

Planning & Zoning Meeting  
June 11<sup>th</sup>, 2019

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 Randy King, Commissioner Dave Holley, Commissioner Sheryl Gibbons, and Commissioner Carl McEntarffer. Commissioner Bill Allred arrived at 7:02 p.m. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

**PUBLIC HEARING** for a request from Melissa Garnett for a Special Use Permit allowing a residential use, on the property located at Lots 11-15 Block 77 Jerome Townsite SW 18-8-17, more commonly known as 124 North Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 124 North Lincoln Ave. in Jerome is currently zoned Central Business District (CBD). The proposed use, a residential use, requires a Special Use Permit.

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 13, Objective 2, which states that the City of Jerome will, "Provide for areas of different residential densities and uses". Chapter 13, Objective 6 which states that "Housing policies should be developed to assure the upgrading and rehabilitation of homes is encouraged". Chapter 13, Policy 6 which states that the City of Jerome will "Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population."

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows residential uses in the CBD zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code. The application indicates there will not be any major exterior modifications, which will ensure that the appearance and character of the area is not impacted. It is not anticipated that the proposed residential use will be hazardous or disturbing to existing or future neighboring uses. It is noted this location is currently a daycare. The application notes the building will be served by existing utilities. No additional utilities will be needed to accommodate this request. There is no indication that the residential use will create excessive additional requirements at public cost. It is not anticipated that the residential use will 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 there will not be any additional traffic or noise other than normal. There are no proposed changes to the vehicular approaches to the site and parking will remain unchanged. There is off street parking. There is no indication that the residential use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she sent the application to city staff and received the following comments: Fire – Will need to verify a secondary egress from the living area that leads directly to the exterior of the building. This will need to be an additional exit door or approved egress window; Engineering, Building, Streets, Water, and Wastewater all had no concerns.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence; Any alterations to the structure must receive building permits and meet the building and/or zoning code; Comply with all city, state, and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Applicant Testimony: Melissa Garnett, 124 North Lincoln, testified, staff explained well and would answer any questions from the commission. Upon inquiry from Chairman Mink, Ms. Garnett showed the commission where the living area would be in the most south western portion of the building. She stated there is also a front door next to the living area, with a door to the north and also to the east of the building. Upon inquiry from Commissioner Gibbons, Ms. Garnett stated she will still have enough space for the children that she has in the daycare. Upon inquiry from Chairman Mink, Ms. Clark stated the Fire Department would go and speak with Ms. Garnett about the secondary egress area as they are familiar with the building and they do not have any immediate concerns as there may already be a door or window that would suffice. Upon inquiry from Commissioner Holley, Ms. Garnett stated she has off street parking and also street parking but it will only be her at the residence so there will not be any more traffic than normal. She also stated she currently is already parked there 12 hours a day. She stated she has not had any costs that she would be out if it is not approved. Upon inquiry from Commissioner Allred, Ms. Garnett stated she is parked on the eastern side of the building in the alley next to the dumpster. She stated her parking would not change. She also has access for customers to park on North Lincoln or East 1<sup>st</sup> Street. She stated most customers are at the business five minutes or less.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:09 p.m.

**CONSIDER** a request from Melissa Garnett for a Special Use Permit allowing a residential use, on the property located at Lots 11-15 Block 77 Jerome Townsite SW 18-8-17, more commonly known as 124 North Lincoln Avenue, Jerome, Idaho. – action item

Commissioner Holley, Commissioner King, Commissioner Gibbons, and Commissioner McEntarffer all had no concerns.

Commissioner Gibbons made a motion to approve a request from Melissa Garnett for a Special Use Permit allowing a residential use, on the property located at Lots 11-15 Block 77 Jerome Townsite SW 18-8-17, more commonly known as 124 North Lincoln Avenue, Jerome, Idaho with the following conditions: Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence; Any alterations to the structure must receive building permits and meet the building and/or zoning code; Comply with all city, state, and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous "ayes"

**PUBLIC HEARING** for a request from Farmers Bank for a Special Use Permit allowing automotive sales, on the property located at Lot 8 Block 1 South Lincoln Business Park SEC 24-8-16, more commonly known as 1441 South Lincoln Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 1441 South Lincoln Avenue in Jerome is currently zoned General Business (C-2). The proposed request, automotive sales, requires a Special Use Permit. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 10', Interior Side- 12', and Side Street- 25'.

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

Ms. Clark reminded the commission of Title 8 of the JMC, the ordinance addressing nuisances of abandoned and junked vehicles. She stated vehicles placed on the property shall not be wrecked or junked.

As pertains to Title 17 of the JMC, regarding the parking requirements the ordinance addressing off street parking, Ms. Clark stated the property is a bare lot which does not have other uses and there will be adequate parking.

Regarding the General Standards for Special uses, Ms. Clark stated the Planning and Zoning Code allows vehicle sales in the General Business zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of title 17 of the Jerome Municipal Code. The application notes it is rare that they have vehicles for sale but they do allow employees, bank customers, and any collateral for bank loans on that lot. It is not anticipated that the vehicle sales will be hazardous or disturbing to existing or future uses. The application notes the facility will be served by existing utilities. There are vehicular approaches already in place. There is no indication that the sales of vehicles will create excessive additional requirements at public cost. It is not anticipated that the sale of vehicles will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. There are no proposed changes to the parking or vehicular

approaches to the site. There is no indication that the sales of vehicles will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated she sent the application to city staff and none of the departments had any concerns.

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 one year, renewable upon expiration.

Applicant Testimony: Dave Davis, 1441 South Lincoln, Branch Manager of Farmers Bank, testified the purpose of the hearing to make sure they are complying with the ordinance that is on the book to sell vehicles. He stated there are times when they need to take some vehicles back and then resale the vehicle. He stated he has had some customers that ask to place their vehicle for sell, as well as employees. He stated they are not trying to make it a practice to have vehicles, but he wants to make sure they will be permitted. Upon inquiry from Commissioner McEntarffer, Mr. Davis said they have recently had at most two but may have three or four. He stated they could put more but they do not want that. Upon inquiry from Commissioner Holley, Mr. Davis stated there would be all types of vehicles, RV's, boats, etc. He stated they have also had some equipment but it is very rare. He stated he has not set the amount of days a vehicle can be parked on the property but the owners usually will come back within a month if it has not sold. Mr. Davis continued that people will call the number on the sign for all sales. Upon inquiry from Commissioner Allred, Mr. Davis stated if it is a bank repo, even from other branches, there is no set time for a vehicle to sit on the lot. He stated they may move a vehicle to another location if it has not sold in a couple months. Upon inquiry from Commissioner Holley, Mr. Larsen stated the property is in the Design District and if there are signs on the sidewalk or on the property, they would have to go through a Design Review with staff. Upon inquiry from Commissioner Holley, Mr. Davis stated they should not have any problems as the only other place they may advertise, would be on Craigslist if the sign is not in the vehicle. Mr. Larsen stated the business is not advertising as a car dealership.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:22 p.m.

**CONSIDER** a request from Farmers Bank for a Special Use Permit allowing automotive sales, on the property located at Lot 8 Block 1 South Lincoln Business Park SEC 24-8-16, more commonly known as 1441 South Lincoln Avenue, Jerome, Idaho. – action item

Commissioner McEntarffer made a motion to approve a request from Farmers Bank for a Special Use Permit allowing automotive sales, on the property located at Lot 8 Block 1 South Lincoln Business Park SEC 24-8-16, more commonly known as 1441 South Lincoln Avenue, Jerome, Idaho with the following conditions: Vehicles shall be parked on private property and not on the public right of way; All vehicles are in running order; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner King and carried.

Discussion was held on running order and if that included boats, and trailers. Commissioner McEntarffer clarified if it is a car, it needs to be in running order and other equipment must be able to drive away. Ms. Clark stated all vehicles on the property will not be junked and must be able to move on their own.

Unanimous “ayes”

**PUBLIC HEARING** for a request from Ricky Harbison for a Special Use Permit allowing a home occupation consisting of firearm sales, on the property located at Tax 30 NESE Jerome Unplatted SE 18-8-17, more commonly known as 935 8th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 1 (R-1). The proposed use, a home occupation, requires a Special Use Permit. In this case, Mr. Harbison would like to obtain a Federal Firearms License (FFL) to sale firearms, out of his home. Ms. Clark reviewed the definition of a home occupation as “any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the structure for dwelling purposes and which use does not change the character thereof or does not adversely affect the uses permitted in the zone of which it is a part”. There are no signs shall be permitted in the R-1 and R-2 zones except for one realty sign.

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”, Objective 1, which states that the City will plan to “provide an environment that encourages expansion of existing businesses and the attraction of new jobs to the community.” 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 Jerome Municipal Code allows a home occupation in the R-1 zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code and the Comprehensive Plan. The application states the exterior of the residence will not change.

The application states the proposed home occupation will not be hazardous to the existing or future neighboring uses. The application notes there will be frequent stops by UPS. The application notes the residence will be served by existing utilities. The proposed home occupation will not create any additional requirements at public cost. The proposed use will not create excessive noise, smoke, fumes, glare or odors. There are no proposed changes to the exterior of the residence, parking or vehicular approaches to the site. The application states there will not be any significant increase in traffic due to the proposed home occupation other than stops by UPS. There is no indication that the proposed home occupation will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Home Occupation under the Unique Land Uses section of the Jerome Municipal Code, Ms. Clark stated the application states Mr. Harbison will engaged in the home occupation. The property is primarily used as a residence, with the home occupation being a secondary use. The applicant understands he is only able to use up to 400 square feet of the floor area. The applicant previously converted a garage bay into a family room. This room does have a separate entrance that can be used for this occupation. The applicant is aware there will not be exterior modifications to the residence, including signage or other visible evidence of the conduct of the home occupation. As mentioned previously, additional traffic will be from UPS for deliveries. The application states there will not be any involvement of equipment that creates noise, vibration, glare, fumes, odor or electrical interference. There will not be any storage of materials or supplies outdoors. The applicant acknowledges there will not be any signage or structures relating to the home occupation present on premise.

Ms. Clark stated she sent the application to city staff and received the following comments: Police- provide security of weapons such as safes and an alarm system. It is noted this home is in close proximity to a school zone. Per the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), FFL businesses are exempt; however, persons entering or exiting may be in violation.

If approved, Ms. Clark recommended the following conditions: Complete a fire inspection of the home occupation area by the Fire Department; Firearms are kept in a secure location; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Upon inquiry from Chairman Mink, Ms. Clark stated when she and the Police Chief went out to the website of the ATF, she stated there is a list of what is and is not exempt. She stated when a person has an FFL license, is it exempt but if a person comes on with a loaded weapon or leaves with a loaded weapon they could violate being close to a school zone. She stated it was potential and wanted to make sure it was discussed. She continued that the ATF has a flier that is very clear on what is exempt and what is not. Upon inquiry from Commissioner Holley, Ms. Clark stated the property is in close proximity of a school zone. She stated federal law states 1,000 feet from school property. However, Idaho code only refers to being on school property or events. She stated since Idaho Code does not cover this business, they refer back to federal law and with federal law, this business is considered exempt if it is licensed. Chairman Mink

stated they ran into this before with selling alcohol regarding being so far away from school property.

Applicant Testimony: Rick Harbison, 935 8<sup>th</sup> Ave East, testified, he has not applied for his FFL yet as he wanted to make sure the city passed his application. He stated he does not need an FFL for him buy online or at estate sales and then sell those guns online or at gun shows. He would like to get an FFL so the guns would be legally registered. He stated he will not do gun transfers. Mr. Harbison stated he will not be selling guns from his home as he does not want people to come to his home. He stated he sales his guns online and at guns shows around Idaho. He stated he has been selling guns for a number of years but with an FFL, he will be able to register the guns he sells. Upon inquiry from Chairman Mink, Mr. Harbison stated he will have a locked drop box for UPS. His stated his firearms purchases now go through John Crozier. Upon inquiry from Commissioner King, Mr. Harbison stated he has a number of safes to put his guns in. He added an exterior door to the room he will have the guns in to bring in a higher capacity safe. Upon inquiry from Chairman Mink, Mr. Harbison stated he has around 100 guns at home at any given time. He stated it depends on how many guns he buys at an estate sale. Upon inquiry from Commissioner King, Mr. Harbison stated he does have his own guns but they are in a different area of the home and they are also in safes. Upon inquiry from Chairman Mink, Mr. Harbison stated he only sales his guns online through Gunbroker. Once he gets a notice that his gun has sold, he gets a copy of the persons FFL and then he sends it to another person with a copy of his FFL. He stated at this time, at the gun shows, he can sell to anyone that has an Idaho Driver's License as long as the person is over 21. Upon inquiry from Commissioner Schroeder, Mr. Harbison agrees with the alarm system as he has a set of monitor and camera to cover the room and outside. He stated it is not tied into the police system but will if he needs to as he is welcome to more security.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Rob Culver, 716 8<sup>th</sup> Avenue East, testified, he is a City Councilman but is here as a resident. Mr. Culver stated he is against all gun sales in residential areas. He stated there is a park and his grandkids play there. He stated he can have all the safes he wants but it can still happen. He does not want to bury one of his grandkids because a nut got to his guns. Upon inquiry from Chairman Mink, Mr. Culver stated he did not know he had the guns now. Upon inquiry from Commissioner Holley, Mr. Culver stated safes can be broken into. He stated he is totally against selling in residential zones and that is what the business district is for.

Tina Standley, 720 8<sup>th</sup> Avenue East, testifies she also lives down the street, and has grandkids that live with her. She wants the commission to look at it closely and does not think the area is a place for this business. She stated the schools use the park for activities. She stated there are three schools in the area. She would ask to have the commission look at the application closely and would suggest it to be in a business area, not residential area. She also asked if Mr. Harbison is currently having UPS deliver guns to his home now. Upon inquiry from

Commissioner Holley, Ms. Standley stated she is not aware of any break-ins or robberies in the area.

Carolyn Culver, 716 8<sup>th</sup> Avenue East, testified she has her grandkids with them five days a week and they use the park four to five times a week. She stated her kids play in the park and the schools do use the park. She stated she is concerned with traffic and the amount of home invasions that happen in the area. She stated it is not the same world as she was brought up in and wants the kids' safety to be the priority. She thinks having guns in the residential area is not what should be allowed. Ms. Culver stated that people are wiser and she is not afraid of guns as her family has them and hunts with them. But thinks that the community is becoming wiser about the safety. But once there is word of mouth there will be more activity in the area.

Rebuttal Testimony: Rick Harbison stated he cannot control home invasions. He stated he does not have UPS delivering guns right now as he has them delivered to John Crozier. He stated the difference would be that UPS would be dropping them off and if he is not at the residence, they would have a locked drop box to put them in. He stated he understands their concerns but it is not a requirement in Idaho. He stated he is seeking an FFL to make sure the guns he sells are re-register to the correct owners. He stated when he goes to gun shows, he will then be able to do a background check on the new owner. He stated he will continue business with or without the FFL. But he would like to register the guns to the owners. He stated there will not be any foot traffic from customers and UPS already comes to his house a number of times a week with packages. Upon inquiry from Commissioner Holley, Mr. Harbison stated he has not had a break in or robbery since he has been selling guns. He stated he hands out his business card which has his phone number and address. Upon inquiry from Mr. Larsen, Mr. Harbison stated he has one case that holds 14 firearms, two safes that hold 80 firearms each and has one safe that holds 120 firearms. He stated all of the guns are in a safe, he keeps ammunition separate. He stated he only has his own person ammunition and does not sell any.

There being no further testimony, Chairman Mink closed the public hearing at 7:49 p.m.

**CONSIDER** a request from Ricky Harbison for a Special Use Permit allowing a home occupation consisting of firearm sales, on the property located at Tax 30 NESE Jerome Unplatted SE 18-8-17, more commonly known as 935 8th Avenue East, Jerome, Idaho – action item

Chairman Mink held a discussion with the commission regarding the general standards for the Special Uses. Discussion included Title 17, house will stay the same, no additional services, no traffic, and no destruction of historical sites. Chairman Mink stated there may be concerns with fitting in the neighborhood. Commissioner McEntarffer stated he understands their concerns but they have allowed this to fit in our ordinance. Commissioner McEntarffer stated the only way to not allow this, is to rewrite the ordinance and not allow this use in any residential area. He suggested to give the applicant a year. Commissioner Holley stated he also understands the concerns of the neighbors and noted the Police has set guidelines for him. He will need to follow all city and state guidelines. According to his testimony he has been selling for years and he has testified there have not been any break-ins. The commission has allowed gun sales in

homes in the city and subdivisions. Chairman Mink stated the other applicants that are selling guns are very limited and are also online. Commissioner Schroeder stated he would like to make a requirement for an alarm system connected to the police department to help notify what is going on immediately. He does not think there is stopping concerns for children but thinks that a person with a FFL is more conscious than most homeowners. He continued that Mr. Harbison is trying to get them registered and would make it safer for the general public. He stated he would like to have a requirement to have the alarm system that is monitored. Mr. Larsen stated the commission could approve the permit with the requirement of a security system that is monitored and he would then let staff know so they could approve before the condition is satisfied. He stated if it was not maintained, the permit would then become invalid. Commissioner Allred acknowledge there are concerned citizens and thinks the concerns need to be addressed. Commissioner Gibbons thanked those that have concerns and she also has concerns with guns but the commission has approved these type of uses in the past and does not know how they could not approve the permit. She stated she appreciates their concerns and comments.

Commissioner Schroeder made a motion to approve a request from Ricky Harbison for a Special Use Permit allowing a home occupation consisting of firearm sales, on the property located at Tax 30 NESE Jerome Unplatted SE 18-8-17, more commonly known as 935 8th Avenue East, Jerome, Idaho with the following conditions: Adequate alarm system to be maintained at all times tied into a monitoring system connected to the police station; Complete a fire inspection of the home occupation area by the Fire Department; Firearms are kept in a secure location; Comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Second to the motion by Commissioner Gibbons and carried.

The motion passed with the following votes:

Ayes- Commissioner Schroeder, Commissioner King, Commissioner Holley, Commissioner Gibbons, and Commissioner McEntarffer

Nayes- Commissioner Allred

**PUBLIC HEARING** regarding an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of Infill Development, Private Shared Drive, Private Drive and Private Street: Providing regulations for the creation of and construction of Private Shared Drives, Private Drives and Private Streets in Infill Developments; and providing for an effective date.

Staff Report: Ms. Clark gave a little background on the reasoning behind changing the ordinance. She stated she met with several people regarding certain properties in town and when they are informed they need to meet the standards for a city street, they are no longer interested as they can only build a couple homes. She stated currently, they do not allow private streets. Ms. Clark stated she went back to see the reason why the code does not allow private streets and she believes the reason is because there were a couple of subdivisions that

created safety issues regarding access. She stated they looked at a few cities that had some type of standard for private streets but did not find any that excluded private streets as our code does. She stated she met with several city departments regarding private streets to help re-write the ordinance. She continued that she has had numerous people asking for infill projects. These could have started this summer but were unable to move forward because they would need a private road. Ms. Clark stated she has an ordinance and would like to pass the ordinance so if developers would like to move forward with their projects later this summer, they can. Upon inquiry from Commissioner McEntarffer, Mr. Larsen stated overall maintenance is one of the biggest issues as the road is not dedicated to the city. Upon inquiry from Commissioner Holley, Mr. Larsen stated there are width requirements for private roads. Ms. Clark stated they added a definition for infill development to make sure large acreages or developments are not included. Commissioner McEntarffer stated a perfect example of this, would be the gentleman that wanted to have the horse and cows as his lot is big enough to hold another house but at present and cannot make setbacks. Mr. Larsen stated if you look at the city map along Tiger Drive and 8<sup>th</sup> Avenue, there are numerous lots that would benefit from this as they are two acre lots. Discussion was held on concerns with private roads regarding fire access, utility access, easements, road repairs, parking issues, enforcement, roads off of alley access, water and sewer service repairs, and septic tanks. Ms. Clark stated they tried to go through and address the concerns the commission has spoken about. Ms. Clark stated they did refer back to both the Engineering Department and Fire Department for standards and requirements. Mr. Carpenter stated there are a lot of unique situations, it would be hard to address every situation in writing. He stated they would have a requirement to meet both the Engineering and Fire Chief approvals. Ms. Clark stated they also added a requirement of not allowing through streets as this is not the intent of the ordinance. Ms. Clark went over the limit of lots or units for service, maintenance/enforcement of the private roads, covenants/conditions and requirements (CC&R's), and easements. She stated private streets would be part of a subdivision and lot split process. Upon inquiry from Commissioner Allred about septic and sewer systems, Mr. Carpenter stated they did not want to duplicate requirements in the city ordinance if it was already a state requirement. He stated they are only addressing the private street portion of the code and there are other codes and ordinances for sewer. Mr. Larsen stated this ordinance is not regarding the whole subdivision requirements, just the small portion regarding private streets. Developers would also need to meet all of the other requirements to form a subdivision. Mr. Carpenter went over the requirements of a public street with the commission and held discussion on setbacks, lot splits, minimum/maximum requirements, zoning, Gazebo Court, Planned Unit Developments (PUD), and Home Owners Associations (HOA). Upon inquiry from Commissioner Schroeder, Mr. Larsen stated CC&R's is a contract among homeowners and they are able to enforce it with each other. Discussion was held on CC&R's and how they will be enforced. Commissioner Schroeder stated his main concern is enforcement. Mr. Larsen stated enforcement may become a problem down the road. He stated they are trying to attempt to make sure at the outset, everything is in place and enforcement will be up to the homeowners. Commissioner King stated the first owners of the homes will know and understand the requirements, but as the property keeps changing hands, the compliance will lessen as new owners will not know the requirements. Mr. Larsen agreed and stated there are current subdivisions that are also seeing this same thing happen and they

have HOA's. Upon inquiry from Commissioner McEntarffer, Mr. Carpenter stated this ordinance is reasonably limited and will be on a case by case basis. He stated that staff also had similar concerns with the ordinance when they met. He stated this ordinance is specifically targeting infill properties. Mr. Carpenter went over the requirements of the infill properties. Discussion included limit of lots and units, gated communities, acreage of projects, and requirements for a shared driveway. Ms. Clark stated when she was researching this ordinance, the only city that specifically address gated communities, was Ketchum. Upon inquiry from Commissioner McEntarffer, Mr. Carpenter stated shared driveways are feasible but as long as they meet the minimum lot. Discussion was held on the size of acreage for shared driveways, minimum street frontage, and shared driveway requirements. Mr. Larsen stated there is no easy solution. Ms. Clark stated they are asking to take this ordinance to City Council. Mr. Larsen stated they could recommend this for approval to the City Council or send this back to be developed a little further. He stated there is potential to help out and bring more of a tax base to the city. Commissioner Schroeder stated he appreciates staff addressing this and not ignoring it. He stated they may be looking at too many issues at the same time and his major concerns are with enforcement, snow removals, and maintenance as it all will come back to the city. He thinks asking for CC&R's are too specific and thinks there should be something else that can be required. He stated he would be willing to help with this and does not think he can approve the ordinance or send it to City Council. Chairman Mink suggested going over the ordinance a line at a time or a definition at a time. Commissioner Holley suggested meeting with a group to look at the ordinance as it worked with the sign ordinance. Ms. Clark stated they can get a committee together to review the ordinance. Chairman Mink stated they want to make sure they see the bigger picture and how it will fit. Ms. Clark stated she will help coordinate a committee to look at the ordinance. Commissioner Holley stated he would volunteer to be on the committee so he can better understand it. Ms. Clark inquired what the next step would be. Mr. Larsen stated the commission could move into consideration and either table the matter for further discussion or deny the motion and bring the ordinance back at a later date. Mr. Larsen stated if the discussion is tabled, the City Council could still approve the ordinance. Ms. Clark stated if she presented this ordinance to the City Council she would make sure the council knew about the concerns of the Planning and Zoning commission and that it was not recommended.

Commissioner Holley made a motion to move for approval of an ordinance of the Mayor and Council of the City of Jerome revising Title 16 Chapter 08 and Title 16 Chapter 28 of the Jerome Municipal Code providing a definition of Infill Development, Private Shared Drive, Private Drive and Private Street: Providing regulations for the creation of and construction of Private Shared Drives, Private Drives and Private Streets in Infill Developments; and providing for an effective date.

Failure to second the motion, motion died.

## **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 28<sup>th</sup>, 2019 special meeting.

Commissioner McEntarffer made a motion to approve the consent agenda.

Second to the motion by Commissioner King and carried.

## **CITIZEN CORRESPONDENCE**

None

## **DISCUSSION PERIOD & STAFF REPORTS**

Ms. Clark stated she went over the bylaws and asked if the commission would be interested in moving the meeting to 5:30 or 6:00 p.m. Commissioners Holley and McEntarffer stated they both would like to keep the meeting at 7:00 p.m. due to their work schedules. Ms. Clark stated there are other pieces of the bylaws that she would like to bring back. Ms. Clark stated she did a quick research on open law regarding email voting, but needs to do more research and will bring it back to the commission. Mr. Larsen stated if there is a Special Use that was denied, and they have to have a response to the applicant within 14 days, they may be able to vote on the minutes by email and it may save some time.

Ms. Clark stated the next meeting will be June 25<sup>th</sup>. She stated there are two Special Use permits and she also wants to bring back the Special Use chart or landscape ordinance to review. Commissioner McEntarffer stated he would like to know why the council denied the landscape ordinance as they have not received any feedback from them. Ms. Clark stated she also wanted to know and she pulled those minutes to review. Upon inquiry from Commissioner Schroeder, Ms. Clark stated she will send out the information and the minutes from the landscaping meeting. Commissioner Holley stated he very was frustrated with spending so much time on ordinances and not having them passed. Commissioner McEntarffer stated he would like to know what they need to change. Mr. Larsen stated they had community input on the sign ordinance and they will look into have some for the landscaping ordinance as well.

Commissioner McEntarffer stated North Park is coming along great. Commissioner Holley stated it is a great project. Upon inquiry from Commissioner Allred, Commissioner McEntarffer stated they will let the grass take a beating and then will let it recover. Upon inquiry from Commissioner Holley, Ms. Clark stated the park is big and there is plenty of room for vendors. Commissioner McEntarffer stated Joe Mama's is coming along strong.

There being no further discussion, Chairman Mink closed this regular meeting at 9:03 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary