

Planning & Zoning Meeting
May 10, 2022

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. Present were Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Shonna Fraser, and Commissioner Paul Johnson. Commissioner Carl McEntarffer was excused. Also present were Legal Counsel, Ted Larsen, HR Manager, Esmeralda Chavez, City Planner, Ervina Covcic, and Secretary Katie Elliott.

Chairman Mink led the audience in recitation of the pledge of allegiance.

Chairman Mink called the Public Hearing to order at 7:01 p.m.

Public Hearing for request from Matthew Spencer for a Special Use Permit, allowing up to six (6) hen chickens, on the property located at Lot 16, Block 4 Magic Meadows Subdivision #3 70'X125' (SE 7-8-17), more commonly known 724 19th Avenue East, Jerome, Idaho.

Staff Report: Ms. Covcic stated the property in question at 724 19th Avenue East Jerome, ID 83338 is zoned Residential 1 (R-1). The proposed use, the possession of chicken or poultry requires a Special Use Permit from the Planning and Zoning Commission. 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 it pertains to the Jerome Municipal Code (JMC) 17, Ms. Covcic went over the Section F, Chicken, Poultry and Fowl with the commission. No household or parcel of property shall keep more than six (6) chickens, poultry or fowl. Roosters are prohibited. The chickens, poultry or fowl shall be contained to the site or the site shall be fenced. Any chicken coop or accessory structure associated with the chickens, poultry or fowl shall be places in accordance with the accessory structure setback requirements. Chickens, poultry or fowl shall not be kept in the front yard. Special use permits shall be allowed for up to two (2) years and renewed on a biennial basis.

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

Ms. Covcic reminded the commission of the nuisance ordinance that defines stable matter as a nuisance. Manure must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Covcic stated the Planning and Zoning Code allows up to six (6) chickens, poultry or fowl in the R-1 zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the JMC. The application notes that the chickens will be kept in a coop at the corner of the parcel in the backyard, enclosed with poultry wire. The application notes that the

request will not be hazardous. There is no indication that additional services will be needed to serve this use. The application notes there will be no cost to the community for this request and will not be detrimental. The request does not appear to involve uses that will be detrimental to the general welfare. The applicant will need to keep the coop and run properly cleaned. The application notes that there will be no interference with traffic and that no vehicular approaches are necessary. It does not appear that the animals will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

If approved, Ms. Covic recommended the following conditions: Any 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 one (1) year, renewable upon expiration.

Applicant Testimony: Matthew Spencer, 724 19th Ave E, stated he would like to get some chickens for eggs. He continued that with everything that is happening in the world, he would like to make sure his family has food. He is currently growing corn to feed the chickens in his garden. Upon inquiry from Chairman Mink, Mr. Spencer stated he has not built a coop yet but has been doing some research and understands the requirements and setbacks for accessory buildings. Upon inquiry from Commissioner Holley, Mr. Spencer stated he has an enclosed yard with a six-foot fence.

Testimony in Favor: Ms. Elliott read the following for the record:

Janie Myers
730 19th Ave E

Support the application.
Chickens are fine. Roosters are not.

Brian McDonell
539 18th Ave East

Support the application. No other comments were provided.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:07 p.m.

Consider a request from Matthew Spencer for a Special Use Permit, allowing up to six (6) hen chickens, on the property located at Lot 16, Block 4 Magic Meadows Subdivision #3 70'X125' (SE 7-8-17), more commonly known 724 19th Avenue East, Jerome, Idaho- *action item*

Upon inquiry from Commissioner Johnson, Ms. Covcic stated the commission traditionally recommends the initial application be granted for one year. Chairman Mink stated he has a concern with the bird flu coming back.

Commissioner Holley made a motion to approve the request from Matthew Spencer for a Special Use Permit, allowing up to six (6) hen chickens, on the property located at Lot 16, Block 4 Magic Meadows Subdivision #3 70'X125' (SE 7-8-17), more commonly known 724 19th Avenue East, Jerome, Idaho, with the following conditions: Any 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 one (1) year, renewable upon expiration.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:10 p.m.

Public Hearing for request from A Perfect Family LLC for a Special Use Permit allowing residential use, on the property located at S50' of Lots 9 & 10 Block 137 Jerome Townsite (NW 19-8-17), more commonly known as 634 South Lincoln, Jerome, Idaho.

Staff Report: Ms. Covcic stated the applicant requests to continue using the east end, approximately 1,100 sq. ft. of the building at 634 South Lincoln Avenue Jerome, ID 83338 as a residential use under new ownership.

As it pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Covcic stated the property in question at 634 South Lincoln Avenue Jerome, ID 83338 is zoned Central Business District (CBD). According to 17.14.010, residential single-family dwellings are permitted in Central Business District (CBD) zone by special use permit only.

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

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the application meets the following: 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. Covcic stated the Planning and Zoning Code allows residential uses in the CBD zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the JMC. The application notes that there will be no change to the current use. The application notes that the request will not be hazardous. The application notes that services will remain the same. The application notes there will be no cost to the community for this request and will not be detrimental. The request does not appear to involve uses that will be detrimental to the general welfare. The application appears to not create interferences with traffic. It does not appear that the residential use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Covcic stated she sent the application out to City Staff and did not receive any comments back with any concerns.

If approved, Ms. Covcic recommended the following conditions: Comply with all City, State and Federal requirements; and Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Upon inquiry from Chairman Mink, Ms. Covcic stated currently the back portion of the building is being used for a residential. She stated after searching, she did not find any paperwork stating there was approval for a Special Use Permit (SUP).

Applicant Testimony: Jim Kinsey, PO Box 828, testified he is the current relator for the buyer and if this application goes through, he would be the property manager. He stated the buyer wants to continue with the use that is currently being used. Upon inquiry from Commissioner Holley, Mr. Kinsey stated the business will remain in front.

There being no testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:16 p.m.

Consider a request from A Perfect Family LLC for a Special Use Permit allowing residential use, on the property located at S50' of Lots 9 & 10 Block 137 Jerome Townsite (NW 19-8-17), more commonly known as 634 South Lincoln, Jerome, Idaho- *action item*

Commissioner Holley appreciated the applicant coming and getting a permit with the new ownership. Commissioner Fraser agreed with Commissioner Holley. Commissioner Reed stated he is concerned that is not a fire wall between the business and the residence. Discussion was held on fire walls, fire alarms and requirements the commission could require. Commissioner Fraser stated it is appreciated when the Fire Department knows where there is a residence in a business so they know if they need to evacuate people. Chairman Mink went over the General Standards with the commission.

Commissioner Holley made a motion to approve the request from A Perfect Family LLC for a Special Use Permit allowing residential use, on the property located at S50' of Lots 9 & 10 Block

137 Jerome Townsite (NW 19-8-17), more commonly known as 634 South Lincoln, Jerome, Idaho, with the following conditions: Comply with all City, State and Federal requirements; Special Use Permit shall be allowed for one (1) year, renewable upon expiration; and apartment have acceptable amount of fire alarms as prescribed by the Fire Department.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:21 p.m.

Public Hearing for request from A and W Properties, LLC for a Rezone from Residential-2 (R-2) to Residential-3 (R-3), on the property located at Tax 6A of A-164 Jerome Townsite (SE 19-8-17), more commonly known as the empty lot behind 1200 South Davis and the end of South Eisenhower Street, Jerome, Idaho, approximately 2.19 acres.

Staff Report: Ms. Covcic stated A&W Properties, LLC is requesting to rezone the property at Tax 6A of A-164 Jerome Townsite (SE 19-8-17), more commonly known as the empty lot behind 1200 South Davis and the end of South Eisenhower Street, Jerome, Idaho, approximately 2.19 acres from Residential-2 (R-2) to Residential-3 (R-3). The property is currently being used for storage units. The applicant would like to rezone the property to allow for multi-family housing.

Ms. Covcic went over the adjacent land use and zoning: to the North is residential with the zoning of Residential 2; to the South is residential and agriculture with the zoning of Area of Impact, Residential; to the East is residential with the zoning of Residential 2; and to the West is Residential- Multifamily with the zoning of Residential 2. The Comprehensive Plan Land Use map designates the current parcel as Residential Medium. The current land use classification is Residential Medium.

As pertains to Title 17 of the Jerome Municipal Code (JMC), Ms. Covcic stated the parcel is currently zoned Residential-2 (R-2). The Residential-2 (R-2) zone is intended to provide for single or two-family dwellings. The minimum lot size for this zone is 5,000 sq. ft. The setbacks for R-2 are front- 25', rear- 20', interior side- 7' and street side- 15'. The Residential-3 (R-3) zone is intended to provide for single-family, two-family and multi-family dwellings. The minimum lot size for this zone is 5,000 sq. ft. The setbacks for R-3 are front- 25', rear- 20', interior side- 7' and street side- 15'. The proposed zone of Residential-3 (R-3) allows for up to three to four units as outlined 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.

As required by 17.80.040: General Procedure for Amendments, the application for a rezone shall be reviewed by the Commission to determine if the request: 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 it pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with the following sections: Chapter 13 Neighborhoods – Objective 2, which addresses the need for providing “areas of different residential densities and uses”; Chapter 13 Housing – Objective 3 which details the encouragement and “development of various housing types to meet the needs of the citizens of Jerome”; Additionally, the request is in accordance with the Comprehensive Plan, Chapter 13, Policy 6 which is to “Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population and ensure that this housing is available throughout the community for all income levels and special needs.” Ms. Covcic stated the application notes a rezone will: Allow the property to be developed in a more harmonious nature to the surrounding land holdings of other adjacent properties; Be consistent with neighboring uses in regards to noise and pollution generation; and Retain families in Jerome where they can live, work and play.

As it pertains to the demand for public infrastructure that is not currently available, including municipal sewer and water services, Ms. Covcic stated the parcel is near city services, including water and sewer. The infrastructure for both water and sewer is located at the intersection of East Avenue J and South Eisenhower Street. The developer will be responsible for the extension of services to serve the property.

As it pertains to the compatibility with the zoning uses in the surrounding areas, Ms. Covcic stated this area is bordered by residential uses to the north, east and west. The property to the south is county impact area zoned residential. A rezone to Residential-3 (R-3) would allow for multi-family housing growth in the southeast of town and would be compatible with the surrounding area. The property to the immediate west is currently being used for multi-family.

As it pertains to the creation of non-conforming uses, Ms. Covcic stated the parcel is currently being used for storage units. Under a rezone to Residential-3 (R-3), no non-conforming uses would be created by this rezone.

Title 16 has no bearing on this request at this time.

With regard to spot zoning, Ms. Covcic stated PlannersWeb defines spot zoning as “the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area for the benefit of the owner of such property and to the detriment of other owners.” The State of Idaho Land Use Handbook discussing The Law of Planning, Zoning, and Property Rights in Idaho also defines spot zoning as “a change in zoning of a particular parcel or parcels that is out of character with the surrounding area and the comprehensive plan and is done for the benefit for the particular landowner rather than for the benefit of the community as a whole.”

Ms. Covcic stated she sent the application out to City Staff and received the following comments: Wastewater- No concerns. However, sewer is currently not available at this property. The nearest available sewer is at the intersection of Eisenhower and East Ave. J. This would need to be extended to the property. No other department had any concerns.

If approved, Ms. Covcic recommended the following conditions: Comply with all City, State and Federal requirements.

Upon inquiry from Chairman Mink, Ms. Covcic stated the neighboring multi-family apartments are a non-conformance use. Upon inquiry from Commissioner Holley, Commissioner Fraser stated she believed the apartments were built in 1972 so it was presumed to be before the current comprehensive plan. Chairman Mink went over the neighboring property and uses with the commission. Upon inquiry from Commissioner Holley, Ms. Covcic confirmed they are only addressing the rezone at this hearing.

Applicant Testimony: Chris Anderson, 527 S 800 E, testified, they are wanting to rezone the property where they will remove the storage units and build six to seven 4 plex's. This would make 28 multi-family homes. Mr. Anderson showed a drawing to the commission of where the buildings may be located on the property. He stated they are currently building something similar buildings on 8th Street where they are also building 28 units on a little less than two acres. Mr. Anderson stated when they placed their units online, they received over 100 applications so they believe there is a demand in Jerome and they are willing to do what they need to so they can accomplish this. Upon inquiry from Commissioner Johnson, Mr. Anderson stated the sewer and water is just down the road so it will not be too hard to get those to the property. Upon inquiry from Commissioner Reed, Mr. Anderson stated they would have a mix of 2 bed 2 bath and 3 bed 2 bath apartments. Upon inquiry from Commissioner Holley, Mr. Anderson stated if the rezone is not approved, they do not have a backup plan except keeping the storage units. Mr. Anderson stated the property to the east of his property, is now developed so there is a road already in place so they would be connecting the roads. Commissioner Johnson reminded the commission they are only here for a rezone. Commissioner Reed inquired how their property would affect the neighboring subdivision. Mr. Anderson stated they may add a vinyl fence between them and the subdivision but they also need to worry about the traffic turning into the property.

Testimony in Opposition: Ms. Elliott read the following:

Angel & Patricia Murillo, Angel's Construction
144 S. 100 W. Jerome, Idaho

Oppose the application

We are concerned that Rezoning this parcel to R-3 and the building of Rental will devalue the single family Homes on Hovey Subdivision. The increased traffic is also a concern. We feel that it needs to remain R-2 with single family Homes, so the neighborhood can remain congruent, family friendly and appealing to homeowners.

Rebuttal testimony: Mr. Anderson stated if anything it may increase the value since it is vacant lot with older storage units. He believes that building nicer multi-family buildings will help the value. He continued that traffic will increase no matter if they have single family homes or multi-family homes, and they just want to provide nice housing for the community.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:39 p.m.

Consider a request from A and W Properties, LLC for a Rezone from Residential-2 (R-2) to Residential-3 (R-3), on the property located at Tax 6A of A-164 Jerome Townsite (SE 19-8-17), more commonly known as the empty lot behind 1200 South Davis and the end of South Eisenhower Street, Jerome, Idaho, approximately 2.19 acres- *action item*

Commissioner Johnson stated they need the housing and doesn't think we should comment on a design as we haven't seen the plans. Commissioner Reed stated he is concerned with the traffic. Commissioner Holley stated they already have non-conforming apartment complex and they are wanting to make it conforming. He believes it is better than a vacant lot. He also believes this works with the comp plan that addresses different housing densities within the City, and he does not agree with the property being devalued. Chairman Mink stated he believes this type of housing attracts new families with the new school being built down the road. Commissioner Schroeder stated there is a need for affordable housing and with it being at the end of the roads, he does not too much of a concern with the traffic. Commissioner Johnson stated the city engineer has previously stated they monitor the roads to keep the congestion down. Chairman Mink reminded the commission this is a recommendation to City Council and they typically keep the motion positive.

Commissioner Johnson made a motion to approve the request from A and W Properties, LLC for a Rezone from Residential-2 (R-2) to Residential-3 (R-3), on the property located at Tax 6A of A-164 Jerome Townsite (SE 19-8-17), more commonly known as the empty lot behind 1200 South Davis and the end of South Eisenhower Street, Jerome, Idaho, approximately 2.19 acres, be approved, finding that the rezone is in accordance with the comp plan and goals of the future land use map; Adequate public facilities exist; The proposed zone is compatible with the zoning and uses of the surrounding area; and No-nonconforming uses will be created

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Dave Holley, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: Commissioner Benjamin Reed

Chairman Mink called the Public Hearing to order at 7:44 p.m.

Public Hearing for request from Dawn Higley for a Special Use Permit allowing domestic animal kenneling, grooming, daycare and retail sales, on the property located at Tax 1 of Lot 4 Block 2 Jerome SE Industrial Park Phase III (SE 30-8-17), more commonly known as 1950 South Lincoln, Jerome, Idaho.

Staff Report: Ms. Covcic stated the applicant requests to use the property at 1950 South Lincoln Avenue Jerome, ID 83338 as an upscale animal boarding facility with grooming, daycare and pet boutique. The property will have a completely fenced-in area behind the building to exercise the animals. All animals will be housed inside. The previous use of the property was as a veterinary clinic.

The property in question at 1950 South Lincoln Avenue Jerome, ID 83338 is zoned General Business (C-2). According to 17.14.010, kennels are permitted in General Business (C-2) zone by special use permit only. According to JMC 17.03.415, a kennel is defined as any lot or premises or portion on which four (4) or more dogs, cats, or any combination of other household domestic animals are maintained, harbored, possessed, boarded, bred or cared for in return for compensation or kept for sale including privately or publicly owned, operated or managed dog pounds. Kennels shall be prohibited in all residential zones.

As it pertains to JMC 17.18.050: Unique Land Uses – C. Animal Clinic, Animal Hospital, Veterinary Office and Kennel, Ms. Covcic stated this will be located at least three hundred feet (300') from any residence including motels and hotels, except for an owner's residence. The administrator may modify these requirements if the animals are completely housed in soundproof structures that completely screen them from view of the abutting residential property. This request will comply with all state and local regulations relative to such an operation and maintain adequate housekeeping practices designed to prevent the creation of a nuisance and to reduce to a minimum the factors of noise and odor.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated the request is in compliance with the Comprehensive plan as it relates to Commercial Land Uses in Section 3.1.2.

Regarding the General Standards for Special Uses, Ms. Covcic stated the Planning and Zoning Code allows up kenneling in the C-2 zone with an approved Special Use Permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the JMC. The application notes that the use will be harmonious and appropriate with the existing or intended character. The application notes that the request will not be hazardous. There is no indication that additional services will be needed to serve this use. The application notes there will be no cost to the community for this request and will not be detrimental. The request does not appear to involve uses that will be detrimental to the general welfare. The application notes that there will be no interference with traffic. It does not appear that the kenneled animals will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Covcic sent the application to City Staff and did not receive any comments back with any concerns.

If approved, Ms. Covcic recommended the following conditions: Special Use Permit shall be allowed for one (1) year, renewable upon expiration; Comply with Building and Fire department requirements and inspections; and Comply with all City, State and Federal requirements.

Upon inquiry from Commissioner Holley, Ms. Covcic stated there is not a limit on how many animals, but the definition of a kennel stated they need to have over four animals. Upon inquiry from Commissioner Johnson, Ms. Chavez stated the vet office did not require a SUP in that zone.

Applicant Testimony: Dawn Higley, 157 W 46 S, testified, she would like to open a boarding facility. They have around 3600 square feet in the building, and they have plenty of room to add a yard for playing and exercising. Ms. Higley stated this would be for nights, weekends, holidays and possibly a doggy daycare. She also would like to board cats in the facility. She does not currently have a groomer but would like to offer grooming. Upon inquiry from Commissioner Johnson, Ms. Higley stated they currently have seven (7) large kennels, and 30 smaller kennels in the existing building. She would like to revamp this a little bit for larger dogs. Upon inquiry from Commissioner Holley, Ms. Higley stated she is not sure what type of traffic, but may be around 20-30 cars a day. She stated she would like her facility to be similar to Hemmingways in Twin Falls. Upon inquiry from Commissioner Johnson, Ms. Higley stated they have parking in the back and in the front of the building. She stated there are three doors that go out to the back where they will have it will all be fenced and screened.

Applicant in Favor: Ms. Elliott read the following for the record:

Frits Gratzler, Pro Flame Inc
1921 S Lincoln, 138 Bridon Way

Support the application. No further comments were provided.

There being no testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:54 p.m.

Consider a request from Dawn Higley for a Special Use Permit allowing domestic animal kenneling, grooming, daycare and retail sales, on the property located at Tax 1 of Lot 4 Block 2 Jerome SE Industrial Park Phase III (SE 30-8-17), more commonly known as 1950 South Lincoln, Jerome, Idaho- *action item*

Commissioner Holley stated there is not a whole lot of kenneling in Jerome. He stated there is a need in Jerome. He stated it was a shame the vet retired and does not have any issues with this application. Commissioner Johnson concurred with Commissioner Holley. He stated he goes to

Twin Falls for his animals and really sees a need in Jerome. Chairman Mink inquired about adding a limit of animals. Commissioner Fraser stated the applicant will be limited with the amount of space they have. Commissioner Holley stated if the applicant is looking to copy the Hemmingway foot print, he does not believe they will be cramming kennels in the space.

Commissioner Holley made a motion to approve the request from Dawn Higley for a Special Use Permit allowing domestic animal kenneling, grooming, daycare and retail sales, on the property located at Tax 1 of Lot 4 Block 2 Jerome SE Industrial Park Phase III (SE 30-8-17), more commonly known as 1950 South Lincoln, Jerome, Idaho, with the following conditions: Special Use Permit shall be allowed for one (1) year, renewable upon expiration; Comply with Building and Fire department requirements and inspections; and Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser, Commissioner Holley, and Commissioner Paul Johnson. NAYE: None

Consent Agenda

The consent calendar consists 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 April 12, 2022 regular meetings;
- B. Consider/Approve Findings and Conclusions for Jerry Higley for a Special Use Permit renewal, allowing automotive sales, on the property located at Tax 1 Lot 5, Block 3 Jerome South Industrial Park Subdivision Phase II 25-8-16, more commonly known as 1575 South Lincoln Avenue, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JERRY HIGLEY FOR A SECOND RENEWAL OF HIS SPECIAL USE PERMIT ALLOWING AUTOMOTIVE SALES ON THAT PARCEL DESCRIBED AS TAX 1 LOT 5, BLOCK 3 JEROME SOUTH INDUSTRIAL PARK SUBDIVISION PHASE II 25-8-16, MORE COMMONLY KNOWN AS 1575 SOUTH LINCOLN AVENUE, JEROME, IDAHO

A public hearing on the application of Jerry Higley concerning that parcel commonly known as 1575 South Lincoln Avenue, Jerome, Idaho, for the second renewal of a special use permit was held, pursuant to notice, on Tuesday, April 12, 2022, at City Council Chambers with all members of the public, in a format allowing participants to hear the meeting, including all deliberations by commissioners and other speakers addressing the Commission, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ervina Covcic, provided the staff report on the renewal application. Ms. Covcic stated Mr. Higley received a Special Use Permit for automotive sales in March 2018. The application noted that uses of the permit are primarily for the sale of commission fleet vehicles and will have approximately 1-4 vehicles on the lot at any time. This is in a General Business (C-2) zone and is not creating a disturbance to neighboring uses. There is no signage or change to vehicular approaches. Mr. Higley would like to request a renewal of the Special Use Permit.

Ms. Covcic stated the property in question 1575 South Lincoln Avenue, Jerome, 8 is zoned General Business (C-2). The proposed use being automotive sales, requires a Special Use Permit from the Planning & Zoning Commission. Regardless of use, setbacks for this property are as follows: front - 25', rear - 10', interior side - 12', and side street - 25'.

As it pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Covcic stated this request is in compliance with the Comprehensive Plan as defined in the following sections: Chapter 7.3 addresses Business Retention, Expansion and Recruitment. This section states, "The city should develop an atmosphere to retain, expand, and create business development."; and Chapter 7, Policy 8 which states, "Continue to provide an atmosphere for successful business development."

Ms. Covcic went over Chapter 8 (Health and Safety) reminding the Commission of the definition of an abandoned, wrecked or junked vehicle. With reference to vehicles, an unsightly motor vehicle which meets any one of the following qualifications: (1) It does not carry a current and valid state registration and license plate; and (2) it cannot be safely operated under its own power. Ms. Covcic stated that vehicles placed on the property shall not be wrecked or junked.

If approved, Ms. Covcic recommended the following conditions: (a) Maximum of ten (10) vehicles for sale at any given time; (b) All vehicles placed on the property shall not be wrecked or junked; (c) Comply with all City, State, Federal requirements; and (d) Special Use Permit shall be allowed for up to three (3) years, renewable upon expiration.

Upon inquiry from Commissioner Holley, Chairman Mink stated the Commission can agree to extend the expiration of the permit as they choose.

Applicant Testimony: Josiah Higley, 1575 South Lincoln, appeared before the Commission and testified on this application. Mr. Higley stated they have limited auto group inventory which has been slower but are still wanting to sell their used vehicles/trucks to the local agriculture community. They would like to continue to sell on the lot and he explained the improvements they have done to the lot and stated his plans to keep it a clean area. They are requesting renewal to keep with what they're doing.

Upon inquiry from Chairman Mink, Mr. Higley stated he is in agreement with the conditions stated and said they are also complying with the state dealer's license, which was just renewed. Mr. Higley further stated they also recently passed the audits as a state-regulated group.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:06 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, 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. 1575 South Lincoln Avenue, Jerome, Idaho, and is currently zoned General Business (C2).
- B. The proposed use, car dealership/automotive sales lot, requires a special use permit to operate in C2 zones.
- C. JMC 17.60.060 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that businesses serve a need of the community and provide convenience in a residential zone.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the appearance of the property or any buildings thereon.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses because it will blend well with neighboring uses.
- G. No additional public facilities will be necessary for the proposed use.
- H. The proposed use will not be detrimental to the economic welfare of the community and will not involve activities materials, equipment or conditions that will create excessive traffic, noise, smoke, fumes, glare or odors.
- I. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- (1) A renewal of the special use permit is required for the applicant to continue with the used car lot business in the C2 zone for the City of Jerome.

- (2) A renewal of the special use permit allows a used car lot in the C2 Zone and is consistent with the City of Jerome Comprehensive Plan.
- (3) The Commission approves the application of Jerry Higley for the renewal of a special use permit to conduct business as a car lot, on the property commonly known as 1545 South Lincoln Avenue, Jerome, Idaho, subject to the following conditions:
 - a. There shall be a maximum of ten (10) vehicles for sale at any given time;
 - b. All vehicles placed on the property shall not be wrecked or juked;
 - c. The applicant shall comply with all City, State and Federal requirements for a car lot; and
 - d. This permit is valid for a period of 5 years from the date of this decision, at the conclusion of such time, Petitioner must present himself for consideration of renewal of this special use permit.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 12th day of April, 2022, to approve the application as specified herein is hereby made final this 10th day of May, 2022.

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

- C. Consider/Approve Findings and Conclusions for the Occupants residing at 600 2nd Avenue East, for a Special Use Permit allowing four (4) hen chickens and two (2) quail, on the property located at Lot 7, & the West 15' of Lot 8, Blk 201, East End Sub (SE 18-8-17), more commonly known as 600 2nd Avenue East, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF MORGAN QUAYLE FOR A SPECIAL USE PERMIT ALLOWING FOUR (4) LAYING CHICKENS AND TWO (2) QUAIL, ON THE PROPERTY COMMONLY KNOWN AS 600 2ND AVENUE EAST, JEROME, IDAHO

A public hearing on the application of Morgan Quayle concerning that parcel commonly known as 600 2nd Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, April 12, 2022, at City Council Chambers with all members of the public, in a format allowing participants to hear the meeting, including all deliberations by commissioners and other speakers addressing the Commission, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda. The physical meeting was held at 100 East Avenue A, Jerome, Idaho.

Staff Report: City Planner, Ervina Covcic, provided the staff report on the application. Ms. Covcic stated property in question at 600 2nd Avenue East, Jerome, Idaho, is zoned Residential 2 (R-2). The proposed use, the possession of chicken or poultry requires a Special

Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

As it pertains to the Jerome Municipal Code (JMC) 17, Ms. Covcic went over Section F, Chicken, Poultry and Fowl with the Commission. No household or parcel of property shall keep more than six (6) chickens, poultry or fowl. Roosters are prohibited. The chickens, poultry or fowl shall be contained to the site or the site shall be fenced. Any chicken coop or accessory structure associated with the chickens, poultry or fowl shall be placed in accordance with the accessory structure setback requirements. Chickens, poultry or fowl shall not be kept in the front yard. Special use permits shall be allowed for up to two (2) years and renewed on a biennial basis.

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

Ms. Covcic reminded the Commission of the nuisance ordinance that defines stable matter as a nuisance. Manure must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Covcic stated the Planning and Zoning Code allows up to six (6) chickens, poultry or fowl 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 applicant states that the chickens and quail will be kept in the backyard on the northern fenced-in area and not visible to the street. The applicant states that the request will not be hazardous and the chicken manure will be used for a garden on the property. There is no indication that additional services will be needed to serve this use. The applicant states they will be feeding and taking care of the chicken and quail. The applicant states there will be no cost to the community for this request and will not be detrimental. The applicant states there will only be six (6) total chickens and quail and will be in a properly sized coop and enclosure. There will be no rooster. The applicant will need to keep the coop and run properly cleaned.

The applicant states there will be no interference with traffic and that no vehicular approaches are necessary. It does not appear that the animals will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

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

Upon inquiry by Commissioner Johnson, Ms. Covcic stated this is the first time the applicant is requesting a SUP.

Applicant Testimony: Morgan Quayle, 600 2nd Avenue East, Jerome, appeared before the Commission and testified on her application. Ms. Quayle stated she was available for questions from the Commission as she approved with all of what Ms. Covcic has stated.

Upon inquiry from Chairman Mink, Ms. Quayle stated she has always wanted to have quail, and with it being her last name she wanted to try to raise them. Upon inquiry from Commissioner Holley, Ms. Quayle stated she does not have the animals yet and she would like to have them for eggs. Upon clarification, Chairman Mink stated she was part of a subdivision but there is not a HOA. Upon inquiry from Commissioner Johnson, Ms. Quayle stated she would be moving the coop around the yard when they water, so they will meet setbacks

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:15 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, 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. 600 2nd Avenue East, Jerome, Idaho is zoned Residential 2 (R-2), which requires a special use permit for the proposed use, allowing four (4) laying hen chickens, and two (2) quail on the property.
- B. Title 16 of the JMC has no bearing on this application.
- C. The application for a special use permit complies with the City of Jerome Comprehensive Plan, Section 3.1.1., and inasmuch as it is compatible with the existing and potential land uses in the surrounding area.
- D. The Commission finds the General Standards for Special Uses as outlined in JMC 17.60.030, are satisfied as follows:
 1. As mentioned, the proposed use does constitute a special use as defined in JMC;
 2. The use is harmonious with and in compliance with the general objectives of the Comprehensive Plan relating to the objectives of Rural Residential Land Uses;
 3. The proposed use will be designed, constructed and maintained in harmony and appearance with the existing and intended character of the general vicinity by maintaining proper enclosures for the chickens, avoiding roosters, and keeping their enclosures clean.

4. While there is potential that the use could be disturbing to existing and future neighboring uses, this threat is mitigated by the condition that the enclosures be well maintained and that this permit is good for a limited time. If the use proves disturbing to neighboring uses, the permit will be revoked;
 5. Pursuant to comment from City staff it is evident adequate infrastructure and services are available to accommodate the proposed use;
 6. There was no evidence that the proposed use would create any additional requirements or public facilities or services, nor that it would be detrimental to any persons, property or the general welfare. There will likely be the production of some dust, noise and/or odors but the permit is conditioned to mitigate those harms;
- E. The vehicular approaches are not an issue and there is no indication the proposed use will impact any natural, scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to be able to allow four (4) laying hen chickens and two (2) quail on the herein described property.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1. and with JMC 17.60.030.
- C. The Commission approves the application of Morgan Quayle for a special use permit allowing six (6) laying hen chickens and/or quail, on that property located at 600 2nd Avenue East, Jerome, Idaho, 83338 subject to:
 - i. Any permanent chicken coop shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code;
 - ii. Chickens/Quail will not create odors, noise, nor be detrimental to persons, property or the general welfare; and
 - iii. Special Use Permit shall be allowed for up to two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 10th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 12th day of April, 2022 to approve the application as specified herein is hereby made final this 10th day of May, 2022.

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

Commissioner Johnson made a motion to approve the consent agenda as presented.

Second to the motion by Commissioner Reed and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Benjamin Reed, Commissioner Jeff Schroeder, Commissioner Shonna Fraser, Commissioner David Holley, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Commissioner Holley stated he has put in his resignation from the commission and this was his last meeting. He stated he will be moving to Twin Falls. Ms. Chavez thanked Commissioner Holley for his time and service. She wished him the best of luck.

There being no further discussion, Chairman Mink closed this regular meeting at 8:00 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary