

Planning & Zoning Meeting  
July 10<sup>th</sup>, 2018

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 Randy King, Commissioner Dave Holley, and Commissioner Carl McEntarffer. Commissioner Bill Allred arrived at 7:01 p.m. Commissioner Sheryl Gibbons, and Commissioner Janey Miller were excused. Also present were Human Resource Director Ida Clark, City Planner Esmeralda Chavez, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

Ms. Clark explained she would be covering while Ms. Chavez is gone, so in preparation she would be reading the staff reports for tonight's meeting.

**PUBLIC HEARING** to consider a request from Lorraine Underwood for a Special Use Permit allowing six (6) chickens on that parcel described as Lot 13, Block 9 Magic Meadows Sub #2, SE 7-8-17, more commonly known as 532 18th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 532 18th Avenue East, in Jerome, is currently zoned Residential 1 (R-1). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated this request is in compliance with the Comprehensive Plan.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six chickens in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The application notes the chickens will be kept in an enclosed coop in the back yard. Additionally it is noted the coop blends in with the fenced backyard. 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. It does not appear the chickens will not 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 chickens will not be detrimental to persons, property or the general welfare by creating excessive 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 two years, renewable upon expiration.

Applicant Testimony: Lorraine Underwood, 532 18<sup>th</sup> Ave E, testified she already had the chickens and wanted to make things right. She stated she has not had any complaints. She stated they are her pets and her husband built a coop in the garage to make sure they do not get wet. She stated she brought a letter that her neighbor mailed to her. Ms. Underwood read the following letter:

*Valerie Perrula  
533 19<sup>th</sup> Avenue E  
Jerome, Idaho 83338*

*July 2, 2018*

*Jerome City Mayor David M. Davis  
Jerome City Council Members:  
Chris Barber, Jason Peterson,  
Oop Johnson and Robert Culver*

*Fax: (208) 324-8204*

*Dear Mayor and City Council Members:*

*I am writing to express my full support for the pending special use permit of Lorraine Underwood which is set on the next Council meeting agenda. I will be unavailable to attend this meeting and am therefore submitting my written support on her behalf.*

*I am a long-time resident of this city, having lived at my residence for 18 years. I am a neighbor and reside directly behind the Underwood's who have lived at their residence longer than I have. The Underwood's take the utmost care of their chickens just as they do with all their family pets.*

*I urge you to unanimously approve the special use permit of the Underwood's to allow them to continue to house their chickens at their residence in the City of Jerome.*

*Sincerely,*

*Valerie Perttula*

*Cc: Lorraine Underwood 532 18<sup>th</sup> Avenue E, Jerome, Idaho 83338*

Upon inquiry from Chairman Mink, Ms. Underwood stated she cleans the coop weekly and twice a week when they are in the garage in the winter. She stated the chickens squawk when she is playing with them but she does not have any roosters. She said she puts bark and shake down to help keep the area clean. Upon inquiry from Chairman Mink, Ms. Underwood

explained the coop and what it was made out of. She stated there are no odors as she does not like the smell either and stated anyone is more than welcome to stop by at any time to check. She stated she has lived in the home for over 25 years and loves her neighbors.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: Robert Ellis, 1495 Rainier Dr, testified his daughter and family live at 708 17<sup>th</sup> Ave East, which he owns, and has concerns for chickens that are on the backside of the property. He stated his daughter has complained of chickens constantly being in the back yard and they have called animal control. Mr. Ellis stated he drove from Eisenhower Street to Jackson Street and stated he looked for cars parked in the yard, occupant yard care efforts, and excessive vehicles parked at homes, with six (6) or more cars. He stated he found three (3) vehicles parked on the yard, 12 houses that showed no evidence of yard care, and four (4) houses with excessive vehicles. He stated this is not an agricultural area and chickens should not be in the area. Mr. Ellis stated he does not have a problem with the applicant, but with code.

Commissioner Holley inquired if he knew the neighbors that have the chickens. Mr. Ellis stated he did not know the names but that they were behind his property at 708 17<sup>th</sup> Ave E. Ms. Clark stated staff will address and look into the complaint. Commissioner Holley explained to Mr. Ellis that there is a process for special use permits. Once the Special Use permit expires, the applicant has to come back to the Commission to renew it. He also explained that if there are any issues with a Special Use permit, he needs to bring the complaints to staff so the complaints can be documented.

Rebuttal Testimony: Lorraine Underwood, stated she understands the concerns. She stated there are some people in the neighborhood that let their chickens out. She stated she loves her pets and they will not ever be released into the neighborhood. She stated she has nothing to hide and the chickens will not be a problem.

There being no further testimony, Chairman Mink closed the public hearing at 7:19 p.m.

**CONSIDER** a request from Lorraine Underwood for a Special Use Permit allowing six (6) chickens on that parcel described as Lot 13, Block 9 Magic Meadows Sub #2, SE 7-8-17, more commonly known as 532 18th Avenue East, Jerome, Idaho.

Commissioner McEntarffer stated the applicant has done a lot to keep the chickens in a pen and stated they are only considering the applicant and her address and he has no concerns. Commissioner Holley stated Mr. Ellis has a lot of validity in that there are many people that do not control the animals they have, but Ms. Underwood has provided information that she has pens that look well kept. He stated he does not have any issues.

Commissioner McEntaffer made a motion to approve a request from Lorraine Underwood for a Special Use Permit allowing six (6) chickens on that parcel described as Lot 13, Block 9 Magic Meadows Sub #2, SE 7-8-17, more commonly known as 532 18th Avenue East, 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 two years, renewable upon expiration.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed unanimously by the following vote: **Ayes:** Commissioner King, Commissioner Holley, Commissioner McEntarffer, and Commissioner Allred. **Nays:** None.

**PUBLIC HEARING** to consider a request from Alfred Kingsland for a Special Use Permit allowing a home occupation consisting of security and fire systems sales, installation, service and remote monitoring, on that parcel described as Lot 10, Block 4 Woodland Park NE 18-8-17, more commonly known as 811 15th Avenue East, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 1 (R1). The proposed use, a home occupation, requires a Special Use Permit from the Planning and Zoning Commission. In this case, Ms. Clark stated, Mr. Kingsland is proposing to have a security and fire systems sales, installation, service and remote monitoring business out of his home, which constitutes a home occupation. She defined 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”*. She stated, *“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”, page 7-5, which addresses the need and objective for business retention and expansion. 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 R1 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 does not indicate there will be any exterior modifications to the property, which will ensure that the appearance and character of the area is not impacted. The application states the proposed home occupation will not be hazardous or disturbing to the existing or future neighboring uses. There will be a couple of vehicles coming in throughout the day, one of them parking on the driveway and the other on the street. The application notes the residence will be served by existing utilities. The application states the proposed home occupation will not create any additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community. The application states the proposed use will not be detrimental to any persons, property or the general welfare as they will not create any glare, odor, fumes or vibrations. There are no proposed changes to the exterior of the building, 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. 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, Ms. Clark stated the application notes Mr. Kingsland will be monitoring the security systems. 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 400 square feet of the floor area. The application notes there will not be any exterior modifications to the residence, including signage or other visible evidence of the conduct of the home occupation. As mentioned previously, additional traffic will not be generated by the proposed home occupation, other than a couple of vehicles throughout the day. 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. All materials associated with the home occupation will be kept indoors. The applicant acknowledges there will not be any signage or structures relating to the home occupation present on premises.

If approved, Ms. Clark recommended the following conditions: Comply with all City, State and Federal requirements; and Special use permit shall be allowed for up to two years, renewable upon expiration.

Applicant Testimony: Alfred Kingsland, 811 15<sup>th</sup> Avenue East, testified he did not know that there was any conflict with his neighbors. He stated he previously had his home occupation in his home for 10 years and has only been back for one (1) year. Besides himself, he stated there is one technician that comes in the morning and he also has an office lady that comes in from 8:00 a.m. to 4:00 p.m. for three days a week. He stated there are no signs besides the yard sign that comes with the service that he sells. He stated there is no work going on in the shop besides getting parts off the shelves and putting them into the van. He stated he has tried to be very observant with his neighbors and has tried to make sure any complaints are fixed immediately. He stated he went and got signatures from the neighbors for the application. He stated they did not have any problem with him having a business. He stated they are hoping the business will be out of the house by next spring. He stated he moved the business back into the

house due to him needing to be closer to his wife but the people that will be running the company are wanting to move the business to another location.

Commissioner Holley inquired if there were any customers that came to the house. Mr. Kingsland stated they very seldom give out the address or have any meetings at the house. He stated he had to have an audit by the state where they were inspected at the house but that is not often. He stated a third party monitors the alarms. Upon inquiry from Commissioner Holley, Mr. Kingsland stated all business will be held during business hours unless it is an emergency. Upon inquiry from Chairman Mink, Mr. Kingsland stated there is very little pipe, as most of the equipment is wireless now, so they have minimal wiring and conduit. He stated everything is stored inside, out of sight. He stated most of the supplies are the minimal amount of batteries. He stated they recycle the old batteries. Mr. Kingsland stated they are just an alarm system and not a suppression system. He stated the batteries are 12 volt 7 amp. Mr. Kingsland explained the truck that comes daily, goes home with the tech. He stated he does have one van that he keeps at his home. Upon inquiry from Commissioner Holley, Mr. Kingsland stated the batteries and supplies are kept in the RV garage. He stated nothing can be seen from the street. Mr. Kingsland stated there is one van that is parked on the street. Commissioner Allred inquired how many vehicles are associated with the home occupation. Mr. Kingsland explained he has packages delivered a couple times a week and they are taken around the back. He stated he has one employee that comes three days a week, one vehicle his tech drives, that comes sporadically during the day, five (5) days a week and his vehicle that he keeps seven (7) days a week. He stated there are no pallet deliveries just small packages. Mr. Kingsland stated the van that is parked on the street is an unmarked van.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:43 p.m.

**CONSIDER** a request from Alfred Kingsland for a Special Use Permit allowing a home occupation consisting of security and fire systems sales, installation, service and remote monitoring, on that parcel described as Lot 10, Block 4 Woodland Park NE 18-8-17, more commonly known as 811 15th Avenue East, Jerome, Idaho.

Commissioner Holley stated the applicant is in a nice area and he is trying to keep in nice. He stated he has no issues. Chairman Mink stated off street parking is not required but may consider asking to have the vehicle moved to the driveway at night. Commissioner McEntarffer stated he has no concerns.

Commissioner Holley made a motion to approve a request from Alfred Kingsland for a Special Use Permit allowing a home occupation consisting of security and fire systems sales,

installation, service and remote monitoring, on that parcel described as Lot 10, Block 4 Woodland Park NE 18-8-17, more commonly known as 811 15th Avenue East, Jerome, Idaho with the following conditions: Business shall not interfere with the neighborhood, Vehicles shall not exceed three cars, for off street parking, that are associated with the business, Comply with all City, State and Federal requirements; and Special use permit shall be allowed for up to two years, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous “ayes”

**CONSIDER** a Design Review from Eric Lewis, located at 215 East Main, Jerome, Idaho.

Staff Report: Ms. Clark stated the Metro PCS commercial building is located at 215 East Main in Jerome; it is an existing building. The applicant is proposing to change the façade. This change is proposed for an established business. The business is located in the Central Business District zone (CBD). The applicant has proposed a façade facelift which will provide a color update to the north and east elevations. The north elevation’s vinyl siding will be removed and replaced with stucco. The east elevation will be painted. The primary color used will be Sherwin Williams color in Passive. The accent color will be Sherwin Williams color in Cityscape. The application notes the current signage will remain the same.

Ms. Clark stated Guideline #24 in the Design Review, states the exterior wall colors should harmonize with the site and surrounding buildings. The building’s façade will be changed from vinyl siding to stucco with at least two distinct colors will be used. She stated the colors have been chosen to match the existing roof and the colors do set it apart from its neighbors.

Eric Lewis, stated they are wanting to replace the siding and wanted to get it done. He stated the colors are a light grey and a dark grey. He stated he did not know that he had to have it approved. Mr. Lewis stated the siding is already off and he will hopefully be able to finish this week. He stated he wants to make downtown look a little better. He stated they will paint the east side of the building and try to clean it up. He stated there are signs currently on the building but they will not change. He continued to say the trim will be a little darker around the windows. Mr. Lewis inquired if they could use the same color to repaint the laundry mat. Ms. Clark stated they could as long as it is the same color they have now.

Commissioner King stated he likes the idea and thinks it will look nice. Commissioner McEntarffer stated it will look nice.

Commissioner King made a motion to approve a Design Review from Eric Lewis, located at 215 East Main, Jerome, Idaho as presented.

Second to the motion by Commissioner Holley and carried.

Unanimous “ayes”

**CONSIDER** a Design Review from Chris Barber, located at 868 East Main, Jerome, Idaho.

Staff Report: Ms. Clark stated the property is located at 868 E Main St. in Jerome; it is an existing building. The applicant is proposing to change the façade. The business is located in the General Business zone (C2). The application proposes a façade facelift which will provide a color update to the entire building. The façade will remain brick, with newly added paint in the color Serious Gray and the accent color will be Network Gray. The application also states there will be natural stained wood inlay around the windows.

Regarding the Guideline #24 of the Design Review, Ms. Clark stated the building’s façade will remain brick. It will be painted Serious Gray and the accent color will be Network Gray. The colors were selected to enhance curb appeal and set it apart from its neighbors. The painting will be done in a professional manner and workmanship.

Chris Barber, 917 8<sup>th</sup> Avenue East, disclosed he is a City Councilman. Mr. Barber stated Serious Gray will be the main color and the Network Gray will be the accent color. He stated they will replace the existing windows. He stated it will be a very classy building. Mr. Barber stated the building will be a Keller Williams Real Estate Office. He stated there are a few other offices in the area that will also be changing the façade to this color scheme.

Commissioner Holley, Commissioner King, and Commissioner McEntarffer stated they all have no issue with the colors.

Commissioner Holley made a motion to approve a Design Review from Chris Barber, located at 868 East Main, Jerome, Idaho as presented.

Second to the motion by Commissioner King and carried.

Unanimous “ayes”

**CONSIDER/APPROVE FINDINGS OF FACTS** for Rbrt and Erin Groves for a renewal of a Special Use Permit allowing six (6) chickens on that parcel described as Lot 1 Block 80 Jerome Townsite SW 18-8-17, more commonly known as 421 1st Avenue East, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF RBRT AND ERIN GROVES FOR A RENEWAL OF A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS ON THAT PARCEL DESCRIBED AS LOT 1 BLOCK 80 JEROME TOWNSITE SW 18-8-17, MORE COMMONLY KNOWN AS 421 1<sup>ST</sup> AVENUE EAST, JEROME, IDAHO**

A public hearing on the application of Rbrt and Erin Groves concerning that parcel commonly known as 421 1<sup>st</sup> Avenue East, Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, commencing at 7:01 p.m. on Tuesday, June 12, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, gave a report on Mr. and Mrs. Groves' application for a renewal of a special use permit. Ms. Chavez stated the property in question, 421 1st Avenue East in Jerome, is currently zoned Residential 2 (R-2).

The proposed use, the possession of chicken or poultry, requires a Special Use Permit. Regardless of use, setbacks for this property are as follows: Front- 25'; Rear- 20'; Interior Side- 7'; and Side Street- 15'.

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

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Chavez 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. Chavez reminded the commission chicken manure is considered a public nuisance.

If approved, Ms. Chavez 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 three years, renewable upon expiration. Ms. Chavez stated she did not receive any comments or concerns from surrounding neighbors for the application

**Applicant Testimony:** Rbrt Groves, 421 1st Avenue East, testified, he is wanting to renew their application. He stated nothing has changed from the previous application. He stated the chickens are still next to the detached garage. He stated they have not had any comments from the neighbors. Mr. Groves stated the chickens sometimes make noise but the neighbors have not made any complaints to them. He stated they are producing many eggs so they have been giving the excess eggs to the surrounding neighbors.

Commissioner Holley inquired if the chickens were left out. Mr. Groves stated they are in an enclosure that runs along the garage. He stated they do not let them out to run around without the enclosure.

**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. McDonald's testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**I. Findings**

- A. Lot 1 Block 80 Jerome Townsite SW 18-8-17, more commonly known as 421 1<sup>st</sup> Avenue East, Jerome, Idaho is zoned Residential 2 (R-2), which requires a special use permit for the use contemplated by the instant application pursuant to City of Jerome's Comprehensive Plan Section 3.1.1. as pertains to Title 8 of the JMC.
- 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. No roosters are requested or considered as part of the instant application.

**II. Conclusions**

- A. A special use permit is required for the applicant to be able to allow for up to six (6) laying hens on the subject property, which property is located in R-2 zone.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- C. The Commission approves the application of Monica McDonald for a special use permit allowing six (6) laying chickens on that property located at 421 1<sup>st</sup> Avenue East, Jerome, Idaho 83338, for a period of three (3) years, and subject to the following provisions:
  - (1) the chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare;
  - (2) there shall be no modifications made to the front of the property for the accommodations of the chickens;
  - (3) the chickens shall be kept in an enclosed chicken coop or accessory structure which shall be maintained in a clean and sanitary condition;
  - (4) any 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.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10<sup>th</sup> day of July, 2018, in support of the decision of the Planning and Zoning Commission on the 12<sup>th</sup> day of June, 2018 to approve the application as specified herein is hereby made final this 10<sup>th</sup> day of July, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner Holley made a motion to accept the finding of facts for Rbrt and Erin Groves for a renewal of a Special Use Permit allowing six (6) chickens on that parcel described as Lot 1 Block 80 Jerome Townsite SW 18-8-17, more commonly known as 421 1st Avenue East, Jerome, Idaho.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous “ayes”

**CONSIDER/APPROVE FINDINGS OF FACTS** for Monica McDonald for a Special Use Permit allowing six (6) chickens on that parcel described as Tax 18, Block A-167, JT SE 19-8-17, more commonly known as 512 East Avenue I, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF MONICA MCDONALD  
FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS ON THAT  
PARCEL DESCRIBED AS TAX 18, BLOCK A-167, JT SE 19-8-17, MORE  
COMMONLY KNOWN AS 512 EAST AVENUE I, JEROME, IDAHO**

A public hearing on the application of Monica McDonald concerning that parcel commonly known as 512 East Avenue I, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:10 p.m. on Tuesday, June 12, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, gave a report on Ms. McDonald’s application. Ms. Chavez stated the property in question, 512 E Avenue I, in Jerome, is currently zoned Residential 2 (R-2). The proposed use, the possession of chicken or poultry, requires a Special Use Permit. Regardless of use, setbacks for this property are as follows: Front- 25’; Rear- 20’; Interior Side- 7’; and Street Side 20’.

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

As pertains to the City of Jerome’s Comprehensive Land Use Plan, Ms. Chavez 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. Chavez reminded the commission chicken manure is considered a public nuisance.

Regarding the General Standards for Special Uses, Ms. Chavez stated 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 an enclosed coop with a netted area to roam free in their fully fenced backyard. 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. The application notes they understand poultry can create waste at a rapid rate and they are prepared to clean the area as frequently as needed. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will create excessive additional requirements at public cost for public. The chickens will not be detrimental to persons, property or the general welfare by creating excessive traffic, smoke, fumes or glare. The application notes there may be some noise from the chickens but they have spoken to their neighbors and there should not be significant noise or odors. There are no changes proposed to the vehicular approaches to the property. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

If approved, Ms. Chavez 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 two years, renewable upon expiration.

**Applicant Testimony:** Monica McDonald, 512 East Avenue I, testified her home is completely fenced. She stated her children have been asking for chickens and they are ready for some responsibility. Upon inquiry from Chairman Mink, Ms. McDonald stated the chickens will be in the backyard in a netted run off of a coop. She stated they have a cedar fence to keep neighbor animals out and her animals in. Chairman Mink went over the setbacks with Ms. McDonald.

**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. McDonald's testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

### **III. Findings**

- E. Tax 18, Block A-167, JT SE 19-8-17, more commonly known as 512 East Avenue I, Jerome, Idaho is zoned Residential 2 (R-2), which requires a special use permit for the use contemplated by the instant application pursuant to City of Jerome's Comprehensive Plan Section 3.1.1. as pertains to Title 8 of the JMC.
- F. Title 16 of the JMC has no bearing on this application.

- G. 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.
- H. No roosters are requested or considered as part of the instant application.

**IV. Conclusions**

- D. A special use permit is required for the applicant to be able to allow for up to six (6) laying hens on the subject property, which property is located in R-2 zone.
- E. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- F. The Commission approves the application of Monica McDonald for a special use permit allowing six (6) laying chickens on that property located at 512 East Avenue I, Jerome, Idaho 83338, for a period of two (2) years, and subject to the following provisions:
  - (1) the chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare;
  - (2) there shall be no modifications made to the front of the property for the accommodations of the chickens;
  - (3) the chickens shall be kept in an enclosed chicken coop or accessory structure which shall be maintained in a clean and sanitary condition;
  - (4) any 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.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10<sup>th</sup> day of July, 2018, in support of the decision of the Planning and Zoning Commission on the 12<sup>th</sup> day of June, 2018 to approve the application as specified herein is hereby made final this 10<sup>th</sup> day of July, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner McEntaffer made a motion to accept the findings of fact for Monica McDonald for a Special Use Permit allowing six (6) chickens on that parcel described as Tax 18, Block A-167, JT SE 19-8-17, more commonly known as 512 East Avenue I, Jerome, Idaho.

Second to the motion by Commissioner King and carried.

Unanimous "ayes"

**CONSIDER/APPROVE FINDINGS OF FACTS** for Lorena Cortez for a Lot Split on the property located at Tax 1 Lot 4 Jerome Unplatted 19-8-17, more commonly known as 1228 South Lincoln, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF LORENA CORTEZ FOR A LOT SPLIT ON THE PROPERTY LOCATED AT TAX 1 LOT 4 JEROME UNPLATTED 19-8-17, MORE COMMONLY KNOWN AS 1228 SOUTH LINCOLN, JEROME, IDAHO**

A public hearing on the application of Lorena Cortez concerning that parcel commonly known as 1228 South Lincoln, Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:15 p.m. on Tuesday, June 12, 2018 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

**Staff Report:** Esmeralda Chavez, City Planner, gave a report on Ms. Cortez's application. Ms. Chavez stated the property in question, a parcel of land described as Township 8 South, Range 17, East of the Boise Meridian, in the City of Jerome, Idaho, containing 1.7 acres, more or less, is currently zoned General Business (C2). The proposed project, a lot split requires approval 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'. Maximum height of 50' with a no minimum lot size.

Ms. Chavez stated the lot split is subject to Section 16.16.045.

As pertains to Jerome Comprehensive Plan, Ms. Chavez stated the application meets the following objectives within section three Land Use; Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; Objective 4 – Maintaining and developing convenient access and opportunities for services and employment; and Objective 6 – Developing a variety of densities that support mixed land use.

Regarding the Lot Split Criteria Staff Analysis, Ms. Chavez stated the definition of a lot is a single lot of record, a portion of a lot of record, and a combination of complete lots of record, or of portions of lots of record.

Ms. Chavez stated the applicant submitted a pre-application with a copy of the sketch plan and has have provided proof of ownership. The Commission needs to review the application and determine the application proposes to split one lot into two; determine the lot split will not have any impact on present or future public utilities; is consistent with the Comprehensive Plan, both lots will meet the minimal lot size, and both lots shall have the minimum 25 feet of street frontage.

Ms. Chavez stated the applicant has proposed to split one lot into two. The resultant East Lot will be approximately 1.03 acres or 44,866.8 square feet, more or less. The West Lot will be approximately .80 acres or 34,848 square feet, more or less. There is no minimum lot size requirement for the General Business (C2) zone.

Ms. Chavez continued, the application notes the request for a lot split is to allow the construction of one commercial building on each lot. The existing house on the property will be removed to allow a 6,000 square foot restaurant on the West Lot and an 11,000 square foot retail building on the East Lot. The application states there will not be any substantial impacts to public utilities. It is noted that water services are available and the applicant is extending the sewer line to service the property. Each lot will have access off of South Lincoln and will maintain the minimum 25' of street frontage required per the Jerome Municipal Code. The applicant understands that the lots must continue to meet the setbacks, height, and frontage requirements outlined in the Jerome Municipal Code in the future.

Ms. Chavez stated any future divisions of land will require subdivision review and approval.

Ms. Chavez stated she sent notice to the following agencies regarding the proposed lot split: Jerome Highway District, Idaho Power, School District, Northside Canal and Jerome County.

Ms. Chavez read the following letter from Mr. Hansten from the Northside Canal Company:

*June 4, 2018*

*Esmeralda Chavez City Planner  
City of Jerome 152 East Ave. A Jerome, ID 83338*

*RE: Lorena Cortez Lot Split*

*Ms. Chavez,*

*Thank you for informing me of the proposed lot split by Lorena Cortez at 1228 South Lincoln, Jerome, Idaho. My staff has determined that no North Side Canal Company water shares are associated with the existing property. There is a buried irrigation pipe located along the North property line of the existing lot that will need to be considered when the construction site plan is developed. I would appreciate the opportunity to review the construction site plan prior to construction to ensure that there will be adequate access to the pipeline should it need maintenance in the future.*

*If you have any questions, feel free to contact me at (208) 324-2319,*

*Sincerely,*

*Alan W. Hansten General Manager*

Ms. Chavez stated she sent the application to staff and received the following comments: Fire – No issues with the proposed lot split. When the applicant submits the building plans, they

will have to address the fire apparatus access and turn around; Engineering, Water, Streets, Wastewater, and Building all had no concerns at this time.

If approved, Ms. Chavez recommended the following conditions: The lot split shall meet all City of Jerome Engineering, Public Works, Wastewater, Building and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; and comply with all City, State and Federal requirements.

Upon inquiry from Chairman Mink, Ms. Chavez stated the current zoning is General Business (C2). She stated the East Lot will be approximately 1.03 acres, and the West Lot will be approximately ~~.08~~ .80 acres.

**Applicant Testimony:** Lorena Cortez, 1228 South Lincoln, testified, she would like to develop the lots commercially. She stated she has met with staff and they have a drawing for the project. She stated the front lot will be a restaurant and the back lot will be a retail store. She stated they have discussed parking, setbacks, and various other city requirements. She stated she has seen the waterline the canal company has mentioned. Ms. Cortez stated she lent the property to D & B when they were resurfacing the parking lot and they flattened out some of it so they could put the asphalt down.

Upon inquiry from Commissioner Holley, Ms. Chavez stated they have met with the applicant and they have reviewed the plans. She reminded the Commission they are reviewing the lot split tonight but she stated they have reviewed the plans to make sure they would be appropriate in that area. Ms. Cortez stated the project will be expensive so they wanted to make sure they met with the City to review the project before they started. Upon inquiry from Commissioner Holley, Ms. Cortez stated she is fine with the 25 foot access in the front as they will have two entries for the property.

**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. Cortez's testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

**V. Findings**

- A. The property described above is in the City of Jerome and is currently zoned General Business (C2).
- B. The proposed lot split will divide one lot into two lots.
- C. The request is harmonious with the objective of Title 17 of the Jerome Municipal Code and the Comprehensive plan in that the split will allow for the residential development of currently undeveloped property in a residential zone. It will also provide for a diversity of housing options within the City.

- D. It does not appear that the proposed lot split will have a substantial impact on present or proposed public utilities, streets and parks. Access will be provided to the lots by a private driveway of more than 25 feet in width, thus satisfying the 25' of street frontage requirement.
- E. The C2 Zone has minimal lot requirements; specifically, setbacks being front- 25', rear- 10', Interior Side- 12', and side street 25'. Maximum height of 50'. With no minimum lot size. The applicant has shown that the proposed lots will meet these requirements.

**VI. Conclusions**

- A. The Commission holds this lot split to be appropriate pursuant to JMC 16.16.045.
- B. The Commission approves the application of Lorena Cortez for a lot split of the property described herein, subject to the applicant complying with all city, state and federal requirements, including but not limited to Jerome Engineering, Public Works, Wastewater, Building and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10<sup>th</sup> day of July, 2018, in support of the decision of the Planning and Zoning Commission on the 12th day of June, 2018 to approve the application as specified herein is hereby made final this 10<sup>th</sup> day of July, 2018.

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ROD MINK,  
Chairman Jerome City P&Z Commission

Commissioner King made a motion to accept the findings of fact for Lorena Cortez for a Lot Split on the property located at Tax 1 Lot 4 Jerome Unplatted 19-8-17, more commonly known as 1228 South Lincoln, Jerome, Idaho.

Second to the motion by Commissioner McEntarffer and carried.

Unanimous "ayes"

**APPROVAL OF MINUTES**

Commissioner McEntarffer made a motion to approve the regular meeting minutes for the June 12<sup>th</sup>, 2018 meeting with the following corrects to the Lot Split from Lorena Cortez, *Upon inquiry from Chairman Mink, Ms. Chavez stated the current zoning is General Business (C2). She stated*

*the East Lot will be approximately 1.03 acres, and the West Lot will be approximately ~~.08~~ .80 acres.*

Second to the motion by Commissioner Holley and carried.

Unanimous “ayes”

**CITIZEN CORRESPONDENCE**

None

**DISCUSSION PERIOD & STAFF REPORTS**

Ms. Clark stated there are possibly three (3) public hearings in August and one (1) Design Review. She reminded the Commission to keep the 2<sup>nd</sup> meeting in July open. Commissioner Holley inquired if the Commission could stop a person who is testifying, if what they are not testifying does not pertain to the specific applicant. Legal Counsel, Mr. Larsen, stated the Commission could stop them. Ms. Clark suggested reminding everyone, before the public hearing, that they have three minutes and the testimony must be specific to the public hearing.

There being no further discussion, Chairman Mink closed this regular meeting at 8:08 p.m.

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Rod Mink, Chairman

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Katie Elliott, Secretary