

Planning & Zoning Meeting
August 13, 2019

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 p.m. Present were Chairman Rod Mink, Commissioner Jeff Schroeder, Commissioner Bill Allred, Acting Chairman Carl McEntarffer and Commissioner Randy King. Commissioner Dave Holley joined the meeting at 7:44 p.m. Commissioner Sheryl Gibbons was excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

CONSIDER a Design Review for All About Autos at 300 West Main Street, Jerome, Idaho – action item

Staff Report: Ms. Clark stated the property is located at 300 West Main Street in Jerome; it is an existing building. The applicant is proposing to update the façade. The business is located in the Central Business District (CBD) and falls within the Design Overlay District. The application proposes a façade facelift which will provide a color update of white and a trim update of orange. The façade will remain the same material, with newly added paint colors. Jerome 20/20 will assist with the purchase of the trim paint.

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, Sherwin-Williams High Reflective White paired with one accent color. The current building color is orange; however, the application is requesting to paint the building in white and trim with orange. The business colors are orange, white, and black. Jerome 20/20 will purchase the orange color paint for the applicant to paint the trim.

If approved, Ms. Clark recommended the following conditions: Applicant will paint, at the minimum, one coat of primer. Self-priming paint can be used; however, a separate primer must be used before the self-priming paint is applied; and Painting of a façade must be done in a professional manner and workmanship, using two coats or more of paint where needed.

Tony Flores, representing All About Autos stated he is wanting to update his building by painting it white with the orange trim. Upon inquiry from Chairman Mink, Mr. Flores stated the doors will be orange and the top of the trim will also be orange. He stated the building needs to be updated as the paint is around 8 -10 years old. Upon inquiry from Ms. Clark, Mr. Flores stated they will remove the signs before they paint and they will be putting new signs up after. Upon inquiry from Commissioner Allred, Mr. Flores stated the garage doors will be orange to break up the all-white building.

Commissioner King made a motion to approve the Design Review for All About Autos at 300 West Main Street, Jerome, Idaho with the following conditions: Applicant will paint, at the minimum, one coat of primer. Self-priming paint can be used; however, a separate primer must be used before the self-priming paint is applied; and Painting of a façade must be done in a professional manner and workmanship, using two coats or more of paint where needed.

Second to the motion by Commissioner Allred and carried.

Unanimous “ayes”

PUBLIC HEARING for a request from Curt and Cindy Neilson for a Special Use Permit allowing ten Banty chickens and one rooster, on the property located at Lot 1 and E1/2 of Lot 2 Block 14 Jerome Townsite SE 13-8-16, more commonly known as 303 7th Avenue West, Jerome, Idaho.

Staff Report: Ms. Clark gave some background on the application. She stated Mr. & Mrs. Neilson received a special use permit for ten hens and one rooster in September 2012 and applied to have it renewed in August of 2014. They already had ten chickens and one rooster when they moved to this address in 1996. Mr. and Mrs. Neilson would like to request a renewal of the special use permit. Note the chicken code was updated in 2013 which limited the amount of chickens allowed and prohibited roosters.

Ms. Clark stated the property in question, 303 7th Avenue West in Jerome, is currently zoned Residential 3 (R-3). 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 the request is in compliance with the Comprehensive Plan as relates to Rural Residential Land Uses.

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark reminded the commission chicken manure is considered a public nuisance according to the following definition: Stable Matter: 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. (8.08.010)

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; Upon the passing of the rooster, no replacement will be allowed; and Special use permit shall be allowed for up to two years, renewable upon expiration. Ms. Clark stated the code regarding chickens, specifically states permits are not allowed more than two years.

Applicant Testimony: Cindy Neilson, 303 7th Ave West, testified, she would like to renew the permit. She stated she has had the chickens for several years and understands once the rooster dies, they would not be able to get another rooster. She stated they are their pets and takes good care of them. She stated she likes the fresh eggs that they lay and they keep the bugs down. Ms. Neilson stated she has not had any complaints from the neighbors. Ms. Clark also stated she had not received any complaints. Upon inquiry from Chairman Mink, Ms. Neilson stated chickens can live for 20 years if they are taken care of properly. Upon inquiry from

Commissioner Schroeder, Ms. Neilson stated they have 10 hens and one rooster. Ms. Neilson stated she hears roosters all over the area and was not sure if everyone else has permits for chickens. Upon inquiry from Chairman Mink, Ms. Neilson stated the chicken coop is an enclosed wooden building. She stated in the winter they put plexi glass on the building and they are kept within the six foot fence. She stated they keep the area clean and does not believe there are any smells.

Testimony in Favor: Michael Anderson, 304 West 6th Avenue, testified he lives across the alley from the applicant. He stated they never hear the rooster but hear the chickens when they lay the eggs. He stated he does not have a problem with the chickens.

Maxine Anderson, 304 West 6th Avenue, testified she does not have a problem with the chickens. She stated she hears the chickens every now and then but never hears the rooster. She stated there is no smell and she does not see the chickens because of the privacy fence.

Testimony in Neutral: None

Testimony in Opposition: Ms. Clark read a letter that was received in the mail.

To: Ida Clark
Jerome City Planner

I received the Notice of Public Hearing for August 13, 2019 at 7:00 pm concerning a special use permit for 10 Banty chickens and one rooster. I am strongly against chickens within the city limits of Jerome. At 409 5th Ave. West, Jerome, we had problems with a Mr. Roger Watson who had chickens, roosters, many rabbits and an assortment of junk that really pulled down my property value. The roosters crowed day and night and the chickens cackled every time they laid an egg. They ran loose from time to time and defecated on my lawn, my driveway and patio area. They also drew flies. Those circumstances negatively impacted my quality of life.

Officer Leininger did his duty and issued citations but no serious action was taken by the city authorities. I have property at 412 6th Ave. West, within earshot of 303 7th Ave. West. We in the 400 block of West 6th Ave. are working hard to "clean up" Jerome and make it a more eye pleasing place to live.

Please, no chickens or other livestock to downgrade our side of town and our life style. I know that chickens and roosters are present in Jerome at this time. I hear them and I sympathize with those who live near them. Please no chickens. Please enforce the code on the books so that Jerome becomes a better, cleaner, healthier place to live.

Most respectfully,

Leon Kytile

2182 Settlers Lane
Twin Falls, Idaho 83301

Rebuttal testimony: Ms. Nielson, stated the gentleman who wrote the letter does not live in the area and she does not understand why he has a problem if he does not live here. She stated the chicken coop looks better than most of the buildings in the area.

There being no further testimony, Acting Chairman McEntarffer closed the public hearing at 7:20 p.m.

CONSIDER a request from Curt and Cindy Neilson for a Special Use Permit allowing ten Banty chickens and one rooster, on the property located at Lot 1 and E1/2 of Lot 2 Block 14 Jerome Townsite SE 13-8-16, more commonly known as 303 7th Avenue West, Jerome, Idaho – action item

Upon inquiry from Chairman Mink regarding the permit issued in 2014, Ms. Clark stated the permit was renewed for five years but when she did some research on the code, the code specifically states only two years for renewal. She continued that in the previous permit, it specifically addresses the rooster and once it passes, it cannot be replaced. Discussion was held on conditions regarding chickens and roosters.

Commissioner Schroeder made a motion to approve a request from Curt and Cindy Neilson for a Special Use Permit allowing ten Banty chickens and one rooster, on the property located at Lot 1 and E1/2 of Lot 2 Block 14 Jerome Townsite SE 13-8-16, more commonly known as 303 7th 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; Upon the passing of the rooster, no replacement will be allowed; as the hens pass, only six hens will be allowed 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 by unanimously the following vote: **Ayes**: Chairman Mink, Commissioner Schroeder, Commissioner Allred, Commissioner Holley, Acting Chairman McEntarffer, and Commissioner King. **Nays**: None

PUBLIC HEARING for a request from Alpha 86 LLC for a Special Use Permit allowing a residential use, on the property located at Lots 12-16 Block 75 Jerome Townsite SE 13-8-16, more commonly known as 261 1st Avenue West, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 261 1st Ave West in Jerome is currently zoned Central Business District (CBD). The proposed use, a residential use, requires a Special Use Permit. Regardless of use, all the setbacks for this property 0'. 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"; and 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. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code and the Comprehensive Plan. The application indicates there will not be any 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 vacant with residential use to the north, storage units to the east, and businesses to the south. 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, odors, noise, smoke, fumes, or glare. There are no proposed changes to the vehicular approaches to the site and parking will remain unchanged. There is off street parking per Municipal Code to accommodate two vehicles. The property, 261 First Ave West, is listed in Chapter Six of the Comprehensive Plan as a Jerome City Historic Site. 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. As noted earlier, there is no proposed structural changes.

Ms. Clark stated she sent the application to city staff and only received one comment from Public Works. She stated they would like to make sure they maintain some form of driveway for vehicles to park.

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

Applicant Testimony: Susan Harris, 414 North Carmen, Shoshone, testified she is the property manager for Alpha 86 LLC, and there will be no change to the building. She stated the main goal was to rent it for office space but would like the option of having a residential rental. She stated they have not had many inquiries for the office space. Upon inquiry from Commissioner Allred, Ms. Harris stated parking is on the west side on Birch. She stated it is not covered or a garage but a simple driveway. Ms. Harris stated there are also three commercial bays on the backside of the house. She stated the mini storage on the east side of the property is also owned by the same owner. Upon inquiry of Chairman Mink, Ms. Harris stated the commercial bays are attached to the house and she is not aware of the fire wall as the owners just purchased the property in April. Ms. Clark stated the Fire Department did have a chance to look at the application and they had no concerns. Upon inquiry from Chairman Mink, Ms. Harris stated the bays have sewer and water to each bay. Upon inquiry from Chairman Mink, Ms. Harris stated there is access for the basement from inside but it is only for storage.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Acting Chairman McEntarffer closed the public hearing at 7:34 p.m.

CONSIDER a request from Alpha 86 LLC for a Special Use Permit allowing a residential use, on the property located at Lots 12-16 Block 75 Jerome Townsite SE 13-8-16, more commonly known as 261 1st Avenue West, Jerome, Idaho – action item

Chairman Mink stated anytime you can occupy the building, it is good. He stated his concern is with the shops behind the house. Discussion was held on fire alarm concerns. Ms. Clark stated there has to be a building/fire department inspection. Commissioner King stated the application looks to comply with the standards. Acting Chairman McEntarffer stated he has no concerns.

Chairman Mink made a motion to approve a request from Alpha 86 LLC for a Special Use Permit allowing a residential use, on the property located at Lots 12-16 Block 75 Jerome Townsite SE 13-8-16, more commonly known as 261 1st Avenue West, Jerome, Idaho, with the following conditions: Receive any and all required building and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence; Maintain some form of driveway for vehicles to park; Any alterations to the structure must receive building permits and meet the building and/or zoning code; Comply with all city, state, and federal requirements; Special use permit shall be allowed for up to one year, renewable upon expiration; and property owner must insure working smoke detectors when rented.

Second to the motion by Commissioner King and carried.

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

PUBLIC HEARING to hear a rezone request for the following parcels from Light Industrial (M-1) to High Density Business (C-3):

Tax 7 of SESW Sec 30 T8 R17- 212 East Yakima Ave, Jerome, Idaho
Tax 9A of SESW Sec 30 T8 R17- 216 East Yakima Avenue, Jerome, Idaho
Tax 76 of SESW Sec 30 T8 R17- 300 East Yakima Avenue, Jerome, Idaho
Tax 77 of SESW Sec 30 T8 R17- Bare Lot
Tax 37 of SESW Sec 30 T8 R17- 322 East Yakima Avenue, Jerome, Idaho
WITH THE EXCEPTION OF THE FOLLOWING PARCEL:
Tax 9C of SESW Sec 30 T8 R17- 430 East Yakima Avenue, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief background on the application. She stated in September of 2005 these parcels were zoned Commercial in the Area of Impact on the Comprehensive Land Use Map. On May 8th, 2007, these parcels were labeled "Tract H" and annexed into the City with Area Business as the zoning. In May of 2008 the Comprehensive Land Use Map was amended to designate all but one parcel in "Tract H", 430 E Yakima, as Residential Medium. A complete rewrite of Title 17 and zoning map amendments were approved by the Planning & Zoning Commission on March 9, 2010 with testimony heard. The rewrite of Title 17 was approved by ordinance on April 6, 2010 with no testimony at the City Council Meeting. With the passing of the ordinance at the April 6 meeting, all of the lots in "Tract H" were rezoned to Light Industrial (M-1). However, all other lots zoned Area Business as these lots were, were rezoned to High Density Business (C-3). Note: the Comprehensive Land Use Map was not updated in 2010. Mr. Sharp is joined by surrounding property owners to request the rezone of the parcels described above to High Density Business.

Ms. Clark went over the Adjacent Land Use/Zoning Table with the commission. She stated the property to the north, the existing land use is commercial or bare land with the zoning as C-3 and M-1. The property to the south, the existing land use is commercial/bare land, with zoning as C-3 and M-1. The property to the east, the existing land use is industrial with zoning being area of impact commercial and M-2. The property to the west, the existing land use is commercial and the zoning is C-3.

Ms. Clark stated the Comprehensive Plan Land Use Map designates these parcels as residential medium. Existing land use on site and adjacent areas are a combination of commercial, industrial, and residential. It is noted that all surrounding lots are designated as commercial with industrial to the north across the railroad tracks.

As pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Clark stated the parcels involved, as described above, are currently zoned Light Industrial (M-1), which allows gas

stations, automotive repairs, restaurants, warehouses and other facilities as detailed in 17.14.010 of the Jerome Municipal Code. The proposed zone, High Density Business (C-3), would allow for apartments with a special use permit, gas stations, health clinics, hotels, office and professional spaces, restaurants, storage units and other facilities as detailed in 17.14.010 of the JMC. Depending on the zone, all land use regulations as detailed in Title 17 of the JMC will apply to the property, including but not limited to setbacks, building height restrictions, sign restrictions, and use restrictions.

Regarding the GENERAL PROCEDURES FOR AMENDMENTS, Ms. Clark stated the application for a rezone shall be reviewed by the Commission to determine if the request is in accordance with the Comprehensive Plan; Will create a demand for public infrastructure that is not currently available, including municipal sewer and water services; Is compatible with the zoning uses in the surrounding areas; and No non-conforming uses will be created.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with: Chapter 1 "Property Rights," There is no "taking" and the request does not require property owners to dedicate any portion of property or grant an easement. It does not appear the request would have a significant impact on the landowner's economic interest. The request appears to meet the checklist of the Attorney General. The request is in accordance with: Chapter 3 which states, "To offer a harmonious blend of opportunities for living, working, recreation, education, shopping and cultural activities by protecting natural amenities. To provide coordinated, efficient and cost effective public facilities and utility services, carefully managing both residential and non-residential development and design and proactively reinforcing downtown Jerome's role as the urban core." It is in accordance with Chapter 3, Objective 1, "explore the growth patterns of the city and plan and prepare for growth opportunities". Note: The Commission must consider that if the proposed rezone is approved, this development must comply with Chapter 3, Section 4, "Land Use Component," Objectives 5 and 6. These objectives state that any land use decision must consider "Protecting the character of single-family neighborhoods" while at the same time, "Developing a variety of densities that support a mixed land use." While there are some residential uses on these properties, this is not a single family neighborhood. A rezone to C-3 would support variety of uses. Ms. Clark stated the request is in accordance with: Chapter 7, "Economic Development", Objective 1, "Provide an environment that encourages expansion of existing business and the attraction of new jobs to the community" and Objective 2 "Promote the City as an ideal location for new development of residential, commercial and industrial areas." The rezone would allow a business to expand and the rezone to C-3 would allow residential and commercial use. Noted, in Chapter 13, "Housing", these properties are classified as the Rose Neighborhood which states, "Rose neighborhood extends from 100 South to the north to Interstate 84 to the south, with Lincoln Avenue to the west. This neighborhood is mostly industrial and commercial properties, with only twenty-two residences identified, mostly in the Shady Acres development."

Ms. Clark stated the request is not in accordance with the Comprehensive Plan in regards to the Comprehensive Plan Land Use Map which designated all of these parcels as Residential

Medium. However, it is noted that a C-3 zone would allow apartments with a Special Use Permit. As pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services. Ms. Clark stated the only infrastructure that is not currently available is sewer. The properties in questions can keep their current septic until failure then there are two choices per Jerome Municipal Code 13.04.040; the owner is required to connect to facilities provided that sewer is within one hundred feet of the property line. The owner would have the ability to install a septic or run a line and connect to City facilities whichever is applicable to that property.

As pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Clark stated as mention previously, the properties in question are adjacent to other commercial uses to the west and south. It appears that the proposed zone change to High Density Business (C-3) would be compatible with the surrounding areas. As pertains to the creation of non-conforming uses, Ms. Clark stated the properties in question have existing nonconforming uses. No additional non-conforming uses would be created with this rezone. Title 16 has no bearing on this request.

Ms. Clark stated she sent the application to City Staff and received no comments from the departments.

Ms. Clark stated the neighboring properties to the northeast and south west are C-3. The properties to the south east are Light Industrial and are currently in other subdivisions. She stated rezoning the properties to C-3 would make the zoning contiguous. Ms. Clark stated the application is a co-application with Collin Sharp acting on behave of himself and the other property owners listed. She stated they do have letters and signatures from the other property owners. Upon inquiry from Chairman Mink, Ms. Clark stated the sewer is not changing as they are only asking for a rezone on those properties from M-1 to C-3. She stated if they decided to develop the properties, they would have to comply with the current code.

Applicant Testimony: Colin Sharp, 163 Homestead Loop, testified he is wanting to build an office building next to the house on the property. He stated he owns 216 East Nez Perce. He stated there are four acres currently and will be doing a lot split later. He stated he is currently renting an office building down the road next to the Dollar Tree and Little Caesars. He stated he feels the zone is better suited for the area. He continued, the property to the west of his, has been for sale for a while and feels like this rezoning would also help that property sale. He stated the area is more fit for businesses. He stated he is not sure what the other property owner's future plans are, but he will keep the home as a rental and build an office on the other parcel. Upon inquiry from Chairman Mink, Mr. Sharp stated if the lot split is not approved, but the rezone is, he would look at another plan. Upon inquiry from Commissioner Allred, Ms. Clark went over the parcels that would be rezoned. She stated there was another property to the east of the five properties, but they missed the deadline to join the application. She stated the current property owners are currently using the property as a C-3 use. Upon inquiry from Commissioner Allred, Ms. Clark stated the application was for all five properties. She stated they have spoken with the other property owners have signed a letter that they would also like their zoning changed.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Acting Chairman McEntarffer closed the public hearing at 7:52 p.m.

CONSIDER a rezone request for the following parcels from Light Industrial (M-1) to High Density Business (C-3):

Tax 7 of SESW Sec 30 T8 R17- 212 East Yakima Ave, Jerome, Idaho

Tax 9A of SESW Sec 30 T8 R17- 216 East Yakima Avenue, Jerome, Idaho

Tax 76 of SESW Sec 30 T8 R17- 300 East Yakima Avenue, Jerome, Idaho

Tax 77 of SESW Sec 30 T8 R17- Bare Lot

Tax 37 of SESW Sec 30 T8 R17- 322 East Yakima Avenue, Jerome, Idaho

WITH THE EXCEPTION OF THE FOLLOWING PARCEL:

Tax 9C of SESW Sec 30 T8 R17- 430 East Yakima Avenue, Jerome, Idaho— action item

Commissioner Holley stated if they have the entire area wanting the change, it is easier than having them come in one at a time. He thinks that is where the area is going. Acting Chairman McEntarffer agreed and was wondering why it hasn't been developed.

Chairman Mink made a motion to recommend to City Council to rezone the following parcels from Light Industrial (M-1) to High Density Business (C-3):

Tax 7 of SESW Sec 30 T8 R17- 212 East Yakima Ave, Jerome, Idaho

Tax 9A of SESW Sec 30 T8 R17- 216 East Yakima Avenue, Jerome, Idaho

Tax 76 of SESW Sec 30 T8 R17- 300 East Yakima Avenue, Jerome, Idaho

Tax 77 of SESW Sec 30 T8 R17- Bare Lot

Tax 37 of SESW Sec 30 T8 R17- 322 East Yakima Avenue, Jerome, Idaho

WITH THE EXCEPTION OF THE FOLLOWING PARCEL:

Tax 9C of SESW Sec 30 T8 R17- 430 East Yakima Avenue, Jerome, Idaho as presented.

Second to the motion by Commissioner King and carried.

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

PUBLIC HEARING for a request from Collin Sharp for a lot split on the property located at Jerome Unplatted Tax 9A of SESW Sec 30 T8 R17, more commonly known as 216 East Yakima Avenue, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 216 East Yakima Ave, is currently zoned Light Industrial (M-1). The proposed project, a lot split requires approval from the Planning and Zoning Commission. Regardless of use they must meet the setbacks and maximum height for the property.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three: Exploring the growth patterns of the city and plan and prepare for future growth opportunities; Maintaining and developing convenient access and opportunities for services and employment; and Developing a variety of densities that support mixed land use.

Regarding the Lot Split Criteria, Ms. Clark stated it must be a single lot of record. The applicant submitted a pre-application with a copy of the sketch plan. The applicant has provided proof of ownership. The split one lot into two (a "lot split"); the proposed lot split will not have a substantial impact on present or proposed public utilities, streets and parks; is consistent with the Comprehensive Plan. Both resulting lots will meet minimum size and minimum lot size requirements for the relevant zone; and each lot has a minimum of twenty-five (25) feet of street frontage.

Ms. Clark stated the application is proposing to split one lot into two. The east lot will be approximately 2.44 acres or 106,286.4 square feet, more or less. The west lot will be approximately 1.00 acre or 43,560 square feet, more or less. NOTE: the application is requesting a lot split be conditionally approved if the rezone of the property from Light Industrial to High Density Business is approved at the City Council meeting.

Ms. Clark stated there is no minimum lot size requirement for the High Density Business (C-3) zone. Also, this would require setbacks of Front- 25'; Rear- 10'; Interior Side- 12', and Side Street- 25'.

Ms. Clark stated the application notes the request for a lot split is to allow the current residential dwelling to remain on the east lot with future plans to build a commercial office building on the west lot. The application states there will not be a substantial impact to public utilities. Water connections are available from E Yakima. The property does have two choices for sewer per Jerome Municipal Code 13.04.040, as they develop. As required by Engineering and Streets, these two lots will have a shared access from E Yakima Ave. Each lot will maintain the minimum 25' of street frontage required. The applicant understands that the lots must continue to meet the setbacks, height, and frontage requirements outlined. As mentioned above, the request is in Compliance with Chapter Three of the Comprehensive Plan. Any future divisions of land will require subdivision review and approval.

Ms. Clark stated a notice regarding the proposed lot split was sent to local taxing districts and no comments were received from the agencies.

Ms. Clark stated she sent the application out to city staff and received the following comments: Engineering – E Yakima Ave was classified as an arterial roadway in the 2007 Transportation Plan. Per Section 16.28.050, the minimum Right Of Way (ROW) required is 80 feet. Dedication of an additional 15 feet of ROW on the north side of E Yakima is required. As discussed in the pre-development meeting, access to the resulting lots shall be through a shared access; Public Works, Fire, Wastewater; and Building all had no comment or concerns.

If approved, Ms. Clark 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 Commissioner Allred, Ms. Clark stated the width of parcel one is 78.9 feet across, and 127.9 feet across the second parcel. Regarding the shared driveway, Ms. Clark stated Engineering would approve of the placement of the driveway. Upon inquiry from Commissioner Schroeder, Ms. Clark stated if the rezone is approved by City Council, the C-3 zone does not have a minimum lot size requirement. She stated the applicant chose that lot size. Upon inquiry from Acting Chairman McEntarffer, Ms. Clark stated the applicant could possibly add more as long as they meet setbacks and have access. Upon inquiry from Chairman Mink, Mr. Larsen stated if the applicant splits the property more, it would require a plat.

Applicant Testimony: Collin Sharp, 168 Homestead loop, testified, the purpose of the one acre is strictly due to property tax purposes. He stated he has no intention of developing the property in the back because there is lava rock in the back portion of the property. Upon inquiry from Acting Chairman McEntarffer, Ms. Clark stated they can request a Special Use Permit for livestock. Upon inquiry from Commissioner Holley, Mr. Sharp stated he has not thought about shared driveway issues. He stated he wants to be accommodating and if they want to move the driveway, they will. He stated there were many possibilities they can look into. Commissioner Holley stated his concern is having a shared driveway between a business and residential use can have issues. Ms. Clark stated the City is requiring the shared driveway and not the applicant. Upon inquiry from Commissioner Holley, Mr. Sharp stated they are in the process of tearing down the shed. Upon inquiry from Commissioner Schroeder, Mr. Sharp stated he will maximize width of the property as they can. He stated it will be a longer, skinnier building. He stated it will be about 40 feet wide and about 80 feet long. Upon inquiry from Commissioner Allred, Mr. Sharp stated there will be plenty of access for fire and will have a turnaround in the back. He stated he has been keeping up on the weeds as he has hired someone to come and mow them. He stated there will not be space for weeds when they build the building. He stated he wants to make sure everything looks good.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Acting Chairman McEntarffer closed the public hearing at 8:11 p.m.

CONSIDER a request from Collin Sharp for a lot split on the property located at Jerome Unplatted Tax 9A of SESW Sec 30 T8 R17, more commonly known as 216 East Yakima Avenue, Jerome, Idaho – action item

Commissioner Holley stated they are only looking at a lot split. Upon inquiry from Commissioner Allred, Mr. Larsen stated they are only looking at splitting the lot into two lots. Commissioner Schroeder stated his main concern is with the full acre and the back portion of the acre not being developed. Mr. Larsen stated most of those lots are deep lots and they can only go so far with regulations.

Commissioner Holley made a motion to approve a request from Collin Sharp for a lot split on the property located at Jerome Unplatted Tax 9A of SESW Sec 30 T8 R17, more commonly known as 216 East Yakima Avenue, Jerome, Idaho, with the following conditions: The lot be rezoned from Light Industrial (M-1) to High Density Business (C-3) by the Jerome City Council; 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.

Second to the motion by Commissioner King and carried.

After consideration, the motion passed by the following vote: **Ayes:** Chairman Mink, Commissioner Schroeder, Commissioner Holley, Acting Chairman McEntarffer, and Commissioner King. **Nays:** Commissioner Allred.

8:15- PUBLIC HEARING for a request from EHM Engineers for approval on a preliminary plat of Jerome Crossing Subdivision, located on those parcels described as Tax 44 SESE Jerome Unplatted 18-8-17, Jerome, Idaho containing 3.17 acres, more or less.

Staff Report: Ms. Clark stated the property in question, described as Tax 44 SESE Jerome Unplatted 18-8-17, Jerome, Idaho and is currently zoned Residential 2 (R-2) with one lot facing East Main Street as General Business (C-2). The proposed project, a 10 lot two-family dwelling, residential subdivision, requires a preliminary plat recommendation from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 25', Rear- 20', Interior Side- 7', and Side Street- 15'. Minimum lot size: 5,000 square feet

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use; Exploring the growth patterns of the city and plan and prepare for future growth opportunities; Maintaining and developing convenient access and opportunities for services and employment; and Developing a variety of densities that support mixed land use.

Regarding Title 16, Preliminary Plat Criteria, Ms. Clark stated the applicant met with the City of Jerome staff for a pre-application meeting to discuss the proposed project. The applicant has provided proof of ownership. The application notes there are no natural springs or streams within the property. There are no North Side Canal Company water shares associated with the property and a pressure irrigation system will be included. The pump station will receive water from the irrigation line on the west edge of Lot 8. The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, North Side Canal Company. Ms. Clark stated the City Departments including Building, Engineering, Fire, Public Works, and Wastewater were also given the opportunity to comment on this application. Comments were sent back to the Engineer, corrections were made and the preliminary plat was resubmitted with corrections. Mailed notices were sent to adjacent property owners on July 29, 2019. The applicant shall have one year to file and obtain the certification of the acceptance of the final plat application by the administrator within one year after action by the commission. Failure to do so shall cause all approvals of said preliminary plat to be null and void, unless an extension of time is applied for by the subdivider and granted by the commission.

Regarding lot requirements, Ms. Clark stated the site is zoned Residential 2 (R-2) with one lot, facing East Main Street, as General Business (C-2). The minimum lot size requirement is 5,000 square feet for R-2 and there is no minimum lot size for the C-2 zone. As proposed, the lots meet the minimum lot size for the zones. Regarding streets, Ms. Clark stated lots three through ten will have access from N Hayes St via a private street. The private street will be 30' constructed of concrete. Lots two and seven will access through an easement on lot one. Lot seven will have a 20' access, drainage, utility and irrigation easement across lot one with lot two having a 15' access, drainage, utility and irrigation easement across lot one. Lot one will maintain access from East Main Street. The application notes the street proposed will be a private street and will not be dedicated to the City.

Regarding the street location, Ms. Clark stated private street meets the requirements of the new code as it will not be through street, will serve seven lots or 14 dwelling units, the proposed street is 30', meets easements requirements; and will be constructed of concrete. Regarding the street specifications, Ms. Clark stated the streets meet the required right-of-way. The private street does not line up the City's Grid System. A letter from Jerome County will be required to confirm that the proposed name, "Mateo Drive". The Private Drive meets the requirements. The application does not propose any alleys due to the configuration of the lots and the street layout. The application materials propose easements along of lots lines as needed. Easements meet minimum standards of not less than 5' on lots seven and two. The

City Sewer Collection and Treatment System has adequate capacity to accommodate the additional sewage volume and flow rate from this subdivision. They will connect to the City's sewer on N Hayes Street. The water system components meet the City's requirements for construction. The materials show a twelve foot retention swale on the north property boundary along with a deep dry well located at the north end of the proposed private roadway. The development proposes a 5' wide sidewalk along the existing curb and gutter on N Hayes.

If approved, Ms. Clark recommended the following conditions: Submit CC&R's per Jerome Municipal Code 16.28.052 section G, f. as required; Comply with all City of Jerome Engineering, Public Works, Building, Planning, and Fire Department requirements pertaining to needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County; and Comply with all City, State and Federal Requirements.

Upon inquiry from Chairman Mink, Ms. Clark stated she wanted to make sure that since the code was just updated, one of the requirements was to have CC&R's for maintenance. She stated they had not received those as of yet, and wanted to make sure everyone was aware they needed them.

Applicant Testimony: Chris Barber, PO Box 355, testified, EHM has provided the plat for him. He stated the entrance will be off of Hayes. He stated there will be nine (9) large lots. Mr. Barber went over the plat in detail with the commission. He stated they would have a 30 foot road and will be finishing the sidewalk on North Hayes. He stated he has spent last couple of days knocking on doors and explained what they were doing. Mr. Barber stated it was recently rezoned to from C-3. Upon inquiry from Commissioner Schroeder, Mr. Barber stated the Housing Authority has not approached him about a fence. He stated they will most likely put up a fence but he is not sure as of yet. Upon inquiry from Commissioner Schroeder, Mr. Larsen stated the neighbors share the cost of putting fences up. Ms. Clark stated they are only approving the plat. Acting Commissioner McEntarffer clarified they are only recommending the plat to City Council. Upon inquiry from Chairman Mink, Mr. Barber stated there are two lots that access off of an easement off of East Main. He stated he may come back and ask for the two lots directly behind the commercial building to be rezoned back to C-3. He stated he not yet decided. Upon inquiry from Commissioner Schroeder, Mr. Barber stated there will be a HOA and the road will be a cement road. Upon inquiry from Commissioner Holley, Mr. Barber agreed with Ms. Clark that the sidewalk will be City owned. Acting Chairman McEntarffer stated the HOA is responsible for the maintenance of the sidewalk even if the City owns it.

Dave Thibault, 621 North College Road, Twin Falls, representing EHM, explained the maintenance of the sidewalk with the commissioners. Mr. Larsen stated the HOA could take over the maintenance by private agreement.

Upon inquiry from Commissioner Allred, Mr. Barber went over the neighboring uses of the property. Upon inquiry from Chairman Mink, Mr. Barber stated there will not be sidewalks in

the subdivision. He stated it will be similar to the Paradise subdivision with limited traffic, 30 foot wide road, and lighting.

Testimony in Favor: none

Testimony in Neutral: Russ Martin, PO Box 105, testified, he owns the duplex on the north side of the property. He stated he has been left out of the loop and he felt like he has let his neighbors know but not him. He stated he has nothing against the subdivision. Mr. Martin stated he moved into the duplex where he likes the peace and quiet. He also stated he would like to reserve the privacy on his property. He stated it will be a change having neighbors across the fence. He stated he would like to see a very secure privacy fence. He stated his major concern is with the runoff as he dealt with runoff frequently on 16th and Fillmore. He stated his concerns are with a privacy fence and water retention. He thinks access should not be a problem as it is to the south of North Hayes. He stated this is the first hearing he has known about.

Testimony in Opposition: none

Rebuttal testimony: Mr. Barber stated he mailed copies of information to all of the neighbors in the area. He stated he saw Mr. Martin drive past while he was pulling weeds. He stated he tried to get to all of the neighbors. He apologized that Mr. Martin has not got everything up front.

Mr. Thibault stated the property has a dry well that is 35x50x3. He stated it is subsurface and functions like a French drain. He stated at the present time, there is no storm water retention and with the development, the City has provisions to provide for storm water retention for onsite. He stated the storm water sheet grades across from the southeast to the northwest following the topography of the ground. He stated they cannot impede historical over flow. He stated they are adding more storm water retention to the property. He stated drainage will still occur natural but will be greatly mitigated. He stated it will be greatly reduced but will not get them all. He continued he cannot guarantee that there will not be drainage problems.

There being no further testimony, Acting Chairman McEntarffer closed the public hearing at 8:41 p.m.

CONSIDER a request from EHM Engineers for approval on a preliminary plat of Jerome Crossing Subdivision, located on those parcels described as Tax 44 SESE Jerome Unplatted 18-8-17, Jerome, Idaho containing 3.17 acres, more or less– action item

Acting Chairman McEntarffer reminded the commission they are recommending for approval to City Council. Ms. Clark stated the commission can recommend for approval, conditionally approve or deny the plat. Commissioner Schroeder inquired if they can make a requirement in the code to require fencing. Mr. Larsen stated there is not a requirement in the code for fencing. He stated adjoining land owners can agree to share the cost of fencing. Mr. Barber stated they currently have a fence in place. Mr. Larsen stated most CC&R's go into the fencing

requirements in great detail. He stated they have discouraged subdivisions with fences to make a gated community. Commissioner Schroeder stated he was inquiring about fencing as they have had two neighboring properties ask about fencing. Mr. Larsen stated fencing may come into play when adjoining properties are different zones and uses; but since these are consistent uses, it would be out of the ordinary to ask for fencing.

Commissioner King made a motion to recommend approval to City Council from EHM Engineers for approval on a preliminary plat of Jerome Crossing Subdivision, located on those parcels described as Tax 44 SESE Jerome Unplatted 18-8-17, Jerome, Idaho containing 3.17 acres, more or less, with the following conditions: Submit CC&R's per Jerome Municipal Code 16.28.052 section G, f. as required; Comply with all City of Jerome Engineering, Public Works, Building, Planning, and Fire Department requirements pertaining to needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County; and Comply with all City, State and Federal Requirements.

Second to the motion by Commissioner Holley and carried.

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

Consent Agenda

The consent calendar consist of items that are considered to be routine in nature and will be enacted in the form of one motion. Any item can be removed from the consent calendar and heard in its regular order at the request of any commissioner or the chairman.

- A. Approve the minutes from the July 23rd, 2019 regular meeting
- B. Consider/Approve Finding and Facts for Mark Wilkinson for a Special Use Permit allowing lawn equipment repair, on the property located at Lot 5, Block 6 Bremer Subdivision NE 19-8-17, more commonly known as 700 East Avenue C, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF MARK WILKINSON FOR A SPECIAL USE PERMIT ALLOWING LAWN EQUIPMENT REPAIR, ON THE PROPERTY LOCATED AT LOT 5, BLOCK 6 BREMER SUBDIVISION NE 19-8-17, MORE COMMONLY KNOWN AS 700 EAST AVENUE C, JEROME, IDAHO.

A public hearing on the application of Mark Wilkinson concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:04 p.m. on Tuesday, July 9, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, Planning and Zoning Administrator, provided the staff report on the application of Mr. Wilkinson. 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 from the Planning and Zoning Commission. According to 17.32.050, “no signs shall be permitted in the R-1 and R-2 zones except for one realty sign...” Title 16 has no bearing on this special use permit request.

As pertains to the City of Jerome’s Comprehensive Land Use Plan, Ms. Clark stated the request IS in accordance with Chapter 7, “Economic Development”, Policy 8, which is to “continue to provide an atmosphere for successful business development.”

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 people stopping to pick up/drop off but will be kept to a minimum. The application notes the residence will be served by existing utilities. The home occupation will not create any additional requirements at public cost. This use will produce noise and traffic. The application states there will be some traffic for pick up/drop off but will keep these times to a minimum. The application also states they do have a small air compressor but other tools are battery operated to minimize noise. There are no proposed changes to the exterior of the residence, parking or vehicular approaches to the site. The applicant’s home does have a large driveway for customers to park off-street to pick up and drop off. 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 Unique Land Use under Home Occupation, Ms. Clark stated the application states Mr. Wilkinson will engaged in the home occupation along with his family members only. 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. The applicant has noted they would like to use their home until they are able to find a building in a commercial area. 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. The applicant notes everything being worked on or waiting for pick-up will be kept out of site. As mentioned previously, additional traffic will be from pick-up and drop-offs. Customers can park off-street in their driveway. The application states there will not be interference with electrical. The applicant states they have a small air compressor and all other tools are battery operated. This request will create some amount of noise and vibration. There will not be any storage of materials or supplies outdoors. All materials associated with the home occupation

will be kept in the enclosed carport. The applicant acknowledges there will not be any visible signage and all work will be in the shed or the carport.

Ms. Clark stated she sent the application out to the City Departments and did not received any comments or concerns with the request.

If approved, Ms. Clark recommended the following conditions: Set hours for repair and drop off/pick up; complete a fire inspection of the home occupation area by the Fire Department; comply with all city, state and federal requirements; and Special Use Permit shall be allowed for up to one year, renewable upon expiration.

Applicant Testimony: Mark Wilkinson, 700 East Ave C, testified, he is trying to create his own business. He stated he had another building but it was sold out from under him and they had to move. He wants to find another shop and until he can find one, he would like a Special Use for his house. Upon inquiry from Ms. Clark, Mr. Wilkinson stated there is an enclosed carport and cover back in the driveway. Upon inquiry from Commissioner King, Mr. Wilkinson stated his back yard is completely fenced. Upon inquiry from Commissioner Allred, Mr. Wilkinson stated the shop runs 8:00 a.m. to 6:00 p.m. He stated he likes to have people call ahead so he is aware and will make sure everything is ready. He stated he offers free pick-up and delivery if people are not able to make his operation times but sometimes makes an exception if the customer cannot make those times. He stated he likes to keep his work time and home time separate. Upon inquiry from Chairman Mink, Mr. Wilkinson stated he has a plastic, enclosed carport that keeps him out of the weather. Upon inquiry from Commissioner King, Mr. Wilkinson stated if he does not have a need for a part, it will go to the recycling. He stated he does not like a mess and he gets rid of unnecessary parts as soon as he can. Upon inquiry from Chairman Mink, Mr. Wilkinson stated he is warranty certified for a couple of companies. Upon inquiry from Commissioner Allred, Mr. Wilkinson stated his hours of operation are from 8:00 a.m. to 6:00 p.m., Monday thru Saturday.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: Charles Correll, 720 East Avenue C, testified, he lives two houses down from the applicant. His only objection is that the applicant has an orange colored tent that he does the work behind. His concern is an accumulation of items. He stated he has a flatbed trailer and the drop off of the lawn mowers have been in the street. He stated the applicant has mowing machines between the house and the trailer. He stated that as of tonight, he has cardboard boxes and now has stuff behind the fence but there is quite an accumulation. He stated he would like to know how set in stone the permit is and if there are problems down the road, if they would be able to revoke the permit. Chairman Mink stated with any Special Use permit, if the conditions are not met, the permit would be revoked. Mr. Correll stated his concerns are the accumulation which you can see from the street even with the car port being up.

Ms. Clark read a couple of letters what were sent regarding this application:

City of Jerome Planning & Zoning

C/O Ida Clark, City Planner

152 East Ave A

City of Jerome Planning & Zoning Commission members,

I am opposed to granting a special use permit allowing a lawn equipment repair business.

Thank you.

Scott Paulin

708 E Ave D

July 16, 2019

Ida Clark, City Planner

152 E. Ave. A

Jerome, Id 83338

Re: Public Hearing 700 E. Ave. C Jerome

Ms. Clark

I am against allowing an equipment repair business in the Bremer Subdivision. It was set up in the beginning as a residential subdivision and there should not be a commercial business allowed in it. The noise and the clutter would be an eye-sore to the neighbors and all who drive by.

Thank you for considering my comments.

Sincerely

Blanch C. Peters

601 E. Ave. A

Jerome, Id 83338

Rebuttal Testimony: Mr. Wilkinson stated if his neighbors have any issues, he would like them to come and talk with him. He stated he would be more than happy to meet in the middle or compromise with them to keep everyone happy until he finds a shop. He stated he just loaded the trailer up with boxes so he could take them to the dump in the morning. He stated there may be a time when there will be a trailer loaded with junk/trash but it will not be there longer than a day. He stated he does not want to make his neighbors mad or unhappy as they need to live with them.

There being no further testimony, Chairman Mink closed the public hearing at 7:18 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 1 (R-1).
- B. The proposed use, home occupation, requires a special use permit to operate in R-1.
- C. JMC 17.60.030 provides the standards for special use permits.

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 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.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- E. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The home occupation will not result in increased traffic, odors, or fumes.
- F. No additional public facilities will be necessary for the proposed use.
- G. 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.
- H. 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.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.
- J. The Commission approves the application of Mark Wilkinson for a home occupation located at the above described real property subject to the following conditions:
 - 1. Hours of operations to be 8:00 a.m. to 6:00 p.m., Monday thru Saturday;
 - 2. Customer drop off/pick up of items shall be through alley if possible;
 - 3. 360 degree screening with 6 foot fencing required to obstruct the view of the business items and equipment;
 - 4. All fluids be stored in appropriate containers and properly disposed;
 - 5. Avoid accumulation of fluids, waste, parts, and inventory;
 - 6. Complete a fire inspection of the home occupation area by the Fire Department;
 - 7. Comply with all city, state and federal requirements;
 - 8. This special use permit shall be allowed for up to one (1) year from the date of this decision, which shall be considered for renewable upon expiration by application to the Commission.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 13th day of August, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of July, 2019 to approve the application as specified herein is hereby made final this 13th day of August, 2019.

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

- C. Consider/Approve Finding and Facts for Joe Goldaraz for a Special Use Permit allowing hydraulic sales and services, on the property located Jerome Unplatted Tax 41C of S1/2NW 31-8-17, more commonly known as 200 East Frontage Road North, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JOE GOLDARAZ FOR A PERMANENT SPECIAL USE PERMIT ALLOWING HYDRAULIC SALES AND SERVICES, ON THE PROPERTY LOCATED JEROME UNPLATTED TAX 41C OF S1/2NW 31-8-17, MORE COMMONLY KNOWN AS 200 EAST FRONTAGE ROAD NORTH, JEROME, IDAHO.

A public hearing on the application of Joe Goldaraz concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:20 p.m. on Tuesday, July 9, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, Planning and Zoning Administrator, provided the staff report on the application of Mr Goldaraz. Ms. Clark stated the business was established in 1991 in Heyburn, Idaho and has grown into a full service hydraulic repair facility with sales. The applicant would like to expand the business to Jerome. The applicant is proposing to build an approximately 10,823 square foot facility that includes a repair shop, warehouse, and retail area. This proposal also includes a fence surrounding the back half of the property for storage and parking of equipment. Mr. Goldaraz is requesting a permanent Special Use Permit.

Ms. Clark stated the property in question, is currently zoned High Density Business (C-3). The proposed use, hydraulic sales and services, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front - 25', Rear - 10', Interior Side -12', and Street Side - 25'. Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with Chapter Seven, Economic Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas; Objective 3 – Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion; and Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning code allows hydraulic sales and services in the C-3 zone with an approved special use permit.

The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The applicant is proposing to build a new facility that is similar to the existing neighboring uses. All repair work is conducted inside the facility. There will be a separate entrance and parking for vehicles and heavy machinery to help minimize any interference. It is not anticipated that the proposed use will be hazardous or disturbing to existing or future neighboring uses. The applicant has stated all repair work is done indoors where oil can be contained and disposed of properly. The applicant has noted it will be served by existing services. There is currently access to the property from both E Frontage Rd and Farmore Rd. The applicant has spoken with both Water and Wastewater about the facility and all questions and concerns have been addressed at this point. There is no indication that this use will create excessive additional requirements at public cost. Again, the applicant notes all repair work is done indoors. While there will be noise and traffic due to the nature of the business, there will not be an excessive production that will be detrimental. This site is currently accessed from E Frontage Rd or Farmore Rd. The applicant is aware of the pending I-84 interchange redesign; however, this should not have a significant impact on the vehicular approach. This area is already used by semi-trucks and heavy equipment. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated the applicant met with all staff at a pre-development meeting and has followed-up with additional questions to specific departments. All departments have looked over the proposed use and none have concerns at this time.

If approved, Ms. Clark recommended the following conditions: Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior building and occupying the facility; and Comply with all city, state, and federal requirements.

Ms. Clark stated she did not receive any calls for concerns or complaints. Upon inquiry from Commissioner Allred, Ms. Clark stated when the company builds, they will have access to water and wastewater.

Applicant Testimony: Ryker Garner, 530 16th St, Heyburn, testified, they started in 1991 and they have been expanding. He stated they have been doing business in Jerome and would like to have a building here. He stated they would be responsible for getting water and sewer to the property and it is available nearby. Upon inquiry from Chairman Mink, Mr. Garner stated they use hydraulic fluids and it is stored in appropriate tanks. He stated they get a lot of waste oil and in their current building, they have a waste oil burner. He stated they burn as much as they can and with the left over, they have a business that will come and pick it up and properly dispose of it. Upon inquiry from Commissioner King, Mr. Garner stated they have an above ground tank for their oil. Upon in inquiry from Chairman Mink, Mr. Garner stated they have not

had any issues with oil spills as they monitor the levels very closely. He stated there are businesses around them that will also come and get the waste oil to burn in their businesses. He also stated they also have a structure around the tanks to keep it out of the elements and to help with the noise. He stated the structure is in the building.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 8:01 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned High Density Business(C-3).
- B. The proposed use, hydraulic sales and services, requires a special use permit to operate in C-3.
- C. JMC 17.60.030 provides the standards for special use permits.

II. Conclusions

- A. A special use permit is required for the applicant to be able to use the above described property for hydraulic sales and services in the C-3 zone for the City of Jerome.
- B. A special use permit promoting a new business is consistent with the City of Jerome Comprehensive Plan.
- C. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a business such as this one promotes economic development and growth.
- D. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity.
- E. The proposed use will promote the city as an ideal location for a new development of residential, commercial and industrial area;
- F. The proposed use will maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion;
- G. The proposed use will continue to provide an atmosphere for successful business development.

- H. The Commission approves the application of Joe Goldaraz for a business located at the above described real property subject to the following conditions:
1. Receive any and all required building department and/or fire department permits, inspections, and occupancy permits prior building and occupying the facility;
 2. Comply with state DEQ requirements regarding storage and disposing hazardous materials, and
 3. Comply with all city, state, and federal requirements.
 4. This special use permit is permanent for the purposes set forth herein.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 13th day of August, 2019, in support of the decision of the Planning and Zoning Commission on the 23rd day of July, 2019 to approve the application as specified herein is hereby made final this 13th day of August, 2019.

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

Chairman Mink made a motion to approve the consent agenda.

Second to the motion by Commissioner King and carried.

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

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated they will have a second meeting in August. She stated at the moment, they have a lot split and another small subdivision. Acting Chairman McEntarffer stated Joe Mama's will be this weekend. He invited everyone to come and enjoy. Ms. Clark stated the private streets was approved by City Council with the commission's recommendations and is now in effect. Discussion was held on HOA's and CC&R's. Upon inquiry from Commissioner McEntarffer, Ms. Clark stated the landscaping committee meeting will be next Wednesday August 21st @ 10:30 a.m. Ms. Clark gave an update on the old Napa building. She stated it went back to the City Council and they decided to revoke her Design Review Permit. She stated she has not heard back from Ms. Morales to work with her on the building's color change. Discussion was held on the revoking of the Design Review. Ms. Clark stated she wants to make sure in the Design Review process, the conditions are very clear regarding new paint colors for

buildings. Commissioner Schroeder inquired from the rest of the commission about sending our contact information for the committee members. Discussion was held on not creating an open meeting law and violating that law. Commission agreed they were okay with sharing the commission's phone numbers and contact information. Upon inquiry from Commissioner Allred, Ms. Clark stated she would send the information for Open Meeting laws from the Attorney General to the commission.

There being no further discussion, Acting Chairman McEntarffer closed this regular meeting at 9:05 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary