

Planning & Zoning Meeting  
June 9, 2020

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Jeff Schroeder, Commissioner Carl McEntarffer, Commissioner Randy King, and Commissioner Paul Johnson. 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 called the Public Hearing to order at 7:01 p.m.

**PUBLIC HEARING** for a request from Jerome Cemetery District, for a renewal of a Special Use Permit allowing six (6) cows, on the property known as Tax 6, Block A-285 Inside Acreage, SW 24-8-16 approximately 5.028 acres, more commonly known as the westernmost pasture at the end of West Avenue I, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief background on the applicant. She stated the Cemetery District received a special use permit for six (6) cows in May of 2018. The Cemetery District purchased the property, approximately five (5) acres, in 2017. They fixed the fence and updated the irrigation system. They would like to keep the cows on the property to keep the weeds and grass down until the cemetery expands. The Cemetery owns the property to the south with City right of way located to the east and two homes located to the north. There were cows on the property before the Cemetery District purchased. Staff has not received any complaints or concerns during the last two years. The Cemetery District would like to renew their permit with no changes to the application.

Ms. Clark stated the property in question, westernmost pasture at the end of West Avenue I, Jerome, ID, is currently zoned Residential 3 (R-3). The proposed use, the possession of livestock, specifically cows, requires a Special Use Permit from the Planning and Zoning Commission.

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

Ms. Clark referenced Jerome Municipal Code section 17.18.050 Unique Land Uses which allows cattle with an approved Special Use Permit.

Ms. Clark reminded the commission that Stable Matter can become a nuisance if animals are not properly maintained.

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; Special Use Permit shall be allowed for five (5) years renewable upon expiration; and Comply with all city, state, and federal requirements.

Applicant Testimony: Walt Appell, 606 N Davis, Jerome, representing the Jerome Cemetery District, testified, the cemetery purchased the property and there have been cows on the property before. He stated they applied for a Special Use Permit which was granted. He stated they have had no complaints. Mr. Appell stated the cows are not on the property all year long. He stated the cows keep the weeds down and the Cemetery District would like to renew the application for cows. Upon inquiry from Chairman Mink, Mr. Appell stated they built a pond for the cows on the southeast side of the property since the canal is a main canal and they cannot have the cows in the canal.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:07 p.m.

**CONSIDER** a request from Jerome Cemetery District, for a renewal of a Special Use Permit allowing six (6) cows, on the property known as Tax 6, Block A-285 Inside Acreage, SW 24-8-16 approximately 5.028 acres, more commonly known as the westernmost pasture at the end of West Avenue I, Jerome, Idaho – action item

Upon inquiry from Commissioner McEntarffer, Ms. Clark stated they have not received any comments or phone calls of concern from the public. Chairman Mink stated the property is away from people. He stated it is good weed control.

Commissioner King made a motion to approve a request from Jerome Cemetery District, for a renewal of a Special Use Permit allowing six (6) cows, on the property known as Tax 6, Block A-285 Inside Acreage, SW 24-8-16 approximately 5.028 acres, more commonly known as the westernmost pasture at the end of West Avenue I, 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; Special Use Permit shall be allowed for five (5) years renewable upon expiration; and Comply with all city, state, and federal requirements.

Second to the motion by Commissioner McEntarffer and carried.

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

Chairman Mink called the Public Hearing to order at 7:10 p.m.

**PUBLIC HEARING** for a request from Wes Hall, for a Special Use Permit allowing a home occupation, repair and maintenance of sewing machines, on the property known as Tax 11, Block A-183 JT, NE 19-8-17, more commonly known as 605 East Avenue D, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 2 (R-2). The proposed use, a home occupation, requires a Special Use Permit from the Planning and Zoning Commission. In this case, Mr. Hall would like to conduct repair and maintenance of sewing machines out of his home, which constitutes a home occupation per Jerome Municipal Code (JMC): "Home occupation - The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall be conducted entirely within a dwelling unit or accessory structure."

Ms. Clark stated Title 16 has no bearing on this special use permit 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", Policy 8, which is to "continue to provide an atmosphere for successful business development"

Ms. Clark noted Home Occupations are addressed in JMC section 17.18.050 Unique Land Uses.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows home occupations 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 home occupation is conducted within a small area in the basement of the residence to not change the essential character of the area. There is no indication that a sewing repair home occupation would be hazardous or disturbing. The residence is already adequately served and this home occupation will not require any additional services. There is no additional requirement at public cost for a home occupation of sewing machine repair. This use will not be detrimental to any person or property. There will be a small amount of traffic related to this use; however, the application states up to six cars per week at peak and vehicles can park in their driveway. This influx of traffic would not be considered excessive. It is noted Mr. Hall has been operating the home occupation. Staff has not received any concerns or complaints. Mr. Hall was made aware of the process for having a home occupation and is complying with City Ordinance. This request will not impact vehicular approaches. It does not appear that this home occupation will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Home Occupation Standards, Ms. Clark stated Mr. Hall is the only one involved in the occupation. The application states this is Mr. Hall's main residence with a small area of the basement used for the occupation. There is an approximate 10'x15' area of the basement used in the dwelling. The application states there are no visual or auditory clues that there is an occupation conducted at the residence. The application notes most visits are by appointment. Increased traffic would be a maximum of six cars a week at peak activity. The driveway is large enough to accommodate two vehicles at a time. The application states this is a sewing machine

repair which would not cause any visual or auditory interference. The applicant is aware all material is to be stored inside and is aware there will be no signage in violation of the code.

If approved, Ms. Clark recommended the following conditions: Customers shall park in the drive-way; and Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Ms. Clark stated she did not receive any comments or concerns from the public.

Applicant Testimony: Wes Hall, 605 East Ave D, testified he has already been operating and he has not had any complaints. He stated there had not been any excessive traffic and does not see his business growing as this is just a side business. Upon inquiry from Chairman Mink, Mr. Hall stated he does not receive any more packages than a normal home. He continued that he does use oils for the machines but it is a very small amount.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:16 p.m.

**CONSIDER** a request from Wes Hall, for a Special Use Permit allowing a home occupation, repair and maintenance of sewing machines, on the property known as Tax 11, Block A-183 JT, NE 19-8-17, more commonly known as 605 East Avenue D, Jerome, Idaho— action item

Chairman Mink went over the General Standards. He stated some concerns could be from traffic and parking but stated it would be the same as a normal household.

Commissioner McEntarffer made a motion to approve a request from Wes Hall, for a Special Use Permit allowing a home occupation, repair and maintenance of sewing machines, on the property known as Tax 11, Block A-183 JT, NE 19-8-17, more commonly known as 605 East Avenue D, Jerome, Idaho with the following conditions: Customers shall park in the drive-way; and Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Second to the motion by Commissioner Schroeder and carried.

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

Chairman Mink called the Public Hearing to order at 7:18 p.m.

**PUBLIC HEARING** for a request from Dinis Raposo, for a Special Use Permit allowing cows, on the property known as Tax 8 of SWSW Jerome Unplatted SW 7-8-17, more commonly known as 332 16th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 332 16th Avenue East, in Jerome, is currently zoned Residential 1 (R-1). The proposed use, the possession of cows, 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 referenced Jerome Municipal Code section 17.18.050 Unique Land Uses which allows cattle with an approved Special Use Permit.

Ms. Clark reminded the Commission of the definition of stable matter and that the manure will need to be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows livestock, specifically cows, in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The application shows the cows will be kept in a pen in the backyard. The property is approximately .9 acres and has a bare lot behind the cow pen. This area of 16th Ave East has larger lots containing cows, horses and llamas. The application states they would like cows for their child to participate in 4-H. As noted above, this is a larger lot and the area already has livestock. The keeping of cows for 4-H does not appear to be hazardous to neighboring uses. The cows can become disturbing if they are not in a properly fenced area. There is no indication that additional services will be needed to serve this use. It does not appear the cows will create excessive additional requirements at public cost. As the application notes, this area already has livestock. The addition of a couple cows should not create an excessive production of noise or odors. It is noted the manure from the cows will need to be property disposed of to not create odors. There are no changes proposed to the vehicular approaches to the property. It does not appear that the cows 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: Adequate fencing shall be maintained at all times; Cows will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Any accessory structure associated with the cows

shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to one (1) year, renewable upon expiration.

Upon inquiry from Chairman Mink, Ms. Clark stated the property is on .9 acres. She showed the commission a picture of the property. Upon inquiry from Commissioner Schroeder, Ms. Clark stated the property to the east is a platted subdivision that has not been developed. Upon inquiry from Commissioner Johnson, Ms. Clark stated she did receive a couple of comments which she will read.

Applicant Testimony: Michelle Raposo, 332 16<sup>th</sup> Avenue East, testified, they recently moved to the area and her daughter has been participating in 4-H for the last couple of years and they would like to have a cow for her to participate in the coming year. She stated the program is a 90 day program. She stated they have a fence in the back for privacy of the yard and they also have a privacy fence along the cow pen. Ms. Raposo stated her daughter would be taking care of the cow and would like to have a cow for her. Upon inquiry from Chairman Mink, Ms. Raposo stated they have a water spigot in the back corner of the property. Upon inquiry from Commissioner King, Ms. Raposo stated they will only have one dairy cow. Upon inquiry from Commissioner King, Ms. Raposo stated they have a white privacy fence that goes all the way around the back portion of the property to the house. She continued that the cow pen will have the corral panels inside of the privacy fence. She stated the cow will stay in its own pen and not be allowed out.

Testimony in Favor: none

Testimony in Neutral: Ms. Clark stated she received one phone call as follows:

Beverly Meyers  
1809 N Davis St, Jerome, Idaho

Neutral to the application since it is a couple cows for 4-H.

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

Mike Taylor  
309 16<sup>th</sup> Ave E

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

Ms. Clark showed the commission where the two properties were located that supplied comments.

There being no further testimony, Chairman Mink closed the public hearing at 7:29 p.m.

**CONSIDER** a request from Dinis Raposo, for a Special Use Permit allowing cows, on the property known as Tax 8 of SWSW Jerome Unplatted SW 7-8-17, more commonly known as 332 16th Avenue East, Jerome, Idaho– action item

Chairman Mink went through the General Standards with the commission. Discussion was held on those standards.

Commissioner Johnson made a motion to approve a request from Dinis Raposo, for a Special Use Permit allowing cows, on the property known as Tax 8 of SWSW Jerome Unplatted SW 7-8-17, more commonly known as 332 16th Avenue East, Jerome, Idaho with the following conditions: Adequate fencing shall be maintained at all times; Cow will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Any accessory structure associated with the cow shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to one (1) year, renewable upon expiration.

Second to the motion by Commissioner King and carried.

Discussion was held on the number of cows.

Commissioner Johnson amended his motion to only allow one cow.

Second to the amended motion by Commissioner King and carried.

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

Chairman Mink called the Public Hearing to order at 7:34 p.m.

**PUBLIC HEARING** for a request from Julio Acevedo, for a Special Use Permit allowing six (6) chickens and two (2) goats, on the property known as Lot 7, Block 134 JT NE 24-8-16, more commonly known as 325 West Avenue E, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 325 West Avenue E in Jerome, is currently zoned Residential 3 (R-3), and is approximately 6,098 sq. ft. The proposed use, the possession of goats and chickens, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

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

requiring Special Use Permits in Section 3.1.1 NOTE: This is only compatible with the Comp Plan when the request is considered compatible "Rural Residential Land Use." (3.1.1)

Ms. Clark referenced Jerome Municipal Code section 17.18.050 Unique Land Uses which addresses chickens. She stated the code does list goats under the definition of Livestock.

Ms. Clark reminded the Commission of the definition of stable matter and that proper disposal of stable matter must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Clark state the Planning and Zoning Code allows chickens and goats 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 animals will be kept in a fully fenced area in the back of the property. The application shows a shed and area for the chickens and goats in the back yard. Goats have the potential to be disturbing to neighboring uses if they do not have enough room. The chickens can be hazardous if not property cleaned up after. There is no indication that additional services will be needed to serve this use. It does not appear goats or chickens will create excessive additional requirements at public cost. It appears that goats will not be detrimental to persons, property or the general welfare by creating excessive traffic, odors, smoke, fumes, glare, or noise. Note: Goats and chickens can create noise and odors if not properly cared for. This request will not impact vehicular approaches. It does not appear that the goats will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she received one comment back from Animal Control – Ensure adequate fencing is established so the animals do not get out.

If approved, Ms. Clark recommended the following conditions: Goats and chickens will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Stable matter will be disposed of properly; Any accessory structure associated with the goats and chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Chairman Mink inquired if they could approve one animal and not the other. Mr. Larsen stated they could.

Applicant Testimony: Julio Acevedo, 325 West Ave E, testified, he wants goats and chickens for pets for his kids. Ms. Clark stated they received a call from a neighbor who inquired if they had a permit. She stated that he then reached out to staff stating he was not aware he needed a permit. He then complied and filled the application out. Upon inquiry from Commissioner Schroder, Mr. Acevedo stated he currently has two hens but also just received three small chickens that he believes are hens. Upon inquiry from Chairman Mink, Mr. Acevedo showed the commission where the chickens are located on the property. Upon inquiry from Commissioner

McEntarffer, Mr. Acevedo stated they have a coop for the chickens and it is fenced. He also stated the goat has a pen which is also fenced. Upon inquiry from Commissioner Schroeder, Ms. Clark stated they have a chain link fence with a dog panel fence for the goat. She stated the chain link fence is around the whole property. Upon inquiry from Commissioner King, Mr. Acevedo stated they let the animals out sometimes. He stated he doesn't let the chickens out as much as they dig holes in the yard.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Ms. Clark stated Animal Control did respond to the property and they did not have any concerns regarding the animals. She stated he did go over a couple of months ago.

Ms. Clark read the following comments:

Catherine Berg  
315 W Ave E Jerome, ID 83338

They have one goat now what is okay. They do not need one more goat and certainly not six chickens. I live two doors away from them. I enjoy spending time in my yard where I can see and hear the one goat daily and they not need one more goat and the chickens.

Arlene Grey  
328 W Ave F Jerome, Id

A small pen on the single lot at 325 W Ave F is not adequate to keep goats. There simply is not enough space in out block for the keeping of farm animals. In Wendell, a full acre with at least  $\frac{3}{4}$  fenced and irrigated is required to keep goats. Wouldn't such requirements make sense here also? 6 chickens (laying hens) would be okay if they are taken care of. I don't see these chickens being well cared for so I also object to them in these poorly cared for circumstances.

Tom Adkins & LaNita Adkins  
304 West Ave F Jerome

We do not feel a small pen on a single lot property at 325 W Ave E is adequate to keep goats. There is not enough space on one lot for farm animals. Chickens are ok no goats

Rose Magoffin  
329 West Ave E Jerome, Idaho 83338

They do not have the space or facilities to properly care for these animals. They had a pitbull dog that the city finally took away because of abuse and neglect. Frankly, I can't see things have

changed. If they want farm animals, they need an acreage where they would have the space to care for them. Right now, chickens are in shed by alley. In this heat, without proper ventilation and water, they will die. The pen for the goats is small, no grass, no protection from the elements.

Manley& Mindy Reed (x2)  
301 West Ave E Jerome

We do not want goats or chickens inside out city or on our West Ave E.  
Also, Jerome cannot control the abuse & neglect of dogs & cats within our city limits so please  
so not allow an open door of abuse &or neglect of goats &chickens as well!

A small pen on the single lot property at 325 W Ave E is not adequate to keep goats.  
There is simply not enough space in our block for the keeping of farm animals.  
In Wendell, a full acre with at least ¾ fenced and irrigated is required to keep goats.  
Wouldn't such requirements make sense here also?

Lindsey Park Gayle Pinches 307 W Ave E

Upon inquiry from Chairman Mink, Ms. Clark stated yes, there are a few comments that are the same but the signatures are different.

Rebuttal Testimony: none

There being no further testimony, Chairman Mink closed the public hearing at 7:48 p.m.

**CONSIDER** a request from Julio Acevedo, for a Special Use Permit allowing six (6) chickens and two (2) goats, on the property known as Lot 7, Block 134 JT NE 24-8-16, more commonly known as 325 West Avenue E, Jerome, Idaho– action item

Chairman Mink stated his concern is the small lot size. He stated chickens are okay but has concern with hoofed animals. He stated the previous application had 38,000 square feet compared to 6,000 for a hoofed animal. Commissioner McEntarffer stated he has concerns regarding the goats. He stated they have had people try to have goats before and have not been successful. Chairman Mink went over the general standards with the commission. Discussion was held regarding the standards. Commissioner McEntarffer stated as long as the manure is cleaned up, he doesn't have any concerns regarding the chickens. Commissioner Schroeder stated he also has concerns about the goats but agrees the chickens seem okay as long as they are properly taken care of. Upon inquiry from Chairman Mink, Mr. Larsen stated the commission may make a motion to approve the Special Use Permit for six chickens and leave the goats out of the motion. He stated they need to make the motion in the affirmative. Ms. Clark stated they would make one motion to approve the chickens if they wanted to leave the goats out.

Commissioner King made a motion to approve a request from Julio Acevedo, for a Special Use Permit allowing six (6) hen chickens, on the property known as Lot 7, Block 134 JT NE 24-8-16, more commonly known as 325 West Avenue E, Jerome, Idaho with the following conditions: chickens will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; Stable matter will be disposed of properly; Any accessory structure associated with the goats and chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special use permit shall be allowed for up to one (1) year, renewable upon expiration.

Second to the motion by Commissioner Schroeder and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Jeff Schroeder, Commissioner Carl McEntarffer, and Commissioner Paul Johnson. NAYE: Commissioner Randy King.

Chairman Mink called the Public Hearing to order at 7:57 p.m.

**PUBLIC HEARING** for a request from Aaron Berndt, for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7, Block A-190 JT NE 19-8-17, more commonly known as 501 East Avenue A, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 501 East Avenue A, 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 referenced Jerome Municipal Code section 17.18.050 Unique Land Uses which addresses chickens. Ms. Clark reminded the Commission of the definition of stable matter and that proper disposal of stable matter must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The application shows the chickens will be kept in a small coop in their fenced backyard. The application states they would like to have chickens for personal use. The chickens should not be hazardous or disturbing if properly cared for. 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. Chickens can cause odors and noise. The applicant will need to keep the coop clean. 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: 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: Aaron Berndt, 501 East Avenue A, testified, they would like to have some chickens in the backyard for eggs and for his kids to help take care of the chickens. He stated it would be a great experience for the kids. Upon inquiry from Chairman Mink, Mr. Berndt stated they already had the chickens and when he found out they needed permission, they got the application. He stated the chickens are only about six weeks old. He continued the chicken coop is approximately six feet long, four feet wide and three and a half feet tall. Upon inquiry from Commissioner Schroeder, Mr. Berndt stated he assumes they have all hens. He stated he is prepared to get rid of any that are not hens. Upon inquiry from Commissioner King, Mr. Berndt stated the alley is behind his fully fenced backyard.

Testimony in Favor: Ms. Clark stated she received one phone call and one written comment.

Linda Ekren  
417 East Ave A, Jerome, ID

I am all for the neighbors having chickens. I do not oppose that at all.

Brad Davidson  
525 East Main St

Selected they supported the application and did not have any further comment.

Testimony in Neutral: none

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

H.L. and Lorna Pringle  
601 East Main, Jerome

We do not want our neighborhood turned into a farm yard. In the past the have had a rooster that was very annoying.

Joseph Davidson  
501 East Main Jerome ID 83338

Do not want chickens in city limits.

There being no further testimony, Chairman Mink closed the public hearing at 8:05 p.m.

**CONSIDER** a request from Aaron Berndt, for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7, Block A-190 JT NE 19-8-17, more commonly known as 501 East Avenue A, Jerome, Idaho – action item

Commissioner King stated he has no concern. Commissioner Schroeder also stated he had no concern.

Commissioner Johnson made a motion to approve a request from Aaron Berndt, for a Special Use Permit allowing six (6) chickens, on the property known as Tax 7, Block A-190 JT NE 19-8-17, more commonly known as 501 East Avenue A, 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 Schroeder and carried.

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

Chairman Mink called the Public Hearing to order at 8:07 p.m.

**PUBLIC HEARING** for a request from Stephanie Ford, for a Special Use Permit allowing an outpatient drug and alcohol rehab center, on the properties known as Lots 16-21, Tax 8 & 11 and Lots 12-15 Tax 9, Block 65 JT SE 13-8-16, more commonly known as 154 1st Avenue West and 235 North Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the properties in question, 154 1st Avenue West and 235 North Lincoln Avenue, are currently zoned Central Business District (CBD). The proposed request, an outpatient drug and alcohol rehab center, defined as a Clinic, requires a Special Use Permit from the Planning and Zoning Commission.

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

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

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows outpatient drug and alcohol rehab center, defined as a Clinic, in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code. There are two building located on the property collectively known as 154 1st Ave West. They were previously used as office spaces and are currently sitting vacant. The property to the north is bare and zoned Public/Semipublic. Property to the east is both business and residential with residential and bare land to the south, all zoned CBD. The use of the buildings for outpatient care would not change the essential character of the area. The application notes the business will be operated Monday – Friday from 9 am to 9 pm and Saturday from 10 am to 6 pm. Access to the property is from N Alder St. only. There will be an increase in traffic; however, it should not be hazardous or disturbing to the existing area as there are existing businesses in the surrounding area. Both buildings are currently served adequately by essential public facilities. There is no indication this use will create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The application notes the proposed use will not cause an excessive production of odors, noise, smoke, fumes, glare, or traffic. There will be an increase in traffic during business hours but the application does state a van is provided for most client transportation. There are no proposed changes to the parking or vehicular approaches to the site. Currently there are 33 off-street parking spaces on the property and a public parking lot located on the corner of 1st Ave West and N Lincoln which meets the Off Street Parking Code requirements for a clinic. There is no indication that the proposed Clinic will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

As pertains to Title 17 of the JMC, the ordinance addressing Landscaping, Ms. Clark stated this is a change in use to an existing building in the CBD zone, the current property has significant landscaping already, and the applicant can requested a waiver due to the existing landscape on the property.

Ms. Clark sent the application out to City Staff and received the following comments: Fire and Building – Preliminary fire inspection is complete. A final fire and building inspection is needed for occupancy. Engineering, Wastewater, Public Works, and Police: all had no comments or concerns.

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

for up to five (5) years, renewable upon expiration. Ms. Clark stated regarding some Special Use Permits, the commission has agreed to a permanent Special Use Permit as they are making a great investment in the community but will let the commission discuss that.

Ms. Clark showed the commission pictures of the existing landscape on the property. Ms. Clark stated she did not receive any comments or concerns regarding the application.

Applicant Testimony: Stephanie Ford, 3303 Aspen Ridge Circle, Kimberly, testified, staff covered everything. She stated the landscaping is already in place and is beautiful. She stated there is a covered patio in the back of the building that is also beautifully landscaped. Ms. Ford stated they have already completed the upgrades and made the improvements that the Fire and Building Departments requested. She stated she wants to be an asset to the community. She stated she will have a van for transport if needed and it is in walking distance from the courthouse. Upon inquiry from Chairman Mink, Ms. Ford explained the day to day business with the commission. She stated no one will be living in the building and the maximum number of people in the building at one time will be around 35 people. She also stated the building to the east will house the adolescent center. Ms. Ford went over what programs the adolescent center would hold.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 8:17 p.m.

**CONSIDER** a request from Stephanie Ford, for a Special Use Permit allowing an outpatient drug and alcohol rehab center, on the properties known as Lots 16-21, Tax 8 & 11 and Lots 12-15 Tax 9, Block 65 JT SE 13-8-16, more commonly known as 154 1st Avenue West and 235 North Lincoln Avenue, Jerome, Idaho— action item

Commissioner McEntarffer stated this will be a great asset and the building is a great building for this use.

Commissioner King made a motion to approve a request from Stephanie Ford, for a Special Use Permit allowing an outpatient drug and alcohol rehab center, on the properties known as Lots 16-21, Tax 8 & 11 and Lots 12-15 Tax 9, Block 65 JT SE 13-8-16, more commonly known as 154 1st Avenue West and 235 North Lincoln Avenue, Jerome, Idaho with the following conditions: Receive any and all required building and/or fire department inspections and occupancy permits prior to using the space; Comply with all city, state and federal requirements; Special Use Permit shall be permanent as long as they reside at the property; and approves the waiver of the landscape requirements.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Jeff Schroeder, 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 May 12<sup>th</sup>, 2020 regular meeting
- B. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JENNIFER MERKLEY FOR  
A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS, ON THE PROPERTY  
KNOWN AS LOT 5 BLOCK 2 WOODLAND PARK, NE18-8-17, MORE  
COMMONLY  
KNOWN AS 750 15TH AVE E., JEROME, IDAHO**

A public hearing on the application of Jennifer Merkley concerning that parcel commonly known as 750 15th Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:03 p.m. on Tuesday, May 12, 2020, by teleconference with the Commissioners 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 posted at 100 East Avenue A, Jerome, Idaho and on the City's website.

Staff Report: City Planner, Ida 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 15th 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 15th Ave E

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

Richard N Everson, 737 16th 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 15th 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”.

Testimony in Rebuttal: 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Merkley’s testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. Lot 5 Block 2, Woodland Park, NE 18-8-17, more commonly known as 750 15th Avenue East, Jerome, Idaho is zoned Residential 1 (R-1), which requires a special use permit to use the property for the housing of up to six (6) chickens.
- B. Title 16 of the JMC has no bearing on this application.
- C. The application for a special use permit complies with the City of Jerome Comprehensive Plan, Section 3.1.1., and inasmuch as it is compatible with the existing and potential land uses.
- D. The application is inconsistent with the General Standards for Special Uses stated in JMC 17.60.030. A special use permit is required for up to six (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-1 zone.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- C. The Commission approves the application of Jennifer Merkley for a special use permit allowing six (6) laying chickens on that property located at 750 15th Avenue East, Jerome, Idaho 83338 subject to:
  - i. Any permanent 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 12th day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 9<sup>th</sup> day of June, 2020 to approve the application as specified herein is hereby made final this 12th 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 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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**

A public hearing on the application of Robert Reeder, representing Valley Country Store, concerning the use of real property located at 1466 South Lincoln, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, May 12, 2020, by teleconference at City Council with all members of the public, in a format allowing 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. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark provided a report upon this application. Ms. Clark 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  $\frac{3}{4}$ ' x 3  $\frac{3}{4}$ '. 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, Post Office 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, including the testimony of Ms. Carol on behalf of the Applicant Robert Reeder, and having reviewed the application, 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 subject property is located in the General Business Zone (C-2 zone), which requires a special use permit for a sign higher than the eave line of the fuel canopy.

- B. The proposed request requires a Special Use Permit form the Planning and Zoning Commission as detailed in 17.32.050 “Special Restrictions for Signed by Zone” of the Jerome Municipal Code.
- C. Regardless of use, signs must meet the regulation for signs as outlined above.

**II. Conclusions**

- A. A special use permit is required for the applicant to install a sign higher than the existing eave line in the C-2 zone in the City of Jerome.
- B. The Commission approves the application of Robert Reeder, representing Valley Country Store, allowing a sign higher than the eave line of the fuel canopy located at the common address of 1466 South Lincoln, Jerome, Idaho 83338, subject to the following condition:
  - i. The Applicant will obtain any and all building permits necessary prior to installing the sign.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of May, 2020 in support of the decision of the Planning and Zoning Commission on the 9<sup>th</sup> day of June, 2020 to approve the application as specified herein is hereby made final this 12th 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 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF DANIEL GUADARRAMA FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING AN IN-HOME OCCUPATION, PARTY RENTAL SUPPLY STORAGE, ON THAT PARCEL DESCRIBED AS LOT 14, BLOCK 2, LINCOLN PARK SUBDIVISION NE 18-8-17, MORE COMMONLY KNOWN AS 221 15TH AVENUE EAST, JEROME, IDAHO.**

A public hearing on the application of Daniel Guadarrama concerning the use of real property described herein within the City of Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, May 12, 2020, by

teleconference at City Council Chambers and with all members of the public, in a format allowing 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. Physical hearing was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, provided the staff report and brief background on the application of Mr. Guadarrama. Ms. Clark 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 15th Avenue East, testified, 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Clark's report, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed continued use, home occupation, requires a renewal of the existing special use permit to operate in R-1.

- C. The renewal application is consistent with the General Standards for Special Uses as stated in JMC 17.60.030. The proposed special uses is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an R-1 zone, in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior appearance of the property, will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring residences, will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors., will not create an interference with traffic on surrounding public thoroughfares, and will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

**II. Conclusions**

- A. A renewal of the special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-1 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows home occupations in R-1 zones by Special Use Permit.
- D. The Commission approves the renewed application of Daniel Guadarrama for a home occupation located at the above described real property subject to the following conditions:
  - 1. Obtain a fire inspection of the home occupation storage area, to be done by the Fire Department;
  - 2. Comply with all city, state and federal requirements;
  - 3. This special use permit shall be allowed for up to three (3) years from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 9<sup>th</sup> day of June, 2020 to approve the application as specified herein is hereby made final this 12th day of May, 2020.

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

- E. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF TIM MALONE FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING FOUR (4) LIVESTOCK, ON THAT PARCEL DESCRIBED AS TAX 15, BLOCK A-176 JEROME TOWNSITE, NE 19-8-17, MORE COMMONLY KNOWN AS 714 SOUTH FILLMORE STREET, JEROME, IDAHO.**

A public hearing on the application of Tim Malone concerning the use of real property described herein within the City of Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, May 12, 2020, by teleconference at City Council Chambers at 100 East Avenue A, Jerome, Idaho. The meeting was held via a format allowing the public to participate and allowing participants to hear the meeting, including all deliberations by commissions 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.

Staff Report: City Planner, Ida Clark, provided the staff report and brief background on the application of Mr. Malone. Ms. Clark 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. Ms. Clark suggested a permanent Special Use Permit was appropriate for so 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 by stating 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented by Mr. Malone, and having reviewed the application, Ms. Clark's report, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 2 (R-2).
- B. The proposed continued use, allowing four (4) livestock animals on the property, requires a renewal of the existing special use permit to operate in R-2.
- C. The renewal application is consistent with the City of Jerome's Comprehensive Land Use Plan, is in compliance with the Comprehensive Plan as it relates to Rural Residential Lane Uses requiring a Special Use Permit in Section 3.1.1.

**II. Conclusions**

- A. A renewal of the special use permit is required for the applicant to allow four (4) livestock animals on the above described property in the R-2 zone for the City of Jerome.
- B. A special use permit allowing four (4) livestock animals is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows livestock in R-2 zones by Special Use Permit.
- D. The Commission approves the renewed application of Tim Malone allowing four (4) livestock animals at the above described real property subject to the following conditions:
  - 1. Fencing will be maintained;
  - 2. Livestock animals will not create odors, noise, nor be detrimental to persons, property or general welfare; and
  - 3. This special use permit shall be allowed for up to ten (10) years from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 9<sup>th</sup> day of June, 2020 to approve the application as specified herein is hereby made final this 12th day of May, 2020.

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

- F. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF D.L. EVANS BANK FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING AUTOMOTIVE SALES, ON THAT PARCEL DESCRIBED AS TAX 3, BLOCK A-170 JEROME TOWNSITE, SW 19-8-17, MORE COMMONLY KNOWN AS 980 SOUTH LINCOLN AVENUE, JEROME, IDAHO.**

A public hearing on the application of Randy King, representing D.L. Evans Bank concerning the use of real property described herein within the City of Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, on Tuesday, May 12, 2020, by teleconference at City Council Chambers with all members of the public, in a format allowing 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. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, provided the staff report and brief background on the application. 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 on behalf of D.L. Evans Bank, stating 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 cars 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.

The Jerome City Planning and Zoning Commission having heard the testimony presented by Mr. King on behalf of D.L. Evans Bank, and having reviewed the application, Ms. Clark's report, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. The property described in the heading herein is in the City of Jerome and is currently zoned General Business (C-2).

- B. The proposed continued use, allowing automotive sale on the property, requires a renewal of the existing special use permit to operate in C-2 Zone.
- C. The renewal application is consistent with the City of Jerome's Comprehensive Land Use Plan, 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."

**II. Conclusions**

- A. A renewal of the special use permit is required for the applicant to allow automotive sales on the above described property in the C-2 zone for the City of Jerome.
- B. A special use permit allowing automotive sales is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows automotive sales in C-2 zones by Special Use Permit.
- D. The Commission approves the renewed application of D.L. Evans Bank allowing automotive sales at the above described real property subject to the following conditions:
  - 1. Vehicles shall be parked on private property and not on the public right of way;
  - 2. Vehicles will only be parked for two weeks at a time; and
  - 3. This special use permit shall be allowed for up to five (5) years from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of May, 2020, in support of the decision of the Planning and Zoning Commission on the 9<sup>th</sup> day of June, 2020 to approve the application as specified herein is hereby made final this 12th day of May, 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.

Second to the motion by Commissioner Johnson and carried.

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

#### **CITIZEN CORRESPONDENCE**

None

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

Ms. Clark stated it was nice to see everyone in person and thanked them. She stated the next meeting will be June 23<sup>rd</sup> with a full agenda. She stated she is currently working on a couple of applications for the Landscape Ordinance and so far everything has been going smoothly. Chairman Mink inquired about the many signs that were going up. Ms. Clark reminded the commission that unless there was a Special Use Permit needed, all signs were approved by the administrator. She stated she would have Katie send an updated list of new signs. She continued that there has been a lot of signs updated lately. Ms. Clark went over the signs for the Crofts' Dental building. Commissioner McEntarffer stated there were a couple of community events that have been scheduled. He stated the fireworks show is going forward on June 27<sup>th</sup>; Joe Mama's will also be going forward; and there will be a Taco Fest in September in the park. He stated the Taco Fest will be ran by a private company. He stated the County Fair is still going as of right now as it is the 100 year celebration. Upon inquiry from Commissioner Schroeder, Ms. Clark stated since everything has happened, they have been sending out comment forms to the public regarding the public hearings and they have received more comments back than before. She stated the Zoom meeting has been more difficult for Planning and Zoning due to the amount of visuals and discussions. She stated it has been hard but the staff has been great to work with. Upon inquiry from Commissioner Johnson, Ms. Clark stated they have not sent out comment forms before and they have not read them on the record like they currently have. Discussion was held on pros and cons of Zoom meetings.

There being no further discussion, Chairman Mink closed this regular meeting at 8:30 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary