

Planning & Zoning Meeting
June 25, 2019

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Bill Allred, Commissioner Dave Holley, and Commissioner Randy King. Commissioner Carl McEntarffer and Commissioner Sheryl Gibbons were excused. Commissioner Jeff Schroeder arrived at 7:35 p.m. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Commissioner Holley excused himself from the commission to testify for the first public hearing.

PUBLIC HEARING for a request from Maria Viveros for a Special Use Permit allowing six chickens, on the property located at Lot 1, Block 1, Jerome Estates Subdivision Phase 7, NE 13-8-16, more commonly known as 501 13th Avenue West, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 501 13th Avenue West, in Jerome, is currently zoned Residential 2 (R-2). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 20', Interior Side- 7', and Street Side- 15'.

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.

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark reminded the commission of the definition of stable matter as, all manure and other waste matter normally accumulated in or about a stable, or any animal, livestock, or poultry enclosure and resulting from the keeping of animals, poultry or livestock.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-2 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The application notes the chickens will be kept in the backyard in a fully-enclosed coop. There will not be any modifications to the front of the residence, ensuring that the use will not change the essential character of the area. There is no indication that the proposed chickens would be hazardous or disturbing to neighboring uses. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will not create excessive additional requirements at public cost. The chickens will not be detrimental to persons, property or the general welfare by creating excessive odors, traffic, smoke, fumes or glare. 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: Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; Any chicken coop or accessory structure associated with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Ms. Clark stated the chicken coop is located next to the home and she has discussed the setback requirements with the applicant. Upon inquiry from Chairman Mink, Ms. Clark stated the building would be considered an accessory building and the required setback is three (3') feet from the house.

Applicant Testimony: Maria Viveros, 501 13th Avenue West, testified, she wants to get permission for six (6) chickens. She stated her husband moved the building away from the house and it is now more towards the fence. She stated they moved it three feet from the house along the fence. Upon inquiry from Commissioner Allred, Ms. Viveros showed the commission where the building is on the property. Upon inquiry from Chairman Mink, Ms. Viveros stated there is plenty of room from the property line. She stated she would like to ask for permission to have the chickens. Commissioner Allred stated Ms. Viveros came to the commission in good faith and asked for a conditional approval and would ask for someone to verify that the building meets the setbacks. Chairman Mink stated a conditional approval would be appropriate in the motion.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Dave Holley, 1413 N Elm, testified, he moved to a subdivision to have uniformity. He stated the subdivision offers peace and serenity with certain restrictions and requirements that everyone must follow to make everything look nice. He stated he has been in Jerome Estates for around five or six years and they have had neighbors butcher chickens in front of children, and when they were approached, they stated they had the right to do whatever they would like. He stated he does not know the applicant and lives a block and a half away. He stated her house is right next to the public walk way for the elementary school. He stated he has read numerous statistics from CDC (Centers for Disease Control and Prevention) regarding home raised chickens and salmonella. He stated he could have moved anywhere in the city and the county and he does not think they should be in a subdivision. Mr. Holley provided a copy of the Covenants, Conditions, & Restrictions (CC&R's) for the subdivision. He stated the CC&R's state, "no animals, livestock or poultry, of any kind shall be raised, bred, or kept on any Lot; provided, however, that dogs, cats and other household pets are allowed provided that they are not kept, bred or maintained for commercial purposes." He stated this use would break the CC&R's and he wants the subdivision to stay nice.

Jerry Gronterman, 1417 N Date St, President of HOA, testified, he went around and took a poll around the subdivision to see what everyone's concerns. He stated most of the concerns were with skunks, dogs, and cats. He stated the residents wondered who would be maintaining and responsibility of the chickens if they are killed by another animal. He stated the family is new to the area and people are just concerned on how the chickens will affect their property

Justin Firth, 505 13th Ave West, testified, he is the neighbor to the west of the property. He stated he has no objections to the family but he stated around a year ago, there were chickens running down the shared fence line. He has concerns with parasites going across the property lines, being close to the walking path for the Elementary School, and skunks coming into the subdivision. He stated they live on the county line and they often smell skunks but he has concerned with disease, skunks, and parasites.

Ms. Clark read a few letters that were sent to her.

To Whom It May Concern,

I am writing in regards to the request for six chickens at 501 13th Ave. West. When approached by the neighbor in early June to sign the petition, I at that time did not understand the hazards to having chickens within the city limits. After learning that chickens were against the subdivisions regulations, I decided to research the complications of chickens. I am no longer in favor of chickens within the subdivision.

My concerns include; noise, waste, smell, and possible parasites. According to Brooklyn Feed, chickens are prone to getting parasites. These parasites can come with the bird from the seller or when wild birds with mites fly into the yard. It is unclear if these parasites can travel into other yards infecting animals in the neighboring yards. Chicken feed can attract rodents if not properly kept. Rodents will often spread to other homes in the area.

The smell of the chicken waste is also concerning. Six chickens produce the same amount of waste as a medium size dog. I am concerned with how the waste will be disposed of, as well as the smell from the waste. The chickens would be located within only a few feet of a walkway used by many students. The students would be exposed to the smell of the chickens each day. Disposing of the dead chickens is also a concern.

Noise is also concerning. Our homes are located extremely close to one another. Many nights we are unable to sleep because of neighboring dogs barking. Adding chicken cackling would be an inconvenience to the neighbors.

While I understand many of my concerns can be avoided with proper housing, cleaning and care. However, I am concerned over who would oversee that regulations are continually being meet. While I do not want to cause neighbor conflict I am no longer in support of them having chickens.

Sincerely,

Justin and Anny Firth

505 13th Ave. West

To: Ida Clark, City Planner

Writing concerning the public notice considering a request for allowing six chickens on a property in our subdivision.

We object as homeowners to have chickens in our subdivision. The lots are too small to accommodate a chicken run.

It will set a precedence for anyone who wants some kind of farm animal to then have the right to do the same.

Robert Wandtke
Kathleen Wandtke
1422 N. Evergreen
Jerome, ID 83338

Ms. Viveros chose not to provide rebuttal testimony.

There being no further testimony, Chairman Mink closed the public hearing at 7:23 p.m.

CONSIDER a request from Maria Viveros for a Special Use Permit allowing six chickens, on the property located at Lot 1, Block 1, Jerome Estates Subdivision Phase 7, NE 13-8-16, more commonly known as 501 13th Avenue West, Jerome, Idaho. – action item

Commissioner Allred stated he did not get a clear indication if she wanted to pull her permit or to proceed with the application. Mr. Larsen stated the commission does not have control over the CC&R's as those are up to the Homeowners Association (HOA). He stated she had the choice to rebut those that were in opposition to the use. Chairman Mink went over the General Standards with the commission. The commission's main concerns were with Standards C, D, and G. Commissioner King stated his concern is they are right next to the school or a walk way to the school. He stated the chickens they have approved in the past, are not next to a school. Chairman Mink stated the CC&R's are a concern. He suggested having a condition of the use to comply with CC&R's. He stated he has never seen the parasites but understands they can be a concern.

Commissioner King made a motion to approve a request from Maria Viveros for a Special Use Permit allowing six chickens, on the property located at Lot 1, Block 1, Jerome Estates Subdivision Phase 7, NE 13-8-16, more commonly known as 501 13th Avenue West, Jerome, Idaho, with the following conditions: Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; Any chicken coop or accessory structure associated

with the chickens shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and Special Use Permit shall be allowed for up to one year, renewable upon expiration, and be in compliance with the CC&R's with the Subdivision.

Second to the motion by Commissioner Allred and carried.

After consideration, the motion failed by the following votes: Ayes: None. Nays: Chairman Mink, Commissioner Allred, and Commissioner King.

Ms. Clark explained she would follow up with the applicant on her rights after she was denied a Special Use permit.

Commissioner Holley rejoined the commission.

PUBLIC HEARING for a request from Nelson Hardy for a Special Use Permit allowing six chickens, on the property located at Lot 5, Block 112, Jerome Townsite, NE 24-8-16, more commonly known as 513 West Avenue C, Jerome, Idaho

Ms. Clark informed the commission the applicant was not in attendance. She stated she did not receive any information if there was an emergency. Mr. Larsen stated they can go forward with the application and listen to the staff report or deem it withdrawn. He stated since it was a public hearing it has to be published. Chairman Mink stated the application has been withdrawn due to failure to appear.

Consider a Design Review for Rebeka Morales for 716 South Lincoln Avenue, Jerome, Idaho – action item

Staff Report: Ms. Clark stated the property is located at 716 S. Lincoln Ave in Jerome; it is an existing building. The applicant is proposing to update the façade. The business is located in the General Business zone (C-2). The application proposes a façade facelift which will provide a color update. The façade will remain the same material, with newly added paint colors.

Regarding the Design Review Guidelines, Ms. Clark stated the building's façade will remain as is. The applicant has requested to update the exterior with one distinct color paired with one accent color. The applicant did not provide the names of the colors. Per Jerome City Code, the applicant has requested the application be considered by the Commission. Ms. Clark stated, the commission has asked other applicants for pictures and other visual concepts. She stated this is what was provided for the meeting. She stated the applicant is from out of state and has been trying.

Rebeka Morales, 716 South Lincoln, stated she wants to update the Napa Blue color to a more modern color to update Jerome. She stated she will be using neutral, modern colors. Upon inquiry from Chairman Mink regarding the colors provided in a picture, Ms. Morales stated the

colors will be lighter brown and less yellow tan. Upon inquiry from Commissioner Holley, Ms. Morales stated they will leave the building as is but just change the color. She stated she wants to add crown molding in the future. Ms. Morales stated her sister's husband is a professional painter in Ketchum. Upon inquiry from Chairman Mink, she stated she is from California and she is not able to get swatches. She stated when she emails the colors, they don't look the same. She stated she does not have the swatches on her but she can send them if the commission wants them. Discussion was held on names on the colors for the building. Chairman Mink stated they have had concerns with previous people starting with one color and end up with others. Commissioner Holley stated they would like to make sure the colors will match. Discussion was held on building colors that were not allowed by the city code. Commissioner Holley stated they are excited to have the building painted but they would like to know what the colors are before the building is painted. Ms. Morales stated she would have someone drop the colors off. Ms. Clark stated she would be more than happy to go and get the colors if she would provide the names of the colors. Ms. Morales stated she would go and get the swatches herself and bring them back to staff. Upon inquiry from Chairman Mink, Ms. Morales stated the initial plan was an event center and her daughter owned Party Extravaganza in California. She stated it was very extreme décor. She stated that due to finances, they are not able to get the fire sprinklers, and she thinks that it is not fair as the other eleven event centers in Jerome, do not have to have the fire sprinklers except Las Maracas. She stated she does not understand why they wanted her patrons to be safe but not the other patrons at the other facilities. Chairman Mink stated there are other codes for different buildings. Ms. Morales stated she was a Child Abuse investigator during the day and her policy is one safe, everyone is safe. She is confused why the others do not need to be safe. She stated they will open the building as a retail space as she needs to generate money but her goal is to get the fire sprinklers and work with city staff. Ms. Morales invited the commission to the ribbon cutting.

Commissioner Holley stated he had no problems as long as the color names are provided. Chairman Mink agreed.

Commissioner King made a motion to approve a Design Review request from Rebeka Morales for 716 South Lincoln Avenue, Jerome, Idaho with the following conditions, applicant must provide name of the colors or swatches to verify they match with the City code to City Staff.

Second to the motion by Commissioner Holley and carried.

Unanimous "ayes"

Consent Agenda – action item

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 12th, 2019 regular meeting

- B. Consider/Approve Finding and Facts for Melissa Garnett for a Special Use Permit allowing a residential use, on the property located at Lots 11-15 Block 77 Jerome Townsite SW 18-8-17, more commonly known as 124 North Lincoln Avenue, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF MELISSA GARNETT
FOR A SPECIAL USE PERMIT ALLOWING A RESIDENTIAL USE ON THE PROPERTY
LOCATED AT LOTS 11-15, BLOCK 77, JEROME TOWNSITE SW 18-8-17, MORE
COMMONLY KNOWN AS 124 NORTH LINCOLN, JEROME, IDAHO**

A public hearing on the application of Melissa Garnett concerning the use of real property located at 124 North Lincoln in Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:02 p.m. on Tuesday, June 11, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

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

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

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with: Chapter 13, Objective 2, which states that the City of Jerome will, "Provide for areas of different residential densities and uses". Chapter 13, Objective 6 which states that "Housing policies should be developed to assure the upgrading and rehabilitation of homes is encouraged". Chapter 13, Policy 6 which states that the City of Jerome will "Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population."

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

Ms. Clark stated she sent the application to city staff and received the following comments:

Fire – Will need to verify a secondary egress from the living area that leads directly to the exterior of the building. This will need to be an additional exit door or approved egress window; Engineering, Building, Streets, Water, and Wastewater all had no concerns.

If approved, Ms. Clark recommended the following conditions: (1) Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence; (2) Any alterations to the structure must receive building permits and meet the building and/or zoning code; (3) Comply with all city, state, and federal requirements; and (4) Special Use Permit shall be allowed for up to one year, renewable upon expiration.

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

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

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. 124 North Lincoln is in the City of Jerome and is currently zoned Commercial Business District (CBD).
- B. The proposed use, residential, requires a special use permit to operate in CBD.
- C. JMC 17.14.010 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that there are other residences along North Lincoln.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior of the building and because there are other residence along North Lincoln.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use 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.
- I. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares.
- J. The proposed use 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 put a residence in the CBD zone for the City of Jerome.
- B. A special use permit promoting diverse residential options is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Melissa Garnett for a special use permit for residential use of the property located at 124 North Lincoln Avenue, Jerome, Idaho, subject to the following conditions:
 - 1. Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence;
 - 2. Any alterations to the structure must receive building permits and meet the building and/or zoning code;
 - 3. Comply with all city, state, and federal requirements; and
 - 4. Special Use Permit shall be allowed for up to one year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of June, 2019, in support of the decision of the Planning and Zoning Commission on the 25th day of June, 2019 to approve the application as specified herein is hereby made final this 11th day of June, 2019.

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

- C. Consider/Approve Finding and Facts for Farmers Bank for a Special Use Permit allowing automotive sales, on the property located at Lot 8 Block 1 South Lincoln Business Park SEC 24-8-16, more commonly known as 1441 South Lincoln Avenue, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF FARMERS BANK, FOR A SPECIAL USE PERMIT ALLOWING AUTOMOTIVE SALES ON THE PROPERTY LOCATED AS LOT 8, BLOCK 1, SOUTH LINCOLN BUSINESS PARK SEC 24-8-16, MORE COMMONLY KNOWN AS 1441 SOUTH LINCOLN AVENUE, JEROME, IDAHO

A public hearing on the application of Dave Davis, as representative for Farmers Bank, concerning that parcel commonly known as 1441 South Lincoln Avenue, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:13 p.m. on Tuesday, June 11, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

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

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

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

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

Regarding the General Standards for Special uses, Ms. Clark stated the Planning and Zoning Code allows vehicle sales in the General Business zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of title 17 of the Jerome Municipal Code. The application notes it is rare that they have vehicles for sale but they do allow employees, bank customers, and any collateral for bank loans on that lot. It is not anticipated that the vehicle sales will be hazardous or disturbing to existing or future uses. The application notes the facility will be served by existing utilities. There are vehicular approaches

already in place. There is no indication that the sales of vehicles will create excessive additional requirements at public cost. It is not anticipated that the sale of vehicles will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. There are no proposed changes to the parking or vehicular approaches to the site. There is no indication that the sales of vehicles will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

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

If approved, Ms. Clark recommended the following conditions: (1) Vehicles shall be parked on private property and not on the public right of way; (2) Comply with all city, state and federal requirements; and (3) Special Use Permit shall be allowed for up to one year, renewable upon expiration.

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

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Davis' testimony, and the other

documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

I. Findings

- A. 1441 South Lincoln Avenue, Jerome, Idaho is currently zoned General Business (C-2).
- B. The proposed use, car dealership/automotive sales lot, requires a special use permit to operate in C-2 zones.
- C. JMC 17.60.060 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in a residential zone.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the appearance of the property or any buildings thereon.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use 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.
- I. The proposed use 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 put a car lot business in the General Business (C-2) zone for the City of Jerome.
- B. A special use permit allowing a used car lot in the C-2 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Farmers Bank, for a special use permit to conduct automotive sales, on the property commonly known as 1441 South Lincoln Avenue, Jerome, Idaho, subject to the following conditions:
 - 1. Vehicles shall be parked on private property and not on the public right of way;
 - 2. All vehicles are in running order;
 - 3. Comply with all city, state and federal requirements; and
 - 4. Special Use Permit shall be allowed for up to one year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of June, 2019, in support of the decision of the Planning

and Zoning Commission on the 25th day of June, 2019, to approve the application as specified herein is hereby made final this 11th day of June, 2019.

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

- D. Consider/Approve Finding and Facts for Ricky Harbison for a Special Use Permit allowing a home occupation consisting of firearm sales, on the property located at Tax 30 NESE Jerome Unplatted SE 18-8-17, more commonly known as 935 8th Avenue East, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF RICKY HARBISON FOR A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION CONSISTING OF FIREARM SALES, ON THE PROPERTY LOCATED AT TAX 30 NEWE, JEROME UNPLATTED SE 18-8-17, MORE COMMONLY KNOWN AS 935 8th AVENUE EAST, JEROME, IDAHO

A public hearing on the application of Ricky Harbison concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit allowing a home occupation consisting of firearm sales was held, pursuant to notice, commencing at 7:30 p.m. on Tuesday, June 11, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

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

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

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

Regarding the General Standards for Special Uses, Ms. Clark stated the Jerome Municipal Code allows a home occupation in the R-1 zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code and the Comprehensive Plan. The application states the exterior of the residence will not change.

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

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

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

If approved, Ms. Clark recommended the following conditions: (1) Complete a fire inspection of the home occupation area by the Fire Department; (2) Firearms are kept in a secure location; (3) Comply with all city, state and federal requirements; and (4) Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Applicant Testimony: Rick Harbison, 935 8th Ave East, testified, he has not applied for his FFL yet as he wanted to make sure the city passed his application. He stated he does not need an FFL for him buy online or at estate sales and then sell those guns online or at gun shows. He would like to get an FFL so the guns would be legally registered. He stated he will not

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

Testimony in Favor: None

Testimony in Neutral: None

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

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

Carolyn Culver, 716 8th Avenue East, testified she has her grandkids with them five days a week and they use the park four to five times a week. She stated her kids play in the park and the schools do use the park. She stated she is concerned with traffic and the amount of home

invasions that happen in the area. She stated it is not the same world as she was brought up in and wants the kids' safety to be the priority. She thinks having guns in the residential area is not what should be allowed. Ms. Culver stated that people are wiser and she is not afraid of guns as her family has them and hunts with them. But thinks that the community is becoming wiser about the safety. But once there is word of mouth there will be more activity in the area.

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

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 use, home occupation, requires a special use permit to operate in R-1 zone.
- C. JMC 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a home occupation such as this one promotes economic development and growth.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity. There will not be any signage or structures relating to the home occupation present on premises.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The home occupation will not involve equipment that creates noise, vibration, glare, fumes, odor or electrical interference.

- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use 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.
- I. There will not be any storage of materials or supplies outdoors. All materials associated with the home occupation will be located indoors.
- J. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares. There are no changes anticipated in this regard. There is adequate parking on the property.
- K. The proposed use 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-1 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Rick Harbison for a home occupation located at the above described real property subject to the following conditions:
 - 1. Adequate alarm system to be maintained at all times tied into a monitoring system connected to the police station;
 - 2. Complete a fire inspection of the home occupation area by the Fire Department; Firearms are kept in a secure location;
 - 3. Comply with all city, state and federal requirements; and
 - 4. Special Use Permit shall be allowed for up to one year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 11th day of June, 2019, in support of the decision of the Planning and Zoning Commission on the 25th day of June, 2019 to approve the application as specified herein is hereby made final this 11th day of June, 2019.

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 Holley and carried.

Unanimous "ayes".

DISCUSSION Planning and Zoning By-laws update- *action Item*

Ms. Clark stated she made some redline changes to the current By-Laws. Discussion was held on the following redline changes: Commission Structure- will change wording to match city code that states there will be seven (7) members of the Commission; keep order of business but will reword it to "The agenda will include"; moved last paragraph of committees to be #3 under the schedule of meetings; changed requirement of reopening of public meeting to majority votes; moved #2 to #3 under Schedule of Meetings; added #4 under Schedule of Meetings to state "Regular or special meetings may be held via conference call with at least the planning and zoning administrator at the public meeting location."; removed "by the secretary" under Notice of Meetings; changed committees membership from four commissioners to two commissioners; and other various wording changes throughout the by-laws.

Commissioner Holley made a motion to approve the redline changes to the Planning and Zoning as presented.

Second to the motion by Commissioner King and carried.

Unanimous "ayes".

DISCUSSION Landscaping Ordinance

Ms. Clark sent the Landscaping Ordinance out and wanted to make sure the commission knew why it was denied. She stated the Council thought it was too specific and restrictive. She stated she found the ordinance and thinks it is a great starting point. Ms. Clark stated she would like to get a committee together to discuss the ordinance again to take to City Council. Discussion was held on the ordinance with the following: Certificate of Appropriateness; requirements for landscaping; perception of city; new construction or current owners; parking lots; uniform look for all; legal support; adding to Design Review; and getting the rest of the City involved. Ms. Clark stated she would like to get the private street committee going and then will start the landscaping ordinance. Mr. Larsen stated the committee has a great starting point to go on. Discussion was held on requiring a professional plan; not wanting to limit some of the smaller businesses; downtown beautification; city council member being on the committee; sending ordinance out to landscaping firms prior to submitting to council. Ms. Clark stated she would get a committee together to go forward with the ordinance.

DISCUSSION Boundary Changes- *action item*

Ms. Clark stated she went out and tried to read the City's Comp Plan and it is pretty old and has requested the City to update the Comp Plan. She stated they will not be able to update it this next year but they are hoping to have it done the following year. Ms. Clark presented the Comp Plan Land Use Map to the commission. Ms. Clark went over the map with the commission. She explained there is a small portion that is currently zoned Light Industrial (M-1) on our zoning

map but on the Comp Plan Map, it is considered residential medium with two of the lots commercial. She stated a property owner approached the city to have their property rezoned to High Density Business (C-3). She stated there are homes and offices located on the properties in question. She stated residential use is allowed in the C-3 area with a Special Use permit. Ms. Clark inquired if the commission would like to initiate a boundary change for all of the properties as it would make what is currently on the properties compliant for what is allowed in the city code. She stated this change would have to be heard as a public hearing and they will be looking at extending the public notice requirements out to around 1500 feet instead of the 300 feet that are required. She stated neighbors would have the chance to come and express concerns at the public hearing if they would like. Extensive discussion was held on what is allowed in M-1; extending boundary from a request from the Commission; resistance from current property owners; size of lots; residential living complications for current residents; Comp plan review; and looking like the city is spot zoning. Upon inquiry from Commissioner Holley, Mr. Larsen stated there are two ways to have the boundary change. One way is to have the property owners approach the city and request to have the properties rezoned or the Commission could make a decision to initiate a boundary change and recommend it to Council. Chairman Mink suggested changing the zone because the railroad is a limiting factor with them dividing the properties. Mr. Larsen stated the property to the South of Nez Perce have more room to develop light industrial and suggested not changing the boundary on that property. Chairman Mink stated it also is hidden behind Wal-Mart. Upon inquiry of Commissioner Allred, Ms. Clark stated there was a property owner that previously tried to get the properties rezoned but there was not a consensus among property owners at that time as one property owner did not want the rezone. Upon inquiry from Commissioner Allred, Ms. Clark stated there were around 11-12 acres. Discussion was held on the profitability of the property if rezoned, the value of the property, the potential uses of the property, neighboring lots and their uses. Ms. Clark inquired if the commission would like to move forward with changing the boundary. She stated they would have a public hearing and ask for the public's comments and feedback. Discussion was held on the Comp Plan, what is required from the City when revising a Comp Plan, rezones, and the growth of Jerome.

Commissioner Allred stated he would like to have more historical information on the property on why it is the way it is. Commissioner Holley inquired what the work load would be if they went through with the boundary change and then at the last minute decided they were not going to proceed. Ms. Clark stated it is the way it works. Upon inquiry from Commissioner Schroder, Mr. Larsen stated most of the property owners have changed. Commissioner Schroeder suggested speaking with the landowners before the commission decided on what they would like to do. Mr. Larsen stated they can speak with the landowners. Ms. Clark stated the Comp Plan is from 2005 and thinks the property was outside of the city limits at that time. Mr. Larsen stated you cannot predict how a city will grow in ten years. Ms. Clark stated she would approach the property owners and will bring this back to the commission.

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated the next meeting will be July 9th as there was a Special Use permit that was denied. She stated they will need to adopt the minutes before we can have voting via phone. She stated they may need to have second meeting in July. Ms. Clark stated the next Special Use renewals are due in August.

There being no further discussion, Chairman Mink closed this regular meeting at 8:52 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary