

Planning & Zoning Meeting
May 24, 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 Shonna Fraser, and Commissioner Paul Johnson. Commissioner Carl McEntarffer and Commissioner Jeff Schroeder were 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 Endurance Holdings, LLC c/o Tim Vawser for a variance allowing private streets in a subdivision, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres.

Staff Report: Ms. Covcic stated the property Endurance Holdings, LLC c/o Tim Vawser, EHM Engineering requests a variance allowing two (2) private driveways within the Clover Creek Subdivision located at the northwest corner of North Lincoln and 16th Avenue West. The application notes that due to the unique topography of the parcel, 17th Avenue West is placed in a less-than-ideal location for street layouts within the development. This has left a large amount of land between West 16th and West 17th Avenues. Two (2) private driveways were added to access the land area and create lots that access those private driveways.

As it pertains to Title 17 of the JMC, the Land Use Ordinance, Ms. Covcic stated the parcel is currently zoned Residential-2 (R-2). The setbacks are front- 25', rear- 20', interior side- 7' and street side- 15'.

Ms. Covcic reminded the commission of the definition of a variance as: A modification of the requirements of this title as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings or other provision of this title affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of the characteristics of the site and that the variance is not in conflict with the public interest.

Regarding 17.70.030, Variances, Ms. Covcic stated the commission may authorize, in specific cases, such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structure or buildings in the same district and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for issuance of a variance. Variances

shall not be granted on the ground of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship. The commission shall review the particular facts and circumstances of each proposed variance request in terms of the following standards and shall find adequate evidence showing that the requested variance conforms to the following standards. Regarding Standard A, the application notes that the unusual topography of the property dictates the alignment of West 17th Avenue in the location depicted due to that being the low point in relation to the adjacent land which creates a special condition on the land to the south of the alignment. By placing this street in this location, an infill scenario is created to the land south of West 17th Avenue and access is also controlled and limited to West 16th Avenue, restricting access. The total width of the property also makes the utilization of cul-de-sacs not feasible. Regarding Standard B, the application notes that a literal interpretation of the provisions would result in unusual lot configurations and sizes much larger than those that would be allowed in properties within this zoning district. A literal interpretation would deprive the applicant of the normal density allowed within this development which is allowed in similar developments in the district. Regarding Standard C, the application notes that the topography of the land existed when purchased by the applicant and the conditions were not caused by the applicant. The applicant is attempting to create a more desirable use for the property by submitting a design that recognizes and adapts to the special conditions that exist by the way the land is oriented by nature. Regarding Standard D, the application notes that a variance request will not convey any special privilege.

Ms. Covic sent the application out to staff and received the following comments: Engineering: 1) Engineering concurs that the topography of the land necessitates placement of the proposed 17th Avenue as shown. Placement of the roadway farther South would not allow for proper sewer access for lots on the North side of the roadway because they would be lower than the roadway. Placement of the roadway and sewer in the lower area also allows for future extension of sewer to areas to the East. 2) New lots are not allowed direct access to arterial roadways such as 16th Avenue. 3) The use of shared private driveways is acceptable given the circumstances; Fire: As long as the private driveways are 25ft in width and marked as fire lanes as required in our review letter, they meet the fire code requirements. The hammerhead turnarounds also meet the fire code requirements; Public Works: We have had several long conversations about this and I think it is a reasonable solution to the problems they have; Building, Streets and Wastewater did not have any comments or concerns at this time.

If approved, Ms. Covic recommended the following conditions: Comply with all City, State and Federal requirements; and Comply will all City of Jerome department requirements.

Upon inquiry from Commissioner Reed, Ms. Covic stated the engineer can address the reasons they need a variance due to the topography.

Applicant Testimony: Tim Vawser, representing EHM Engineering, 711 Birch Street, Kimberly, pointed out the problem area of the property that would run along the proposed 17th Avenue West and the existing 16th Avenue West. He explained that the problem area is the lowest point of the property and overtime, has created a swell where it has carried natural run off of the

property. He stated they will be piping the run off but they want to make sure to keep the streets and sewer are lower and that is the reason why they have presented the layout of the property as they have. Mr. Vawser stated there is a substantial slope of the property toward 16th West and then again toward the north of the property. Their first layout had roads going to 16th West and with the review from the Engineering Department, they were limiting access onto 16th West. Mr. Vawser stated the width of the property does not allow for cul-de-sacs in the ideal placement and lots to conform. He stated he was thankful for staff that sat down with him as they went through the options. He stated they agreed on a variance for the property. This keeps multiple access points off of 16th West. Engineering would like to see 660 feet between access points and this property is would not allow that since they are lining up Birch Street. He believes that with the placement of 17th West, this created a large that it caused on the south side of 17th West, this created an infill project which would have been hard to access. Mr. Vawser stated they could have put long, deep lots depth of to the north, which would be similar to the northern property on 16th Avenue East. They could have also could have created larger lots but wanted to make sure they created the correct density for the area. They have tried to meet all of the requirements for this project. Upon inquiry from Chairman Mink, Mr. Vawser stated the larger lots will be along 16th Avenue West.

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

Kevin and Raylene Anderson
412 15th Ave. W, Jerome, ID

Oppose the application
No further comments were provided.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:15 p.m.

Consider a request from Endurance Holdings, LLC c/o Tim Vawser for a variance allowing private streets in a subdivision, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres- *action item*

Chairman Mink stated the zoning is currently R-2 but would like to know why they are limiting access to 16th as the Planning and Zoning commission is trying to limit the hallways of fences along the road. Tyson Carpenter, City Engineer, stated they are limiting the access because of the classification of the roadway as it is an arterial roadway. Discussion was held regarding access, disruption of traffic, pedestrian crossing, other classifications of roads, driveways having direct access, creates disruption of traffic, staggering roads, and the landscaping requirements for arterial roads. Upon inquiry from Commissioner Reed, Mr. Carpenter stated the roads and hammerheads will be governed by the HOA. Chairman Mink reminded the commission they are looking at approving the variance for private streets where the roads are narrower and are not necessarily built to carry heavy traffic. Upon inquiry from Commissioner Fraser, Mr. Larsen

stated the HOA will be governing what vehicles are allowed on them. Mr. Vawser stated the private streets will be fire department access so they have to be maintained and marked no parking to allow fire department access. Upon inquiry from Chairman Mink, Mr. Larsen stated the commission grants the variance and not the city council.

Commissioner Johnson made a motion to approve the request from Endurance Holdings, LLC c/o Tim Vawser for a variance allowing two private streets in a subdivision, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres, with the following conditions: Comply with all City, State and Federal requirements; and Comply will all City of Jerome department requirements.

Second to the motion by Commissioner Reed and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None

Chairman Mink called the Public Hearing to order at 7:24 p.m.

Public Hearing for request from Endurance Holdings, LLC c/o Sophia Durham for a residential preliminary plat, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres.

Staff Report: Ms. Covcic stated the property in question, described as Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), containing approximately 38.70-acres, is currently zoned Residential-2 (R-2). The proposed project includes one hundred forty-two (142) single-family residential lots and two (2) open space lots owned and maintained by the Homeowners Association (HOA) for storm water retention and a pressure irrigation pump station site. The proposed project requires a preliminary plat recommendation from the Planning & Zoning Commission as detailed in Chapter 16.16 of the Jerome Municipal Code. The applicant is requesting preliminary approval on the complete plat with development of the subdivision in two (2) phases. The development will include widening of West 16th Avenue and North Lincoln Avenue. All interior residential roadways and utilities will be developed to City standards. Setbacks for the Residential-2 (R-2) zone: front 25- ft, rear 20- ft, interior side 7- ft, and street side- 15 ft. The maximum height is 35 ft and the minimum lot size is 5,000 sq. ft.

As it pertains to the Jerome Comprehensive Plan, Ms. Covcic stated the application meets objectives in Chapter 3 – Land Use: Objective 1 – Exploring the growth patterns for the city and plan and prepare for future growth opportunities; Meets objectives in Chapter 7 – Economic Development; Objective 2 – Promote the City as an ideal location for new development of residential commercial and industrial areas; Meets objectives in Chapter 13 – Housing; and Objective 3 – Encourage residential developments that are well planned and encourage the

development of various housing types to meet the needs of the citizens of Jerome. The Comprehensive Plan Map designated the property is question as Residential.

Regarding the Preliminary Plat criteria for subdivisions, Ms. Covcic stated the applicant has met with the predevelopment team at the City to discuss the proposed project. Regarding the preliminary plat, the applicant has provided a complete subdivision application with adequate information to review the preliminary plat. The subdivision application was deemed complete and scheduled for the next available meeting date which would allow staff to review the application, take comments from other agencies and property notice for the public hearing. Mailed notice was sent to adjacent property owners on May 6th, 2021 as required by code. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, Northside Canal Co. and the Post Office. Northside Canal Co. submitted a letter that has been sent to the developer and included with this file regarding water shares and irrigation. No comments have been received from other agencies. City departments including Building, Engineering, Fire, Public Works and Wastewater were given the opportunity to comment on this application. The applicant shall have one (1) year to file and obtain the certification of the acceptance of the final plat application by the administrator within one (1) 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 sub divider and granted by the commission.

Regarding lot requirements, as proposed, all lots meet the minimum lot size for the respective zone.

Regarding streets & dedication of streets, the application proposes local streets meeting the City standards. The application notes all streets will be dedicated to public use and constructed to meet City standards aside from two (2) private streets. Access to the subdivision will come from West 16th Avenue and North Lincoln Avenue.

Regarding street location & street specifications, the streets are located accordingly to serve all proposed lots. The streets meet the required horizontal and vertical geometry and minimum and maximum grades.

Regarding street names, all street names conform. Continuations of North Birth Street, West 17th Avenue, West 18th Avenue, West 19th Avenue and West 20th Avenue are included.

Regarding street intersections, the streets meet the requirements for angle, sight triangle and vertical alignment.

Regarding alleys, the application does not propose any alleys due to the configuration of the lots and street layout.

Regarding easements, the plat proposes easements in accordance with City standards.

Regarding sewage system & water mains, water and sewer models will need to be prepared before a Will Serve letter can be issued. The sewer and water will connect and extend from the corner of West 16th Avenue and North Lincoln Avenue.

Regarding stormwater retention/detention, the materials show the retention pond on the west side of the development on Lot 9 Block 1. Stormwater retention/detention has been calculated to meet the City of Jerome requirements.

Regarding curb, gutter & sidewalk, the development proposes a 10' wide path behind back of curb adjacent to 16th Avenue West and North Lincoln Avenue.

Regarding irrigation lines & water stocks, pressurized surface irrigation will be provided to all lots. Lot 1 Block 7 will be utilized as a common area lot with a pressure irrigation pump station and public utilities. They have acknowledged per municipal code that water shares will be transferred to the City for delivery of irrigation.

Regarding the required improvements, Ms. Covcic stated fire hydrants, mailboxes and street lights have been included on the preliminary plat.

Regarding landscape & fencing, Ms. Covcic stated a 10' wide path behind back of curb is being proposed adjacent to 16th Avenue West and North Lincoln Avenue. All planned improvements will further expand and enhance access to vehicular, pedestrian, and bicycle modes of transportation as outlined in the comprehensive plan.

Ms. Covcic reminded the commission on what their action is for a Preliminary Plat explained in JMC 16.16.050. In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of this title and at least the following: the conformance of the subdivision with the comprehensive plan; the availability of public services to accommodate the proposed development; the continuity of the proposed development with the capital improvement program of the city; the public financial capability of supporting services for the proposed development; and the other health, safety of environmental problems that may be brought to the commission's attention.

If approved, Ms. Covcic recommended the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat or any part thereof shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Applicant Testimony: Tim Vawser, representing EHM Engineering, 711 Birch Street, Kimberly, previously sworn in, stated this plat has been through a few revisions since the rezone application, still has the same lot count and similar layout. There will be 142 single family homes with two open lots. The larger lot will be half used for storm water retention. Lot 1, Block 7 will be where the irrigation will be delivered to, it is currently an irrigation pond. There

will be two phases. Mr. Vawser stated prices for material has risen and hydrants and pipes are taking more than 12 weeks to be delivered. The first phase will be 69 lots. The second phase will be the most northern lots. They will start from 16th West and build north if all goes as planned. They are hoping to get everything started soon to get lots starting to sell by next year. Mr. Vawser stated he is working with the public works and engineering departments to help extending water and sewer so there are connection points for future expansion of the city. Upon inquiry from Chairman Mink, Mr. Vawser stated they will be widening North Lincoln and 16th Street West to be 24 feet from face to curb with a 10 foot concrete path to help with the connectivity of the City. The subdivision will have the standard five (5') foot sidewalks throughout.

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

Dear Ms. Covcic,

I received the notice for public hearing for the above referenced subdivision preliminary plat and North Side Canal Company (NSCC) has the following comments:

1. There are 39.85 shares of water associated with the property.
2. The land developer should be made aware that no improvements such as fences, buildings, structures, etc. are allowed with canal right-of-way without written authorization from NSCC. The land developer may contact NSCC prior to construction of any improvements near a canal and a representative will meet with them to discuss their plans.
3. Potential flooding of the property should be minimal. However, the applicant should be made aware that NSCC will not be liable for damages due to flooding caused by factors beyond its control.
4. A pressurized irrigation system is planned for this project with a common pump station on lot 1. NSCC requests that a single point of contact and one alternate individual be established within the homeowners association that will be responsible for coordinating irrigation water delivery with the other users in the shared head gate and NSCC.

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

Sincerely,
Alan W. Hansten, General Manager

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

Kevin and Raylene Anderson
412 15th Ave. W, Jerome, ID

Oppose the application
No further comments were provided.

Rebuttal Testimony: Mr. Vawser, stated he understands opposition in general. He spoke with Alan about the development and he will continue to keep in contact as the subdivision develops.

There being no other testimony in favor, neutral or in opposition, Chairman Mink closed the Public Hearing at 7:41 p.m.

Consider a request from Endurance Holdings, LLC c/o Sophia Durham for a residential preliminary plat, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres- *action item*

Chairman Mink stated the commission must trust that staff has done their due diligence and have gone through the whole plat to make sure that all of the requirements are being met as it is a lot to look at.

Commissioner Reed made a motion to approve the request from Endurance Holdings, LLC c/o Sophia Durham for a residential preliminary plat, on the property located at Tax 2174890 of SESE Jerome Unplatted (SE 12-8-16), more commonly known as northwest corner of North Lincoln and 16th Avenue West, Jerome, Idaho, approximately 38.70 acres, with the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat or any part thereof shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Fraser and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None

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

Public Hearing for request from MSJ Development LLC, for a residential preliminary plat on the property located at Tax 2220429 of S½S½ (County Portion) Sec 12 T 8 R16, more commonly known as the farmland starting approximately 1,300 feet from the northwest corner of North Lincoln Ave and 16th Avenue West, going north for approximately 1,300 feet, turning west for approximately 1,400 to the "J" Canal and turning south following the "J" Canal to North 100 West Road, Jerome, Idaho, approximately 43.27 acres.

Staff Report: Ms. Covcic stated property in question, described as Tax 2220429 of S½S½ (County Portion) Section 12, Township 8 South, Range 16 East, is currently zoned Residential-2 (R-2). The proposed project includes one sixteen (116) residential lots total. The subdivision will

consist of ninety-four (94) 10,000 sq. ft. minimum single-family lots, twenty-two (22) 10,000 sq. ft. minimum duplex lots, a retention basin for stormwater, a lift station, and a dedicated space for pressure irrigation maintenance and control. The applicant is requesting preliminary approval on the complete plat with development of the subdivision in three (3) phases. All interior residential roadways and utilities will be developed to City standards. Setbacks for the Residential-2 (R-2) zone: front- 25 ft, rear- 20 ft, interior side- 7 ft, and street side- 15 ft. The maximum height is 35 ft and the minimum lot size is 5,000 sq. ft.

As it pertains to the Jerome Comprehensive Plan, Ms. Covcic stated the application meets objectives in Chapter 3 – Land Use: Objective 1 – Exploring the growth patterns for the city and plan and prepare for future growth opportunities; Meets objectives in Chapter 7 – Economic Development; Objective 2 – Promote the City as an ideal location for new development of residential commercial and industrial areas; Meets objectives in Chapter 13 – Housing; and Objective 3 – Encourage residential developments that are well planned and encourage the development of various housing types to meet the needs of the citizens of Jerome. The Comprehensive Plan Map designated the property is question as Residential.

Regarding the Preliminary Plat criteria, Ms. Covcic stated the applicant has met with the predevelopment team at the City to discuss the proposed project. The applicant has provided a complete subdivision application with adequate information to review the preliminary plat. The subdivision application was deemed complete and Mailed notice was sent to adjacent property owners on May 6th, 2021 as required by code. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, Northside Canal Co. and the Post Office. No comments have been received from agencies. City departments including Building, Engineering, Fire, Public Works and Wastewater were given the opportunity to comment on this application. The applicant shall have one (1) year to file and obtain the certification of the acceptance of the final plat application by the administrator within one (1) 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 sub divider and granted by the commission. As proposed, all lots meet the minimum lot size for the respective zone.

Regarding streets & dedication of streets, access to the property will consist of the 64-foot public road rights-of-way of Fir Street. Local roads within the subdivision shall conform to City standards of 56-foot public road right-of-way. Future right-of-way extensions of Fir Street to the North provided to facilitate any future growth. Pedestrian routes will connect at the proposed 10-foot pathway along 16th Avenue. New pedestrian routes are being provided adjacent to the home sites and interconnect the subdivision's park and pedestrian pathway.

Regarding street location & street specifications, the streets are located accordingly to serve all proposed lots. The streets meet the required horizontal and vertical geometry and minimum and maximum grades.

Regarding street names, all street names conform. North Fir Street, West 17th Avenue, West 18th Avenue, West 19th Avenue and West 20th Avenue are included

Regarding street intersections, the streets meet the requirements for angle, sight triangle and vertical alignment.

Regarding alleys, the application does not propose any alleys in the application.

Regarding easements, the plat proposes easements in accordance with City standards.

Regarding sewage system & water mains, water and sewer models will need to be prepared before a Will Serve letter can be issued. Water will be provided to the residential lots by an extension of the existing water main on 16th Avenue. All water mains shall be installed to City specifications and standards and reside in the public right of way. Wastewater will be provided to the residential lots by an extension of the City of Jerome's sanitary sewer system. All sewer main shall be installed to City specifications and standards and reside in the public right of way. All sewer mains will be collected to a lift station pumped to a manhole on Fir Street south of the project.

Regarding stormwater retention/detention, the materials show the retention pond on the west side of the development on Lot 2 Block 1. Stormwater retention/detention has been calculated to meet the City of Jerome requirements.

Regarding curb, gutter & sidewalk, roads shall be constructed to city standards; have asphalt paving, concrete rolled and vertical curb and gutter. A 5-foot concrete sidewalk adjacent to the back of curb is typical.

Regarding irrigation lines & water stocks, irrigation will be provided to the development by a pressurized system owned and maintained by the homeowner's association. Design of the irrigation system will be in compliance with city requirements. They have acknowledged per municipal code that water shares will be transferred to the City for delivery of irrigation.

Regarding required improvements, fire hydrants, mailboxes and street lights have been included on the preliminary plat meeting the requirements of code.

Regarding landscape & fencing, pedestrian routes will connect at the proposed 10-foot pathway along 16th Avenue. New pedestrian routes are being provided adjacent to the home sites and interconnect the subdivision's park and pedestrian pathway.

Ms. Covcic reminded the commission on what their action is for a Preliminary Plat explained in JMC 16.16.050. In determining the acceptance of a proposed subdivision, the commission shall consider the objectives of this title and at least the following: the conformance of the subdivision with the comprehensive plan; the availability of public services to accommodate the proposed development; the continuity of the proposed development with the capital

improvement program of the city; the public financial capability of supporting services for the proposed development; and the other health, safety of environmental problems that may be brought to the commission's attention.

If approved, Ms. Covic recommended the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; A final plat or any part thereof shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Upon inquiry from Commissioner Johnson, Ms. Covic stated she would let the applicant address the lift station.

Applicant Testimony: Aaron Wert, representing HMH Engineering, 486 Pebblebrook Lane, Twin Falls, stated the project will be residential lots of 10,000 square feet or more. They will have some multifamily lots that will be around 13000 square feet. The lift station will be put in by the subdivision to make sure the sewage is lifted down for the wastewater plant. The irrigation will be in the northeast corner. The most northwest block of the subdivision will conform to the requirements for the North Side Canal Company. Upon inquiry from Chairman Mink, Mr. Wert stated the two family lots will be all of Blocks 3 and 5 in the subdivision. Upon inquiry from Commissioner Johnson, Mr. Wert stated they would be building the lift station and would then turn it over to the City for maintenance. Upon inquiry from Chairman Mink, Mr. Wert stated he believed they exceeded the zoning requirements with the subdivision.

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

Dear Ms. Covic,

I received the notice for public hearing for the above referenced subdivision preliminary plat and North Side Canal Company (NSCC) has the following comments:

1. 43.273 shares of water should be associated with the property for lot and landscape irrigation purposes.
2. The M-5 canal runs along the north boundary of this subdivision. I've contacted Aaron Wert, project engineer, and he has informed me that they plan to install pipe and eliminate the open ditch. 20-feet of right-of-way centered over the pipeline will be needed to access and maintain the pipeline. A draft agreement for the pipeline will be provided by NSCC to the developer to consider.
3. The land developer and future homeowners should be made aware that no improvements such as fences, buildings, structures, etc. are allowed within canal right-of-way without written authorization from NSCC. The land developer and owners may contact NSCC prior to construction of any improvements near a canal and a representative will meet with them to discuss their plans.

4. Potential flooding of the property should be minimal. However, the applicant should be made aware that NSCC will not be liable for damages due to flooding caused by factors beyond its control.
5. A pressurized irrigation system is planned for this project with a common pump station on Lot 14, Block 10. NSCC requests that a single point of contact and one alternate individual be established within the homeowners association that will be responsible for coordinating irrigation water delivery with NSCC.

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

Sincerely,
Alan W. Hansten, General Manager

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

Kevin and Raylene Anderson
412 15th Ave. W, Jerome, ID

Oppose the application
No further comments were provided.

There being no other testimony in favor, neutral, opposition or rebuttal, Chairman Mink closed the Public Hearing at 8:00 p.m.

Consider a request from MSJ Development LLC, for a residential preliminary plat on the property located at Tax 2220429 of S½S½ (County Portion) Sec 12 T 8 R16, more commonly known as the farmland starting approximately 1,300 feet from the northwest corner of North Lincoln Ave and 16th Avenue West, going north for approximately 1,300 feet, turning west for approximately 1,400 to the “J” Canal and turning south following the “J” Canal to North 100 West Road, Jerome, Idaho, approximately 43.27 acres- *action item*

Commission and staff held an extensive discussion on the following: potential additional traffic for the roadways, widening of the roads, improvements to be made on the roads, traffic controls, possible round-a-bouts, and agricultural traffic in the area. Chairman Mink went over the requirements of approving a preliminary plat with the commission.

Commissioner Johnson made a motion to recommend council approval for the request from MSJ Development LLC, for a residential preliminary plat on the property located at Tax 2220429 of S½S½ (County Portion) Sec 12 T 8 R16, more commonly known as the farmland starting approximately 1,300 feet from the northwest corner of North Lincoln Ave and 16th Avenue West, going north for approximately 1,300 feet, turning west for approximately 1,400 to the “J” Canal and turning south following the “J” Canal to North 100 West Road, Jerome, Idaho, approximately 43.27 acres with the following conditions: Comply with all City of Jerome department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation,

construction and any other needed improvements; A final plat or any part thereof shall be submitted for review and approval by the City Council prior to recording with the County; and Comply with all City, State and Federal requirements.

Second to the motion by Commissioner Reed and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Shonna Fraser, 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 May 10, 2022 regular meetings;
- B. Consider/Approve Findings and Conclusions for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF MATTHEW SPENCER
FOR A SPECIAL USE PERMIT ALLOWING SIX (6) LAYING CHICKENS ON
THE PROPERTY LOCATED AT LOT 16, BLOCK 4 MAGIC MEADOWS SUBDIVISION #3
70'X125' (SE 7-8-17), COMMONLY KNOWN
AS 724 19TH AVENUE EAST, JEROME, IDAHO**

A public hearing on the application of Matthew Spencer concerning that parcel commonly known as 724 19th Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, May 10, 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. 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 the property in question at 724 19th Avenue East Jerome, Idaho 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 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-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. 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 will not create odors, noise, nor be detrimental to persons, property or the general welfare; and (c) Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Applicant Testimony: Mathew Spencer, 724 19th Avenue East, Jerome, appeared before the Commission and testified on this application. Mr. Spencer, 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 (6) foot fence.

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

Janie Myers, 730 19th Avenue East, Jerome

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

Brian McDonell, 539 18th Avenue East, Jerome

“Supports the application.”

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:07 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. 724 19th Avenue East, Jerome, Idaho is zoned Residential 1 (R-1), which requires a special use permit for the proposed use, allowing six (6) laying hen chickens 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 six (6) laying hen chickens 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 Matthew Spencer for a special use permit allowing no more than six (6) laying hen chickens on that property located at 724 19th 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 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 one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 10th day of May, 2022 to approve the application as specified herein is hereby made final this 24th day of May, 2022.

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

- C. Consider/Approve Findings and Conclusions for 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.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF A PERFECT FAMILY LLC,
FOR A SPECIAL USE PERMIT ALLOWING RESIDENTIAL USE, ON THE
PROPERTY LOCATED AT 550' OF LOTS 9 & 10 BLOCK 137 JEROME
TOWNSITE (NW 19-8-17), MORE COMMONLY KNOWN AS
634 SOUTH LINCOLN, JEROME, IDAHO**

A public hearing on the application of A Perfect Family, LLC concerning that parcel commonly known as 634 South Lincoln, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, May 10, 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. 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 the applicant requests to continue using the east end, approximately 1,100 square feet of the building at 634 South Lincoln Avenue Jerome, Idaho, 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, Idaho, 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: (a) Comply with all City, State and Federal requirements; and (b) 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, Post Office Box 828, Jerome, appeared before the Commission and testified on this application. Mr. Kinsey stated 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 of the building.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:16 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. 634 South Lincoln, Jerome, Idaho is zoned Central Business District (CBD), which requires a special use permit for the proposed use, allowing residential use 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, Land Use Plan, 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 the Comprehensive Plan and Title 17;
3. 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.
4. There was no evidence of interferences with traffic and/or vehicular approaches; and
5. 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 residential use at the property described herein as 634 South Lincoln, Jerome, Idaho.
- 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 A Perfect Family, LLC for a special use permit allowing residential use on that property located at 634 South Lincoln, Jerome, Idaho, subject to:
 - i. Comply with all city, state and federal requirements;
 - ii. The apartment shall have an acceptable amount of fire alarms as prescribed by the Fire Department; and
 - iii. Special Use Permit shall be allowed for up to one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 10th day of May, 2022 to approve the application as specified herein is hereby made final this 24th day of May, 2022.

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

- D. Consider/Approve Findings and Conclusions for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF A AND W PROPERTIES, LLC, FOR A REZONE FROM RESIDENTIAL 2 (R-2) TO RESIDENTIAL 3 (R-3)

A Public Hearing at the request from A and W Properties, LLC, for a zoning map amendment, changing the zone 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

(hereinafter referred to as the "Property") was held, pursuant to notice, commencing at 7:21 p.m. on Tuesday May 10, 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, gave a staff report and brief background on the application. Ms. Covcic stated A and 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: (a) In accordance with the Comprehensive Plan; (b) Will create a demand for public infrastructure that is not currently

available, including municipal sewer and water services; (c) Is compatible with the zoning uses in the surrounding areas; and (d) 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: (a) Allow the property to be developed in a more harmonious nature to the surrounding land holdings of other adjacent properties; (b) Be consistent with neighboring uses in regards to noise and pollution generation; and (c) 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 South 800 East, representing A and W Properties, LLC, appeared and testified before the Commission. Mr. Anderson 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 Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: Ms. Katie Elliott, read the following for the record:

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 further testimony in favor, neutral, or opposition, Chairman Mink closed the Public Hearing at 7:39 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the application, the stated 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 Residential 2 (R-2).
- B. The Application seeks to amend the Property to be zoned Residential 3 (R-3).
- C. The Property in question is bordered by residential uses to the north, east and west. The property to the south is county impact area zoned residential.
- D. Rezoning from R-2 to R-3 would be compatible with the surrounding area.
- E. The proposed use of the parcel will not create any non-conforming uses.
- F. The Comprehensive Plan of the City of Jerome promotes providing areas of different residential densities and the development of various types to meet the needs of the citizens of the City of Jerome.

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 A and W Properties, LLC, for the Property described above, from Residential 2 (R-2) to Residential 3 (R-3) be approved.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 10th day of May, 2022 to approve the application as specified herein is hereby made final this 24th day of May, 2022.

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

- E. Consider/Approve Findings and Conclusions for 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.

FINDINGS AND CONCLUSIONS ON APPLICATION OF 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

A public hearing on the application of Dawn Higley concerning that parcel commonly known as 1950 South Lincoln, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, May 10, 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. 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 the applicant requests to use the property at 1950 South Lincoln Avenue Jerome, Idaho 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, Idaho 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: (a) Special Use Permit shall be allowed for one (1) year, renewable upon expiration; (b) Comply with Building and Fire department requirements and inspections; and (c) 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 (4) 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 West 46 South, Jerome, appeared before the Commission and testified on this application. Ms. Higley 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 (3) doors that go out to the back where they will have it and it will all be fenced and screened.

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

Frits Gratzner, Pro-Flame, Inc., 1921 S. Lincoln, 138 Bridon Way, Jerome
"Support the application."

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:54 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. 1950 South Lincoln, Jerome, Idaho is zoned General Business (C-2), which requires a special use permit for the proposed use, allowing domestic animal kenneling, grooming, daycare and retail sales 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, Land Use Plan, 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 the Comprehensive Plan and Title 17;

3. 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.
4. There was no evidence of interferences with traffic and/or vehicular approaches; and
5. 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 domestic animal kenneling, grooming, daycare and retail sales at the property described herein as 1950 South Lincoln, Jerome, Idaho.
- 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 Dawn Higley for a special use permit allowing domestic animal kenneling, grooming, daycare and retail sales on that property located at 1950 South Lincoln, Jerome, Idaho, subject to:
 - i. Comply with all city, state and federal requirements;
 - ii. Comply with Building and Fire Department requirements and inspections; and
 - iii. Special Use Permit shall be allowed for up to one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 24th day of May, 2022, in support of the decision of the Planning and Zoning Commission on the 10th day of May, 2022 to approve the application as specified herein is hereby made final this 24th day of May, 2022.

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

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

Second to the motion by Commissioner Johnson and carried.

After consideration, the motion passed by the following votes: AYE: Chairman Rod Mink, Commissioner Benjamin Reed, Commissioner Shonna Fraser, and Commissioner Paul Johnson. NAYE: None.

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Covcic updated the commission on the signs that have been approved by staff. Today's Dental was approved for a couple of additional building signs for their new building. University of Idaho was also approved for an additional sign which will be added to an existing sign by the Jerome Fair grounds on Main Street. Ms. Covcic stated with this being the second meeting, she appreciated the commission's attendance. She stated there will only be one meeting in June which will be June 14.

There being no further discussion, Chairman Mink closed this regular meeting at 8:14 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary