

Planning & Zoning Meeting
January 26th, 2021

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:01 p.m. The meeting was held by teleconference along with the meeting room being open to the public. The video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by members of the Planning and Zoning board and other speakers addressing the board, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the City's website.

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

Chairman Mink called the Public Hearing to order at 7:02 p.m.

Public Hearing for a request from Brandt and Crystal Powell, allowing a home occupation, online furniture sales, on the property located at Lot 7 Block 6 Glen Eagle Subdivision (NE 19-8-17), more commonly known as 817 Owl Court, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question is currently zoned Residential 1 (R-1), as detailed in 17.14.010 of the Jerome Municipal Code (JMC). The proposed use, a home occupation, requires a Special Use Permit from the Planning and Zoning Commission. In this case, the Powell's would like to have online furniture sales, which constitutes a home occupation. Per JMC 17.18.050 a Home occupation is defined as "The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall be conducted entirely within a dwelling unit or accessory structure." In JMC 17.18.050, I: Any use which changes or may change the character of the neighborhood will not be permitted. The following uses shall not be permitted as home occupations in residential zones: h. On-site retail sales. Ms. Clark stated the applicant is asking for on-line sales.

As pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with Chapter 7, "Economic Development", Policy 8, which is to "continue to provide an atmosphere for successful business development".

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows home occupations in the R-1 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17. The applicant states the home occupation is conducted within an area of the attached garage. Sometimes furniture is placed outside to take pictures and then moved inside. This does not appear to change the essential character of the area. There is no indication that online furniture sales as a home occupation would be hazardous or disturbing. The residence is already adequately served and this home occupation will not require any additional services. There is no additional requirement at public cost for this home occupation. Regarding Standard G, which states, the application will not involve uses, activities, processes, materials, equipment and

conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors. The application states, no. The application states, there will be a small amount of traffic related to this use; however, Mr. Powell also delivers the furniture and vehicles can park in their driveway. The influx of traffic may not be considered excessive but the parcel is located within a residential cul-de-sac. It is noted they have been operating the home occupation. Staff has not received any concerns or complaints relating to traffic or noise. The Powell's were made aware of the process for having a home occupation and are complying with City Ordinance. This request will not impact vehicular approaches. It does not appear that this home occupation will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Regarding the Home Occupation Standards, Standard 1- No more than one person other than members of the family residing on the premises shall be engaged in such occupation. Mr. Powell states he is the only one involved in the occupation. Sometimes Mrs. Powell may assist if Mr. Powell is at work.

Standard 2- The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall be conducted entirely within a dwelling unit or accessory structure. A detached accessory structure shall be located in the rear or side yard. The application states this is their residence with the home occupation being conducted in the attached garage which allows for storage.

Standard 3- Not more than four hundred (400) square feet of the floor area of the dwelling unit or accessory structure shall be used in the conduct of the home occupation. The area used in the garage does not exceed 400 square feet.

Standard 4- The appearance of the dwelling unit or accessory structure shall not be altered. The application states there have not been and there will not be any change to the dwelling. Regarding traffic, there is some traffic associated with the sales as buyers may pick up the furniture. The application states they make deliveries as well to reduce the amount of traffic in the residential area.

Standard 5- No significant traffic shall be generated by such home occupation and a home occupation shall have adequate parking spaces available to compensate for any parking needs generated. Parking shall not be allowed in the front yard. The application notes same as above and increased traffic would not be significant. The driveway is large enough to accommodate vehicles parking in the driveway instead of on the street.

Standard 6- No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference. The application states no, online furniture sales, will not cause any visual or auditory interference.

Standard 7- No storage of materials or supplies outdoors. The applicant states all storage is inside the garage.

Standard 8- A home occupation shall not involve the use of signs and/or structures other than those permitted in the zone in which the property is located. The applicant is aware there will be no signage in violation of the code.

If approved, Ms. Clark recommended the following conditions: Customers shall park in the driveway; time of operations, and Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Applicant Testimony: Brandt Powell, 817 Owl Court, testified, he previously built custom furniture for himself and then started building for friends. Now he is buying liquidated loads of furniture to sale. Once he found out he was not allowed to sale without a permit, he called the City to get a permit. He stated he has been speaking with Ms. Clark to get things right. He stated he understands there are two oppositions to the application, 933 Glen Eagle and 1017 Glen Eagle. Mr. Powell pointed out the two residents on the map. He stated last year, he held five yard sales. He stated they have some valid complaints for the traffic on the days he did the yard sale. He continued that both 929 Glen Eagle and 1009 Glen Eagle held four yard sales. He did not realize he was not supposed to do that. He is trying to supplement money for his children's college. He does to most of the deliveries so traffic is very minimal unless he has a yard sale. He may only have a couple of cars every couple of weeks. Upon inquiry from Commissioner Holley, Mr. Powell stated he started out doing custom furniture and still has the tools that are stored in a shed. He stated he has not been able to do those since he had a back and knee injury. Upon further inquiry from Commissioner Holley, Mr. Powell stated East Avenue H runs behind his house and his tool shed is accessed by a gate in the back yard. Mr. Powell stated he advertises on Facebook but he has had some buyers come to the house and pay for the furniture. He will not become a major retail store. He stated hours of operation would be 8:00 a.m. to 6:00 p.m. Upon inquiry from Chairman Mink, Mr. Powell stated he goes and picks the furniture up with his truck and trailer and brings the furniture to his house. He sometimes takes pictures of the furniture in his driveway before he takes it into his garage. Commissioner McEntarffer stated, regarding the yard sale complaints, this is the same as any other yard sale in the City. He continued that Commissioner Holley already addressed his other concerns. Ms. Clark stated in the JMC, it allows a resident to have up to six (6) yard sales in one calendar year. Mr. Larsen stated the applicant must comply with the subdivision's HOA. Mr. Powell stated he spoke with the HOA and was told he could continue. Ms. Clark stated the City could not enforce the CC&R's in the subdivision, but when she looked at his subdivision, the business falls within their guidelines.

Testimony in Favor: None

Testimony in Neutral: Ms. Clark read the following comment for the record:

*City of Jerome Planning & Zoning
152 East Ave A
Jerome, ID 83338*

RE: Brandy & Crystal Powell Hearing

As per the HOA CCR's it does allow an in home business that doesn't have employee's or foot traffic. I do not believe this qualifies. All summer it operated as a long term yard/garage sale. Now there are facebook listings with the items in the driveway. This is a small subdivision and I do not want the extra people and vehicle/truck traffic.

Sincerely,
Dan Glodowski
1017 Glen Eagle Dr
Jerome, ID 83338

Testimony in Opposition: Ms. Clark read the following comments for the record:

Emily Briseno
933 Glen Eagle Dr Jerome ID 83338

Oppose the application

I would have to say I do not approve this is a family subdivision not a bussinnes there is kids playing all the time and as it is this house has right now a mess out in there drive way when I bought my property it was that everyone is to have a clean property with not a lot of cars parked out on the road and yards looking clean now been here for almost 5 years and some homes don't follow the rule now they want to put a buisssnes I don't approve there is properties for them to rent if they want to sale furniture this is not a commercial property this is family property and people need to follow and pay the yearly due as some of us do right on time and have our property looking good as expected.

Rebuttal Testimony: Mr. Powell stated he does not want to cause a problem. He stated his direct neighbors were not opposed to the application. He also has kids that play in the street and the last thing he would want, is to have someone hurt. He believes the resident at 933 Glen Eagle is describing her direct neighbor to the right of them. He takes great pride in his yard. He has had previous issues with the residents at 933 Glen Eagle. Regarding the traffic, drivers already cut through the subdivision to get from Tiger to East Ave H. He stated he has only had two cars every couple of weeks so he does not see too much of an increase in traffic. He stated he does not want to cause problems for the neighbors and understands the complaints. He will press making deliveries for customers and believes it can be a better option.

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

Consider a request from Brandt and Crystal Powell, allowing a home occupation, online furniture sales, on the property located at Lot 7 Block 6 Glen Eagle Subdivision (NE 19-8-17), more commonly known as 817 Owl Court, Jerome, Idaho - action item

Discussion was held on what consists of on-site furniture sales, the difference between a yard sale and having something with a *for sale* sign out in the yard. Ms. Clark stated she understands the applicant places the photos online and his garage is not open for people to come and look at the furniture. Regarding yard sales, Ms. Clark stated the code states "No single yard sale shall exceed three (3) consecutive days in any seven (7) consecutive days from its commencement to its end. No more than six (6) separate yard sales may be conducted from any residence, residential lot or lot upon which a residence may be constructed within a single calendar year. At the conclusion of each sale, all evidence of the sale must be removed from the view of public streets." Mr. Larsen stated the commission is to decide what they will prohibit and believes there is a spectrum of what constitutes retail sales. He stated there are many scenarios but some have different impacts. He directed the commission to decide what is or isn't a prohibited

retail sale and evenly apply those to applications. He believes there will more retail home occupations that will come in the future and the commission needs to be consistent. Discussion was held on other retail sales that occur as a home business, yard sale requirements, HOA requirements, and delivery of goods to the customer. Chairman Mink went over the Special Use Guideline with the commission. Discussion was held on those guidelines and possible conditions.

Commissioner Holley made a motion to approve the request from Brandt and Crystal Powell, allowing a home occupation, online furniture sales, on the property located at Lot 7 Block 6 Glen Eagle Subdivision (NE 19-8-17), more commonly known as 817 Owl Court, Jerome, Idaho with the following conditions: No on-site furniture sales; no warehouse for customers to peruse or shop product inside; any sales for pick up, must be conducted in the driveway and not on the public street; hours of operations will be from 8:00 a.m. to 6:00 p.m.; no signs in the yard or windows; and Special use permit shall be allowed for up to two (2) years, renewable upon expiration.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Carl McEntarffer, Commissioner Randy King, Commissioner David Holley, and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:36 p.m.

Public Hearing for a request from Angela Devers, allowing six hen chickens, on the property located at Lot 7 Block 1 Kerri Sub #1 (SW 19-8-17), more commonly known as 414 East Avenue J, Jerome, Idaho.

Staff Report: Ms. Clark stated the property in question, 414 East Ave J, in Jerome, is currently zoned Residential 2 (R-2), as detailed in 17.14.010 of the Jerome Municipal Code (JMC). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

As pertains to Chapter 17.18.050: Unique Land Uses, F. Chicken, Poultry and Fowl, no household or parcel of property shall keep more than six (6) chickens, poultry or fowl, and roosters are prohibited.

As pertains to the City of Jerome's Comprehensive Land Use Plan, this request is in compliance with the Comprehensive Plan as relates to Rural Residential Land Uses requiring Special Use Permits in Section 3.1.1.

Ms. Clark reminded the commission of the nuisance code regarding stable matter. Manure must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six (6) chickens in the R-2 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan. The application shows the chickens are kept in a small coop within their fenced backyard. The applicant has ordered a larger coop with an enclosed run that can house six chickens. The

application states they like the fresh eggs and for their children to learn to care for other animals. The applicant currently has two chickens and would like to have four more. The application noted they have ordered a larger coop to better fit and care for the chickens. If properly cared for, the chickens should not be hazardous or disturbing. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will create excessive additional requirements at public cost. Chickens can cause odors and noise. The applicant will need to keep the coop properly cleaned. There are no changes proposed to the vehicular approaches to the property. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

If approved, Ms. Clark recommended the following conditions: Any chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; and Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration.

Applicant Testimony: Angela Devers, 414 East Avenue J, testifying via zoom, stated she used to be scared of birds and thought this would be good for her kids to not be scared of animals. She also wants her kids to take care of the different animals and she likes the fresh eggs. Upon inquiry from Chairman Mink, Ms. Devers stated the coop will be in the back yard. Upon inquiry from Commissioner Johnson, Ms. Devers stated she understands the setback requirements. Upon inquiry from Chairman Mink, Ms. Devers stated part of the yard is fenced and she will not allow the chickens to run around the yard. Upon inquiry from Commissioner Holley, Ms. Devers stated she only has two chickens.

Testimony in Favor: Ms. Clark read the following comment for the record:

Dwight Rarick

526 East Ave. J Jerome, Id. 83338

Support the application

As long as they are in a coop and it is cleaned regularly. I'm fine raising their own food.

Testimony in Neutral: Ms. Clark read the following comment for the record:

Dean Larsen

409 E. Ave. J Jerome, Idaho 83338

Neutral with no other comments.

Testimony in Opposition: Ms. Clark read the following comment for the record:

Kirslynn Moser

311 East Ave J Jerome, ID 83338

Oppose the application

I would like to oppose the application. There are a lot of dogs & cats in this area, I would hate to see one or all get loose and eaten by someone else's pet. Along with the fact that we are within city limits, I don't think chickens are needed within a small area such as ours. I just moved away from roosters in a small area, I'm chickened out and we work nights and need sleep. Thank you

Rebuttal Testimony: Ms. Devers stated the chickens will not be running around and she will not have any roosters.

There being no further testimony, Chairman Mink closed the Public Hearing at 7:44 p.m.

Consider a request from Angela Devers, allowing six hen chickens, on the property located at Lot 7 Block 1 Kerri Sub #1 (SW 19-8-17), more commonly known as 414 East Avenue J, Jerome, Idaho - action item

Commissioner McEntarffer stated he did not have any concerns.

Commissioner Johnson made a motion to approve the request from Angela Devers, allowing six hen chickens, on the property located at Lot 7 Block 1 Kerri Sub #1 (SW 19-8-17), more commonly known as 414 East Avenue J, Jerome, Idaho with the following conditions: Any chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; Chickens will not create odors, noise, nor be detrimental to persons, property or the general welfare; and Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Carl McEntarffer, Commissioner Randy King, Commissioner David Holley, and Commissioner Paul Johnson. NAYE: None

Discussion of Dwellings in the Districts Use Regulation Chart- *action item*

Ms. Clark stated current code language allows multi-family housing in certain zones without a special use permit. That was not the intent of the last code update in May 2020. They removed the *apartment* category because it created confusion by having both apartments and multi-family housing. Once they removed the apartment category, this removed some housing that would require Special Use Permits. This needs to be corrected. The chart below outlines the proposed changes that would correct the current district use regulations. The language in red indicates the proposed changes. Ms. Clark went over the following chart with the commission.

Land Uses	Zoning Districts												
	R-1	R-2	R-3	R-M	C-1	C-2	C-3	CBD	M-1	BP	M-2	PS	MU
Dwelling, Group			S	S	S	S		S					S

Land Uses	Zoning Districts												
	R-1	R-2	R-3	R-M	C-1	C-2	C-3	CBD	M-1	BP	M-2	PS	MU
Dwelling, Multi-Family (Three to Four Units)			P	P	S	S	<u>S</u>	<u>S</u>					<u>S</u>
Dwelling, Multi-Family (Five or more Units)			S	P	S	S	S						S
Dwelling, Single Family	P	P	P	P	S			S					S
Dwelling, Two-Family Duplex		P	P	P	S			S					S

Ms. Clark stated this would be brought back to the commission in Ordinance form at the February 9th meeting. Discussion was held on the number of units in the multi-family dwelling and where they would be located, and where multi-family zones were located within the City. Ms. Clark stated this gives the commission a chance to make sure the project will fit within the property and place any conditions if needed. Commission gave approval for staff to move forward.

Discussion of Zoning Definitions and Use Regulation Chart

Ms. Clark wanted to follow up on a few comments from the previous workshop. She needs to do more research on Tiny Homes, RV Park, and the Wireless Facilities. She will bring those back on a later date. She reviewed code from Mountain Home, Chubbuck, Star, Ammon, Garden City, and Twin Falls.

Regarding Kennels, Ms. Clark stated Chapter 6 was recently updated, and is under the Police Department. They clarified what is a dog, how many dogs you can have, and removed the kennel license referral to Planning and Zoning. She stated there was a question about allowing hobby kennels since current code only allows kennels in commercial not residential zones. When she was researching other cities, she noticed it was not common to have hobby kennels. Ms. Clark went over the definitions and requirements for a hobby kennel for Garden City and Chubbuck. Mr. Larsen stated his suggestion is not to add this as the City Code already addresses kennels and dogs under the Police Code. Mr. Larsen went over the current code regarding when a puppy becomes a dog, how many dogs are allowed at a property, breeding, service animals, and service animal requirements. Chairman Mink stated most problems are complaint driven. More discussion was held on lot size and other requirements for a kennel in the Garden City and

Chubbuck code. Commissioner Johnson suggested leaving the code as written. Discussion was held on the concerns regarding dogs. Discussion topics were barking dogs, dogs at large, and vicious dogs. Ms. Clark stated most cities included dogs under police or animal control code.

Regarding the homeless shelters and nursing homes, Ms. Clark stated the correct term would be Shelter Home or Emergency Home. In Chubbuck, the Shelter Home was allowed by Special Use Permit (SUP) in all but the R-1 zones. Nursing Homes were allowed in all of the zones by SUP. In Mountain Home, they have more categories. Ms. Clark went over Shelter Home, Group Home, Adult Care Facility, Group Care Facility, and Nursing Home from the Mountain Home code. Ms. Clark went over code from the City of Star regarding the retirement home and nursing and residential care facility. City of Twin Falls specifically addresses a shelter home. This is allowed in R-3 and Commercial Zones with a SUP. Discussion was held on group homes, Idaho Code for group homes, and where a shelter home could be located. Ms. Clark suggested adding a definition for Shelter Home and require a SUP in zones. Discussion was held on the difference between multi-family housing, group homes, shelter homes, and the definition of temporary housing. Mr. Larsen stated the commission needs to decide where they want to have the different homes located and where they do not want to allow them for each category. Discussion was held on where to allow the category. Commissioner Holley suggested not having an age in the definitions as a few other cities did in their code. Chairman Mink suggested having Ms. Clark reach out to Diane Holley as she has had experience with all of the homes in the category. Ms. Clark stated she would reach out to Ms. Holley and bring back to the commission.

Last update was on portable structures. She only found information in Star and Mountain Home. Extensive discussion was held on who this code would refer to. For example, schools, churches, non-profits, etc. Mr. Larsen stated this category is already addressed. He continued there are already protocols and suggested if there are more regulations on this code, it brings more work for the commission. Commissioner McEntarffer suggested leaving the code as is.

Ms. Clark stated she has more information on the wireless facilities. It is in-depth. Discussion was held on wireless facilities, changing the definition slightly, the wireless chapter already in the Planning and Zoning code, population density for 5G, and the current capabilities. Ms. Clark stated this is not a priority at this time. Commissioner Holley stated this will need to be addressed sooner or later. Chairman Mink stated once it is brought to the area, it will have changed from what it is now.

Ms. Clark stated she is still doing research on tiny homes and short-term rentals. She stated she will bring it back to the commission. Commissioner Holley stated Kimberly and Shoshone already have the homes. Discussion was held on the benefits of tiny homes.

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 December 17th, 2020 special meeting and the January 12th, 2021 regular meeting;

Ms. Clark stated the Findings of Facts will be presented at the next meeting. Commissioner McEntarffer made a motion to approve the consent agenda as amended.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Carl McEntarffer, Commissioner Randy King, Commissioner David Holley, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Chairman Mink inquired about the hot plant by Con Paulos. Ms. Clark stated they have a permit until next summer. Once they are done with the freeway project, they will be gone. Discussion was held on the projects in the area for the hot plant. Ms. Clark stated they have a full agenda on Feb 9th. They have a multi-family project and a truck washing facility application. The meeting will be held at the Courthouse. Ms. Clark stated two commissioners have resigned from the board. Ms. Clark and Chairman Mink presented Commissioner King a plaque of appreciation. Commissioner King had been on the commission since 2016. Ms. Clark thanked Commissioner King for his time and service on the board and being a constant on the commission. Chairman Mink stated Commissioner King always had something positive to add to the discussions. Ms. Clark stated Commissioner Allred has also requested to step down from the commission. Commissioner Allred wasn't present at the meetings so Chairman Mink and Ms. Clark will take his appreciation plaque to him at a later date. After doing some research, Ms. Clark stated Commissioner Allred served a total of 30 years only taking a few breaks throughout the years. He served as Chairman for several years and was another constant on the commission. Ms. Clark stated both of the commissioners will be missed.

There being no further discussion, Chairman Mink closed this regular meeting at 8:41 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary