

Planning & Zoning Meeting  
May 12, 2020

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 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 Bill Allred, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Chairman Mink called the Public Hearing to order at 7:03 p.m.

**PUBLIC HEARING** for a request from Jennifer Merkley for a Special Use Permit allowing six (6) chickens, on the property known as Lot 5 Block 2, Woodland Park NE 18-8-17, more commonly known as 750 15th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 750 15th Avenue East, in Jerome, is currently zoned Residential 1 (R-1). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

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

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

Ms. Clark reminded the commission chicken manure is considered a public nuisance and would need to be properly taken care of.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan. The application states the chickens will be kept in a small coop in their fully fenced backyard. The application

states they would like to have two to three chickens as pets in a small coop that can be easily moved around their backyard. The application states this will help with clean-up and keep the chickens happy and contained in their backyard. 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. The application request two to three chickens to keep as pets for the children. As stated above they will be kept in an enclosed coop that is moveable to help with care and maintenance of the chickens. There are no changes proposed to the vehicular approaches to the property. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark went over the general layout of the property with the commission.

If approved, Ms. Clark recommended the following conditions: Any permanent 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: Jennifer Merkley, 750 15<sup>th</sup> Avenue East, testified, they built the coop in the backyard. She stated it is moveable and they would only like three chickens. She stated as far as she knew, her immediate neighbors did not mind them having chickens. Upon inquiry from Commissioner Holley, Ms. Merkley stated there is no Home Owners Association.. Upon inquiry from Chairman Mink, Ms. Merkley stated the coop has wheels on one side and can move it around like a wheel barrel. She stated this also helps with cleaning the coop. Upon inquiry from Chairman Mink, Ms. Merkley stated her backyard is about 40 feet on one side and 25 on the other.

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

Grace Grimes  
819 15<sup>th</sup> Ave E

We do not have a problem with them having 6 chickens, just no roosters.

Richard N Everson  
737 16<sup>th</sup> Ave E

Selected they supported the application and no other comments were provided.

Testimony in Neutral: none

Testimony in Opposition: Ms. Clark read the following letter:

Mike McDonald  
834 15<sup>th</sup> Ave E

1-Noise

2-Smell

3-potential to attract “undesirable wildlife” (like skunks, raccoons, corvids, etc)

4-insufficient detail in application- will birds be penned? Lose/free roaming? Laying hens, eating chickens, or breeders?

5-bad precedent for the neighborhood.

Rebuttal testimony: Ms. Merkley stated the chickens will be in an enclosed coop. They are only asking for three hens. She stated she does not think that the chickens would attract anything more than a dog would.

There being no further testimony, Chairman Mink closed the public hearing at 7:13 p.m.

**CONSIDER** a request from Jennifer Merkley for a Special Use Permit allowing six (6) chickens, on the property known as Lot 5 Block 2, Woodland Park NE 18-8-17, more commonly known as 750 15th Avenue East, Jerome, Idaho— action item

Commissioner Johnson made a motion to approve a request from Jennifer Merkley for a Special Use Permit allowing six (6) chickens, on the property known as Lot 5 Block 2, Woodland Park NE 18-8-17, more commonly known as 750 15th Avenue East, Jerome, Idaho with the following conditions: Any permanent 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: Commissioner Bill Allred, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink called the Public Hearing to order at 7:16 p.m.

**PUBLIC HEARING** for a request from Robert Reeder representing Valley Country Store for a Special Use Permit allowing a sign higher than the eave line of the fuel canopy, on the property known as Tax 28 & Tax 52 of Lot 4, Tax 53 of SESW Jerome unplatted SW 19-8-17, more commonly known as 1466 South Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief summary of the proposed project. She stated Valley Country Store is updating all signage to reflect the name Valley Wide Country Store. They are also updating the fascia and signage on the fuel canopy to comply with Phillips 66 fuel imaging guidelines. The property is located in the General Business zone (C-2). They are requesting to place a fuel canopy sign higher than the eave line. The Jerome Municipal Code section, 17.32.050: SPECIAL RESTRICTIONS FOR SIGNS BY ZONE, allows them to breach the eave line with an approved Special Use Permit.

The current fuel canopy will be replaced with smaller fascia and down lighting that meets City code. The new Phillips 66 logo is approximately 3 ¾' x 3 ¾'. The proposed logo meets the sign requirements of being less than 200 square feet with a box square feet of approximately 25 feet.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows a sign to breach the eave line with an approved special use permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code as well as the Comprehensive Plan. The application indicates it will be constructed of similar material, color, and illumination as before. The only change is the size of the logo and canopy fascia to comply with current Phillips 66 guidelines. The new logo will not change the essential character of the area. The application states the sign will not be a disturbance to neighboring uses as the use of the property is not changing. The application notes the sign will not require public facilities or services. There is no indication that the sign would create excessive additional requirements at public cost. Public facilities and services are not required; therefore, this sign will not be detrimental to the economic welfare of the community. This sign request will not be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The application notes the new sign does not flash and includes automatic dimmers for dusk and nighttime. There is no change to the vehicular approaches to the property. There is no indication that the sign will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Design Review Guidelines, Ms. Clark stated the sign appears to promote sign design and placement. The application indicates the sign will be professionally manufactured and installed. The application indicates sign will be constructed of polycarbonate. Polycarbonate is described as a strong, permanent material. The proposed sign will be in English only.

If approved, Ms. Clark recommended the following conditions: Obtain any building permits before installing the sign.

Chairman Mink inquired of the lines on the pictures of the rendering of the signs. Discussion ensued on the various lines representing the following: heights, widths, and eaves line.

Applicant Testimony: Kathleen Carol, PO Box 305, Twin Falls, testified in place of Robert Reeder, they are asking to “break the plane” for the new Phillips 66 signs. She stated they are wanting to keep the standards for the company. She stated this site is great for signs as it is a large site and the signs are a little further from the road. She stated there are already existing signs and they are wanting to update them. Upon inquiry from Chairman Mink, Ms. Carol stated the new sign would be 14 inches above the eaves line. Upon inquiry from Commissioner McEntarffer, Ms. Carol stated the red line on the picture is a light bar which is the top of the eave. She stated the sign will continue above the light.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:25 p.m.

**CONSIDER** a request from Robert Reeder representing Valley Country Store for a Special Use Permit allowing a sign higher than the eave line of the fuel canopy, on the property known as Tax 28 & Tax 52 of Lot 4, Tax 53 of SESW Jerome unplatted SW 19-8-17, more commonly known as 1466 South Lincoln Avenue, Jerome, Idaho— action item

Chairman Mink stated his concern is the amount of the sign above the canopy. He stated with a third of the sign above, it seems pretty high. Commissioner King stated he thinks the signs look great and they sit back a ways from the road.

Commissioner McEntarffer made a motion to approve a request from Robert Reeder representing Valley Country Store for a Special Use Permit allowing a sign higher than the eave line of the fuel canopy, on the property known as Tax 28 & Tax 52 of Lot 4, Tax 53 of SESW Jerome unplatted SW 19-8-17, more commonly known as 1466 South Lincoln Avenue, Jerome, Idaho with the following conditions: Obtain any building permits before installing the sign.

Second to the motion by Commissioner Schroeder and carried.

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

Chairman Mink called the Public Hearing to order at 7:28 p.m.

**PUBLIC HEARING** for a request from Daniel Guadarrama for renewal of a Special Use Permit allowing a home occupation, party rental supply storage, on the property known as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief background on the property. She stated Mr. Guadarrama received a Special Use Permit for a home occupation to store party rental supply in April 2019. The application states they rent out tables, chairs and bounce houses. The party supplies are stored in their garage bay. Mr. Guadarrama and his wife are the only ones engaged in the home occupation. No material is stored outside and there is minimal traffic as they do most of the delivery themselves. Mr. Guadarrama is requesting a renewal of his Special Use Permit with one change to the application. He would like to have the ability to store the party supplies in an accessory structure located in the backyard.

Ms. Clark stated the property in question, 221 15th Avenue East, Jerome, ID, is currently zoned Residential 1 (R-1). The proposed use, Home Occupation, requires a Special Use Permit from the Planning and Zoning Commission. Under JMC Code, Section 17.80.050, section I, party supply rental storage is a permitted use for a home occupation, and home occupations may be conducted in an accessory structure located in the rear or side yard.

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

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request IS in accordance with Chapter 7 "Economic Development", page 7-5, which addresses the need and objective for business retention and expansion; and in accordance with Chapter 7, "Economic Development", Policy 8, which is to "continue to provide an atmosphere for successful business development"

If approved, Ms. Clark recommended the following conditions: Obtain a fire inspection of the home occupation storage area; Comply with all city, state, and federal requirements; and Special Use permit shall be allowed for up to three (3) years, renewable upon expiration.

Ms. Clark stated she has not received any calls or comments since Mr. Guadarrama has had the permit.

Chairman Mink inquired of the previous conditions of the Special Use permit. Ms. Clark stated there was discussion regarding the cargo trailer, and the conditions were: fire inspection to be done by the Fire Department; trailer be kept behind a six (6') foot fence; and comply with all city, state and federal requirements.

Applicant Testimony: Daniel Guadarrama, 221 15<sup>th</sup> Avenue East, testified, they are wanting to renew the permit. He stated he wants to move his supplies to the shed he has built and not keep the supplies in the garage. He stated as of right now, there are no parties. He would like to renew his permit so he can keep his items. Upon inquiry from Commissioner Holley, Mr. Guadarrama stated he only has chairs and tables as they had last year. Upon inquiry from Commissioner Mink, Mr. Guadarrama stated he would like to continue the business and he will be staying with tables, chairs, and bounce houses. Upon inquiry from Commissioner McEntarffer about the accessory structure, Mr. Guadarrama stated he went to get a permit,

and was told he did not need one. He stated the shed is approximately eight feet from the property line.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Ms. Clark read the following letter:

Kimberly Stadig  
1506 N Adams St. Jerome, ID

I don't feel that belongs in our subdivision. It is residential. Please don't ruin our subdivision.

Rebuttal Testimony: Mr. Guadarrama stated he got the permit last year. He stated he delivers the items and does not have anyone come and pick them up. He continued that he uses his cargo trailer and feels like there is no more traffic than someone using their camp trailer on the weekends.

There being no further testimony, Chairman Mink closed the public hearing at 7:39 p.m.

**CONSIDER** a request from Daniel Guadarrama for renewal of a Special Use Permit allowing a home occupation, party rental supply storage, on the property known as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho.—  
action item

Chairman Mink stated no one knows they are there which he believes is the true definition of an in-home occupation. He stated they use a cargo trailer and no one knows what he is carrying. Chairman Mink continued that he has been past the property several times and no one would notice they have a business in their home.

Commissioner King made a motion to approve a request from Daniel Guadarrama for renewal of a Special Use Permit allowing a home occupation, party rental supply storage, on the property known as Lot 14, Block 2, Lincoln Park Subdivision NE 18-8-17, more commonly known as 221 15th Avenue East, Jerome, Idaho with the following conditions: Obtain a fire inspection of the home occupation storage area; Comply with all city, state, and federal requirements; and Special Use permit shall be allowed for up to three (3) years, renewable upon expiration.

Second to the motion by Commissioner Johnson and carried.

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

Chairman Mink called the Public Hearing to order at 7:42 p.m.

**PUBLIC HEARING** for a request from Tim Malone for renewal of a Special Use Permit allowing four (4) livestock animals, on the property known as Tax 15, Block A-176 JT NE 19-8-17, more commonly known as 714 South Fillmore Street, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief background on the application. She stated Mr. Malone received a special use permit for up to four (4) livestock animals in December of 1993. Mr. Malone has requested a renewal every five (5) years since 1993. In April of 2015, staff received no comments or complaints on the Special Use and there was no testimony in neutral or against. During the last five years, we have not received any comment or concern. The pasture is approximately 1.25 acres and only has access from Mr. Malone's property. Mr. Malone would like to renew his permit. I am asking for a permanent Special Use Permit as long as Mr. Malone owns the property and the property is not reduced in size.

Ms. Clark stated the property in question, 714 South Fillmore Street, Jerome, ID, is currently zoned Residential 2 (R-2). The proposed use, the possession and grazing of livestock, requires a Special Use Permit from the Planning and Zoning Commission.

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 this 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 horse manure is considered a public nuisance and would need to be properly taken care of.

If approved, Ms. Clark recommended the following conditions: Fencing shall be maintained; Will not create odors, noise, nor be detrimental to persons, property or the general welfare; and Special Use Permit shall be permanent as long as Mr. Tim Malone is the owner and the lots are not reduced in acreage.

Upon inquiry from Commissioner Holley, Mr. Larsen stated giving a person a special use permit, it does not give them the right to create a nuisance. He stated the applicant must comply with the conditions that are provided. He stated neighbors could push nuisance actions against the applicant. He also stated it would limit the commission's ability to review the permit. Upon inquiry from Commissioner Holley, Ms. Clark stated the initial permit in 1993 was granted for five (5) years and they have come in every five (5) years since. She stated she went back and reviewed his file, and found some questions regarding the property but did not see any testimony in opposition at the renewals. Chairman Mink stated a Special Use Permit can be terminated if the conditions are not being met. Upon inquiry from Commissioner McEntarffer, Ms. Clark stated the property has always had horses. Chairman Mink stated the horses have not been on the property year round. Upon inquiry from Commissioner King, Ms. Clark stated the

definition of livestock includes: horses, cattle, sheep, llamas, or goats. She stated chickens or swine were not allowed under livestock.

Applicant Testimony: Tim Malone, 714 South Fillmore, testified, he stated he was not aware it would be a permanent permit but would support it. He stated that sometimes the horses are not on the property year round but sometimes they do keep them year round. He stated he has a unique property and he keeps the property very clean. Mr. Malone stated they have had no complaints since they have been on the property. He continued, if he is not allowed to have animals, the acreage is landlocked and there is only one other way to access the property. He stated he understands there are rules and regulations that must be complied with. He stated his pasture is kept in great shape.

Testimony in Favor: Ms. Clark read the following letter:

Jon and Gwen West  
711 East Ave H

We enthusiastically support this application for renewal! Thanks!

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:54 p.m.

**CONSIDER** a request from Tim Malone for renewal of a Special Use Permit allowing four (4) livestock animals, on the property known as Tax 15, Block A-176 JT NE 19-8-17, more commonly known as 714 South Fillmore Street, Jerome, Idaho– action item

Commissioner Johnson made a motion to approve a request from Tim Malone for renewal of a Special Use Permit allowing four (4) livestock animals, on the property known as Tax 15, Block A-176 JT NE 19-8-17, more commonly known as 714 South Fillmore Street, Jerome, Idaho with the following conditions: Fencing shall be maintained; Will not create odors, noise, nor be detrimental to persons, property or the general welfare; and Special Use Permit shall be permanent as long as Mr. Tim Malone is the owner and the lots are not reduced in acreage.

Second to the motion by Commissioner King and carried.

Commissioner Holley stated he was not in favor in the permanent Permit as he thinks forever is a long time. He stated he was not opposed to the Special Use Permit (SUP) just the length. Chairman Mink suggested changing the motion to Tim Malone is living on the property. Commissioner King inquired if there were any other permanent SUPs. Ms. Clark stated there are several. Usually it is a business where they have built a permanent building. She stated

there are a few other properties that were grandfathered in but no other permanent livestock SUPs. Commissioner King stated his concern is setting a precedent. Ms. Clark stated just because one is approved to be permanent, does not mean another one would be. She stated each permit is looked at individually regarding the standards that have been set. Commissioner McEntarffer agreed that permanent is a long time. He also suggested changing the motion to as long Mr. Malone is living on the property and if it sells or changes name, it would need to be reapplied for. Mr. Larsen stated SUP's are not recorded with the real property. He stated there would be nothing in the record that the SUP does not go with property and that condition may cause problems with Mr. Malone and potential buyers. Discussion continued on time frame of the SUP.

Commissioner Johnson made a motion to amend the previous motion to change the length of the Permit to 10 years.

Second to the motion by Commissioner King and carried.

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

Chairman Mink called the Public Hearing to order at 8:05 p.m.

**PUBLIC HEARING** for a request from Randy King, representing D.L. Evans Bank, for a renewal of a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho.

Commissioner Randy King recused himself from the Public Hearing as he is the subject of the hearing.

Staff Report: Ms. Clark stated D.L. Evans received a Special Use Permit for automotive sales in April 2019. The automotive sales are conducted on a bare lot that does not impact the entrance or parking to neighboring businesses. D.L. Evans bank allows individuals to park for sale by owner vehicles for two weeks at a time. They do not allow junked or salvage vehicles. Staff has not received any complaint or concerns during the last year. Mr. King is asking for a renewal of the permit with no changes.

Ms. Clark stated the property in question, 980 South Lincoln Avenue, is currently zoned General Business (C-2). The proposed use, automotive sales, requires a Special Use Permit from the Planning and Zoning Commission.

Ms. Clark reminded the commission of Title 8 of the JMC, the ordinance addressing nuisances. She stated Vehicles placed on the property shall not be abandoned, wrecked or junked as defined in 8.16.040 of the JMC.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated this request IS in accordance with Chapter 7 "Economic Development", page 7-5, which addresses the need and objective for business retention and expansion; and also in accordance with Chapter 7, "Economic Development", Policy 8, which is to "continue to provide an atmosphere for successful business development"

If approved, Ms. Clark recommended the following conditions: Vehicles shall be parked on private property and not on the public right of way; Comply with all city, state and federal requirements; and Special Use permit shall be allowed for up to five (5) years, renewable upon expiration.

Applicant Testimony: Randy King, 980 South Lincoln, testified, they are wanting to allow community members to bring their cars for sell on the north side of the property. He stated the bank has no interest in the vehicles and they are wanting to provide a service to the community. He stated they have the individuals sign a release of liability. He stated they are only allowed to have the vehicles on the property for two weeks. Upon inquiry from Commissioner Holley, Mr. King stated there are only three or four spots in the front row but usually only one or two are parked at a time. Chairman Mink stated the original permit did not have a limit of vehicles, but they needed to be operational. Commissioner Holley inquired how many cars could be on the lot. Mr. King stated he was not sure how many car would fit but guessed around 20 cars with the ability to move around.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:11 p.m.

**CONSIDER** a request from Randy King, representing D.L. Evans Bank, for a renewal of a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho— action item

Commissioner McEntarffer made a motion to approve a request from Randy King, representing D.L. Evans Bank, for a renewal of a Special Use Permit allowing automotive sales, on the property known as Tax 3, Block A-170, JT SW 19-8-17, more commonly known as 980 South Lincoln Avenue, Jerome, Idaho with the following conditions: Vehicles shall be parked on private property and not on the public right of way; Vehicles will only be parked for two weeks at a time; and Special Use permit shall be allowed for up to five (5) years, renewable upon expiration.

Second to the motion by Commissioner Johnson and carried.

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

Chairman Mink called the Public Hearing to order at 8:14 p.m.

**PUBLIC HEARING** to consider AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10.040 OF THE JEROME MUNICIPAL CODE AMENDING THE SCHEDULE OF DISTRICT USE REGULATIONS TO ADD LANGUAGE CLARIFYING THE MEANING OF AN EMPTY BOX IN THE TABLE AND PROVIDING FACTORS FOR THE ADMINISTRATOR TO CONSIDER IN LOOKING AT UNIQUE LAND USES; ALSO AMENDING THE USE TABLE FOR "DWELLING-GROUP", "DWELLING MULTI-FAMILY", "DWELLING SINGLE FAMILY", AND "DWELLING TWO-FAMILY"; ALSO AMENDING TITLE 17 CHAPTER 03.070 BY PROVIDING A DEFINITION OF THE TERM "DWELLING UNIT" AND DEFINING "GROUP", "MULTI-FAMILY", "SINGLE FAMILY" AND "TWO FAMILY" DWELLING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE.

Staff Report: Ms. Clark stated at the previous meeting, the Commission discussed the current code language prohibits a use that is not defined in our Use Chart. The City of Jerome is growing and changing. The current language is archaic and needs updated to allow similar uses to those already existing. Ms. Clark stated this updated language would allow her to find a similar use for a project, if it was not defined in the code, and take it back to the Commission for approval. She stated the current dwelling definitions need updated to comply with building code. The updated definitions will also be easier to interpret and apply.

Ms. Clark went over the following proposed changes: If a use is not defined in the current Use Chart, the Planning Administrator can submit before the P&Z Commission for a Special Use Permit if the Administrator finds it is similar to an existing permitted or special use; Dwelling definitions remove: "Apartment", "Boarding House, Dormitories", "Multi-Family Dwelling up to 4", and "Multi-Family Dwelling 5-8"; Dwelling definitions updated to include: "Dwelling Group", this includes halfway and boarding housings and dormitories", and "Dwelling Multi-Family", this is three or more units; and Use Chart update would include allowing: Group Dwelling by Special Use Permit in R-3, R-M, C-1, C-2, C-3, and CBD zones; Multi-Family Dwelling Permitted in R-3 and by Special Use in the C-2 zone. She stated there was no change to Single or Two-Family Dwelling in the Use Chart.

Ms. Clark stated she brought this in front of the Commission in ordinance form so the Commission would either be recommending to Council or make changes to bring back to the Commission. Commission.

Chairman Mink stated this clears the water up a little. Ms. Clark stated this should help clarify the definitions.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:22 p.m.

**CONSIDER** AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10.040 OF THE JEROME MUNICIPAL CODE AMENDING THE SCHEDULE OF DISTRICT USE REGULATIONS TO ADD LANGUAGE CLARIFYING THE MEANING OF AN EMPTY BOX IN THE TABLE AND PROVIDING FACTORS FOR THE ADMINISTRATOR TO CONSIDER IN LOOKING AT UNIQUE LAND USES; ALSO AMENDING THE USE TABLE FOR “DWELLING-GROUP”, “DWELLING MULTI-FAMILY”, “DWELLING SINGLE FAMILY”, AND “DWELLING TWO-FAMILY”; ALSO AMENDING TITLE 17 CHAPTER 03.070 BY PROVIDING A DEFINITION OF THE TERM “DWELLING UNIT” AND DEFINING “GROUP”, “MULTI-FAMILY”, “SINGLE FAMILY” AND “TWO FAMILY” DWELLING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE– action item

Commissioner McEntarffer made a motion to recommend approval to the City Council for AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF JEROME REVISING TITLE 17 CHAPTER 10.040 OF THE JEROME MUNICIPAL CODE AMENDING THE SCHEDULE OF DISTRICT USE REGULATIONS TO ADD LANGUAGE CLARIFYING THE MEANING OF AN EMPTY BOX IN THE TABLE AND PROVIDING FACTORS FOR THE ADMINISTRATOR TO CONSIDER IN LOOKING AT UNIQUE LAND USES; ALSO AMENDING THE USE TABLE FOR “DWELLING-GROUP”, “DWELLING MULTI-FAMILY”, “DWELLING SINGLE FAMILY”, AND “DWELLING TWO-FAMILY”; ALSO AMENDING TITLE 17 CHAPTER 03.070 BY PROVIDING A DEFINITION OF THE TERM “DWELLING UNIT” AND DEFINING “GROUP”, “MULTI-FAMILY”, “SINGLE FAMILY” AND “TWO FAMILY” DWELLING UNITS; AND PROVIDING FOR AN EFFECTIVE DATE

Second to the motion by Commissioner Holley and carried.

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

### **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 April 28<sup>th</sup>, 2020 regular meeting

- B. Consider/Approve Finding and Facts 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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**

A public hearing on the application of Alexander Barton concerning that parcel commonly known as 1030 South Date Street, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:01 p.m. on Tuesday, April 28, 2020, by teleconference with the at Commission and all members of the public, in a format allowing participates 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, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida 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 a potential public nuisance and needs proper disposal.

Regarding the General 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 letter 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 letter 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

Testimony in Rebuttal: 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Barton 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:

#### **Findings**

- A. Lot 8 Block 1, Thompson Subdivision, SE 24-8-16, more commonly known as 1030 South Date Street, Jerome, Idaho is zoned Residential 3 (R-3), 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-3 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. Standards E-I of JMC 17.60.030 were not implicated.

**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-3 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 Alexander Barton for a special use permit allowing six (6) laying chickens on that property located at 1030 South Date 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 two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12<sup>th</sup> day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020 to approve the application as specified herein is hereby made final this 12<sup>th</sup> day of May, 2020.

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

- C. Consider/Approve Finding and Facts for 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

**FINDINGS AND CONCLUSIONS ON APPLICATION OF STEVEN FITKIN FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS, ON THE PROPERTY KNOWN AS LOTS 11 & 12, BLOCK 140 JEROME TOWNSITE, NW19-8-17, MORE**

## COMMONLY KNOWN AS 428 EAST AVENUE F, JEROME, IDAHO

A public hearing on the application of Steven Fitkin concerning that parcel commonly known as 428 East Avenue F, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:25 p.m. on Tuesday, April 28, 2020, by teleconference with the at Commission and all members of the public, in a format allowing participates 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, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida 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 a potential 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 letter 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, Idaho 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, Idaho 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, Idaho 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 letter 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Barton 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. Lots 11 & 12, Block 140, Jerome Townsite, NW 19-8-17, more commonly known as 428 East Avenue F, 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 Steven Fitkin for a special use permit allowing six (6) laying hens on that property located at 428 East Avenue F, 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 two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12<sup>th</sup> day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020 to approve the application as specified herein is hereby made final this 12<sup>th</sup> day of May, 2020.

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

- D. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF ROBERT AND CRYSTAL HUNTER FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS, ON THE PROPERTY KNOWN AS TAX 7, BLOCK A-176 JEROME TOWNSITE, NW19-8-17, MORE COMMONLY KNOWN AS 812 SOUTH FILLMORE, JEROME, IDAHO**

A public hearing on the application of Robert and Crystal Hunter concerning that parcel commonly known as 812 South Fillmore, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:36 p.m. on Tuesday, April 28, 2020, by teleconference with the at Commission and all members of the public, in a format allowing participates 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, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida 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 potential 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: 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: 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Barton 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. Tax 7, Block A-176, Jerome Townsite, NW 19-8-17, more commonly known as 812 South Fillmore, 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 Robert and Crystal Hunter for a special use permit allowing six (6) laying chickens on that property located at 812 South Fillmore, 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 two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12<sup>th</sup> day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 28<sup>th</sup> day of April, 2020 to approve the application as specified herein is hereby made final this 12<sup>th</sup> day of May, 2020.

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

Commissioner King made a motion to approve the consent agenda.

Second to the motion by Commissioner Johnson and carried.

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

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

Ms. Clark stated the Landscape Ordinance was passed by the City Council. She stated there was one section that was recommended to be removed and was removed regarding the prohibited use of artificial turf or grass. She thanked everyone for their help. Ms. Clark stated the next meeting will be June 9<sup>th</sup>. She stated the meetings have been difficult but they are trying to work with everyone. She stated she will know more regarding Phase 2 of the reopening on Thursday of this week. Discussion was held on how they would like to move forward with the next meeting, requirement of masks, limit of the number of people in the chambers, spacing of commissioners, length of agenda, etc. Ms. Clark stated she would let the Commission know when she found out. Ms. Clark inquired from the Commission if they still wanted the one meeting a month, or if they would like to go to two meetings a month. Commissioner McEntarffer stated if the agendas started getting too long, he would be in favor of two meetings but would like to evaluate each month. Commissioner Mink stated he would like to keep meetings under two hours. Ms. Clark stated they held six public hearings tonight and likes to balance the agendas when possible. Commissioner McEntarffer inquired if there was anything staff could do to reduce or speed up the chicken permit process. Ms. Clark stated she reviewed the code regarding chickens, and spoke with the City Administrator and Mayor. She stated they want to keep the public hearing with the initial request for the chickens to get comments from neighbors. She stated the current code does not require the renewals to have a public hearing. She stated now, when the renewal comes, she will send out letters to surrounding neighbors. If there are major concerns about the renewal, she will deny and make them go before the Commission. She stated if there are no major concerns, she will renew the permit in-house. Commissioner Holley inquired how many complaints or denials would need to be submitted to have the permit go before the Commission. Ms. Clark stated if she receives complaints regarding noise, smell, and chickens getting out, she will deny the request and send it back to the Commission. She stated staff has been checking with CC&R's when the applicant first applies and informs the applicant if they are not allowed. She stated they have had a few applicants pull their application after review of the CC&R's. She stated the new process would

only be for renewals of the permits. She stated all first request applications will be heard before the Commission.

There being no further discussion, Chairman Mink closed this regular meeting at 8:39 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary