order to approve the lot line adjustment, one zone needs to be designated for the new parcel. The applicant has requested the zone of Light Industrial (M-1).

Ms. Clark went over the adjacent land use and zoning table with the commission. She stated the existing land use is as follows, to the north and south is bare land, to the east is county farmland and to the west is farmland/business. The existing zoning is as follows, to the north is Light

Industrial, to the south is Mixed Use and High Density Business, to the east is Area of City Impact Industrial, and to the west is High Density Business.

Ms. Clark stated the Comprehensive Plan Area of City Impact Land Use Map designates the current parcel as Industrial/Commercial surrounded by City Land Use Map Commercial to the East and Industrial to the North. Existing land use is currently light industrial.

Ms. Clark stated the parcels involved are currently zoned Light Industrial and Mixed Use. The proposed zone, Light Industrial, would permit uses like automotive and farm implement sales, automotive repair, convenience stores, dairy processing, warehousing and other uses.

Regarding the application, MS. Clark stated the Commission needs to determine if the request meets the following: Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available; including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights, There is no "taking" and the request does not require property owners to dedicate any portion of property or grant an easement; Chapter 3, Land Use, 3.1.3 Industrial Land Uses; NOTE: The Commission must consider that if the proposed rezone is approved, it must comply with Chapter 3, Objectives 5 and 6. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use"; and with Chapter 7, Economic Development, Objective 1, "Provide an environment that encourages expansion of existing business and the attraction of new jobs to the community."

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated there is vehicular access from Farmore road. At this time, the parcel is served by a well and septic system. As services become available it will be reviewed, but at this time there is no demand.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated the area has been developing with like businesses. There is bare land surrounding the parcel that is currently farmed. A designation of light industrial appears to be compatible with surrounding uses.

Ms. Clark stated the current use, farm implementation sales and fabrication, is permitted in the Light Industrial zone and Title 16 has no bearing on this request.

Ms. Clark showed the commission the area on the map where the rezone is proposed. Discussion was held on where the property is located and what they are currently using the property for.

Applicant Testimony: Bert Novak, 115 North Star Ave, Twin Falls, testified he is representing Kurt Standley, Land surveying from JUB, stated they are wanting to do a lot line adjustment and they can only have one zone per parcel. Ms. Clark stated they are proposing two parcels and they will also hold a separate public hearing for the southern parcel. Upon inquiry from Commissioner Schroeder, Ms. Clark stated the city allows septic and wells in the city but if they are within 150 feet from sewer, they have to connect once their system fails. She stated they are well beyond the required feet. Upon inquiry from Commissioner Allred, Ms. Clark stated the proposed zone allows them to continue their business and give them an opportunity to expand. Discussion was held on what other uses would be allowed on the proposed zone.

Testimony in Favor: None.

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, Ms. Clark's report, and the other documents and material in the file, enters its findings and conclusions as follows:

**I. Findings**

- A. The Property in question is currently zoned Light Industrial (M-1) and Mixed Use (MU).
- B. The Application seeks to amend the Property to be zoned Light Industrial (M-1).
- C. The Property in question is surrounded by the following land use/zoning: to the north and south is bare land, to the east is county farmland and to the west is farmland/business. The existing zoning is as follows, to the north is Light Industrial, to the south is Mixed Use and High Density Business, to the east is Area of City Impact Industrial, and to the west is High Density Business.

- D. Rezoning M-1 and MU to M-1 would be harmonious with the surrounding property. Further in order to approve the lot line adjustment, one zone needs to be designated for the new parcel.
- E. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.
- F. City departments including Building Department, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

## **II. Conclusions**

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Kurt Standley for the Property described above, from Light Industrial (M-1) and Mixed Use (MU) to Light Industrial (M-1) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020, in support of the decision of the Planning and Zoning Commission on the 10<sup>th</sup> day of March, 2020 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 28<sup>th</sup> day of April, 2020.

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

- D. Consider/Approve Findings of Facts for Kurt Standley, for a zoning map amendment, changing the zone from High Density Business (C-3) and Mixed Use (MU) to High Density Business (C-3) on the property more commonly known 415 Farmore Road, containing approximately 14.08 acres, more or less.

### **FINDINGS AND CONCLUSIONS ON APPLICATION OF KURT STANDLEY FOR A ZONING MAP AMENDMENT FROM HIGH DENSITY BUSINESS (C-3) AND MIXED USE (MU) TO HIGH DENSITY BUSINESS (C-3)**

A Public Hearing at the request from Kurt Standley for a zoning map amendment, changing the zone from High Density Business (C-3) and

Mixed Use (MU) to High Density Business (C-3), on the parcel described as the following:

*(See full and complete legal description attached hereto)*

*Containing 14.08 +/- acres*

*More commonly referred to as 415 Farmore Road, Jerome, Idaho.*

(hereinafter referred to as the “Property”) was held, pursuant to notice, commencing at 7:39 p.m. on Tuesday March 10, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a brief background on the application. She stated the original parcel, approximately 14.08 acres is zoned both High Density Business and Mixed Use. Mr. Standley is proposing a lot line adjustment that would create a northern and southern parcel as shown. The current parcel is bare land. In order to approve the lot line adjustment, one zone needs to be designated for the new parcel. The applicant is requesting the zone of High Density Business (C-3).

Ms. Clark went over the adjacent land use and zoning table with the commission. She stated the existing land use is as follows, to the north is light industrial, to the south and east is country farmland and to the west is commercial. The existing zoning is as follows, to the north is Light Industrial/High Density Business, to the south and east is Area of City Impact Industrial, and to the west is High Density Business.

Ms. Clark stated the Comprehensive Plan Land Use Map designates the current parcel Commercial surrounded by Comprehensive Plan Area of City Impact Land Use Map Industrial/Commercial. The Land Use Map designates Commercial to the East and Industrial to the North. The existing land use is bare.

Ms. Clark stated the parcel involved is currently zoned High Density Business and Mixed Use. The proposed zone, High Density Business, would permit uses like automotive body shops and repair, convenience stores, equipment rental and sales, storage units and other uses as detailed in 17.14.010 of the JMC.

Regarding the application, Ms. Clark stated the Commission needs to determine if the request meets the following: Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available; including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights; Chapter 3, Land Use, Objective 6, "Developing a variety of densities that support a mixed land use." As previously noted, Ms. Clark stated there are no single-family neighborhoods in the area. She also stated the request is also in accordance to Chapter 7, Economic Development, Objective 2.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated they also have access from Farmore road. At this time, there is no access to water or sewer services. As services become available it will be reviewed, but at this time there is no demand.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated this area has begun to develop over the last year with different businesses. This area is surrounded by County farmland, bare land, and other business allowed in a High Density Business zone. A designation of High Density Business appears to be compatible with surrounding uses.

As pertains to the creation of non-conforming uses, Ms. Clark stated there will be no creation of non-conforming uses as this is bare land.

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

Ms. Clark stated the property owner is looking at permitted uses in that zone. She stated businesses that are in the area are truck parking and hydraulic sales. Upon inquiry from Commissioner Holley, Ms. Clark stated there was a vacation of a piece of property that was connected to the plat. She stated there were some lot line adjustments that were also completed and this was an oversight. Commissioner Allred stated he has some concern regarding zoning allowing certain violations regarding toxic waste and garbage. Extensive discussion was held on uses that are allowed, nuisance code for the city, potential hazardous uses in the zones, and following federal, state and local laws

Applicant Testimony: Bert Novak, 115 North Star Ave, Twin Falls, previously sworn in, testified they want to make the zoning contiguous. He stated this is a very big parcel and may need to subdivide it.

Testimony in Favor: None.

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, Ms. Clark's report, and the other documents and material in the file, enters its findings and conclusions as follows:

**I. Findings**

- A. The Property in question is currently zoned High Density Business (C-3) and Mixed Use (MU).
- B. The Application seeks to amend the Property to be zoned High Density Business (C-3).
- C. The Property in question is surrounded by the following land use/zoning: to the north is light industrial, to the south and east is country farmland and to the west is commercial. The existing zoning is as follows, to the north is Light Industrial/High Density Business, to the south and east is Area of City Impact Industrial, and to the west is High Density Business.
- D. Rezoning C-3 and MU to C-3 would be harmonious with the surrounding property. Further in order to approve the lot line adjustment, one zone needs to be designated for the new parcel.
- E. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.
- F. City departments including Building Department, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

**II. Conclusions**

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Kurt Standley for the Property described above, from High Density Business (C-3) and Mixed Use (MU) to High Density Business (C-3) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020, in support of the decision of the Planning and Zoning Commission on the 10<sup>th</sup> day of March, 2020 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 28<sup>th</sup> day of April, 2020.

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

- E. Consider/Approval Findings of Facts for Jerome School District #261, for a zoning map amendment, changing the zone from Residential 1 (R-1) to Public/Semi Public (PS) on the property described as Tax 16, Block A-218, Jerome Townsite NE 18-8-17, Jerome, Idaho, more commonly known as the most eastern bare lot behind 1118 Olympia Drive, containing approximately .22 acres.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF  
JEROME SCHOOL DISTRICT #261 FOR A ZONING MAP  
AMENDMENT FROM RESIDENTIAL 1 (R-1) TO PUBLIC/SEMI-  
PUBLIC (PS)**

A Public Hearing at the request from Jerome School District #261, for a zoning map amendment, changing the zone from Residential 1 (R-1) to Public/Semi-Public (PS) on the property described as Tax 16, Block A-218, Jerome Townsite NE 18-8-17, Jerome, Idaho, more commonly known as the most eastern bare lot behind 1118 Olympia Drive, described as follows:

*(See full and complete legal description attached hereto)*

*Containing 0.22 +/- acres*

(hereinafter referred to as the “Property”) was held, pursuant to notice, commencing at 7:02 p.m. on Tuesday March 16, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a brief background on the application. She stated 1118 Olympia Drive was purchased by Habit for Humanity of the Magic Valley. The lot is rectangular and approximately half of an acre. Habit for Humanity built a home on the west portion of the lot. They would like to do a lot line adjustment and deed approximately .22 acres of the east portion of the lot to the Jerome School District. The application states the School District plans to expand the Kindergarten class rooms. The rezone would allow them to then extend the play area and/or place a small storage building on this lot for storage of play equipment. They intend to clean up the lot and fence it in along with the new fencing for the existing play area.

Ms. Clark stated the existing land use to the north, south and west are single family homes zoned Residential 1 and to the east is an elementary school zoned Public/Semi-Public.

Ms. Clark stated the Comprehensive Plan Land Use Map designates this lot as Residential Medium with Public immediately to the east. Existing land use is large lots with single family homes and one elementary school, kindergarten class, community park and baseball fields.

Ms. Clark stated the parcel involved, as described above, is currently zoned Residential 1 (R-1). The proposed zone, Public/Semi-Public (PS), would permit uses such as: park and recreation facilities, schools, libraries, and other uses as detailed in 17.14.010 of the JMC.

As required by 17.80.040, GENERAL PROCEDURES FOR AMENDMENTS, Ms. Clark stated the application for a rezone shall be reviewed by the Commission to determine if the request: (1) Is it in accordance with the Comprehensive Plan; (2) Will it create a demand for public infrastructure that is not currently available; (3) including municipal sewer and water services; (4) Is compatible with the zoning uses in the surrounding areas; and (5) No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights, There is no "taking"; Chapter 3, Land Use, "To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities. To provide coordinated, efficient and cost effective public facilities and utility services"; It is also in accordance with Chapter 3, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities."

As pertains to the Comprehensive Plan, Ms. Clark reminded the Commission to consider Chapter 3, Section 4, "Land Use Component"; "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." It should be noted that other school locations like Jefferson and Horizon are surrounded by single-family neighborhoods.

She continued the application is in compliance with Chapter 11, School Facilities, Objective 2 "Encourage schools to be sited within city limits in order to be cost-effective for city services". The proposal allows the school to expand within the city limits and by fencing in the area students will be within a secured area during their time outside.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Clark stated the rezone request for this parcel will not require any infrastructure that is not currently available.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated the property in question is adjacent to residential areas to the north, south and west with the elementary school located to the east. It appears that the proposed zone change to Public/Semi-Public (PS) would be compatible with the surrounding areas. This is a small parcel that would allow the already existing Kindergarten class rooms to expand.

As pertains to the creation of non-conforming uses, Ms. Clark stated the parcel is currently undeveloped and the proposed use is permitted; therefore, a rezone would not create any non-conforming uses.

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

Ms. Clark stated she received the following comment from the Irrigation Department: Access to irrigation would need to be maintained. The City Water Supervisor met with Dale Layne to review the irrigation pipe and what was required to maintain access.

Ms. Clark stated she did not receive any other phone calls or written concerns or comments from the public. Upon inquiry from Commissioner Allred, Ms. Clark stated the lot does not have any services and there are none planned.

Applicant Testimony: Dale Layne, Superintendent, Jerome School District #261, 125 4th Avenue West, testified they were approached from Habitat of Humanity about wanting to donate the property. He stated they wanted to reduce the size of the lot. He continued they are in the process of adding classrooms to the north of the school building which will take up some of the existing play area. He stated their intent is to fence in the area and will put in piping for irrigation and will clean up the area to plant grass for a play area.

Testimony in Favor: None.

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, Ms. Clark's report, and the other documents and material in the file, enters its findings and conclusions as follows:

## **I. Findings**

- A. The Property in question is currently zoned Residential 1 (R-1).
- B. The Application seeks to amend the Property to be zoned Public/Semi-Public (PS).

- C. The Property in question is surrounded by the following land use/zoning: to the north, south and west are single family homes zone Residential 1 and to the east is an elementary school zoned Public/Semi-Public (PS).
- D. Rezoning R-1 to PS would be harmonious with the surrounding property.
- E. The parcel is currently undeveloped and the proposed use is permitted and will not create any non-conforming uses.
- F. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.
- G. City departments including Building Department, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

## II. Conclusions

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Jerome School District #261 for the Property described above, Residential 1 (R-1) to Public/Semi-Public (PS) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020, in support of the decision of the Planning and Zoning Commission on the 16th day of March, 2020 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 28<sup>th</sup> day of April, 2020.

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

- F. Consider/Approval Findings of Facts for Larry and Karen Tucker Living Trust, by Larry D. Tucker, Trustee, for approval on a combined preliminary and final plat for Tucker Heights Subdivision No. 2, described as Lot 1 Tucker Heights Subdivision Section 36, Township 8 South, Range 16 East, more commonly known as 2703 South Lincoln Avenue, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON PUBLIC REVIEW THE  
SUBDIVISION PLAT APPLICATION SUBMITTED BY LARRY AND  
KAREN TUCKER LIVING TRUST, BY LARRY D. TUCKER, TRUSTEE,  
FOR APPROVAL ON A COMBINED PRELIMINARY AND FINAL PLAT**

**FOR TUCKER HEIGHTS SUBDIVISION NO. 2, DESCRIBED AS LOT 1  
TUCKER HEIGHTS SUBDIVISION SECTION 36, TOWNSHIP 8 SOUTH,  
RANGE 16 EAST, MORE COMMONLY KNOWN AS 2703 SOUTH  
LINCOLN AVENUE, JEROME, IDAHO.**

A public review was held, pursuant to notice, commencing at approximately 7:12 p.m. on Tuesday, March 16, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho, on the subdivision preliminary and final plat of Tucker Heights Subdivision No. 2, with respect to a parcel of real property described as follows:

(See complete legal description attached hereto as Exhibit A)

More commonly known as 2703 South Lincoln Avenue, Jerome, Idaho.

The review began with a staff report from City Planner, Ida Clark. Ms. Clark stated the property in question, 2703 South Lincoln Ave., Jerome, Idaho is currently zoned High Density Business (C-3). The proposed project, a three lot, commercial subdivision requires a preliminary plat recommendation from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 10', Interior Side- 12', and Side Street- 25'. Maximum height of 50' with no minimum lot size. Ms. Clark stated as proposed, they do meet the setbacks.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the plat is in compliance with the following objectives of Chapter Three – Land Use: Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; Objective 4 – Maintaining and developing convenient access and opportunities for services and employment; and Objective 6 – Developing a variety of densities that support mixed land use.

Regarding the Preliminary Plat Criteria Staff Analysis, Ms. Clark stated the applicant met with the City of Jerome staff for a pre-application meeting to discuss the proposed project. The applicant has provided proof of ownership. There is a State of Idaho irrigation ditch that runs through lot 2. The line was rerouted when the Blu tanks were installed. Easements remain for the State of Idaho and for the rerouted line in lots 2 and 3. There is also a 15' irrigation easement along S Lincoln on lot 1. Water shares do not exist so potable water will be used for irrigation. The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. This is a replat of Lot 1, Block 1 of Tucker Heights Subdivision. 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. The site is zoned High Density Business (C-3). There is no minimum lot size requirement; however, structures must meet the C-3 setbacks. As proposed, the current structure meets setbacks for

the zone. All three lots have access from South Lincoln Ave. Lot 3 also has access from a private drive, Tucker Ct., to the south. The application notes the existing street is and will continue to be a private and will not be dedicated to the City. The application does not propose any alleys due to the configuration of the lots. The application materials propose easements along of lots lines as needed. The existing Idaho Power Company, State of Idaho irrigation, and other utility and access easements remain. The City Wastewater Department and the City Water Department have both reviewed the proposed subdivision and have no comment at this time. Ms. Clark referred to Note No. 3 and 6 on the plat, when the bare lots are developed, they will address the notes at that time. Ms. Clark stated that since this is proposed to be a commercial subdivision, there are no proposed structures at this time. On the plat, Note No. 7 states, "storm water retention plans shall be submitted to the City, for review and approval as part of the building permit application process". There is existing curb, gutter and sidewalk that will remain.

If approved, Ms. Clark recommended the following conditions: Comply with all City Department requirements pertaining to 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.

Ms. Clark stated they are working on an existing easement that does not need to be there. Upon inquiry from Chairman Mink, Ms. Clark stated the lots are 166 feet deep. She stated she did not receive any phone or written comments regarding the application. Upon inquiry from Chairman Mink, Ms. Clark stated the combined Preliminary/ Final plat is allowed to help in regards to fees if it is under ten lots and not dedicating any streets to the city. She stated this allows the process to be a little faster and saves the applicant fees.

Following Ms. Clark's testimony and staff review, Mr. Allen, the applicant and representative of the project, testified. Mr. Allen testified that staff covered everything. He stated the area was subdivided in 2008. He stated this is a re-plat of one lot. He stated the area consists of Honkers, an old diesel island, and an empty lot. He stated the domestic fuel station will remain as well as the c-store. Mr. Allen stated they do not have any tenants for the lots at this time. He continued they have a number of conditions and notes on the plat that will need to be addressed by the future businesses. He stated when this was originally platted, they had numerous easements which they have not disturbed and will remain as before. Mr. Allen stated there is a large storm drain that runs across the property and that easement will be retained on the plat. He stated if the owner wants to relocate the drain, they can by vacating the easement and then granting a new easement for that drain. He stated Mr. Tucker will be working with the City regarding the old lift station that is no longer there. He stated all properties have access along South Lincoln and they will try to use the entrances as they already exist. Mr. Allen stated they do not have any irrigation rights, will have to use potable water for landscapes. Chairman Mink stated this will give Mr. Tucker

options for the property. Upon inquiry from Commissioner Allred, Mr. Allen stated wastewater and potable water will be provided by the city. Mr. Allen pointed out the water lines on the map for the commissioners.

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 7:25 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. Allen 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. Allen'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. Allen 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 Department requirements pertaining to 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; and
- (3) comply with all City, State and Federal Requirements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020, in support of the decision of the Planning and Zoning Commission on the 16<sup>th</sup> day of March, 2020, to approve the application for a preliminary plat is hereby made final this 28<sup>th</sup> day of April, 2020, subject to appeal by an interested party within the prescribed period under Idaho law.

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

- G. Consider/Approval Findings of Facts for Pedro & Veta Bustos, for a zoning map amendment, changing the zone from General Business (C-2) to Central Business District (CBD) on the property described as Tax 4 & 5, the South 62.5 feet of Lots 7 & 8 and a parcel of land located in a portion of Lots 7 & 8 in Block 24, Jerome Townsite SW 18-8-17, Jerome, Idaho, more commonly known as 616 North Lincoln Avenue, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF  
PEDRO & VETA BUSTOS, FOR A ZONING MAP AMENDMENT,  
CHANGING THE ZONE FROM GENERAL BUSINESS (C-2) TO  
CENTRAL BUSINESS DISTRICT (CBD)**

A Public Hearing at the request from Pedro and Veta Bustos, for a zoning map amendment, changing the zone from General Business (C-2) to Central Business District (CBD) on the property described as Tax 4 & 5, the South 62.5 feet of Lots 7 & 8 and a parcel of land located in a portion of Lots 7 & 8 in Block 24, Jerome Townsite SW 18-8-17, Jerome, Idaho, more commonly known as 616 North Lincoln Avenue, Jerome, Idaho, described as follows:

(See full and complete legal description attached hereto)

(hereinafter referred to as the “Property”) was held, pursuant to notice, commencing at 7:30 p.m. on Tuesday March 16, 2020 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave a brief background on the application. Ms. Clark stated the property in question was classified as apartments

in April of 2010. The lots were zoned Area Business and then rezoned to General Business (C-2), in April of 2010, when the City did a complete Title 17 rewrite. The City received concerns over meeting fire code for a halfway house. After review of City Code and Idaho Code, it was determined a halfway house is a prohibited use in the C-2 zone. The applicant is requesting a rezone to Central Business District (CBD) which would allow a halfway house through an approved Special Use Permit. After review of the application for a rezone, I denied the request for a hearing due to "Spot Zoning". Per City Code, they did not agree with my decision and have formally requested a hearing before the Commission. Note: "Spot zoning" refers to, "a change in zoning of a specific parcel or parcels, which is out of character with the surrounding area and the comprehensive plan, and is done for the benefit of the particular landowner instead of the benefit of the community as a whole".

Ms. Clark continued, the courts have found two types of "Spot Zoning". The first type simply refers to the rezoning of property for a use prohibited by the original zoning classification. This is a valid request. The second type two refers to a rezone that singles out a parcel of land for a use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner. This request is invalid.

Ms. Clark stated she found the applicants request to fall under type two because the request does not appear to be consistent with other uses permitted in the CBD zone. Ms. Clark briefly went over the adjacent land use and zoning for neighboring properties. She stated the property to the North use was single family homes in the General Business zone; the property to the South was business use in the General Business zone; the property to the east use was single family homes in the General Business and Residential 2 zones; and the property to the west use was the hospital that was in the Central Business District.

Ms. Clark stated the Comprehensive Plan Land Use Map designates these lots as Commercial surrounded by Commercial and Residential Medium. Existing land use is multi-family homes surrounded by single and multi-family homes and commercial business.

Ms. Clark stated the proposed zone, Central Business District (CBD), would permit uses such as: banks, convenience stores, and restaurants. It would also allow uses like single, two-family dwellings, and apartments with a Special Use Permit.

Regarding the application, Ms. Clark stated the Commission needs to determine if the request meets the following: Is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available; including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with the following chapters: Chapter 1, Property Rights, There is no "taking"; Chapter 3, Land Use, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities."

Ms. Clark reminded the Commission they must consider that if the proposed rezone is approved, it must comply with Chapter 3, Objectives 5 and 6. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." Chapter 13, "Housing", Objective 2, "Provide for areas of different residential densities and uses"; the request may not be consistent with the comprehensive plan in that the intent of the CBD zone is to help with the downtown core of the City of Jerome as stated in Chapter Five. The rezone of this parcel to CBD does not appear to be consistent with the definition of the CBD zone.

As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services: Ms. Clark stated there will be no demand of public infrastructure as the apartments are already established.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated the property in question is surrounded by single family housing and the hospital. The CBD definition per code is: "To accommodate and encourage further expansion and renewal in the historical core business area of the community. A variety of business, public, quasi-public, cultural, residential and other related uses are encouraged. The greatest possible concentration of retail sales and business is to occur in this district." Permitted uses in the CBD zone include: convenience stores, banks, daycares, pharmacy, retail sales, emergency services, office and professional services, and restaurants. Apartments and a halfway house would be allowed with an approved Special Use Permit.

As pertains to the creation of non-conforming uses, Ms. Clark stated the current use, apartments, are allowed with an approved Special Use Permit.

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

Ms. Clark stated she sent the application to the city departments and received the following comments: Building- Building permits were obtained after speaking with the applicant. She stated that she had not spoken with the building department prior to this meeting but as of last week, the final inspection has not been approved; and Fire- Appropriate inspections for use will need to be completed for occupancy.

Ms. Clark stated she did not receive any phone calls or letters with concerns regarding the application. Upon inquiry from Commissioner Allred, Ms. Clark showed the commission where the building is located on the lot. Upon inquiry from Commissioner Holley, Ms. Clark stated under the current zoning of the property, the applicant would not be allowed to have this use with a Special Use Permit. Commissioners looked at the zoning map in regards to the neighboring uses and discussion was held on the surrounding uses in the Central Business District. Commissioner Allred inquired about the history of the buildings on the property and what the uses were. Ms. Clark stated with the research she was able to find, the building was always an apartment regardless of the zoning which had changed.

Applicant Testimony: Veta Bustos, 1360 Lawndale Drive, Twin Falls, testified, she wants to clarify that they will not be running a halfway house. She stated that a halfway house is ran by the Idaho Department of Corrections and it is a state ran facility. She stated they intend to use the property as a safe and sober housing, which is ran by an individual entity in a similar nature. Ms. Bustos gave a brief background on a safe and sober house and what they expect from the clients that live in those homes. She stated they are an extension of the Department of Corrections, as they monitor the residents as they follow the rules of sobriety. She stated they work closely with Mental Health Court, Drug Court, Felony and Misdemeanor Probation, Crisis Centers, out-patient recovery centers to help with their recovery. Ms. Bustos stated they were not aware they needed to change the zone as their other properties have not required a rezone. She stated the property is located across from St. Luke's where they have several clients who have various in-patient and out-patient treatments. She continued that Kimi Recovery is used by numerous patients in the Jerome area and it is down the road from the property. She stated Kimi Recovery is another BPA provider for clients to use. She stated Solid Ground Recovery is the second BPA provider in Jerome County. She stated Jerome County does not have a Crisis Center to help the community residence with these issues. Ms. Bustos stated they are asking for the rezone to help the residence in the community benefit from their services. Ms. Bustos stated she also brought a few written testimony from people who were not able to make the meeting. Upon inquiry from Commissioner Johnson, Ms. Bustos stated every house has a house manager who lives at the house and is at the house 24/7. She stated the house manager communicates to her, who then communicates to the probation officer or out-patient treatment providers. She stated as of right now, Probation and Parole are requesting one person per room with one bathroom unit. She stated there will be six people per unit. Mr. Larsen stated the application before the Commission is for a rezone of the property and not the use of the property. He stated it is hard to separate the use of the property from the zoning but the use will come before the Commission at a later date. He stated the Commission needs to address the questions that were provided in the packet. He stated everyone is always curious of the use but they need to focus on all of the potential uses with the rezone.

Testimony in Favor: Ms. Elliott read the following letters that were presented to the commission:

February 24, 2020

To Whom It May Concern

I am writing in support of Solid Ground Recoveries attempt to open a safe and sober transitional house in Jerome. Since opening the Crisis Center in November of 2016, we have worked closely with Solid Ground Recovery in helping those who suffer from substance abuse get into a stable living environment.

Getting members of our communities who suffer from substance abuse into stable living situations make them less likely relapse and more likely to gain and maintain employment. Anytime someone suffering from substance abuse can maintain a stable living environment they are more likely engage in treatment and stay sober for extended periods of time a lot of them forever.

Solid Ground Recovery has shown me they are committed to helping those members of our communities who suffer from substance abuse issues. Solid Ground Recovery has the community and those they serve at heart. Solid Ground Recovery in maintaining a sober environment makes sure those around them are safe.

We must remember that those who suffer from substance abuse are sons, daughters, fathers, mothers, grandfathers, grandmothers, grandsons, and granddaughters no just drug addicts. We must make all decisions based on thoughts of what's best for all not preconceived ideas about people.

If you have any questions, please call me anytime.

Thank you,

Jill Quaintance  
Service Coordinator  
Crisis Center of County Central Idaho  
570 Shoup Ave West, Twin Falls, Idaho 83301  
(208) 772-7825  
jqaint@crisisidaho.com

My name is Blake Worsley. I am 40 yrs old and had been a Drug Addict for over 20 yrs. In March of 2018 I got arrested for the 1st and only time. While I was in Jail I started to think about how I could make changes to get off Drugs and to be apart of Society. I was judged and told that once an Addict always an Addict. Unless you have ever suffered from Addiction you don't fully understand what it feels like. You can be understanding and empathic but until you to thru it

yourself you never truly understand. I knew that I need treatment and Counseling but I also needed a foundation to make these changes. And I found that at Solid Ground Recovery. I first came to SGR in June of 2018, when I first got there and meet the House Manager and was informed about the rules and what was expected from the Clients I knew then that I found the Foundation that I was looking for and I realized the importance and benefits of coming to a Sober living house. I admit I felt there were way 2 many rules but I knew there was a reason for each one and if I followed them and had a positive attitude I knew this would be exactly what I needed to make the changes I desired to change my life. I was able to follow the rules and do what was required of me. Unfortunaly not all the other clients has the same outlook that I did but I always hoped and wished for the best for each of them.

I would do my best to encourage them to take advantage of the program and what it offers. The biggest benefits SGR offers is to teach people Accountability and to get into a routine so that they can re enter socitey and become respectful citizens again. SGR encourages clients to stay as long as they need and to leave when a client feels they are ready to return to Society. I want to go on record and say that Addiction is an illness and it effects everyone at some point in there lives. But Sober living houses like SGR provides that foundation for anyone who suffers from addication to change and better their lives I am proff of one of those people. I have been sober for almost 2 yrs now and without SGR I don't know where I would be today. I am not trying to brag about the changes in my life but my family and friends have told me many times that I have changed and am a better man And now as I stand before you I am the House Manager for SGR. I started out as a client and followed the program and followed the rules and did what I was required to do. And after I proved that I could be trusted to be an extra set of eyes and enforce the rules of SGR. I was asked by Pete, Victor and Veta to be the house manager and I accepted. In closing I believe in Solid Ground Recovery and what we are doing and that if a person applies themselves they can successfully transition back to Society. There is a demand for Sober living houses and they work plain and simple. My life has turned around and I know our Heavenly Father is a big part of that but so is SGR and I look forward to us expanding and helping not just men but also women. Thank you for allowing this opperutnity to share this with you tonight. I hope that what myself and my colleagues have said here tonight will at least give you something to consider.

Blake Worsley  
546 Adams St  
Twin Falls, ID 83301

Testimony in Neutral: Geralyn Walker, 239 Ranch View Rd, Jerome, testified, she is part owner of Kimi Recovery center. She stated they are at a level of care, where many of her clients are in need of jobs. She stated that the property is closer for clients to work and court. She stated they are trying to get Probation and Parole to have an office in Jerome as they also serve Shoshone, Gooding, and Blaine Counties. Ms. Walker explained why the County needs this type of

housing, and how this would help the community of Jerome. Upon inquiry from Commissioner Allred, Ms. Walker stated sex offenders must be registered if they live in a half-way house and if they are violating the rules or if they become a danger to society, they are reported immediately. Ms. Walker stated she would be available to speak with the commissioners after the meeting, if they have any concerns. Chairman Mink suggested having her come to testify, if the applicant comes back for a Special Use Permit. Ms. Walker stated this is an issue that the community needs to address.

Testimony in Opposition: None.

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, enters its findings and conclusions as follows:

### **I. Findings**

- A. The Property in question is currently zoned General Business (C-2).
- B. The Application seeks to amend the Property to be zoned Central Business District (CBD).
- C. The Property in question is surrounded by the following land use/zoning: to the north is single family homes in a General Business zone; to the south are business use in the General Business zone; to the East is single family homes in General Business and Residential 2 zone; and to the West is the hospital in Central Business District.
- D. Rezoning C-2 to CBD would be harmonious with the surrounding property.
- E. The proposed use of the parcel is permitted and will not create any non-conforming uses.
- F. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.
- G. City departments including Building Department, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

### **II. Conclusions**

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.

- B. The Commission recommends to the Jerome City Council that the application of the Pedro and Veta Bustos for the Property described above, from General Business (C-2) to Central Business District (CBD) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020, in support of the decision of the Planning and Zoning Commission on the 16th day of March, 2020 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 28<sup>th</sup> day of April, 2020.

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

Commissioner McEntarffer made a motion to approve the consent agenda as presented.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

#### **DISCUSSION PERIOD & STAFF REPORTS**

Ms. Clark updated the commission on the Landscape Ordinance that was before the City Council. She stated it was denied, but City Council asked for one section regarding the prohibited use of artificial landscape be removed and brought back. She stated she will present the ordinance again on May 5<sup>th</sup>. Ms. Clark thanked the commission for attending the meeting. She stated the next meeting will be May 12<sup>th</sup> which may be held by video again. Commission McEntarffer inquired about being added to the May 5<sup>th</sup> City Council meeting. Ms. Clark stated she would have him invited to the meeting. Discussion was held on the Landscape Ordinance. Commissioner King inquired when the D.L. Evans Bank renewal would be heard. Ms. Elliott stated they have the renewal set for May 12, 2020.

There being no further discussion, Chairman Mink closed this regular meeting at 8:08 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary