

Planning & Zoning Meeting
June 23rd, 2020

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. The meeting was held by teleconference along with the Council Chambers being open to the public. The video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by members of the Planning and Zoning board and other speakers addressing the board, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the city's website.

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

CONSIDER a Design Review request for 1210 South Lincoln, Jerome, Idaho – action item

Staff Report: Ms. Clark stated the property is located at 1210 South Lincoln Ave. in Jerome, otherwise known as Fat Clarence's Pub & Grub. It is an existing building. The business is located in the General Business (C-2) zone. The façade remains the same material, with newly added paint in the color of English Castle and a trim color in Smokey Eyes.

Regarding the Design Review Guidelines, Ms. Clark stated the building's façade was painted in English Castle and with Smokey Eyes applied as trim. When she stopped to speak to C.R., he was apologetic and stated he was excited to open. He was asked to complete the application for review at the next available P&Z Commission. The paint was done in a professional manner and is complete. The current colors need approval or denial from the Commission. Ms. Clark showed a picture of the finished building to the commission.

C.R. Larsen, stated, he painted the building three months ago but he did not know he needed permission until he was approached by Ms. Clark.

Commissioner King made a motion to approve the Design Review request for 1210 South Lincoln.

Second to the motion by Commissioner Johnson and carried.

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

Chairman Mink called the Public Hearing to order at 7:04 p.m.

PUBLIC HEARING for a request from Jerome Senior Center, for a Special Use Permit allowing an Electronic Message Display Sign, on the property known as All of Shepherd Replat #4, JT SW 18-8-17, more commonly known as 520 North Lincoln Avenue, Jerome, Idaho

Staff Report: Ms. Clark stated the Jerome Senior Center currently has a freestanding sign facing North Lincoln. It is a letter board that requires manual changes to messages. The property is zoned Public/Semipublic (PS). Section 17.32.040.Q of the Jerome Municipal Code allows electronic message displays in all zoning districts by special use permit only.

She stated the application proposes to replace the existing letter board with an electronic message display. The materials note the structure of the sign will not be modified. The proposed electronic display will be similar in size to the existing letter board. The proposed cabinet will measure approximately 8' X 5'. The electronic message display sign has an approximate area of 40 square feet. As proposed, the sign meets the size requirement as outlined in the Jerome Municipal Code.

Ms. Clark stated the proposed sign will be subject to Section 17.32.040 Section Q, since it has an electronic display. "Electronic Message Display": A sign or portion thereof capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means."

Ms. Clark stated the applicant is aware of the requirements for the electronic message displays in 17.032.040 Section "Q". She stated the applicant acknowledges the guidelines and intends to comply.

Regarding the General Standards for Special Uses, Ms. Clark stated the Jerome Municipal Code allows an electronic message display sign with an approved special use permit in all zoning districts. 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 notes the design of the sign will be constructed to fit into the existing freestanding frame, there will not be any structural changes to the existing sign. The new electronic sign will not change the essential character of the area. The applicant is required to meet the electronic display criteria, which will keep the sign from creating a disturbance to current and future neighbors. The application notes the sign will not require public facilities or services. As proposed, the electronic message display sign will not create additional requirements at public cost for public facilities nor 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. 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 electronic message display sign will replace an existing manual letter board. The materials note the existing sign structure will remain the same. The application indicates the sign will be professionally manufactured and installed. The application rendering shows the sign will be constructed of aluminum and polycarbonate. Aluminum and polycarbonate are described as a strong, permanent material. The proposed sign will display in English.

If approved, Ms. Clark recommended the following conditions: Obtain any building permits before installing the sign; and Comply with all City sign requirements.

Applicant Testimony: Chris Barber, 868 East Main, testified, he is a Jerome Council member and sits on the board for the Jerome Senior Center. He stated they are wanting to get a reader board for the Senior Center so no one has to go and manually change the sign. He stated Lytle Signs designed the sign and will also be installing it. He continued that they will be using the existing structure from the previous sign. He stated they reached out to the community for donations and Ridley's came back and was willing to pay for half of the sign. Mr. Barber stated the Senior Center will be able to advertise Bingo night, along with all of the other events they hold. Upon inquiry from Commissioner Holley, Mr. Barber stated the sign will only have one side that will be electronic. He stated the north side will be white with black lettering. He stated he wished they could be afford to have both sides but they cannot at this time. He stated the wording would be stenciled on. Upon inquiry from Commissioner Allred, Mr. Barber stated they received one donation from Ridley's which will have their name on the bottom of the sign. Mr. Barber stated the donators name will be one foot tall and eight feet wide. Chairman Mink went over the layout of the design with the Commission.

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

John and Shaila Lewis
521 North Lincoln, Ave, Jerome, ID 83338

My husband, John Lewis, & I, Shaila Lewis, think the Electronic Message Display Sign is a great idea for the Senior Citizen Center! We live across the street from the center & watch them changing the message board letter by letter. We believe it is time the message board is updated to meet the modern times. 😊

Shaila & John Lewis

Twila Larsen
118 5th Ave East

Marked she approved the application with no other comment.

Twila Larsen

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:14 p.m.

CONSIDER a request from Jerome Senior Center, for a Special Use Permit allowing an Electronic Message Display Sign, on the property known as All of Shepherd Replat #4, JT SW 18-8-17, more commonly known as 520 North Lincoln Avenue, Jerome, Idaho – action item

Commissioner Johnson made a motion to approve a request from Jerome Senior Center, for a Special Use Permit allowing an Electronic Message Display Sign, on the property known as All of Shepherd Replat #4, JT SW 18-8-17, more commonly known as 520 North Lincoln Avenue, Jerome, Idaho with the following conditions: Obtain any building permits before installing the sign; and Comply with all City sign requirements.

Second to the motion by Commissioner Holley and carried.

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

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

PUBLIC HEARING for a request from Farmers Bank/JP Property LLC, for a renewal of a Special Use Permit allowing automotive sales, on the property known as 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 gave a brief background on the application. She stated Farmers Bank received a Special Use Permit for automotive sales in June 2019. The automotive sales are conducted on a bare lot that does not impact the entrance or parking to neighboring businesses. Farmers Bank allows employees, bank customers, and any collateral for bank loans on the lot. They do not allow junked or salvage vehicles. Staff has not received any complaints or concerns during the last year. Farmers Bank is asking for a renewal of the permit with no changes.

As pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Clark stated the property in question, 1441 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.

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark 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 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 the request IS 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.

Chairman Mink inquired if there was a limit of cars at one time on the previous Permit. Ms. Clark stated there was not a limit on the cars.

Applicant Testimony: David Davis, 1441 South Lincoln, Branch Manager for Farmers Bank, testified, he stated they would like to renew the permit to sell cars on the extra lot. He stated he has a few cars for sale at the present time. Mr. Davis stated they don't normally have cars for sell but stated on occasion they will have a car for sell for an employee, customer or a bank repossession.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:21 p.m.

CONSIDER a request from Farmers Bank/JP Property LLC, for a renewal of a Special Use Permit allowing automotive sales, on the property known as 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 Holley stated he did not have any concerns regarding the application.

Commissioner King made a motion to approve a request from Farmers Bank/JP Property LLC, for a renewal of a Special Use Permit allowing automotive sales, on the property known as 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; Comply with all city, state and federal requirements; and Special Use permit shall be allowed for up to five (5) years, renewable upon expiration.

Second to the motion by Commissioner Holley and carried.

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

Chairman Mink called the Public Hearing to order at 7:23 p.m.

PUBLIC HEARING for a request from Sandra Hernandez and Jose Mejia, for a Special Use Permit allowing automotive sales; on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho.

Commissioner King recused himself from this public hearing.

Staff Report: Ms. Clark stated the property in question, 975 South Lincoln Avenue in Jerome is currently zoned General Business (C-2). The proposed request, automotive sales, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25'; Rear- 10'; Interior Side- 12'; and Side Street- 25'.

As pertains to Title 8 of the JMC, the ordinance addressing Nuisances, Ms. Clark stated there shall not be any abandoned, wrecked, or junked vehicles on the property. Abandoned, wrecked and Junked are defined as: "With reference to vehicles, an unsightly motor vehicle which meets any one of the following qualifications: It does not carry a current valid state registration and license plate; It cannot be safely operated under its own power. Vehicles placed on the property shall not be wrecked or junked.

As pertains to Title 17 of the JMC, the ordinance addressing Off Street Parking, Ms. Clark stated 17.26.150 Schedule of Parking Requirements: "1 per 400 square feet of gross floor area, plus 1 per 500 square feet of outdoor display and one per employee." Approximately 20 parking spaces will need to be provided to meet code.

As pertains to Title 17 of the JMC, the ordinance addressing Landscape, Ms. Clark stated per section 17.18.070, A. 1, they are required to submit a landscape plan with their building permit demonstrating compliance with the requirements of 17.18.070.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request *is* in accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas, and Policy 8 – Continue to provide an atmosphere for successful business development.

Ms. Clark stated the request is *not* in accordance with Chapter Three, Land Use: Goal, “To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities...” “Harmonious blend” would include a permanent commercial business that expands shopping or cultural opportunities in this area.

The request is *not* in accordance with Chapter Five, Community Design: Goal: Enhance and improve Jerome’s visual identity and community pride while striving to maintain its visual diversity. Objective 1: Strive to create an aesthetically pleasing community that will protect the unique natural beauty and small town character of the City. To protect the “small town character” of Jerome, a different use located along the South Lincoln corridor may be more appropriate.

Regarding the General Standards for Special Uses, Ms. Clark stated the Jerome Municipal Code allows an automotive sales with an approved special use permit in the General Business Zone (C-2). The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code. The use appears to be in accordance with some of the objectives of the Comprehensive Plan. However, there are also objectives and goals of the Comprehensive Plan that this use is not harmonious with. The application shows the front half of the lot being utilized for used automotive sales with a small mobile office located behind the car lot. They are proposing a gravel lot. It is noted surrounding properties do have paved parking lots. It is also noted the application does not show landscaping which will be required per City code and to be harmonious with the general vicinity. The intersection of I and South Lincoln has developed as a shopping and service area with Ridley’s Grocery Store, D.L. Evans Bank and the Family Dollar. A used car lot does not appear to be harmonious with the existing character of the area. The use of automotive sales should not be disturbing to existing or future neighboring uses. It is noted that a gravel parking area can become a dust hazard if a form of dust control is not used. The property will need to extend connections to water and sewer. They will be served adequately by public facilities and services. As proposed, the use of automotive sales will not create additional requirements at public cost. Traffic will be increased at the intersection but no more than any other business. Automotive sales, with no car repair proposed, would not create an excessive production of odors, noise, smoke, fumes, or glare. The application is proposing two vehicular access points from West Ave I. As proposed, changes need to be made to the approaches as to not interfere with traffic. There is no indication this 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 out to City Staff and received the following comments: Streets- No issues with the car lot providing they meet the requirements for curb, gutter and sidewalk along with landscaping; and the gravel parking area should be pavement. Water, Building, and Fire- all had no comments or concerns at this time. Engineering- Provide a permanent means of preventing vehicle sales parking within the sight triangle of the intersection such as a curb and/or landscaping; Access off of W Ave I shall be limited to either a single access serving the parcel for ingress and egress or two accesses where one is limited to ingress and the other is limited to egress, the ingress being no closer than 60 feet from the curb radius at the intersection, and both are clearly marked; Five foot wide sidewalk the entire

length of the parcel is required in addition to curb and gutter; Parking area shall be paved; Provide street lighting in accordance with Section 16.28; and Provide infrastructure improvements as deemed necessary during development review.

If approved, Ms. Clark recommended the following conditions: Parking lot area shall be paved; Will comply with landscape and design review requirements; Comply with all City, State, and Federal requirements; and Special Use Permit shall be revoked immediately if property is not sold to the intended buyers, Sandra Hernandez and/or Jose Mejia.

Upon inquiry from Commissioner Holley, Ms. Clark stated the parking requirements are required for the property, she stated the west portion of the proposed lot could be used as parking for customers and employees. Upon inquiry from Chairman Mink, Ms. Clark stated the side and rear for the property would be determined on how the Building Official addressed the property. She stated it will be determined by where the building is located on the property. Upon inquiry from Commissioner Holley, Ms. Clark stated from the comments she received, they would require for the display area to be paved. Upon inquiry from Commissioner Johnson, Ms. Clark stated she believed the rest of the property could be in gravel.

Applicant Testimony: Sandra Hernandez, 1214 W 630 S, Logan, Utah, testified her proposal is to bring her existing car lot from Smithfield, Utah to Jerome. She stated there were a few requirements that she was not aware of before tonight, and they would be willing to conform to the requirements. She stated the proposal shows a lot of cars but they will not be starting out with that many. Ms. Hernandez stated they currently have 19 cars on the property in Utah and if they are approved, they would bring the business to Jerome. Upon inquiry from Chairman Mink, Ms. Hernandez stated they will be planning on having lights. Upon inquiry from Commissioner Holley, Ms. Hernandez stated she would like to get up to the 45 cars on the diagram, but she stated they are hoping to have turn around on the property also. She stated they would not be doing any repairs on the lot. She stated they would only be selling cars. She stated they may get something other than a car on trade but it is not common. Upon inquiry from Chairman Mink, Ms. Hernandez stated they would be doing some detailing with vacuuming and car washing on the lot. She continued they are hoping to put a fence up to have a place to do the small detailing.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Randy King, 980 South Lincoln, Bank Manager of D.L. Evans Bank, testified, the bank has been at the property for 6 ½ years. He stated there is a lot of traffic and congestion at the corner. He stated there has been a few accidents that has turned serious. He stated the traffic is an issue as he has customers try to cut through the parking lot to avoid the intersection. Mr. King stated he is not sure auto sales is compatible with the other uses in the area as most of them are retail related. He stated if cars are parked too close to the road, visibility may become an issue, due to the cars going south are coming down a small hill and are

not visible until they are at the corner of the intersection. He stated a concerns is where will they load and unload cars. He stated he was not sure if they had applied for Idaho automotive dealership license. Upon inquiry from Chairman Mink, Mr. King stated he was not sure what other business would be better. He stated there needs to be a stoplight at the intersection. He stated traffic is hard to see.

Rebuttal Testimony: Sandra Hernandez, testified, they are currently looking into the licensing and they are taking the classes. Regarding the cars, she stated they will not have too many cars to start with. She stated they will drive them over and they currently have a pickup that carries two to three cars. Ms. Hernandez continued the property is big enough that if needed, they can bring the cars from the back. She stated they would park cars far enough back, along with having landscape, to not create visibility issues. Ms. Hernandez stated they are currently on a main street and they do not have any issues regarding the increase of traffic.

There being no further testimony, Chairman Mink closed the public hearing at 7:45 p.m.

CONSIDER a request from Sandra Hernandez and Jose Mejia, for a Special Use Permit allowing automotive sales; on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho— action item

Commissioner Holley inquired if the commission approved, could they ask for a better plan regarding the ingress and egress, building position, along with the landscape proposal for the property. Ms. Clark stated the property is in the Design Review overlay and they would have to present a Design Review with landscaping before they proceed forward with the project. Commissioner Holley stated he does not have enough information in front of him, to make a sound decision. Mr. Larsen stated an option the commission has, is to ask for more information before they vote on a decision. He stated they could also commission a study if they needed it. He stated asking for more information is within reason. Commissioner Allred stated he also would like the applicant to come back with a more formalized proposal. Ms. Clark stated Engineering would request one entrance and one exit on East Avenue I only. Commissioner Holley stated he is not opposed, but would just like to see more brought back to see how the property would be utilized. Chairman Mink stated they could vote on the current proposal and put in the conditions to have an approved design review. He stated they could also bring it back and have everything approved at once. Commissioner Holley stated based on his understanding of the testimony, the Special Use permit is contingent upon the purchase of the property. Mr. Larsen went over the options the commission has regarding a special use permit, conditions to the special use permit, asking for more information, or tabling the hearing. Chairman Mink went over the Special Use general standards with the commissioners. Extensive discussion was held on the Special Use general standards. Upon inquiry from Commissioner Holley, Ms. Clark stated all of the requirements must be met in order for the Special Use Permit to be issued. Commissioner Holley stated the property that is Hickory Sheds was previously a car lot and right now we are looking at a bare lot next door requesting a permit for a car lot. He continued

if they are willing to comply with all the requirements, he does not see this as not being harmonious. He stated there will be an increase in traffic no matter what use is allowed.

Commissioner Holley made a motion to approve a request from Sandra Hernandez and Jose Mejia, for a Special Use Permit allowing automotive sales; on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho with the following conditions: Car sales area parking lot area shall be paved; Will comply with landscape and design review requirements; Comply with all City, State, and Federal requirements; All Engineering request be followed; and Special Use Permit shall be revoked immediately if property is not sold to the intended buyers, Sandra Hernandez and/or Jose Mejia.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Mink, Commissioner Bill Allred, Commissioner Dave Holley, and Commissioner Paul Johnson. NAYE: None.

Chairman Mink moved the Public Hearing for Molly Kay to down the agenda due to the applicant not being present for the hearing.

Chairman Mink called the Public Hearing to order at 8:04 p.m.

PUBLIC HEARING for a request from Michelle Gomez, representing Majestic Meadows, for a Special Use Permit allowing an expansion of a manufactured home park, on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho.

Commissioner King recused himself from the public hearing.

Staff Report: Ms. Clark stated the property in question, 975 South Lincoln Avenue in Jerome is currently zoned General Business (C-2). The proposed request, Manufactured Home Park, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25'; Rear- 10'; Interior Side- 12'; and Side Street- 25'.

As pertains to the definition of a Manufactured Home Park, JMC 17.03.495, Ms. Clark stated Majestic Meadows currently meets the definition. Expansion of the Majestic Meadows would require compliance with Title 15, Chapter 15.24.080 Mobile Home Park Design and Land Use and subsect sections as applicable.

As pertains to Title 17 of the JMC, the ordinance addressing Landscape, Ms. Clark stated per section 17.18.070, A. 1 they are required to submit a landscape plan with their building permit meeting requirements of 17.18.070.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request *is* in accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas. The request is in accordance with Chapter Thirteen, Housing: Objective 2 - Provide for areas of different residential densities and uses; and Objective 5 - Encourage the development of fair and affordable housing.

Ms. Clark stated the request is *not* in accordance with Chapter Thirteen, Housing: Objective 3 - Encourage residential developments that are well planned and encourage the development of various housing types to meet the needs of the citizens of Jerome. The request *may not* be in accordance with Chapter Three, Land Use: Goal, "To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities....". "Harmonious blend" is South Lincoln frontage with commercial uses followed by residential behind as South Lincoln has been developing. The request also *may not* be in accordance with Objective 1 - Exploring the growth patterns of the city and plan and prepare for growth opportunities. South Lincoln growth pattern been commercial uses; or with Objective 4 - Maintaining and developing convenient access and opportunities for shopping services and employment. This lot would be best developed with a commercial use such as shopping services with employees.

Ms. Clark continued, the request is *not* in accordance with Chapter Five, Community Design: Goal: Enhance and improve Jerome's visual identity and community pride while striving to maintain its visual diversity. South Lincoln frontage has been developing as the Comprehensive Plan Map shows with a commercial frontage. Commercial development on Lincoln has improved and enhanced Jerome's visual identity; Objective 1: Strive to create an aesthetically pleasing community that will protect the unique natural beauty and small town character of the City. "Small town character" can continue to be achieved by allowing commercial uses on street frontage followed by residential developments.

Ms. Clark went over the standards for a Manufactured Home Park. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area- the application shows the entire lot being utilized for approximately eight homes. It is noted the application does not show landscaping which will be required per City code and to be harmonious with the general vicinity. The intersection of West Ave I and South Lincoln has developed as a shopping and service area to include Ridley's Grocery Store, D.L. Evans Bank and Family Dollar. Expanding homes to South Lincoln frontage does not appear to be harmonious with the existing character of the area. This location along South Lincoln has an intended character of business frontage followed by other uses. All manufactured home parks will be required to install curb, gutter and sidewalks on the exterior of the development and the interior lots of the development; streets and walkways designed for the general use of the mobile home park residents shall be lighted during all hours of darkness. Such lighting shall not be under the control of the manufactured home occupant- The

applicant is aware of this requirement. The applicant is also aware the curb, gutter, and sidewalk would extend along their entire property on West Ave I. Will not be hazardous or detrimental to existing or future neighboring uses- This lot is surrounded by commercial uses with Hickory Sheds to the north and commercial businesses to the south and east. This use may be detrimental to the commercial business as residential units are now adjacent. This could be hazardous for the occupants of the homes, as they are now directly next to Jerome's main corridor. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such service- Water and sewer services will need to be extended, at the applicants cost, to serve this use. This use can be served adequately by essential services. Will be consistent with the intent and purpose of this title-The intent and purpose of this title is to manage growth in the City of Jerome according to the purposes and goals of each zone within the City. The South Lincoln Corridor is intended for commercial development and businesses. Permitting a mobile home park on this property would not be consistent with the intent and purpose of this title. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads- The application is proposing two vehicular access points from West Ave I. As proposed, changes need to be made to the approaches as not to interfere with traffic. Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance- There is no indication that the expansion of the park will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. Will meet the minimum health standards as set forth by the Idaho state department of health and welfare- The applicant is aware of the requirement in regards to meeting the minimum health standards. Will have a minimum total area for the manufactured home park of five (5) acres. A manufactured home shall not be located closer than fifteen feet (15') from any other manufactured home or permanent building within the manufactured home park. A manufactured home accessory building shall not be closer than five feet (5') from a mobile home or building on an adjacent site-The current park has a minimum of five acres. Each home shall be placed at least 15 feet apart.

Regarding the General Standards of Special Uses, Ms. Clark stated the Jerome Municipal Code allows a manufactured home park with an approved special use permit in the General Business Zone (C-2). The requested use appears to be harmonious with some of the objectives of Title 17 of the Jerome Municipal Code. However, there are also objectives and goals of the Comprehensive Plan that this use is not harmonious with. The application shows the entire lot being utilized for approximately eight homes. It is noted the application does not show landscaping which will be required per City code and to be harmonious with the general vicinity. The intersection of West Ave I and South Lincoln has developed as a shopping and service area to include Ridley's Grocery Store, D.L. Evans Bank and the Family Dollar. Expanding homes to South Lincoln frontage does not appear to be harmonious with the existing character of the area. South Lincoln has an intended character of business frontage followed by other uses. This lot is surrounded by commercial uses with Hickory Sheds to the north and commercial businesses to the south and east. This use may be detrimental to the commercial

business as residential units are now adjacent. This could be hazardous for the occupants of the homes, as they are now directly next to Jerome's main corridor. The application notes they will connect to the water main in West Ave I. Sewer will need to extend from either West Ave I or the intersection of West Ave I and South Lincoln. Storm water will be contained onsite. As noted on the application, all required improvements will be the responsibility of the developer/property owner. As noted on the application, there will not be an excessive production of traffic, noise, smoke, odors, fumes, or glare associated with expanding the park. There will be an increase in traffic associated with a single family residential development. The application is proposing two vehicular access points from West Ave I. As proposed, changes need to be made to the approaches as to not interfere with traffic. There is no indication that the expansion of the park 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: Streets: Would need to meet curb, gutter and sidewalk requirements. Does not feel the expansion is a good fit for South Lincoln; Water- No concerns with water but does not feel the expansion would be a suitable use of Lincoln frontage; Building, and Fire- No comment at this time; Engineering- Access off of W Ave I shall be limited to either a single access serving the parcel for ingress and egress or two accesses where one is limited to ingress and the other is limited to egress, the ingress being no closer than 60 feet from the curb radius at the intersection, and both are clearly marked. Drainage requirements shall follow the more stringent requirements for commercial developments in Section 16.34. Require a substantial greenbelt or landscape buffer between the residential property and adjacent major arterial street (S Lincoln). Buffers shall not interfere with sight triangles at the intersection and approach(es). Irrigation other than potable water shall be provided. Provide street lighting in accordance with Section 16.28. Provide infrastructure improvements as deemed necessary during development review.

If approved, Ms. Clark recommended the following conditions: Will comply with landscape and design review requirements; Comply with all City, State, and Federal requirements; and Special Use Permit shall be revoked immediately if the property is not sold to the intended buyers representing Majestic Meadows, IDJE Majestic MHP, LLC or Impact MHC Management, LLC.

Commissioner Holley inquired if they could have two applications for the same property. Mr. Larsen stated they could and it will be up to the property owner to decide if both applications are approved. Commissioner Allred inquired what the density of the homes would be and what the parcel size would be. Chairman Mink suggested having the applicant answer those questions. Ms. Clark stated a Manufactured Home Park must have five acres which they currently have without the addition of this property.

Applicant Testimony: Michelle Gomez, 218 West Avenue I, testified they are proposing eight additional mobile homes. She stated they would add four doublewides and four singlewides. She stated they would have two parking spaces for each home. They will have 25 feet between the homes now. Ms. Gomez went over the sizes of the homes. She stated they will have

landscaping, and parking spaces. She stated they would also be utilizing a current lot that has RV storage. Upon inquiry from Commissioner Holley, Ms. Clark stated there will be 25 feet from the sidewalk on South Lincoln. Ms. Gomez stated the fence will be on along South Lincoln also along the north side between them and Hickory Sheds. Ms. Gomez stated they will put greenspace and trees if they are requiring them. She stated they have put in eight new homes in the last couple of months. She stated they only allow two cars per unit and do not allow any broke down cars. She stated she has cleaned up the park in the last three years. Ms. Gomez stated she would be willing to take out a house or two to add greenspace to the property. She stated the homes are more spread out in the park than in others that she manages. She stated the park is full and she wants to provide affordable housing for people in the community. Ms. Gomez went over the rent for the manufactured home park and the requirements for the park.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Randy King, 980 South Lincoln, testified, his concerns for this property are with traffic congestion. He stated they just added apartments on West Ave I, and more trailers along West Ave I. He stated visibility is a concern with accidents. He stated another concern he has is butting housing up to South Lincoln. He stated the area is dominantly retail. He stated if they start adding housing in the area, where would it stop. Mr. King stated housing is adequate in the area. He stated there would be no buffer zone. He stated there is a lot of truck traffic in the area and thinks the front house would not be happy. He stated he understands it is close to the grocery store, but the traffic is already congested on the corner.

Arland Miller, 901 South Lincoln, testified, representing Old Hickory Sheds. He stated his concerns would be decreased property value for commercial property. He stated he also has concerns as they are moving buildings around at different hours. He stated they try to work with the local people but the more they bring housing around, it is hard. Upon inquiry from Commissioner Holley, Mr. Larsen stated the members of the community could inquire about new ordinances that would impact businesses regarding noise. He stated that is the concerns with having residential so close to industrial zones.

Israel Perez, 908 South Lincoln, testified he also agrees with the previous opposition. He stated the fence would cover all of the South Lincoln and if they don't put the fence up, the first trailer will block Lincoln. His concern is that the commercial property value will go down.

Rebuttal testimony: Michelle Gomez, understands housing next to retail. She stated if the application is allowed, they will be installing new curb, gutter and sidewalk from South Lincoln to the new houses on the other side of the property which will make the road bigger and the area look nicer. She stated Brent Thompson is adding a subdivision on the other side of the property so there will be more traffic. Ms. Gomez stated the road is not a dead end as there are two ways out of the area. She stated traffic will always be there no matter what is added to the

property. She stated she is willing to reduce the number of trailers if needed. She stated she believed that noise would be less than a normal business.

Ms. Gomez stated she had not had any issues with Old Hickory Sheds. She stated they have not had any complaints and does not think it will be a problem. Ms. Gomez stated the first home would be 25 feet from the property and could move the first home to 50 feet with green space. She stated she does not think the homes will drive the property value down more than a used car lot would. She stated the new homes are nice as they are 2020 custom made homes. She stated she does not allow any broke down cars on the property.

There being no further testimony, Chairman Mink closed the public hearing at 8:38 p.m.

CONSIDER a request from Michelle Gomez, representing Majestic Meadows, for a Special Use Permit allowing an expansion of a manufactured home park, on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho— action item

Chairman Mink went over the general standards for a Special Use permit with the commissioner. Extensive discussion was held on residential next to commercial zones; fences; greenspace; traffic; and access to the property. Commissioner Allred stated he would like to hear more from the City Engineer department before they make a decision.

Commissioner Johnson made a motion to approve a request from Michelle Gomez, representing Majestic Meadows, for a Special Use Permit allowing an expansion of a manufactured home park, on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho with the following conditions: Will comply with landscape and design review requirements; Comply with all City, State, and Federal requirements; and Special Use Permit shall be revoked immediately if the property is not sold to the intended buyers representing Majestic Meadows, IDJE Majestic MHP, LLC or Impact MHC Management, LLC.

Discussion was held to add expanded green space between the property and South Lincoln; more than just the lawn area; and to work with Planning and Zoning for a Landscape buffer.

Commissioner Johnson amended his motion to approve a request from Michelle Gomez, representing Majestic Meadows, for a Special Use Permit allowing an expansion of a manufactured home park, on the property known as Tax 13 of NESE Jerome Unplatted SEC 24-8-16, more commonly known as 975 South Lincoln Avenue, Jerome, Idaho with the following conditions: applicant submit a landscape buffer plan to Planning and Zoning along South Lincoln Avenue no less than 25 feet; Will comply with landscape and design review requirements; Comply with all City, State, and Federal requirements; and Special Use Permit shall be revoked immediately if the property is not sold to the intended buyers representing Majestic Meadows, IDJE Majestic MHP, LLC or Impact MHC Management, LLC.

Second to the motion by Commissioner Holley and carried.

After consideration, the motion did not pass by the following votes: AYE: Commissioner Dave Holley, and Commissioner Paul Johnson. NAYE: Chairman Mink, and Commissioner Bill Allred

Commissioner King rejoined the commission.

Ms. Clark stated Ms. Kay was not able to attend due to a medical situation. She stated it would be up to the commission on how they proceed.

Commissioner Holley made a motion to move the public hearing for Molly Kay to the next Planning and Zoning meeting.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Bill Allred, Commissioner Dave Holley, 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 June 9th, 2020 regular meeting
- B. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JEROME CEMETERY DISTRICT FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING SIX (6) LIVESTOCK, ON THAT PARCEL DESCRIBED AS TAX 6, BLOCK A-285 INSIDE ACREAGE, SW 24-8-16 APPROXIMATELY 5.028 ACRES, MORE COMMONLY KNOWN AS THE WESTERN MOST PASTURE AT THE END OF WEST AVENUE I, JEROME, IDAHO.

A public hearing on the application of Jerome Cemetery District 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, June 9, 2020, 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 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.

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 3 (R-3).
- B. The proposed continued use, allowing six (6) livestock animals on the property, requires a renewal of the existing special use permit to operate in R-3.
- 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.
- D. Jerome Municipal Code Section 17.18.050 allows cattle on an R-3 with an approved Special Use Permit.
- E. The Commission finds the General Standards for Special Uses as outlined in JMC 17.60.030, are satisfied as follows:
 - 1. As mentioned, the proposed use does constitute a special use as defined in JMC;
 - 2. The use is harmonious with and in compliance with the general objectives of the Comprehensive Plan relating to the objectives of Rural Residential Land Uses;
 - 3. The proposed use will be designed, constructed and maintained in harmony and appearance with the existing and intended character of the general vicinity. The real property is on the edge of the City and is in excess of five acres. The general vicinity includes the cemetery and other currently vacant parcels. While future development could change the general vicinity at the current time, the proposed use is harmonious with the existing character of the general vicinity;
 - 4. There is no evidence the proposed use will be disturbing to existing or future neighboring uses;

5. Pursuant to comment from City staff it is evident adequate infrastructure and services are available to accommodate the proposed use;
6. There was no evidence that the proposed use would create any additional requirements or public facilities or services, nor that it would be detrimental to any persons, property or the general welfare;
7. The vehicular approaches are not an issue and there is no indication the proposed use will impact any natural, scenic or historic feature of major importance

II. Conclusions

- A. A renewal of the special use permit is required for the applicant to allow six (6) livestock animals on the above described property in the R-3 zone for the City of Jerome.
- B. A special use permit allowing six (6) livestock animals is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows livestock in R-3 zones by Special Use Permit.
- D. The Commission approves the renewed application of the Jerome Cemetery District allowing six (6) 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;
 3. Comply with all city, state and federal requirements; and
 4. 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 9th day of June, 2020, in support of the decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

- C. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF WES HALL FOR A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION OF THE REPAIR AND MAINTENANCE OF SEWING MACHINES, ON THE PROPERTY LOCATED AT TAX 11, BLOCK A-183 JEROME TOWNSITE, NE 19-8-17, MORE COMMONLY KNOWN AS 605 EAST AVENUE D, JEROME, IDAHO.

A public hearing on the application of Wes Hall concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:12 p.m. on Tuesday, June 9, 2020, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, Planning and Zoning Administrator, provided the staff report on the application of Mr. Hall. 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.

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 2 (R-2).
- B. The proposed use, home occupation, requires a special use permit to operate in R-2.
- C. The application is consistent with the General Standards for Special Uses as stated in JMC 17.60.030. The proposed special uses is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in an R-2 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 special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-2 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-2 zones by Special Use Permit.
- D. The Commission approves the application of Wes Hall for a home occupation located at the above described real property subject to the following conditions:
 - 1. Customers shall park in the drive-way if possible;
 - 2. Comply with all city, state and federal requirements; and

3. This special use permit shall be allowed for up to two (2) 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 9th day of June, 2020, in support of the decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

- D. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF DINIS RAPOSO FOR A SPECIAL USE PERMIT ALLOWING COWS, ON THAT PARCEL DESCRIBED AS TAX 8, OF SWSW JEROME UNPLATTED SW 7-8-17, MORE COMMONLY KNOWN AS 332 16th AVENUE EAST, JEROME, IDAHO.

A public hearing on the application of Dinis Raposo concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, June 9, 2020, 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 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 properly 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 16th 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 neutral to the application since it is a couple cows for 4-H, as follows: Beverly Meyers, 1809 N Davis St, Jerome, Idaho

Testimony in Opposition: Ms. Clark read a letter selecting an opposition to the application and provided no other comments, as follows:

Mike Taylor, 309 16th Ave E

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.

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, allowing cows on the property, requires special use permit to operate in R-1.
- C. The 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 Land Uses requiring a Special Use Permit in Section 3.1.1.
- D. Jerome Municipal Code Section 17.18.050 allows cattle with an approved Special Use Permit.
- E. The Commission finds the General Standards for Special Uses as outlined in JMC 17.60.030, are satisfied as follows:
 1. As mentioned, the proposed use does constitute a special use as defined in JMC;

2. The use is harmonious with and in compliance with the general objectives of the Comprehensive Plan relating to the objectives of Rural Residential Land Uses;
3. The proposed use will be designed, constructed and maintained in harmony and appearance with the existing and intended character of the general vicinity. The lots on the north side of 16th Ave in Jerome are all large lots. Several of them have horses, cattle and llamas, which is consistent and harmonious with the proposed use;
4. There is no evidence the proposed use will be disturbing to existing or future neighboring uses. To mitigate the potential the proposed use becomes disturbing to existing or future neighboring uses, the Commission has conditioned the permit to one cow and has required the applicant to properly dispose of stable matter;
5. Pursuant to comment from City staff it is evident adequate infrastructure and services are available to accommodate the proposed use;
6. There was no evidence that the proposed use would create any additional requirements or public facilities or services, nor that it would be detrimental to any persons, property or the general welfare. There will likely be the production of some dust, noise and/or odors but the permit is conditioned to mitigate those harms;
7. The vehicular approaches are not an issue and there is no indication the proposed use will impact any natural, scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to allow cows on the above described property in the R-1 zone for the City of Jerome.
- B. A special use permit allowing cows is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows cows in R-1 zones by Special Use Permit.
- D. The Commission approves the application of the Dinis Raposo allowing cows at the above described real property subject to the following conditions:
 1. One (1) Cow is permitted on subject parcel;
 2. Fencing will be maintained at all times;
 3. Cows will not create odors, excessive noise, nor be detrimental to persons, property or general welfare;

4. 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
5. This special use permit shall be allowed for up to one (1) year 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 9th day of June, 2020, in support of the decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

- E. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF JULIO ACEVEDO FOR A
SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS AND TWO (2) GOATS,
ON THE PROPERTY KNOWN AS LOT 7, BLOCK 134 JEROME TOWNSITE NE 24-8-16,
MORE COMMONLY KNOWN AS 325 WEST AVENUE E, JEROME, IDAHO**

A public hearing on the application of Julio Acevedo concerning that parcel commonly known as 325 West Avenue E, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:35 p.m. on Tuesday, June 9, 2020, at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark stated the property in question, 325 West Avenue E, in Jerome, is currently zoned Residential 3 (R-3). 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 stated 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 disturbing to neighboring uses if not properly 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, Idaho 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, Idaho 83338

"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, Idaho 83338

"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, 301 West Ave E, Jerome, Idaho 83338

“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, Jerome, Idaho 83338

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

Testimony in Rebuttal: None.

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

The Jerome City Planning and Zoning Commission having heard the testimony presented, 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. Lot 7, Block 134 Jerome Townsite NE 24-8-16, more commonly known as 325 West Avenue E, Jerome, Idaho is zoned Residential 3 (R-3), which requires a special use permit to use the property for the housing of up to six (6) chickens and two (2) goats.
- B. Title 16 of the JMC has no bearing on this application.
- C. That portion of the application for a special use permit for up to six (6) chickens complies with the City of Jerome Comprehensive Plan, Section 3.1.1., in as much as the space available on the lot appears adequate for the rural residential use of keeping chickens. In combination with the request for two (2) goats, however, the application is inconsistent with the comprehensive plan. The space available on the applicant’s real property is simply too small to accommodate six (6) chickens and two (2)

goats. Moreover, the JMC specifically addresses chickens but not goats.

- D. The application is inconsistent with the General Standards for Special Uses stated in JMC 17.60.030. A special use permit is required for up to six (6) chickens in an R-3 zone. The proposed special use as it relates to chickens only can be 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. As it relates to chickens and goats, however, the proposed use does not appear to be harmonious with the character of the general vicinity. A number of neighbors testified to the disturbance caused by so many animals kept on a small residential lot. The proposed use, therefore, does not appear to be consistent or harmonious with the character of the general vicinity and there is substantial evidence the proposed use is or will be disturbing to existing or future neighboring uses. 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 and two (2) goats on the subject property, which property is located in R-3 zone.
- B. The application as it relates to chickens is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1. As it relates to chickens and goats, it is not consistent with either the Comprehensive Plan or the general standards of special uses.
- C. The Commission approves the application of Julio Acevedo for a special use permit allowing six (6) laying chickens. The application for two (2) goats is denied on that property located at 325 West Avenue E, Jerome, Idaho, 83338. The following conditions shall apply:
- i. Animals will not create odors, noise, nor be detrimental to persons, property or the general welfare;
 - ii. Stable matter will be disposed of properly;
 - iii. Any accessory structure associated with the goat and/or chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code;
 - iv. Special Use Permit shall be allowed for up to one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of June, 2020, in support of the

decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

- F. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF AARON BERNDT FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS, ON THE PROPERTY KNOWN AS TAX 7, BLOCK A-190, JEROME TOWNSITE NE 19-8-17, MORE COMMONLY KNOWN AS 501 EAST AVENUE A, JEROME, IDAHO

A public hearing on the application of Aaron Berndt concerning that parcel commonly known as 501 East Avenue A, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 8:00 p.m. on Tuesday, June 9, 2020, at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida 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 (6) 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, Idaho 83338

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

Brad Davidson, 525 East Main St., Jerome, Idaho 83338

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, Idaho 83338

“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 Idaho 83338

“Do not want chickens in city limits.”

Testimony in Rebuttal: None.

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

The Jerome City Planning and Zoning Commission having heard the testimony presented, 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. Tax 7, Block A-190 Jerome Townsite NE 19-8-17, more commonly known as 501 East avenue A, 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-1 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 Aaron Berndt for a special use permit allowing six (6) laying chickens on that property located at 501 East Avenue A, Jerome, Idaho, 83338 subject to:
- i. Any permanent chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in Jerome Municipal Code;
 - ii. Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare;
 - iii. Stable matter will be disposed of properly;
 - iv. 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 9th day of June, 2020, in support of the decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

- G. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF STEPHANIE FORD FOR A SPECIAL USE PERMIT ALLOWING AN OUTPATIENT DRUG AND ALCOHOL REHABILITATION CENTER, ON THE PROPERTY LOCATED AT LOTS 12-15, BLOCK 65, JEROME TOWNSITE, SE 13-8-16, MORE COMMONLY KNOWN AS 154 1st AVENUE WEST AND 235 NORTH LINCOLN AVENUE, JEROME, IDAHO.

A public hearing on the application of Stephanie Ford concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 8:10 p.m. on Tuesday, June 9, 2020, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, Planning and Zoning Administrator, provided the staff report on the application of Stephanie Ford. 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 7:16 p.m.

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

I. Findings

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

II. Conclusions

- A. A special use permit is required for the applicant to be able to use the above described property for an outpatient drug and alcohol rehabilitation center in the CBD zone for the City of Jerome.
- B. A special use permit promoting an outpatient center is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows home occupations in CBD zones by Special Use Permit.
- D. The Commission approves the application of Stephanie Ford for an outpatient drug and alcohol rehabilitation center located at the above described real property subject to the following conditions:
 - 1. Receive any and all required building and/or fire department inspections and occupancy permits prior to using the space;
 - 2. Comply with all city, state and federal requirements;
 - 3. Approval of the waiver of landscape requirements; and
 - 4. This special use permit shall be permanent as long as the applicant does business at the property.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 9th day of June, 2020, in support of the decision of the Planning and Zoning Commission on the 23rd day of June, 2020 to

approve the application as specified herein is hereby made final this 9th day of June, 2020.

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

Commissioner King made a motion to approve the consent agenda.

Second to the motion by Commissioner Johnson and carried.

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

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated there will be two meetings in July and only one meeting in August due to the Jerome County Fair. Ms. Clark stated the meetings are July 14th & 28th. She stated the meeting in August would be the second meeting.

There being no further discussion, Chairman Mink closed this regular meeting at 9:01 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary