

Planning & Zoning Meeting
August 27, 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 Bill Allred, Commissioner Dave Holley, Commissioner Sheryl Gibbons and Commissioner Randy King. Commissioner Jeff Schroeder and Commissioner McEntarffer were excused. Also present were City Planner Ida Clark, Legal Counsel Ted Larsen, and Secretary Katie Elliott.

PUBLIC HEARING for a request from Cook Realty for approval on a preliminary plat of Cook Subdivision, located on that parcel described as Tax 71 of Lot 1 Jerome Unplatted 18-8-17, Jerome, Idaho containing .93 acres, more or less.

Staff Report: Ms. Clark stated the property in question, described as Tax 71 of Lot 1 Jerome Unplatted 18-8-17, Jerome, Idaho containing .93 acres more or less and is currently zoned Residential 1 (R-1). The proposed project, a five lot single-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 is 6,250 square feet.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use; Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; and Objective 6 – Developing a variety of densities that support mixed land use.

Subdivision – Preliminary Plat Criteria Staff Analysis

Regarding the 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 (NSCC) water shares associated with the property. A pressure irrigation system will not be included. There is ongoing communication about piping the NSCC M-3 canal that crosses the property on the northwest corner. She stated the applicant has met with the NSCC and they are working together. Ms. Clark stated she sent the application to the City Departments. They did have comments that were sent back to the Engineer and those corrections were made. The preliminary plat was resubmitted with those corrections. Mailed notices were sent to adjacent property owners on August 12, 2019.

The applicant has adequately provided a complete subdivision application with adequate information to review the preliminary plat. Note: The developer also owns the lots along the undeveloped portion of Teton Dr. 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. The site is zoned Residential 1 (R-1). The minimum lot size requirement is 6,250 square feet for the R-1 zone. As proposed, the lots meet the minimum requirement with each lot being over 6,500 square feet. Currently Teton Dr. is a dead end. The plat shows Teton Dr. constructed through to meet Alpine Dr. Teton will be constructed as a local street with a 56' right of way as required. Access for all lots will be from Alpine Dr. Teton Dr. will be constructed to City standards and dedicated to the City of Jerome. The streets are located accordingly to serve all proposed lots. The application does not propose any alleys due to the configuration of the lots and the street layout. The application proposes 15' utility easements along the front of all lots. A 10' easement has been provided on the east edge of the lots the irrigation ditch. There is also a 15' utility easement on Lot 2 of Block 1 and Lot 1 of Block 2 along Teton Drive. The City Sewer Collection and Treatment System has adequate capacity to accommodate the additional sewage volume and flow rate from this subdivision. It is noted the sewer services run through other lots. The services are contained in a utility easement and the lot that is served, will be responsible for the maintenance. The lots will connect to water from Alpine Dr. and the water main on Teton drive will be extended to allow service for the lots along Teton. The plat shows a runoff detention area on the northern corner of Lot 1 in Block 1. The development proposes a 5' wide sidewalk along the existing curb on Alpine Dr.

If approved, Ms. Clark recommended the following conditions: 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 there will not be pressurized irrigation included in the subdivision.

Applicant Testimony: Rex Harding, 526 Suite C, Shoup Ave W, Twin Falls, representing TD&H Engineering, testified, this is an infill subdivision. He stated it will be five (5) lots and the plan is to develop this subdivision to finish Teton Drive. Mr. Harding stated there is an irrigation ditch that will be piped which will have an easement. He stated the Idaho Power overhead is also along the line. He stated the plan is to use the existing water and sewer lines that are available. Mr. Harding explained the sewer connections for the properties. Upon inquiry from Chairman Mink, Mr. Harding stated the sewer lines and utilities will be within the easements of the properties. He stated telephone and gas will be located in the front and the rest will be in the back.

Testimony in Favor: none

Testimony in Neutral: Rodney Chitwood, 313 Teton Dr., testified he would like to know why they needed to bring the road through. He stated they will have access without the road. He stated his main concern is with more traffic in the subdivision.

Rob Ellis, 1495 Rainier Dr., testified, he also wants to know why they are putting the road all the way thorough. His concern is with people coming through at a high rate of speed. He stated if they do approve of the road, to put a stop sign at the corner of Rainier and Teton. He stated there are children in the neighborhood and with the increased traffic, it may pose a safety hazard to the residents. Another concern is if they are proposing low income housing coming in the subdivision. He stated they are mid to upscale housing. He stated low incoming housing would not fit into what they have now.

Testimony in Opposition: None

Rebuttal Testimony: Rex Harding testified, they did not think about not punching the road through. He stated all of the properties came as a package. He continued that he did not think the subdivision would have been approved without a turn around and if they would have put a turn around, it would have reached Alpine Dr. He stated to maximize the property, they decided to just put the road all the way through. Mr. Harding stated there is always a concern with traffic but Teton Dr. is fed from a subdivision and feeds another subdivision so it is not a main street. Mr. Harding stated the east properties were already platted with the road in the Mann Subdivision #2.

Ms. Clark stated she will speak with the streets department about possibly placing a stop sign at the intersection Mr. Ellis spoke about. Chairman Mink stated they could also ask City Council to look into placing a stop sign when they review the plat.

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

CONSIDER a request from Cook Realty for approval on a preliminary plat of Cook Subdivision, located on that parcel described as Tax 71 of Lot 1 Jerome Unplatted 18-8-17, Jerome, Idaho containing .93 acres, more or less– action item

Chairman Mink stated it is a good infill project. Upon inquiry from Chairman Mink, Ms. Clark stated there is a light pole in the preliminary design as well as a stop sign from Teton to Alpine. She stated all of the City Departments have reviewed the plat. Commissioner Holley and Commissioner Gibbons both agreed this project is a good idea.

Commissioner Holley made a motion to recommend a request from Cook Realty to City Council for approval on a preliminary plat of Cook Subdivision, located on that parcel described as Tax 71 of Lot 1 Jerome Unplatted 18-8-17, Jerome, Idaho containing .93 acres, more or less with the following recommendations: 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. Also ask City Council to look at installing a stop sign in the area if needed.

Second to the motion by Commissioner King and carried.

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

PUBLIC HEARING for a request from Zeferino Perez for a lot split on the property located at A-287 Jerome Townsite SW 24-8- 16, more commonly known as 917 South Fir Street, Jerome, Idaho.

Staff Report: Ms. Clark stated property in question, a parcel of land described at A-287 Jerome Townsite SW 24-8- 16, in the City of Jerome, Idaho, containing two (2) acres, more or less, is currently zoned Residential 3 (R-3). 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- 20', Interior Side- 7', and Side Street- 15'. Maximum height of 35' and minimum lot size is 5,000 Square Feet.

As pertains to Jerome Comprehensive Plan, Ms. Clark 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; and Objective 6 – Developing a variety of densities that support mixed land use.

Regarding the Lot Split Criteria Staff Analysis, Ms. Clark stated, the applicant submitted a pre-application with a copy of the sketch plan and the applicant has provided proof of ownership.

Ms. Clark stated when there is a proposal of a lot split without a plat, the commission must find the proposed subdivision meets the following criteria: 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. Both lots will be one (1) acre, more or less. Each lot will meet the required 5,000 square foot minimum as they will be approximately 43,560 square feet. The application notes the request for a lot split is to allow another residential use. The application states there will not be a substantial impact to public utilities. The west lot can connect to the sewer from West Ave H. Each lot will maintain the minimum 25' of street frontage required per the Jerome Municipal Code. The west lot will have access from West Ave H and the east lot will have access from either West Ave H or S Fir. The request is in Compliance with Section Three – Land Use of the Comprehensive Plan. Any future divisions of land will require subdivision review and approval. A notice regarding the proposed lot split was sent to local taxing districts. No comments were received from the agencies.

Ms. Clark stated she send the application to City Departments and did not receive any comments back regarding the lot split.

If approved, Ms. Clark recommended the following conditions: The lot split shall meet all City of Jerome 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.

Ms. Clark stated she and the building official went out to the property and were able to confirm there is only one dwelling on the lot which would allow them to split the property. Upon inquiry from Chairman Mink, Ms. Clark stated properties in the area do have access to water and sewer but because they are on the outskirts of the City limits, some properties are still on their own well and septic system. She stated once their septic systems fail, they will then need to connect to the sewer system. Upon inquiry from Commissioner Allred, Ms. Clark stated the sewer is available on West Avenue H. She stated new construction would have the option to connect to the sewer and if they do decide to have a septic system, they would have to meet the requirements with the Health Department. Ms. Clark stated there are some properties in the area that only have access to the pressurized sewer line and they are not able to connect to that type of sewer line.

Ms. Clark stated she has spoken with Juan Garcia who has been helping the applicants, and they are just looking to split the lot. Upon inquiry from Commissioner Allred, Ms. Clark stated the commission would not need to add the requirement of connecting to the sewer because the Building Department has to make sure that they comply with the requirements. Ms. Clark reminded the commission they are only approving the lot split. Discussion was held on the lot split and requirements for lot splits. Mr. Larsen stated lot splits are not recorded and they will not see the requirement when they sale the property. Mr. Larsen stated when the property owners go to build, the Building Department will let them know the requirements to build. Ms. Clark stated they encourage pre-development meetings for people who are looking at building or buying property. She stated there are many that do take advantage of those meetings. Upon inquiry from Chairman Mink, Ms. Clark stated each lot is 173 feet across.

Applicant Testimony: Applicant was present for the hearing but chose not to add any additional information to the hearing.

Testimony in Favor: none

Testimony in Neutral: none

Testimony in Opposition: none

There being no further testimony, Chairman Mink closed the public hearing at 7:42 p.m.

CONSIDER a request from Zeferino Perez for a lot split on the property located at A-287 Jerome Townsite SW 24-8- 16, more commonly known as 917 South Fir Street, Jerome, Idaho.– action item

Commissioner Holley stated the lot split looks pretty easy as it is right down the middle of the property.

Commissioner King made a motion to approve a request from Zeferino Perez for a lot split on the property located at A-287 Jerome Townsite SW 24-8- 16, more commonly known as 917 South Fir Street, Jerome, Idaho, with the following conditions: The lot split shall meet all City of Jerome 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 Gibbons and carried.

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

Consent Agenda

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

- A. Approve the minutes from the August 13th, 2019 regular meeting
- B. Consider/Approve Finding and Facts for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF CURT AND CINDY NEILSON FOR A SPECIAL USE PERMIT ALLOWING TEN BANTY CHICKENS AND ONE ROOSTER, ON THE PROPERTY LOCATED AT LOT 1 AND E 1/2 OF LOT 2 BLOCK 14 JEROME TOWNSITE SE 13-8-16, MORE COMMONLY KNOWN AS 303 7TH AVENUE WEST, JEROME, IDAHO

A public hearing on the application of Curt and Cindy Neilson concerning that parcel commonly known as 303 7th Avenue West, Jerome, Idaho, for a renewal of the special use permit was held, pursuant to notice, commencing at 7:10 p.m. on Tuesday, August 13, 2019, at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark, gave some background on the application. Ms. Clark 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: (1) Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; (2) 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; (3) Upon the passing of the rooster, no replacement will be allowed; and (4) 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 Kytle
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.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Ms. Nielson'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 and E ½ of Lot 2 Block 14 Jerome Townsite SE 13-8-16, more commonly known as 303 7th Avenue West, Jerome, Idaho is zoned Residential 3 (R-3), 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. Title 8 of the JMC addresses nuisances, of which chicken manure is considered a public nuisance.
- D. 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.
- E. Applicants were issued a permit in 2014, which was then renewed for five (5) years allowing ten (10) banty chickens and one (1) rooster, which specifically states that once the rooster dies, it cannot be replaced.

II. Conclusions

- A. A special use permit is required for the applicant to be able to allow for up to ten (10) Banty chickens and one (1) rooster on the subject property, which property is located in R-3 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 Curt and Cindy Neilson for the renewal of a special use permit allowing ten (10) Banty chickens and one (1) rooster on that property located at 303 7th Avenue West, Jerome, Idaho 83338, for a period of two (2) years, and subject to the following provisions:
 - (1) Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare;
 - (2) 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;
 - (3) Upon the passing of the rooster, no replacement will be allowed;
 - (4) As the hens pass, only six hens will be allowed; and
 - (5) The Special Use Permit shall be allowed for up to two years, renewable upon expiration.

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 27th day of August, 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 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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**

A public hearing on the application of Alpha 86, LLC concerning the use of real property located at 261 1st Avenue West, in Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 7:24 p.m. on Tuesday, August 13, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Ida Clark, City Planner, provided a staff report regarding the application. Ms. Clark stated the property in question, 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

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. 261 1st Avenue West is in the City of Jerome and is currently zoned Commercial Business District (CBD).
- B. The proposed use, residential, requires a special use permit to operate in CBD.

- C. JMC 17.14.010 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the Comprehensive Plan in that there are other area residences.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior of the building and because there are other area residence.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- I. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to be able to put a residence in the CBD zone for the City of Jerome.
- B. A special use permit promoting diverse residential options is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Alpha 86, LLC for a special use permit for residential use of the property located at 261 1st Avenue West, Jerome, Idaho, subject to the following conditions:
 - 1. Receive any and all required building and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence;
 - 2. Maintain some form of driveway for vehicles to park;
 - 3. Any alterations to the structure must receive building permits and meet the building and/or zoning code;
 - 4. Comply with all city, state, and federal requirements; and
 - 5. Special use permit shall be allowed for up to one year, renewable upon expiration; and property owner must insure working smoke detectors when rented.

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 27th day of August, 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

- D. Consider/Approve Finding and Facts for 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

**FINDINGS AND CONCLUSIONS ON APPLICATION OF COLLIN SHARP
FOR REZONING FROM LIGHT INDUSTRIAL (M-1) TO HIGH DENSITY BUSINESS (C-3)**

A Public Hearing at the request from Collin Sharp for a zoning map amendment, changing the zone from Light Industrial (M-1) to High Density Business (C-3), on the parcels described as the following:

*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.*

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 7:40 p.m. on Tuesday, August 13, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: Ida Clark, City Planner, 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 behalf 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: Collin 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.

No further testimony in favor, in neutral to or in opposition of the application was presented. At 7:52 pm, the hearing was closed.

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, enters its findings and conclusions as follows:

I. Findings

- A. The Property in question is currently zoned Light Industrial (M-1).
- B. The Application seeks to amend the Property to be zoned High Density Business (C-3).
- C. The Property in question is adjacent to commercial areas to the north, west and east.
- D. Rezoning from M-1 to C-3 would be harmonious with the surrounding properties.
- E. The Comprehensive Plan of the City of Jerome Promote the City as an ideal location for new development of residential, commercial and industrial areas. The C-3 designation would be compatible with the surrounding areas.
- F. City departments including Building, Public Works, Wastewater, and Fire Department have raised no concern regarding the rezone request.

II. Conclusions

- A. Taken as a whole, the application complies with the Comprehensive Plan of the City of Jerome and will not adversely affect the character of area where the property is located.
- B. The Commission recommends to the Jerome City Council that the application of the Collin Sharp for the Property described above, from M-1 to C-3 be approved.

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 27th day of August, 2019 to recommend approval of the application to the Jerome City Council, the decision to recommend the approval of the application is hereby made final this 13th day of August, 2019.

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

- E. Consider/Approve Finding and Facts for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF 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**

A public hearing on the application of Collin Sharp concerning that parcel commonly known as 216 East Yakima, Jerome, Idaho, for a lot split was held, pursuant to notice, commencing at 8:05 p.m. on Tuesday, August 13, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ida Clark provided a report upon this application. 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

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, Mr. Sharp'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. The property described above is in the City of Jerome and is currently zoned Light Industrial (M-1).
- 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 C3 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.

II. Conclusions

- A. The Commission holds this lot split to be appropriate pursuant to JMC 16.16.045.
- B. The Commission approves the application of Collin Sharp for a lot split of the property described herein, subject to:
 - 1. 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; and
 - 2. The application complying with all city, state and federal requirements.

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 27th day of August, 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

- F. Consider/Approve Finding and Facts for 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

**FINDINGS AND CONCLUSIONS ON PUBLIC REVIEW OF THE PLAT APPLICATION
SUBMITTED BY EHM ENGINEERS FOR THE 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.**

A public review was held, pursuant to notice, commencing at approximately 8:15 p.m. on Tuesday, August 17, 2019 at City Council Chambers, 100 East Avenue A, Jerome, Idaho, on the subdivision preliminary plat of EHM Engineers, with respect to a parcel of real property commonly known as Tax 44 SESE Jerome Unplatted 18-8-17, Jerome, Idaho, and more particularly described as follows:

(SEE COMPLETE LEGAL DESCRIPTION ATTACHED HERETO)

The review began with a staff report from City Planner, Ida Clark. 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, Jerome, Idaho, 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, Jerome, Idaho, 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.

No other testimony in favor of the preliminary plat was offered. No testimony in opposition to the preliminary plat was offered. No other neutral testimony was offered. The hearing was closed at 8:41 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the preliminary plat 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 subdivision preliminary plat as presented is consistent with Objectives 1, 4 and 6 of the Comprehensive Plan as described in Ms. Clark's report. No evidence contradicting Ms. Clark's report was presented. And, the project, as described by Ms. Clark and by Mr. Barber does in fact appear to promote the objectives and policies of the Comprehensive Plan in the manner described by Ms. Clark.
- B. The Commission finds that based on the representations of Ms. Clark, the capital improvement program of the City is not implicated by this project.
- C. The Commission heard no evidence from any person at the hearing that would suggest there are other health, safety or environmental problems that would prevent the approval of the preliminary and final plat as presented.

II. Conclusions

- A. The proposed preliminary plat is in accordance with and satisfies the requirements of Title 16. Chapter 16 of the Jerome Municipal Code.
- B. The preliminary plat is approved on the following conditions:
 - (1) Submit CC&R's per Jerome Municipal Code 16.28.052 section G, f. as required;
 - (2) Comply with all City of Jerome Engineering, Public Works, Building, Planning, and Fire Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; and
 - (3) 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.

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 27th day of August, 2019, to approve the application for a preliminary plat is hereby made final this 13th day of August, 2019, subject to appeal by an interested party within the prescribed period under Idaho law.

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

Commissioner King made a motion to approve the consent agenda.

Second to the motion by Commissioner Allred and carried.

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

CITIZEN CORRESPONDENCE

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated there will be only one meeting in September. The meeting will be on September 10th. She stated as of right now, there is one lot split and one permanent Special Use Permit on the agenda. Ms. Clark stated she spoke with Ms. Morales on the Napa building and Ms. Morales has had some things come up in California and has not made it back to Idaho. She stated she is hoping to get back in touch with her soon.

There being no further discussion, Chairman Mink closed this regular meeting at 7:52 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary