

Planning & Zoning Meeting
January 12th, 2021

This regular meeting of the City of Jerome Planning & Zoning Commission was called to order at 7:00 p.m. The meeting was held by teleconference along with the Conference room being open to the public. The video conference was conducted via Zoom and was made available to all members of the public in a format that allowed all participants to hear the meeting, including all deliberations by members of the Planning and Zoning board and other speakers addressing the board, whether in person or via virtual connection, and to comment if so desired, all of which was noted in the agenda, email, and notices at council chambers and on the City's website.

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

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

Public Hearing for a request from Cook Realty, Inc. for approval on a residential preliminary plat for Stauffer Estates Subdivision No. 2, described as a portion of the West Half of the Northwest Quarter, Section 17, Township 8 South, Range 17 East, Boise Meridian, Jerome County, ID more commonly known as the farmland at the southeastern corner of North Tiger and East Mountain View Drive, Jerome, ID, containing approximately 40.97 acres.

Staff Report: Ms. Clark stated the property in question, described in the agenda, contains approximately 40.97 acres and is currently zoned Residential 1 (R-1), as detailed in 17.14.010 of the Jerome Municipal Code (JMC).

The proposed project, a one hundred sixty-four (164) lot residential subdivision with three (3) parcels owned and maintained by the homeowner's association for stormwater retention, irrigation, and utility access, requires a preliminary plat recommendation from the Planning and Zoning. The applicant is requesting preliminary approval on the complete plat with development of the subdivision in several phases.

The setbacks for the Residential 1 zone are: Front- 25', Rear- 20', Interior Side- 7', and Side Street 15'. Maximum height is 35 feet and minimum lot size is 6,250 square feet.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use: Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities. The application meets the following objective of within Chapter Seven-Economic

Development: Objective 2 - Promote the City as an ideal location for new development of residential, commercial and industrial areas. The application also meets the following objectives within Chapter Thirteen – Housing: 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 designates the property in question as residential.

Ms. Clark stated the applicant has met with the pre-development team to discuss the proposed project. 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 properly notice for the public hearing. Mailed notice was sent to adjacent property owners on December 21, 2020 as required per code. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, North Side Canal Company and the Post Office. The NSCC met with the Rex Harding and NSCC comments have been addressed with Parcel 3 allowing access for irrigation. No comment was received from other agencies. City departments including Building, Engineering, Fire, Water and Wastewater were also given the opportunity to comment on this application. The comments have been addressed and are included in the preliminary plat. It is noted there will be a homeowner's association with requirements on home size and other characteristics.

Regarding lot requirements, Ms. Clark stated as proposed, all lots meet the minimum lot size for the respective zone ranging from approximately 7,237 to 13,176 square feet.

Regarding streets, the application proposes local streets meeting the 56-foot right-of-way. East 10th Street will be constructed from North Tiger Drive as a main access point. East 9th street will also be construction along with Kennedy, Lyndon, McKinley, Monroe, and Nixon extending from East Mountain View Drive. The application notes all streets will be dedicated to public use and be constructed to meet City standards. The streets are located accordingly to serve all proposed lots. It is noted North Tiger Drive (100 East) is classified as a minor arterial. It is noted there is no driveway access onto North Tiger Drive.

The application does not propose any alleys due to the configuration of the lots and the street layout. The application proposes a 15-foot utility easement along streets. There is an easement for the irrigation along the south and east portion of the subdivision along with a 15-foot utility easement for sewer labeled Parcel 2. Water and sewer models will need to be prepared before a Will Serve letters can be issued. The sewer and water will connect and extend from Mountain View Drive East. New water and sewer mains will be constructed. The southern portion of the property will connect to an existing sewer line on 8th Ave East. Water lines will be looped. The materials show the retention pond on the northwest corner of the development. Stormwater

retention/detention has been calculated to meet City of Jerome requirements. The development proposes a six (6) foot wide sidewalk along North Tiger Drive that will correspond with the current Stauffer Estates Subdivision to the north. A five (5) foot sidewalk with curb and gutter will be constructed within the subdivision. Pressurized surface irrigation will be provided to all lots. They have acknowledged per municipal code, water shares will be transferred to the City for delivery of irrigation. Fire hydrants, mailboxes, and streets lights have been included on the preliminary plat meeting the requirements of code. Regarding landscape and fencing, Ms. Clark stated landscape including grass, small ornamental trees, and shrubs are planned along North Tiger Drive. White vinyl fencing is also included along North Tiger Driver.

Ms. Clark briefly explained the Commission's action 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 or environmental problems that may be brought to the commission's attention.

If approved, Ms. Clark 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 the plat at the County; and Comply with all City, State and Federal Requirements.

Ms. Clark provided the proposed plat to the commission.

Applicant Testimony: Rex Harding, representing TD&H Engineering, 161 5th Ave S, Twin Falls, testified, staff provided most of the information. He stated the property is zoned R-1 where the minimum lot size is 6250 sq. ft. He stated lot sizes ranged from 7,044 to 13,176 sq. ft. This makes an average of 8,012 sq. ft for lot size. He stated the covenants are requiring house size must be a minimum of 1600 square feet. Mr. Harding stated there will be some public improvements with this project. Some of those improvements are the roads on East Mountain View Drive that were previously stubbed out will be connected, they will widen Tiger Drive 21.5 feet from the center line, and they will have sidewalk, curb and gutter along the property. He stated since the power line and the pressurized irrigation system run along the property line, they will not be able to have a detached sidewalk which is a requirement for a minor arterial road, but it will have an attached sidewalk which will not be a hazard. They will also have landscaping that will be between the sidewalk and the fencing along Tiger Drive. Mr. Harding explained where the pressurized irrigation line currently feeds irrigation to Stauffer Estates #1 and

where the irrigation and pond will be for Stauffer Estates #2. He also explained how the water run off would drain into the appropriate ponds on the property.

Mr. Harding stated there were a number of comments that were received from concerned neighbors. Most of the concerns were in regard to lot size. He stated the minimum lot size is 6250 sq. ft. and the lots in the subdivision were bigger than the minimum requirements. He also stated the home size will be 1600 sq. ft. at a minimum. He looked into the Stauffer Estates #1 homes, due to the comments received, where he found the home size ranged from 1200 sq. ft. to 4000 sq. ft. He reiterated that the CC&R's for the subdivision are requiring homes to be 1600 sq. ft. at the minimum. Mr. Harding stated some of the comments were referencing homes on 50 North as a comparison. Those lots are in the County and are not on city services. He stated those lots have to be at least one acre. He does not think the comparison is equal to those within City limits.

Another concern that was brought up to Mr. Harding was the traffic. He went over the traffic impact statement with the commission, different ideas regarding the school traffic (i.e. walking to school, busing, etc.), and peak traffic times. He continued that he believed most traffic will stay on North Tiger. McKinley traffic may increase minimally as most people take the most direct route. He stated the speed limit will be 25 mph throughout the subdivision and believes Stauffer Estates #1 is also 25 mph. He understands the concerns with the 4-way stop that backs traffic up but once the street has been improved, the street should be able to handle the traffic with the additional right-of-way that will be given to the City.

Another concern, Mr. Harding read in the comments, were property values. He stated the homes are proposed to be 1600 sq. ft. or larger. He stated he has seen the larger homes being built out in the county and that the larger lots are sitting vacant longer than the smaller lots. Mr. Harding gave the example of the Glenn Eagle Subdivision where some of the larger lots had been vacant and the developer sold the property to the School District.

He thanked the Commission for their time and asked for any questions. Upon inquiry from Chairman Mink, Mr. Harding explained that a catch basin was a grate with a concrete basin underneath the grate to catch water that is then piped to a predetermined place. Mr. Harding showed the Commission where the low spots were and where they would have catch basins located. Upon inquiry from Commissioner Schroeder, Mr. Harding stated the retention pond was approximately six feet deep and it will meet the requirements. Upon inquiry from Commissioner Johnson, Mr. Harding stated the basins will drain into the retention pond where it will go back into the ground. He continued they typically over excavate the pond and put rock in the bottom so there is not any standing water. Upon inquiry from Commissioner King and Commissioner Holley, Mr. Harding stated the retention pond will be fenced.

Testimony in Favor: Joe Cone, 1432 Spring Court, inquired when the Comprehensive Plan was updated. Ms. Clark stated it was updated in 2010. Mr. Cone inquired if the proposed subdivision was included in the Comprehensive Plan. Ms. Clark stated the Comprehensive Plan included the property in question and the current use of Residential. Mr. Cone inquired if a traffic study had been conducted on North Tiger. Ms. Clark stated no. Mr. Cone inquired if a study would be accomplished before construction begins. Chairman Mink stated that question would be referred to the developer. Mr. Cone inquired about the widening of North Tiger if it would be on the east side. Chairman Mink affirmed the widening would be on the east side of the road. Mr. Cone stated the drain at the northwest corner of 10th by the chain link fence, does not work and he has asked to have it fixed for a while and he hopes this will fix the problem. Mr. Cone inquired if they would be eliminating truck traffic that goes on North Tiger. Chairman Mink stated he is not aware if they would be able to stop trucks. Mr. Cone inquired if the County would be doing improvements or if it was just on the City. Chairman Mink stated these improvements would be from the City. Mr. Cone stated with three schools, this will add more traffic to the roads and inquired if there would be a four-way stop at 10th. Chairman Mink stated the City would have to look at it later in the development. He continued that the School District purposely put schools in the area where development is happening. Mr. Cone inquired why there was not an access off of 8th as it would help with traffic. Ms. Clark stated they will have the developers address those comments.

Jason Peterson, 1600 N Kennedy, stated the property to the south is owned by Denny Stauffer so there is not access from the property onto 8th. Mr. Peterson explained that water collects in the south east corner of North Tiger and Mountain View Drive because that was where the second phase was supposed to put their drainage pond. He stated he is happy to see the subdivision going in and being developed. He is excited to have someone who is from Jerome develop the area. He stated this development fits in the plan.

Ms. Clark read the following comments for the record:

*Dave Verbrugge
1301 14th Ave East, Jerome, ID 83338*

Support the application

Overall I support the application for the development of the land. I am hoping the City is receiving feedback and funds for the additional traffic, additional kids @the local schools and additional demands on the infrastructure/ city services. The small 2 lane Tiger Rd. will be very busy driving commute hours and school drop off and pick up times.

*Diane Stauffer
122 E 50 N*

Support the application

No other comment was provided.

Rick Bernsen, via Zoom, 1505 N Kennedy, testified he is in favor for the development. He agreed with prior testimony and would like to see the road connect with 8th Street. He would also like to recommend photoelectric cells on the porch lights to have them automatically come on at night. He stated that would help with safety.

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

Dear Council,

Jan 2021

We are asking the planning and zoning board, the city council and the developer to modify their proposed development of Stauffer Estates Subdivision #2 located in Residential 1 District. We understand that land development is a business and that those invested want to make money, but we ask you to take in consideration the following proposals:

- 1. Adding additional turning lanes into Horizon to help with the increased traffic.*
- 2. Keeping the average home size and style more consistent with the surrounding neighborhoods (with a minimum of 1,800 sq. ft. and a similar architectural structure as Stauffer Estates #1).*
- 3. Keeping lot sizes closer in equivalency to Stauffer estates #1 at 10,000-11,000 sq. ft.*
- 4. Adding more water drainage ponds to alleviate future water issues due to increased water volume.*

Our reasoning is as follows:

*#1- **Traffic and safety are a major concern.** This is one of the largest subdivision that has been proposed in city limits. Adding 166 new homes means adding approximately 332 cars going up and down Tiger Drive (assuming most households have at least 2 cars). Traffic jams in the north and south of Horizon Elementary are already an issue due to parent drop-off and pick-up. Cars are frequently backed up from the north waiting to turn right to get in line to pick up their children after school. High School traffic is a concern as well, especially immediately after school heading north. Often times traffic is backed up 2-3 blocks at the 4-way stop sign near Forsythe Park.*

In addition to traffic jams, we are also concerned for the safety of children that often cross this street. As indicated in your impact statement, if each unit produces 9.52 vehicle trips per day (which is a lower estimate), the resultant increase in traffic will be 1,561 trips per day. Most of that traffic will flow through Tiger Drive. That is a significant increase of cars in an already highly trafficked road.

#2- The proposed development is not compatible with the surrounding area. The proposed lot and home sizes are inconsistent with the neighborhoods around this development. Most of the surrounding homes up 50 N are 3,000 to 6,000 sq. ft. with 43,560 sq. ft. lots. Average home size for Stauffer Estates #1 is 2,800 sq. ft. (with multiple homes at 4,000+ sq. ft.) and lot sizes average between 10,000-11,000 sq. ft.

The proposed average dwelling size suggested in Stauffer Estates #2 is 1,600 sq. ft. The proposed lot sizes for Stauffer Estates #2 is between 9,000 sq. ft. (for homes closer to Stauffer Estates #1) down to 7,000 sq. ft. (for homes closer to the 8th Street/50 N road). There are 6 lots proposed for even lower square footage (6,900 sq. ft.) near 8th street/50 N road.

These lot sizes are not consistent with the surrounding neighborhoods.

#3- Water is a potential problem. The pond in Stauffer Estates #1 is a huge issue due to a landscaping error in the slope at the park at 16th. Canal water consistently backflows into the Stauffer Estates pond, causing an accumulative increase of over 2 feet of sediment. There is a \$15,000 price tag to have the sediment removed and the slope graded to prevent this.

In years past, the pond water has been 5-8 ft. deep. In addition to being an unsightly landscaping issue, this is also a child safety hazard. Adding more homes (and more children) to this area would amplify this issue if corrective measures are not taken beforehand. Environmental impact studies need to address these concerns and also determine if the increased water volume will cause problems with the pipe running underneath Horizon. The surrounding neighborhoods need to know that the proposed water management systems are adequate for the dramatic increase of water volume, and that there is a reliable contingency plan in place for when these ponds fill to capacity.

We are not opposed to development. We know growth is good for the community, but to keep up with growth we are going to need more schools, more sidewalk, bigger streets, reliable water management plans, and more traffic control. We are asking the developers of Stauffer Estates #3 to make these proposed modifications to their plans to more adequately address the concerns of the existing neighborhoods.

Thank you for your time and service.

Alan & Staci Leavitt

135 E 50 N

Jerome, ID 83338

Dear Council,

I am writing in regards to the subdivision preliminary plat for Stauffer Estates #2. I am asking the planning and zoning board, city council, and developer to consider the proposal and the impact it has on the surrounding subdivision residents, as well as the school district and the public that utilize Tiger Drive when commuting to Horizon Elementary and Jerome High School. There are 3 main concerns that I have:

- 1-Average lot & home size proposed, in comparison to surrounding area home & lot sizes*
- 2-Added traffic to an already busy area of commuting*
- 3-Warer drainage/run off*

Regarding my concern with average lot & home sizes proposed-

I live on 15th Ave E- a quite dead-end neighborhood with some larger homes, located near Stauffer Estates #1 subdivision and Tiger Hills Subdivision. The homes in these 3 neighborhoods, as well as the homes on 50 N, are fairly large homes with fairly large lot sizes. The proposed lot and home sizes are not consistent with these existing homes. A majority of the existing homes in these areas range from 2800-6,000 st ft, with lot sizes varying from 10,000-11,000 sq feet (even up to 43,000 + sq feet on 50 N). The proposed average sq ft size for a new home in Stauffer Estates #2 is 1,600 sq feet, with the proposed lot size being between 7,000-9,000 sq ft. This is not a consistent size of home for surrounding existing homes in the area.

Regarding my concern with added traffic-

As a parent of children who attend JHS and Horizon Elementary, I am often in the traffic jam of heavy traffic with these two schools during drop off/pickup. I have included photos that I took yesterday afternoon, 1/7/2021, from the time of 3:00 pm-3:25 pm. This is during school pickup in the afternoon. The photos show the road of 10th Ave E, towards Horizon Elementary, as well as North Tiger Drive, near 10th Ave. E. The traffic is lined up along the road from the entrance of the school pickup lane, along the fence line to North Tiger Drive, about halfway to Stauffer Estates #1. This is already a highly concentrated traffic space- adding additional traffic of 166 homes (approx 332 more cars) would make this impossible to travel through. Turning south onto Tiger Drive from our street, 15th Ave E, is already a difficult task in the morning drop off and afternoon pickup because of the 4 way stop on North Tiger Drive and 16th Ave E, along with several buses and bus stops, and traffic.

Regarding my concern with water drainage and run off-

Our road meets kitty corner to the drainage pond on 16th Ave E and Tiger Drive in Stauffers Estates #1. That is a heavily foot trafficked area for young children that walk home from school, or go to the nearby Becker Park. That drainage pond is often at dangerously high levels, sometimes 5-8 ft high, and is not fenced or guarded for children's safety. I would request that with the safety of nearby children, that any

drainage ponds added to Stauffer Estates #2 be fenced/appropriately guarded for the safety of local children. The pond in #2 has proven to not be an effective way to deal with drainage/ run-off, and as we live downhill to the north of the proposed new subdivision, I have concerns that our homes will largely be affected by draining water and/or water run off, even with the proposed 3 added drainage ponds. My request would be that environmental impact studies to be conducted to further investigate how to prevent future water issues and damage that may be a result of the proposed subdivision.

Thank you for taking my concerns into your consideration.

*Jessica Burke
825 15th Ave E
Jerome, ID
208-320-0189*

Hello! Hoping this reaches you well.

I'd like to voice some very real concerns with this new subdivision.

The home size:

Jerome has a very large already established starter home population. We don't need more starter homes but have a need of medium to larger homes....they are hard to find & sought after. Several homes in Stauffer Estates have built on additions to compensate & accommodate. I'd suggest larger than 2,000 sq ft.

Less homes:

It's proposed 164 homes....that's 200-300 cars.

Lot size:

Larger than 10,000 sqft and/or appropriate for the home size.....not the smallest postage stamp they can sell for the most money. We are growing our great city & need to be careful. Once it's built; it's done. Prior proper planning....

Tiger drive impact:

With 200-300 more cars pouring onto Tiger drive we have a big problem. Tiger has a lot of feeder streets, high residential population & 2 large schools. It's already highly trafficked especially around school begin & release times (8am & 3 pm). Cars are lined up and down 10th & onto tiger backed up both north & south bound lanes for Horizon ; it's the same with the High School down Tiger drive. (On the side but still related note id love to re-explore the option to place an exit onto HWY 25 from the south east parking lot at the HS....it may help relieve the congestion on Tiger).

All neighbors on all sides of proposed phase 2 are concerned about property values as well.....as they would pull us all down in value.

Please consider these changes & I'd also like to be in attendance to every meeting I can on this issue. Many in the neighborhood are concerned with the impact.

*Thank you!
Jolyne Dickinson
208-316-6422*

Jolyne Dickinson, via Zoom, 115 8th Ave East, inquired where the 18 homes, that will be located on the southern portion of the property, would be getting their water. She stated they already have to take turns in regards to watering and would like to know how it would affect everyone else. Ms. Clark stated the question has been noted and will have the developer address it.

Testimony in Opposition:

Mark Coppin, via Zoom, 1509 N McKinley, testified he thinks he is more neutral but is in favor of the development but does share some of the other concerns that have been brought up. He stated his big concern is traffic. He stated he does not agree with Mr. Harding regarding drivers not using McKinley to get to 100 North as he has seen drivers come off of Tiger and go up McKinley and proceed to 100 North. He stated his concern is safety and is not sure what the appropriate resolution would be. He stated he had spoken with neighbors regarding the plat and they suggested maybe having the second phase McKinley ending in a cul-de-sac. Mr. Coppin also suggested having four-way stops on Mountain View Drive and possible on McKinley and 15th. He also stated there was a suggestion for having a no right hand turn on McKinley and 100 North which may not be a popular idea. He stated there are many children on McKinley and it would be a long straight shot, with wide, deep setbacks and no trees. He believes it would be a concern with safety. Mr. Coppin stated McKinley Street comes to a crest around 1509 and believes there may be some sight line issues. He stated he is opposed to the plat as it is proposed but is excited to see the development and the city grow. He stated safety is his major concern.

Ms. Clark read the following comments for the record:

Regarding the public hearing on January 12, 2021 for Cook Realty, Inc. for approval on a residential preliminary plat for Stauffer Estates Subdivision No. 2.

We, Terry A LaFleur and Sondra T LaFleur, OPPOSE the application.

Upon reviewing the Preliminary Plat Plan View information submitted by TD&H Engineering for Stauffer Estates Subdivision NO. 2, we find that the lot sizes are too small

and thus the number of homes being developed are too many in number. The number of proposed homes to be built on this section of land will cause an undue increase of road traffic along Tiger Rd. which will increase hazards to children in the community. High density housing will increase the population and strain to the local elementary schools.

In addition to the increased traffic and safety concerns, the high-density homes will cause a decrease in our property values and a potential rise in local crime rate.

We will only support the new home if the lots and homes are equal to those of the existing Stauffer Estates No. 1 and similar HOA standards are in place.

*Sincerely,
Terry & Sondra LaFleur*

*David Moore
1204 East Mountain View Dr*

Oppose the application.

Lot sizes need to be equal or greater, not smaller, than existing lots in Stauffer Estates. All regulations need to be compliant with the CCR's and HOA Standards for Stauffer Estates, ie. Square footage requirements, vinyl only fences, no street lighting. We are concerned about the direct impact of this development to our property value. We want to make sure that our direct neighbors are held to the same standards that we are, to keep our property values from falling. If you do not take our concerns into advisement, then please make sure that we have no street lights on our road and vinyl fences are required.

*Jacob Wood
1504 N Lyndon Street, Jerome, ID 83338*

Oppose the application

The development plan that has been put forth for Stauffer estates phase two consist of to may new dwellings. With the plan for 166 new dwellings in this area it is going to create many more challenges. The addition of this many home in this area will cause significant traffic and safety risk on Tiger drive. Tiger drive was not planned out to be able to handle the amount of traffic that this development would create. The size of the homes and the amount of the homes that are being planned to be built in this development will also effect the surrounding areas value. This development will consist mostly of starter homes, which means a higher turnover rate of home owners, this in turn means homes will not be cared for as much and the overall appearance and value of the neighborhood will go down. This area that is being developed needs to be comparable to Stauffer Estates phase one with fewer homes and larger lots.

Alan and Janice Bakes
1505 N McKinley St, Jerome, ID 83338

Oppose the application

We oppose the proposed development as it currently exists. We worry about the high density of the development and the direct impact it will have on traffic flow. We are especially concerned about the potential of McKinley St. becoming a major exit for the development since it is the only subdivision street to connect to 100 N. As currently platted, McKinley and Mountain View will become major exits.

Maxine T Bell
1222 Mountain View Dr

Oppose the application

I believe increased residential activity by the purposed subdivision can become a concern for safety. Sharing Tiger Drive with residential areas is a soccer complex, park, and Horizon Middle School. Several blocks along the same artery lies our High School. Much of the year, there are over 600 children coming and going, and the activity of over 1200 High School students. At this time, the road looks more like a parking lot. Prior to any more uses, this needs a study of those who use it now.

Rebuttal Testimony: Rex Harding, thanked the residents for the comments and concerns, and wants to make sure they are all addressed to the best of his ability.

- The lots size and homes will be similar in size.
- He stated the Comprehensive Plan shows areas and not subdivisions.
- He stated there were a lot of concerns regarding the water runoff and drainage. Regarding the draining for the pipe that goes under Horizon, this will be a smaller amount as most of the water will go to the ponds instead of along Tiger. The subdivision drainage and the water from Mountain View Drive will go to the retaining pond.
- Regarding the traffic, Mr. Harding stated with the expansion of 21.5 feet to the east from the center line of North Tiger, there will be enough pavement for three lanes of traffic. He stated the City will be able to add a lane. There will not be any parking allowed on North Tiger but he believes there will be some improvements for traffic.
- Regarding the water, Mr. Harding stated the original plan was to share water off of the pressurized irrigation from phase 1, with the purchase of the property, the property has its own water rights and they will turn those water rights over to the City. They will have their own watering system so the water pressure should get better for the residence of phase 1 as the wheel lines will not be on the same system as them. Mr. Larsen stated the irrigation question came up from a

resident that lives on 50 N. Mr. Hardy explained how the irrigation company delivers the water to the head gate. He stated the new subdivision will not be sharing the system with those houses on 50 N as it will be a separate system.

- Regarding the traffic on McKinley, Mr. Harding stated there will be people that will use McKinley. The subdivision will be built in phases and not built all at once. With the improvements that come with the development, he believes it will help the traffic on Tiger Dr. Mr. Harding spoke on streets and how arterial roads are meant to take traffic to a larger road and the less entrances onto those streets and lining up the intersections help with traffic safety.
- Regarding streetlights, Mr. Harding stated streetlights are required for the City and they will be placed accordingly. Chairman Mink stated when the first phase of Stauffer Estates was built, there was not a lighting ordinance but now they have an ordinance for street lighting.
- Mr. Harding stated regarding the lot sizes, when the first phase was built, the larger lots were not sold for a while and when they were sold they were cheaper than what they were originally priced. He stated the average lot in this subdivision is larger than the minimum lot size required.
- Upon inquiry from Commissioner Schroeder, Mr. Harding stated there will be CC&R's, an HOA, and the homes will be built by different builders. Upon inquiry from Chairman Mink, Mr. Hardy stated the HOA should be similar to the existing Stauffer Estates as there were certain requirements when the property was sold to the developer. Upon inquiry from Commissioner Holley, Mr. Harding stated he was not aware of the average lot size that is built in the surrounding area but he is seeing all lot sizes are in demand. He has noticed that bigger homes are being built out in the county where they have more room. He stated that there is nothing stopping a buyer from buying two lots and building a home as long as they get approval from the City to combine the lots.
- Upon inquiry from Commissioner McEntarffer, Mr. Harding stated they will have an overflow for the catch basin which will be on Tiger Drive.
- Upon inquiry from Chairman Mink about traffic safety, Mr. Harding stated off-setting streets creates a safety hazard and they will be adding stops signs along Mountain View Drive. He also stated the 9.25 trips per vehicle per home comes from the national trip manual. Mr. Harding stated he is not sure if there is a typical peak hour for traffic in Jerome as there are different shifts worked in the Jerome community.

There being no further testimony, Chairman Mink closed the Public Hearing at 8:21 p.m.

Consider a request from Cook Realty, Inc. for approval on a residential preliminary plat for Stauffer Estates Subdivision No. 2, described as a portion of the West Half of the Northwest Quarter, Section 17, Township 8 South, Range 17 East, Boise Meridian, Jerome County, ID more commonly known as the farmland at the southeastern corner

of North Tiger and East Mountain View Drive, Jerome, ID, containing approximately 40.97 acres - action item

Commissioner Mink stated he kept hearing the term “high density housing” but R-1 is not considered high density. Upon inquiry from Chairman Mink, Ms. Clark stated Residential 3 (R-3) is 5000 sq. ft. and allows duplexes and multi-family residences where R-1 only allows single family homes with the larger lot sizes.

Discussion was held on the following objectives: 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 or environmental problems that may be brought to the commission's attention. Commissioner Holley stated the irrigation has got better over time and does not believe there should be a problem. Chairman Mink agreed and believes things should be fixed.

Upon inquiry from Chairman Mink, Ms. Clark stated the application is not inconsistent with the capital improvements.

Commissioner Holley commented he has a concern with the amount of wastewater that will be coming out of all of the new subdivisions. He stated he lives in Jerome Estates and when the odor hits, he has to physically go back inside. He states he understands he needs to address the concern with City Council but he does have some concerns. Mr. Carpenter went over the sewer capacity and the requirements for adding new subdivisions to the sewer system.

Commissioner Holley commented that a roundabout may help slow the traffic in the area. Extensive discussion was held on traffic concerns regarding traffic on North Tiger, where a roundabout would be beneficial, school traffic, turn lanes, addressing traffic concerns as they are presented, traffic concerns on McKinley, possibly adding stop signs and/or speed bumps, phases of the subdivision regarding the roads, and the possibly of reconfiguring the roads. Upon inquiry from Commissioner Schroeder, Mr. Carpenter stated they review all plans as they are presented for preliminary. He also pointed out that Mountain View Drive is stubbed out to the east for future development and explained the traffic plan for residential streets and how they get vehicles onto those main streets. Commissioner Schroeder stated rush hour traffic starts and ends with school hours and it is felt throughout the city. He stated they may have a future bond for schools which may help with those traffic problems. He stated it is not fair to look at one subdivision and blame them for the traffic issues. He is grateful there is City Staff that can help in regards of traffic concerns. He also stated regarding lot sizes and entry level homes, he is excited to see this housing in Jerome so people can buy homes in the community they live. He stated he is glad to see this being developed by a local developer. Commissioner Holley stated there is still a lot of open space in Jerome and

they will most likely be discussing these concerns again in the future. He wanted to make sure the commission kept these discussions in mind.

Commissioner Johnson made a motion to approve the request from Cook Realty, Inc. for approval on a residential preliminary plat for Stauffer Estates Subdivision No. 2, described as a portion of the West Half of the Northwest Quarter, Section 17, Township 8 South, Range 17 East, Boise Meridian, Jerome County, ID more commonly known as the farmland at the southeastern corner of North Tiger and East Mountain View Drive, Jerome, ID, containing approximately 40.97 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 the plat at the County; and comply with all City, State and Federal Requirements.

Second to the motion by Commissioner King and carried.

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

Chairman Mink called the Public Hearing to order at 8:51 p.m.

Public Hearing for a request from Valley Wide Cooperative, allowing petroleum storage, on the property located at Tax 1 of A-269 Jerome Townsite 172' X 340.31' (NW 24-8-16), more commonly known as 230 West Blvd, Jerome, Idaho.

Staff Report: Ms. Clark gave a brief background of the property. This is a large parcel with one storage building. Valley Wide Cooperative recently purchased the property and has been storing petroleum products in the building. The application is requesting a Special Use Permit to store packaged and bulk antifreeze, diesel exhaust fluid and lubricants.

The property in question, is currently zoned Light Industrial (M-1), as detailed in 17.14.010 of the JMC. The proposed use, Petroleum Storage, requires a Special Use Permit from the Planning and Zoning Commission.

As pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with Chapter Seven, Economic Development: Objective 3 – Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion; and Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning code allows petroleum storage in the M-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 Jerome Municipal Code. The application states this building has been here for over 30 years. In previous years, the property has been used for various types of storage. Valley Wide owns the parcels to the north and east that are used to store fuel and propane outside. There is a cellar, storage units, and vacant property to the west with residential homes to the south. The application states it will not be hazardous or disturbing. The Building and Fire departments met with the applicant to review storage and safety plans. The building is equipped with containment for the bulk storage tanks. There are no drains in the building reducing the hazardous impact if liquids are spilled. The applicant has noted it will be served by existing services. This is a storage building with no offices. This use does not require any additional services. There is no indication that this use will create excessive additional requirements at public cost. The applicant notes no it will not be detrimental. The operation hours will be Monday thru Friday from 7 am to 7 pm. There will be loading and unloading of trucks but it should not be excessive. The diesel fluid, oil, and antifreeze are stored in bulk tanks minimizing any odors and fumes. Ms. Clark stated her report stated diesel "fuel" would be stored but corrected that diesel "fluid" is the correct term. No fuel will be stored inside. The storage is for Valley Wide Cooperative, therefore there is no access to the general public reducing the amount of traffic to the property. The current access point from West Blvd. will remain. There is no access from West Ave B. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark reminded the commission of the landscaping requirement. She stated in 17.18.070: LANDSCAPING REQUIREMENTS: A. Applicability, it states "This article shall apply to all new development and to any change of use of an existing building, structure or parcel of land in the following zoning districts within the City of Jerome (M-1 zone included)." The use of this building has always been storage therefore there is no change in use. However, some type of landscaping is encouraged along the West Ave B property line. The zoning and uses on the parcels to the south are Residential.

Ms. Clark stated in her comments both the Fire and Building departments met with Valley Wide today and they were able to go over some of the items that would be stored and the Fire department were provided with the MSDS sheets. Both the Fire and Building departments did not have any concerns with the application. They will be submitting engineered plans that will satisfy the requirements for the Fire and Building Departments.

If approved, Ms. Clark recommended the following conditions: Landscape along the property line of West Ave B; Comply with all Building and Fire Department inspections and requirements for occupancy; Comply with all city, state, and federal requirements; and Special Use Permit shall be allowed for two (2) years, renewable upon expiration.

Ms. Clark stated she recommended the two years but after meeting with the applicant today, they are making an investment to the building. They do have some requirements they must meet so the commission could extend the expiration if desired. Upon inquiry from Chairman Mink, Ms. Clark stated there is not a berm around the property.

Testimony in Favor: Tom Daniels, 3986 N 3610 E, Kimberly, Regional Energy Manager for Valley Wide, testified this will be a central distribution warehouse for the area. He stated regular business time is 8 a.m. to 5 p.m. but he is not exactly sure on the truck hours which is why they chose 7 a.m. to 7 p.m. They currently do not have any outside lighting but they do have some on the other property that is close by at the service station. He stated they will do some landscaping on the south side and will be moving security fencing. He is still meeting with the landscaper as they do not want to tear up a ditch that the City may own. Ms. Clark stated the ditch runs along the south side of the property and she will be confirming with the Public Works Department if the ditch is a waste ditch or not. Upon inquiry from Commissioner Holley, Mr. Daniels stated they will have both prepackaged oil and bulk storage. They will be retail ready for the prepackage oil. There will not be any empty containers that will be returned to the warehouse. Upon inquiry from Commission King, Mr. Daniels stated the fence is currently on the east side of the property. Upon inquiry from Commissioner Schroeder, Mr. Daniels stated they are trying to purchase more product to distribute to the stores around the area. Chairman Mink stated the main concern with this kind of use is with the neighbors, but the building has been around for a while. He continued they want to make sure there are no concerns with the use. Upon inquiry from Commissioner King, Mr. Daniels stated there will prominently be one truck that will come in a few times during the day. As for the bulk deliveries, it will be one truck around three or four times a month. Upon inquiry from Commissioner Schroeder, Mr. Daniels stated the front half has been graded and they have brought gravel in. He stated they are still looking into doing more on the south side of the parcel.

Testimony in Favor: None

Testimony in Neutral: None

Testimony in Opposition: None

There being no further testimony, Chairman Mink closed the Public Hearing at 9:05 p.m.

Consider a request from Valley Wide Cooperative, allowing petroleum storage, on the property located at Tax 1 of A-269 Jerome Townsite 172' X 340.31' (NW 24-8-16), more commonly known as 230 West Blvd, Jerome, Idaho - action item

Chairman Mink stated he would like to have them maintain a dust abatement surface which they seem to have done. Commissioner McEntarffer suggested having downward pointed lighting for security. Ms. Clark stated downward pointed lighting is required in

the lighting code. Commissioner McEntarffer stated they have already met with a landscaper. Commissioner Schroeder suggested encouraging landscaping along West Blvd to bring up the quality of the businesses that are in the area with the landscaping being approved by staff. Upon inquiry from Commissioner Holley, Mr. Daniels stated there is a meter on the south side of the property but not to the building. Ms. Clark stated the suggested using low water use plants or trees that would help. Commissioner McEntarffer stated the other buildings they own have great landscaping. Commissioner Holley stated the thinks this is a great space for the building.

Commissioner King made a motion to approve the request from Valley Wide Cooperative, allowing petroleum storage, on the property located at Tax 1 of A-269 Jerome Townsite 172' X 340.31' (NW 24-8-16), more commonly known as 230 West Blvd, Jerome, Idaho with the following conditions: Landscape along the property line of West Ave B and West Blvd. with staff acceptance; Comply with all Building and Fire Department inspections and requirements for occupancy; Comply with all city, state, and federal requirements; Special Use Permit shall be allowed for two (2) years, renewable upon expiration; and dust abatement as needed to avoid aggravating the neighbors.

Second to the motion by Commissioner McEntarffer and carried.

After consideration, the motion passed by the following votes: AYE: Commissioner Carl McEntarffer, Commissioner Randy King, Commissioner David Holley, Commissioner Jeff Schroeder, 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 December 8th, 2020 regular meeting;
- B. Consider/Approve Findings of Facts for Lorena Cortez, for approval on a residential preliminary plat for Del Rio Subdivision, described as Block A-173, Jerome Townsite, Jerome County, Idaho as the same is platted in the official plat thereof now of record in the office of the Recorder of said County.
Excepting therefrom
A parcel of land located in the portion of Block A-173. "Jerome Townsite", Jerome County, Idaho, being more particularly described as follows: Commencing at the Northeast corner of said Block A-173;
Thence North 90°00'00" West 295.01 feet along the north boundary of said Block A-173 to the REAL POINT OF BEGINNING.
Thence South 00°00'50" West 112.00 feet.
Thence North 90°00'00" West 60.00 feet.

Thence North 00°00'50" East 112.00 feet to a point on the north boundary of Block A-173.

Thence South 90°00'00" East 60.00 feet along the north boundary of Block A-173 to the REAL POINT OF BEGINNING, more commonly known as the property at the southwest corner of East Avenue H and South Davis Street, containing approximately 2.3 acres.

FINDINGS AND CONCLUSIONS ON PUBLIC REVIEW OF THE SUBDIVISION PLAT APPLICATION SUBMITTED BY LORENA CORTEZ, FOR APPROVAL ON A PRELIMINARY PLAT FOR DEL RIO SUBDIVISION, DESCRIBED AS A PORTION OF BLOCK A-173, JEROME TOWNSITE, MORE COMMONLY KNOWN AS THE PROPERTY AT THE SOUTHWEST CORNER OF EAST AVE H AND SOUTH DAVIS STREET, JEROME COUNTY, IDAHO

A public review was held, pursuant to notice, on Tuesday, October 27, 2020, by teleconference 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, on the subdivision preliminary plat for Del Rio Subdivision, described as Block A-173, Jerome Townsite, Jerome County, Idaho as the same is platted in the official plat thereof now of record in the office of the Recorder of said County. Excepting therefrom: A parcel of land located in the portion of Block A-173. "Jerome Townsite", Jerome County, Idaho, being more particularly described as follows: Commencing at the Northeast corner of said Block A-173; Thence North 90°00'00" West 295.01 feet along the north boundary of said Block A-173 to the REAL POINT OF BEGINNING. Thence South 00°00'50" West 112.00 feet. Thence North 90°00'00" West 60.00 feet. Thence North 00°00'50" East 112.00 feet to a point on the north boundary of Block A-173. Thence South 90°00'00" East 60.00 feet along the north boundary of Block A-173 to the REAL POINT OF BEGINNING, more commonly known as the property at the southwest corner of East Avenue H and South Davis Street, containing approximately 2.3 acres.

Staff Report: The review began with a staff report and brief background from City Planner, Ida Clark. Ms. Clark stated the property in question, known as the property on the southwest corner of East Ave H and South Davis; containing approximately 2.4 acres more or less, is currently zoned Residential 2 (R-2). The proposed project, a thirteen (13) lot single-family residential subdivision, requires a preliminary plat recommendation from the Planning and Zoning Commission as detailed in Chapter 16.16 of the Jerome Municipal Code. Regardless of use, setbacks for this property are as follows for Residential (R-2): Front- 25'; Rear- 20'; Interior Side- 7'; and Side Street 15'. Maximum height is 35 feet and minimum lot size is 5,000 square feet.

As pertains to Jerome Comprehensive Plan, Ms. Clark stated the application meets the following objectives within Chapter Three - Land Use. Objective 1 – Exploring the growth patterns of the city and plan and prepare for future growth opportunities; and Objective 6 – Developing a variety of densities that support mixed land use. It also meets the following objectives within Chapter Thirteen – Housing; 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; and Objective 5 - Encourage the development of fair and affordable housing.

Regarding Title 16, Ms. Clark stated the applicant has provided a complete subdivision application with adequate information to review the preliminary plat. The application states this will be residential, manufactured homes on permanent foundations, developed in two phases. Phase one will include six (6) lots accessed from East Ave H. Phase two will include seven (7) additional lots. There will be dedication of one public street. The following agencies were sent a notice regarding the proposed subdivision: Idaho Power, Intermountain Gas, School District, Jerome County, North Side Canal Company and the Post Office. No comments were received from those agencies. City Departments including Building, Engineering, Fire, Water and Wastewater were also given the opportunity to comment on this application. The reports from these agencies were provided during the meeting. As proposed, all lots meet the minimum lot size of 5,000 square feet as required for the R-2 zone. They are proposing one local street that can be accessed from both East Ave H and South Davis. The entrance from East Ave H will be an extension of South Cleveland Street. Then an east to west local street will be constructed for access to lots 7 through 13. It will be constructed to meet the right of way as required for public dedicated. The application notes all streets will be dedicated to public use and be constructed to meet City standards. The streets are located accordingly to serve all proposed lots. The access from East Ave H will be an extension of South Cleveland Street. The east-west street will be named Del Rio Avenue. This does not duplicate any other street name in the City or County of Jerome. The application does not propose any alleys due to the configuration of the lots and the street layout. The application proposes a 15-foot utility easement on all front property lines. Water and sewer models will need to be prepared before a “Will Serve” letters can be issued. The sewer and water will connect and extend from East Avenue H. The water will tie back into the line on Davis Street. Regarding the stormwater retention, Ms. Clark stated the materials show the retention pond on the southwest corner of the development. The retention pond and easement are included with Lot 7. Stormwater retention/detention has been calculated to meet City of Jerome requirements. Regarding the curb, gutter and sidewalks, Ms. Clark stated curb, gutter, and five-foot sidewalks will be constructed along East Ave H and along South Davis. Curb, gutter, and five-foot sidewalk will also be constructed along the west side of South Cleveland and continue on the south side of Del Rio Avenue. The north

side of Del Rio Avenue will have curb and gutter. After review and consultation with Engineering, it was agreed they could propose sidewalk on the west and south side. Ms. Clark stated the property is a little different as there is one parcel that is not included in the subdivision as it already has a home built which is not included in the subdivision. It is noted per Jerome Municipal Code, 16.28.052(G); the applicant could propose a private street. Section 16.28.052(G) allows a developer to propose a private street that is narrower, 25' minimum, with no sidewalks. Gravity irrigation will be provided to all lots. They have acknowledged per municipal code, water shares will be transferred to the City for delivery of irrigation. Mailboxes and streets lights have been included on the preliminary plat.

If approved, Ms. Clark recommended the following conditions: (a) Comply with all City of Jerome Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements; and (b) a final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County.

Ms. Clark went over the layout of the property and reminded the commission of the one parcel that is excluded from the subdivision. She stated the property is currently a vacant field. Chairman Mink stated for clarification, the applicant can either have a dedicated street with sidewalks on the west and south sides or they can have a private drive that does not require sidewalks. Ms. Clark explained city code allows the applicant to have a private drive with no sidewalks but the applicant is proposing to have a dedicated street that will be wider and maintained by the City. This allows for sidewalk on the west and south side of the property. There will be sidewalk along East Avenue H and down South Davis. Ms. Clark went over the size of all the lots after inquiry from the Commission. Upon inquiry from Commissioner Johnson, Ms. Clark stated she was not aware if there was going to be a Home Owners Association (HOA). They are not required to have an HOA if they have a dedicated street. The applicant is required to construct the streets to the appropriate specifications for a public street to meet city standards. Upon inquiry from Commissioner Holley, Ms. Clark stated the excluded parcel could opt out of the sidewalk if they decided to, but the applicant will be doing sidewalk, curb, and gutter along the property. The excluded property will not incur any of the costs. There will only be curb and gutter on the south side of the first phase to help with water drainage.

Applicant Testimony: Following Ms. Clark's testimony and staff review, Jonathan Miller, 507 Main Ave West, Twin Falls, representing McClure Engineering, testified. Mr. Miller stated there are 13 lots in the subdivision. The retention pond will be in the southwest corner of the property. The property already naturally slopes to the southwest where they are proposing the retention pond. They are placing several drains along the road to help the water drain into the retention pond. Irrigation is currently at the northeast corner of the property and comes

across the front where they will have a gravity fed system for the southern parcels. They have street lights on East Avenue H and South Cleveland to help see the entrance of the subdivision. There will be two on Del Rio Avenue with one being on the corner of Del Rio Avenue and South Davis to see into the subdivision on the east side. They will have two stop signs, one at each intersection coming out of the subdivision. Upon inquiry from Commissioner King, Mr. Miller stated the retention pond will be in the easement of Lot 7 in the subdivision.

Upon inquiry from Commissioner Johnson, Mr. Miller stated the property developer will maintain the retention pond until the lot is sold. Upon inquiry from Commissioner Holley, Ms. Clark stated they have had similar proposals in other subdivisions regarding the maintenance of the retention pond. The landowner is responsible and if they do not maintain the retention pond, the city will then enforce the city code. Commissioner Holley inquired of the snow removal if they have a private street. Ms. Clark apologized for the confusion as the applicant is proposing to have a dedicated public street. She wanted to inform the commission since the subdivision is smaller, they could have proposed a private street with the smaller width but they are proposing to have the public road instead. Mr. Miller explained the South Cleveland road layout and the public right of way to the commission. Ms. Clark stated they will be speaking with the applicant to see what will be planted in the right of way. Upon inquiry from Commissioner Holley, Mr. Miller stated he was not aware of any plans for fencing between the subdivision and the other property owner. Ms. Clark stated the city code does not require fencing since it is the same residential zone but the property owner may put a fence up if they wish.

Upon inquiry from Commissioner Johnson, Mr. Miller stated there is a drainage canal on the south of the property where the excess water can go if the retention pond is full. If the water does not go into the drainage canal, it will sit in the retention pond where it will be absorbed into the aquifer. Upon inquiry from Commissioner King, Mr. Miller stated the retention pond will be finished with grass to help with erosion and help with keep the embankment correct. Commissioner King suggested the pond be some type of rock. Ms. Clark stated a majority of the retention ponds are grass. Chairman Mink stated rocks are good in the retention pond if they are maintained well. Mr. Miller stated there is currently an existing outbuilding that is presumed to belong to the house that is already built which will be removed. The north part of the property will be the first phase and the south part of the property will be the second phase. Upon inquiry from Commissioner King, Mr. Miller stated he believes they the project should only take two years. The property owner will be responsible for the property until it is developed and the lots are sold. Upon inquiry from Chairman Mink, Mr. Miller stated the road would not be completed until phase two but a portion of the road will be constructed at the entrance of South Cleveland as they will need access for the mail to be delivered. Upon inquiry from Chairman Mink, Mr. Miller stated the back of the houses in phase

one will be on north side of Del Rio Avenue where they can put a fence right up to the curb or have a second access to the property.

Testimony in Favor: None.

Testimony in Neutral: None.

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

Kellie Williams, 501 East H, Jerome, Idaho

“Opposed the application. Heavy machinery, construction vehicles, wear & tear on our streets, not needed. Wind blowing excessive trash. Daytime noise all day, excessive. A four-way stop has been needed a long time @ S. Davis & E. H Ave.”

Rebuttal Testimony: Mr. Miller testified it is difficult to build a house without making noise but it should not be excessive since it will be done in phases. It should not be excessive but it is required to expand the community. Once the first phase is complete, the first phase should help block the noise for the second phase. There will not be any blasting but will have some equipment to move dirt and to dig for utilities but the noise should not be excessive.

There being no further testimony, Chairman Mink closed the public hearing at 7:29 p.m.

The Jerome City Planning and Zoning Commission having heard the testimony presented, and having reviewed the preliminary plat application, testimony, and the other documents and material in the file, and having heard the testimony given verbally at the hearing enters its findings and conclusions as follows:

I. Findings

- A. The application for a preliminary plat is complete.
- B. The subdivision preliminary plat as presented is consistent with Chapter 3, Objective 1 and 6, Chapter 7, Objective 2, and Chapter 13, Objective 3 of the Comprehensive Plan as described in Ms. Clark’s report. No evidence contradicting Ms. Clark’s report was presented. And, the project, as described by Ms. Clark and by the applicant does in fact appear to promote the objectives and policies of the Comprehensive Plan in the manner described by Ms. Clark.
- C. Based on the Staff Report and based on the applicant’s testimony regarding the sewer and his assurance to follow engineering requirements for the sewer and water for the proposed subdivision, the Commission

finds that there is availability of public services to accommodate the proposal.

- D. The Commission heard no evidence from any person at the hearing that would suggest there are other health, safety or environmental problems that would prevent the approval of the preliminary plat as presented.

II. Conclusions

- A. The proposed preliminary plat is in accordance with and satisfies the requirements of Title 16, Chapter 16 of the Jerome Municipal Code.
- B. The preliminary plat is approved on the following conditions:
 - (1) Comply with all City of Jerome Department requirements pertaining to the needed sewer, water, roads, hydrants, irrigation, construction and any other needed improvements;
 - (2) a final plat shall be submitted for review and approval by the City Council prior to recording the plat at the County;
 - (3) Comply with all City, State and Federal requirements; and
 - (4) Comply with the Engineering requirements that was set forth in the Staff Analysis.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 27th day of October, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- C. Consider/Approve Findings of Facts for Roel Quinones-Cerron for a Special Use Permit, allowing up to four dairy heifers on the property described as Tax 1 and 2 of Block A-277 Inside Acreage NW (24-8-16), more commonly known as 819 West Avenue D, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF ROEL QUINONES-CERRON FOR A SPECIAL USE PERMIT ALLOWING DAIRY HEIFERS, ON THAT PARCEL DESCRIBED AS TAX 1 AND 2 OF BLOCK A-277 INSIDE ACERAGE NW (24-8-16), MORE COMMONLY KNOWN AS 819 WEST AVENUE D, JEROME, IDAHO.

A public hearing on the application of Roel Quinones-Cerron concerning the use of real property described herein within the City of Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, October 27, 2020, by teleconference 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, Ida Clark, provided the staff report and brief background on the application. Ms. Clark stated 819 West Avenue D, is currently zoned Residential 3 (R-3), and is approximately two and a half (2.5) acres. The proposed use, the possession of up to four (4) dairy heifers, defined as Livestock per JMC 17.03.440, requires a Special Use Permit from the Planning and Zoning. As set forth in JMC 17.18.050 (J), Ms. Clark stated that Horses, Cattle, and Sheep require a Special Use Permit if, “No such animals at all be on the real property for a period of at least one year, then a special use permit shall be required before any such animals may be quartered on the real property”. This parcel has had no such animals for over one year; therefore, requires a Special Use Permit. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

As pertains to the City of Jerome’s Comprehensive Land Use Plan, Ms. Clark stated the request is in compliance with the Comprehensive Plan as relates to Rural Residential Land Uses requiring Special Use Permits in Section 3.1.1. This is only compatible with the Comp Plan when the request is considered compatible “Rural Residential Land Use.” (3.1.1)

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, Ms. Clark reminded the commission that livestock manure is considered a public nuisance and the proper disposal of stable matter must be considered.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows livestock in the R-3 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. This parcel is bare land with a small garage on approximately two and half acres. This vicinity has larger parcels with livestock traditionally on the parcels. The property is fully fenced with gates for access. If the heifers are properly cared for, the request would not change the essential character of the area. The applicant notes the animals are fed and watered to make sure they are properly maintained. The parcel does have access to irrigation for water and irrigating the pasture in the summer. The owner has installed a frost free faucet for access to water in the winter. If not properly cared for, dairy heifers have the potential to be disturbing to neighboring uses. It is noted the applicant has had the heifers for a few months. Staff has not received any complaints or concerns from the neighbors. The applicant is applying for the permit after being informed of the process for having livestock within the City limits.

There is no indication that additional services will be needed to serve this use. It does not appear the livestock will create excessive additional requirements at public cost. It appears that the dairy heifers will not be detrimental to persons, property or the general welfare by creating excessive odors, smoke, fumes, glare, or noise. If the heifers are not properly cared for, they can create excessive odors. Being this is a large parcel, it will reduce the accumulation of stable matter that can cause odors. This request will not impact vehicular approaches. It does not appear that the livestock will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. Ms. Clark stated she sent the application to City Staff and received one comment from Animal Control who suggested adequate fencing be established so the animals do not get out.

If approved, Ms. Clark recommended the following conditions: (a) Heifers will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare; (b) Stable matter will be disposed of properly; (c) Any accessory structure associated with the livestock shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code; and (d) Special use permit shall be allowed for up to one (1) year, renewable upon expiration. Upon inquiry from Chairman Mink, Ms. Clark stated the property does have access to irrigation as it runs along the north side of the property. They also have a frost free faucet that will provide water in the winter. Ms. Clark noted the parcels have access to city water but do not have access to sewer. Upon inquiry from Commissioner Johnson, Ms. Clark stated the application is for four heifers. The application states they want the heifers for meat but with the applicant be present, they could ask him regarding plans for milking. Commissioner Holley inquired if the applicant was allowed to have more heifers once they were butchered or if those were the only ones they could have until they came back to the commission. Chairman Mink stated it would depend on how the motion was worded if they were allowed heifers after the original heifers were gone. Ms. Clark stated she believed there were five or six heifers currently on the property.

Applicant Testimony: Roel Quinones, 219 West Ave D, testified. Mr. Quinones stated he wants four (4) heifers. He wants to build a home but wants to have heifers on the property for right now. They have five (5) heifers now on the property. Upon inquiry from Commissioner Holley, Mr. Quinones stated it would take a couple of weeks to get rid of excess heifers. Upon inquiry from Chairman Mink about irrigation and feed, Mr. Quinones said he will use the irrigation during the summer, but it can be hard to get enough water since he only has water once a week. Ms. Clark stated that every time staff has been to the property, they have hay for the animals. Commissioner King stated his main concern is the removal of the waste. He stated the application states they don't have to remove the waste because they will be butchering the heifers. Mr. Quinones stated he wants to build a house on the property so having the heifers is only temporary and to help clean the property.

Upon inquiry from Commissioner Holley, Mr. Quinones stated they do not have a septic system, yet, and it may be a few years. Ms. Clark stated the property cannot connect to the city sewer due to the closest line being a pressure line, and when they spoke, he was looking at the cost of building a septic system on the property. He stated they are about three years out from building. Chairman Mink stated once the first cows are gone, then they may get more. Ms. Clark stated the commission has different options for conditions regarding the number of cows on the permit. Commissioner Holley inquired how much waste came from a cow. Commissioner King stated he believed they were similar to humans in regards to them expelling once a day. He also has a concern with the hay waste on the property. Ms. Clark inquired if the waste is removed from the property and stated she has not seen much waste when she has visited the property. Mr. Quinones stated the heifers have only been on the property for a few months so he has not seen much waste from them. Chairman Mink stated from his experience, most of the waste is scattered around the property. He continued it can be knocked down pretty easily with tires and with not much time, it is gone. Commissioner King stated a harrow can knock it down but it cannot be ignored. Mr. Quinones stated once they start building the house, they will remove the cows. Upon inquiry from Commissioner Holley, Mr. Quinones stated he would like four (4) cows but would reduce to fewer if asked. Upon inquiry from Commissioner King, Mr. Quinones stated the fencing is chain link and barbed wire. Upon inquiry from Commissioner Johnson, Mr. Quinones checks the property every day. Commissioner King stated a concern that he has is that if the property is not irrigated and the cows are not provided proper feed, the cows will push through the fence for more feed. Ms. Clark stated that the times she has visited the property, they have had plenty of hay but understands the concern. Ms. Clark confirmed the barbed three wire fence. She stated staff needed to ensure there was access to the water meter after the fence was installed. Commissioner King stated he is concerned with the animals getting spooked and going through the fencing. He suggested putting an electric fence inside of the barb wired fence. Chairman Mink stated an electric fence was not allowed in the city limits. Mr. Quinones stated he may put a chain link fence along the irrigation ditch. Ms. Clark stated the irrigation ditch runs along the north side of the property and they have the chain link fence that runs from along the West Boulevard side. Upon inquiry from Commissioner King, Ms. Clark stated she was not aware of what the fence was made of along the southern and western sides of the property. Mr. Quinones stated it was the three-strand fencing. Chairman Mink pointed out the property is alongside a property that the commission recently approved to have cows, chickens, and goats. Upon inquiry from Chairman Mink, Ms. Clark stated the property consists of two parcels

Testimony in Favor: Katrina DeHerrera, 206 East C Street, Shoshone, testified, she has been helping the applicant. They have been removing the waste by taking it to a dairy where his father works. They have been bringing hay bales in to feed the cows. If they need to, he has permission to bring water in from her mother in laws home but they do have the frost free faucet. They have plans to grow plants in the summer. He built the fence where they have wooden post that are approximately four by fours and

the chain link is one of the thickest available. They will be replacing the fence next to the canal with chain link. They have been keeping the property clean and the heifers fed for the last couple of months.

Ms. Clark read the following onto the record:

Joseph Harbaugh, 409 S Fir, Jerome

“We all have acreage and room for animals here. There are cows and goats within a baseball throw. I support this. Keep small town Idaho and America great!!!

PS. Tell him if he gets it keep his shit clean and not smelly.”

Testimony in Neutral: Ms. Clark has not received any calls for service to the property regarding the animals. She read a letter selecting neutral to the application as follows:

Shaunna Davis, 612 West Blvd, Jerome, Idaho

“All I would ask is that please be respectful of the neighbor if there is a issue with the animals.”

Testimony in Opposition: Tina Garcia-King, 410 South Fir Street, stated her concern is manure. She just heard that they approved of the other animals at the property next door, and is concerned that they are too close together. She is aware of another property that now has goats. She moved into her house 11 years ago and there were no animals then and would prefer not to have that many animals in the area. She understands that she is living in a rural area but would like the animals to be outside city limits. She will not be moving but is not fond of smelling cows in the summer which her main concern. Ms. Clark showed the commissioners where Ms. Garcia-King lived in relation to the property. Upon inquiry from Chairman Mink, Ms. Clark showed the commissioner where the county line was located which was directly across the street to the west from the property owned by the applicant. Chairman Mink stated the property that was located in the county could move a hundred head of cattle on that property if they wished. Ms. Garcia-King stated she understood and she would still have the problem with the smell.

Rebuttal Testimony: Mr. Quinones declined to offer rebuttal testimony.

There being no further testimony, Chairman Mink closed the public hearing at 8:02 p.m.

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

I. Findings

- A. The property described in the heading herein is in the City of Jerome and is currently zoned Residential 3 (R-3).
- B. The proposed continued use, allowing livestock on the property, requires special use permit to operate in R-3.
- C. The application is consistent with the City of Jerome's Comprehensive Land Use Plan, is in compliance with the Comprehensive Plan as it relates to Rural Residential Land Uses requiring a Special Use Permit in Section 3.1.1.
- D. Jerome Municipal Code Section 17.18.050 allows livestock with an approved Special Use Permit.
- E. 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. This parcel is two and a half (2 ½) acres and in a vicinity of larger parcels where livestock is traditionally present;
 - 4. There is no evidence the proposed use will be disturbing to existing or future neighboring uses;
 - 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;
 - 7. 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 allow livestock on the above described property in the R-3 zone for the City of Jerome.
- B. A special use permit allowing cows is consistent with the City of Jerome Comprehensive Plan.
- C. The Planning and Zoning Commission allows cows in R-3 zones by Special Use Permit.
- D. The Commission approves the application of the Roel Quinones-Cerron allowing livestock at the above described real property subject to the following conditions:

1. Heifers will not create odors, excessive noise, nor be detrimental to persons, property or the general welfare;
2. Stable matter will be disposed of properly, including all hay matter left on the ground;
3. Any accessory structure associated with the livestock shall be placed in accordance with the accessory structure setback requirements set forth in the Jerome Municipal Code;
4. This special use permit shall be allowed for up to one (1) year, renewable upon expiration; and
5. The four (4) heifers will not be replaced once they have been removed from the property. Mr. Quinones-Cerron will have two (2) weeks to remove animals in excess of the approved four (4) heifers.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 27th day of October, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- D. Consider/Approve Findings of Facts for Juan Gonzalez representing Victor Carreon for a Special Use Permit, allowing a residential use, on the property located at Lots 1 thru 4, Block 77, Jerome Townsite (SW 18-8-17), more commonly known as 147 North Adams Street, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON APPLICATION OF VICTOR CARREON,
FOR A SPECIAL USE PERMIT ALLOWING A RESIDENTIAL USE, ON THE
PROPERTY LOCATED AT LOTS 1 THRU 4, BLOCK 77, JEROME
TOWNSITE (SW 18-8-17), MORE COMMONLY KNOWN
AS 147 NORTH ADAMS STREET, JEROME, IDAHO**

A public hearing on the application of Victor Carreon, represented by Juan Gonzalez, concerning the use of real property located at 147 North Adams Street, in Jerome, Idaho, for a special use permit was held, pursuant to notice, commencing at 8:20 p.m. on Tuesday, October 27, 2020 by teleconference 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, Ida Clark, provided the staff report and brief background on the application. Ms. Clark stated the property in question, 147 North Adams in Jerome is currently zoned Central Business District (CBD). The proposed use, a residential use, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for this property are as follows: Front- 0', Rear- 0', Interior Side- 0', Side Street- 0'.

Ms. Clark stated Title 16 has no bearing on this Special Use Permit request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, Ms. Clark stated the request is in accordance with: Chapter 13, Objective 2, which states that the City of Jerome will, "Provide for areas of different residential densities and uses"; Chapter 13, Objective 6 which states that "Housing policies should be developed to assure the upgrading and rehabilitation of homes is encouraged"; and Chapter 13, Policy 6 which states that the City of Jerome will "Promote a wide range of housing types and housing diversity to meet the needs of Jerome's diverse population."

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows residential uses in the CBD zone with an approved special use permit. The request appears to be harmonious with the objectives of Title 17 of the Jerome Municipal Code and the Comprehensive Plan. The application indicates there will not be any exterior modifications to the building. There will be some interior remodel; however, the proposed updates will not change the essential character of the area. There is currently a single-family residence to the west of this parcel. It is not anticipated that the proposed residential use will be hazardous or disturbing to existing or future neighboring uses. It is noted this location was previously the Headstart building. There are businesses, a daycare, office buildings, and the public library as neighboring uses. A residential use can be less intense than the surrounding uses. The building will be served by existing utilities. No additional utilities will be needed to accommodate this request. It is noted, the applicant will need to submit remodel plans to obtain a building and occupancy permit. There is no indication that the residential use will create excessive additional requirements at public cost. It is not anticipated that the residential use will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, odors, noise, smoke, fumes, or glare. The application notes there will not be any additional traffic or noise other than normal. A residential use will not create an excessive production of traffic or noise. There are no proposed changes to the vehicular approaches to the site and parking will remain unchanged. There is off street parking, per Municipal Code Chapter 17.26.150 Schedule of Parking Requirements, located on the south end of the parcel with access from the alley. There is no indication that the residential use will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark sent the application to City Staff and received the following comments from Fire and Building. Building has no concerns as long as we receive plans for the residential use remodel. Fire will need to review the plans and can comment on the egress from the sleeping areas.

If approved, Ms. Clark recommended the following conditions: (a) Any alterations to the structure must receive building permits and meet the building and/or zoning code; (b) Receive any and all required building and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence; (c) Comply with all city, state, and federal requirements; and (d) Special use permit shall be allowed for up to one (1) year, renewable upon expiration. Ms. Clark stated the commission has historically, approved a permit for one year to submit plans for the remodel or they have approved permits that were more permanent. Since the building was previous occupied by Headstart, they already have a kitchen and bathrooms but will need to do some remodeling. Upon inquiry from Commissioner Johnson, Ms. Clark stated she believed there is a full basement but they could inquire from the applicant, who was present.

Applicant Testimony: Juan Gonzalez, 145 1st Avenue East, testified. Mr. Gonzalez stated, they bought the property a while ago and would like to have family move into the property instead of having to move to Las Vegas so they can help take care of the family. He stated the two houses have a walkway between them. It has a full basement with three exits from the building. Mr. Gonzalez showed the commissioner where the exits were on the picture that was provided. will not be adding any new walls to the building as they want to have an open floor plan. They have moved the bathrooms to the corner of the building instead of the middle of the room upstairs. They will also have access to bathrooms downstairs. Upon inquiry from Commissioner Johnson, Mr. Gonzalez stated there will be bedrooms on both floors as the basement is an open area, where his daughter will sleep. There are not any egress windows as the basement has an ADA exit. Ms. Clark explained there is a ramp that leads out of the building but they will have to submit plans to the building department for approval. The fire department will be able to review the plans and give comment at that time. Upon inquiry from Commissioner Holley, Mr. Gonzalez confirmed the building will not be part of the business and they will only have one family in the building.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 8:30 p.m.

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

I. Findings

- A. 147 North Adams Street is in the City of Jerome and are currently zoned Commercial Business District (CBD).
- B. The proposed use, residential, requires a special use permit to operate in CBD.
- C. JMC 17.14.010 provides the standards for special use permits, which are satisfied as follows:
 - a. The proposed use is harmonious with the general objectives of the comprehensive plan in that there are other area residences;
 - b. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that there is no proposal to modify the exterior of the building;
 - c. The proposed use will not be hazardous or disturbing to existing or future neighboring uses;
 - d. No additional public facilities will be necessary for the proposed use;
 - e. 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;
 - f. The vehicle approaches to the property will not be altered, nor create an interference with traffic on surrounding public thoroughfares; and
 - g. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant to be able to put a residence in the CBD zone for the City of Jerome.
- B. A special use permit promoting diverse residential options is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of Victor Carreon for a special use permit for residential use of the property located at 147

North Adams Street, Jerome, Idaho, subject to the following conditions:

1. Any alterations to the structure must receive building permits and meet the building and/or zoning code;
2. Receive any and all required building and/or fire department permits, inspections, and occupancy permits prior to using the space as a residence;
3. Comply with all city, state, and federal requirements; and
4. 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 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 27th day of October, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- E. Consider/Approve Findings of Facts for 101 CYA, LLC represented by Jim and Marie Kast for a Special Use Permit, allowing a truck terminal yard, on the property located at Tax 4 of Lots 3 & 4, Tax 13 of Lot 4 & SESW (30-8-17), more commonly known as 2336 South Lincoln Avenue, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF 101 CYA, LLC, FOR A SPECIAL USE PERMIT ALLOWING A TRUCK TERMINAL YARD ON THE PROPERTIES LOCATED AT TAX 4 OF LOTS 3 & 4, TAX 13 OF LOT 4 & SESW (30-8-17), MORE COMMONLY KNOWN AS 2336 SOUTH LINCOLN, JEROME, IDAHO.

A public hearing on the application of 101 CYA, LLC, represented by Jim and Marie Kast, concerning a parcel commonly known as 2336 South Lincoln, Jerome, for a special use permit was held, pursuant to notice, on Tuesday, December 8, 2020, by teleconference 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: Planner, Ida Clark, provided the staff report on the application. Ms. Clark stated this is a large bare parcel that was the previous location of Scarrow Lumberyard. The owner has signed a month to month contract with O'Reilly Auto

Parts for truck parking. He is now aware he needs an approved SUP for this type of use.

The property in question, is currently zoned High Density Business (C-3). The proposed use, terminal yard-truck parking, requires a Special Use Permit from the Planning and Zoning Commission.

Title 16 has no bearing on this request.

As pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with Chapter Seven, Economic Development: Objective 3 – Maintain and expand public/private partnerships to demonstrate the community's commitment to and support for economic expansion. Policy 8 – Continue to provide an atmosphere for successful business development.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning code allows a terminal yard or truck parking in the C-3 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code. The application states they will park five (5) tractor trucks and five (5) 53' dry trailers on the property. The land to the north is Spears Manufacturing with the railroad tracks separating Spears and this parcel. The properties to the east and west are comprised of commercial and industrial with some residential uses to the southwest. The turnaround and parking for the trucks are located northeast of Country Auto. The use of the property as a terminal yard appears to be harmonious and appropriate for the area and will not change the essential character. The application has stated after concern was expressed from City staff of possible mud and dust, the applicant brought in loads of gravel for the road and turn around area. It is noted dust should be minimal and not hazardous; however, it will need to be carefully monitored to not be hazardous to the existing neighboring uses. The applicant has noted it will be served by existing services. Truck parking at this time, does not require any connection to water or sewer services. There is no indication that this use will create excessive additional requirements at public cost. The applicant notes truck traffic will be produced but it will not be detrimental. While some of the routes do arrive early morning, they are parking the trucks and leaving. There will be no loading or unloading of supply. If a truck does need maintenance, a service truck will respond between the hours of 9 am and 9 pm. These are dry trucks so there will be not be an excessive production of odors or fumes. This site is currently accessed from South Lincoln. There is an existing access point to the lot that will not change. There is no indication this use would result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

Ms. Clark stated all city department have reviewed the proposed use. One recommendation was to place a condition to address dust suppression and/or up keep of the parking area if it is not paved in consideration of the surrounding uses.

This has been addressed and the Street Department is satisfied with the additional loads of gravel that were brought in. The Fire Department also reviewed the proposed use and did not have any concerns.

If approved, Ms. Clark recommended the following conditions: (a) Gravel will be applied as need to suppress dust and to keep mud from tracking onto South Lincoln Avenue; (b) Comply with all city, state, and federal requirements; and (c) Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

Ms. Clark clarified where the trucks were going to park on the property by pointing to the map and showing the entire parcel.

Applicant Testimony: Jim Kast, on behalf of 101 CYA, LLC, 9940 West Stardust Drive, Boise, appeared via zoom conference before the commission and testified on this application. Mr. Kast testified O'Reilly approached him in August about parking the trucks. He didn't realize that he needed to get a Special Use permit. He stated the property is currently for sale and has been since he purchased the property in 2016. Mr. Kast continued that there will only be five (5) trucks that will be parked on the property. Upon inquiry from Chairman Mink, Mr. Kast stated there is plenty of room to turn around; the drivers will have their personal cars parked on the property; and they recently put \$3,500 worth of gravel to alleviate the City's concerns. He restated that the lease is month to month

Testimony in Favor: Ryan Glodowski, 256 S 700 E, Jerome, testified via Zoom, he is in support of this application. He is the owner of the property to the South of the proposed use.

Ms. Clark read the following:

"Public Hearing comment Jerome Planning & Zoning, Special Use permit
101 CYA
Jim & Marie Kast
In regards to this activity which is directly across the road from our
business. We welcome this new terminal truck yard. We are encouraged
by this business and positively approve.
Respectfully submitted,
Ted & Beth Klaas
2317 South Lincoln, Jerome"

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the Public Hearing at 7:14 p.m.

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

I. Findings

- A. 2336 South Lincoln, Jerome, Idaho, and is currently zoned High Density Business (C-3).
- B. The proposed use, terminal yard truck parking, requires a special use permit to operate in C-3 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.
- E. The proposed use is harmonious with the general objectives of the comprehensive plan to maintain and expand public/private partnerships to demonstrate the community's commitment to and support of economic expansion.
- F. The proposed use is harmonious with the general objectives of the comprehensive plan to continue to provide an atmosphere for successful business development.
- G. The proposed use is harmonious and appropriate for the area and will not change the essential character. H. The proposed site plan does not show any improvements to lot at this time and no additional public facilities will be necessary for the proposed use.
- I. The proposed use will not create excessive additional requirements at public costs.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance.

II. Conclusions

- A. A special use permit is required for the applicant for terminal yard truck parking in the High Density Business (C-3) zone for the City of Jerome.
- B. A special use permit allowing a terminal yard truck parking in the C-3 Zone is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the application of 101 CYA, LLC, represented by Jim and Marie Kast, for a special use permitting terminal yard truck parking, on the property commonly known as 2336 South Lincoln, Jerome, Idaho, subject to the following conditions:

1. Gravel will be applied as need to suppress dust and to keep mud from tracking onto South Lincoln Avenue;
2. Comply with all city, state, and federal requirements; and
3. Special Use Permit shall be allowed for one (1) year, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 8th day of December, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- F. Consider/Approve Findings of Facts for Jerry, Marlene, Tim and Gayelynn Callen for a renewal of a Special Use Permit, allowing agricultural use, on those parcels described as Tax 12 SE/SE Jerome Unplatted (SE 12-8-16), more commonly known as the northwest corner of 16th Avenue and North Lincoln, Jerome, Idaho, containing approximately 38.7 acres.

FINDINGS AND CONCLUSIONS ON APPLICATION OF JERRY and MARLENE CALLEN and TIM and GAYELYNN CALLEN FOR THEIR RENEWAL OF A SPECIAL USE PERMIT ALLOWING AGRICULTURAL USE ON THOSE PARCELS DESCRIBED AS TAX 12 SE/SE JEROME UNPLATTED SE 12-8-16, THE NORTHWEST CORNER OF 16th AVENUE AND NORTH LINCOLN JEROME, IDAHO, CONTAINING APPROXIMATELY 38.70 ACRES

A public hearing on the application of Jerry and Marlene Callen and Tim and Gayelynn Callen concerning that certain unplatted parcel commonly known as the Northwest Corner of 16th Avenue and North Lincoln, for a special use permit was held, pursuant to notice, on Tuesday, December 8, 2020, by teleconference 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, Ida Clark, provided the staff report on the application. Ms. Clark stated the Callen's applied for a Special Use Permit (SUP) in November of 2017. The application stated the land will be farmed with corn, alfalfa, wheat, and potatoes. The land is being irrigated with a center pivot and set pipe on the corners. Conditions set on the SUP in 2017 were: (a) water shall be kept out of

the public right of way; (b) comply with all Engineering specifications regarding visibility at the intersection; and (c) comply with all City, State and Federal requirements. All conditions have been met during the last three years. The Callen's are requesting a renewal of the SUP with no changes.

The property in question, is currently zoned both Neighborhood business (C-1) and Residential 2 (R-2), as detailed in 17.14.010 of the JMC and is approximately 38.7 acres.

Agriculture is defined in section 17.03.023 as, "The use of land, farm buildings and equipment that contribute to the production, preparation, and marketing of agricultural products, including, but not limited to, the following: Field crops; Fruits; Vegetables; Horticultural specialties; Christmas trees; and Turf." They are proposing the use of field crops.

The proposed use, agriculture, requires a Special Use Permit from the Planning and Zoning Commission.

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

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, 8.08.010 Nuisance Defined: "Hazardous Materials: Any chemical, compound, mixture, substance or article which is designated by the United States environmental protection agency or appropriate agency of the state government to be hazardous as that term is defined by or pursuant to federal or state law." The applicant shall comply with Title 8 regulations pertaining to nuisances.

Regarding 17.18.050 UNIQUE LAND USES, Agriculture, Ms. Clark stated a minimum area of five (5) acres of land area for production of agricultural products. The land in question has approximately 38.7 acres. Prior to issuing a special use permit, the planning and zoning commission shall consider, in addition to the factors set forth in chapter 17.60 of this title: (a) The statement of purpose of this chapter; (b) The proposed use for a location in an area; (c) The availability of alternative locations; (d) Compatibility with existing or permitted uses on adjacent lands; (e) The need for public services created by the proposed use; (f) The effect of the proposed use on water, air or soil resources; (g) Parking; and (h) Any other site elements which to the planning and zoning commission appear relevant. Conditions may also be attached to special use permits.

Ms. Clark stated she sent the renewal application out to City Staff and received the following comment from the Engineering Department: The property

has both sewer and water available at this time that can serve the property. Ms. Clark stated this service was not available when they previously applied.

If approved, Ms. Clark recommended the following conditions: (a) Water shall be kept out of the public right of way; (b) Comply City specifications regarding line of site visibility at the intersection; (c) Comply with all City, State and Federal requirements; and (d) Special Use Permit shall be valid for five (5) years; renewable upon expiration.

Upon inquiry from Chairman Mink, Ms. Clark stated the sewer is available by the access in the street.

Applicant Testimony: Jerry Callen, Jr., 474 South 500 West, Jerome, Idaho, appeared before the commission and testified on this application. Mr. Callen testified they have not had any issues and have tried to be a good neighbor. He stated they would like to continue farming the property.

Testimony in Neutral: None.

Testimony in Opposition: None.

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

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

I. Findings

- A. The property, first described above, is zoned in part Residential 2 (R-2) and in part Neighborhood Business (C-1), which requires a special use permit for the use contemplated by the instant application pursuant to Section 17.14.010 of the Jerome Municipal Code (JMC).
- 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. The property is surrounded on the North and West by agricultural uses. Moreover, the property to the south is vacant and barren. While some residences are in close proximity, the proposed use is not incompatible with such uses as those residential uses are presently also surrounded by agricultural uses.

- D. Looking at the general vicinity of the area, one could conclude that anything North of 100 North is agricultural and anything South is residential. This property is north of 100 North. It's inclusion in the city limits is a bit of an aberration. We note it was included in City limits many years ago at the land owner's insistence. Nonetheless, due to this fact, an agricultural use is harmonious with the general vicinity of the area.
- E. The proposed use will not be hazardous to existing or future neighboring uses. The Commission believes the proposed use will improve the general vicinity of the area.
- F. The proposed use will not make any demands on public facilities or utilities.
- G. There will be no excessive additional public costs associated with the proposed use.
- H. The Commission is satisfied that the proposed use will improve the general vicinity and will not create any detriment to any person or property by the creation of traffic, noise, smoke, fumes, glare or odors.
- I. Currently existing vehicular accesses are adequate.
- J. There is no indication the proposed use will harm a historical feature of major importance.
- K. Regarding the unique criteria for agricultural land uses, the property exceeds the five acre threshold, the property is well suited for the proposed use as is the general vicinity. Adequate irrigation water is already associated with the property. Cultivating the land will be an improvement for the water, air and soil resources as well as for the local economy. There are no parking or other site limitation concerns.
- L. The Commission finds no evidence presented by anyone at hearing regarding the economic effect on the property of approving or denying this Special Use Permit. The allegation is without foundation or legal or factual support. We find no regulatory taking would occur whether this permit is approved or denied.

II. Conclusions

- A. A special use permit is required for the applicant to be able use the subject property for agricultural production, which property is located in R-2/C-1 zones.
- B. A special use permit promoting this use is consistent with the City of Jerome Comprehensive Plan, Section 3.1.1.
- C. The Commission approves the application of Jerry Callen et al. for a special use permit allowing agricultural production on that property described herein subject to the following conditions:
 - i. Water shall be kept out of the public right of way;

- ii. Comply City specifications regarding line of site visibility at the intersection;
- iii. Comply with all City, State and Federal requirements; and
- iv. Special Use Permit shall be valid for five (5) years; renewable upon expiration;

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 8th day of December, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- G. Consider/Approve Findings of Facts for Karolee Gregory for a renewal of a Special Use Permit, allowing a home occupation consisting of piano lessons and virtual bookkeeping services, on the property described as Tax 3 Block A-208, Jerome Townsite, SE 18-8-17, more commonly known as 613 6th Avenue East, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF KAROLEE GREGORY FOR THE RENEWAL OF A SPECIAL USE PERMIT ALLOWING A HOME OCCUPATION FOR PIANO LESSONS AND VIRTUAL BOOKKEEPING LOCATED AT 613 6th AVE. EAST JEROME, ID, MORE PARTICULARLY DESCRIBED AS TAX 3 BLOCK A-208, JEROME TOWNSITE (SE 18-8-17).

A public hearing on the application of Karolee Gregory concerning that parcel commonly known as 613 6th Avenue East, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, December 8, 2020, by teleconference 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, Ida Clark, provided the staff report on the application. Ms. Clark stated Ms. Gregory received a Special Use Permit (SUP) in December of 2015 for piano lessons and virtual bookkeeping. The SUP was renewed in November of 2017 with no testimony in neutral or opposition. The bookkeeping is offered online and piano lessons are limited; therefore, keeping the traffic to a

minimum. The property does have a long driveway allowing off-street parking. Ms. Gregory is the only one engaged in both occupations. The occupations are conducted within the dwelling with the area being approximately 100 square feet. One piano is used for lessons. This does not cause any more noise than a normal family with a piano in the home. The applicant acknowledges there will not be any signage related to either home occupation. Ms. Gregory is requesting a renewal of the SUP with no changes.

The property in question, 613 6th Avenue East, Jerome, ID, is currently zoned Residential 2 (R-2). The proposed use, Home Occupation, requires a Special Use Permit from the Planning and Zoning Commission. Under JMC Code, Section 17.80.050, section I, piano lessons and virtual bookkeeping services, are permitted uses for a home occupation.

As pertains to the City of Jerome's Comprehensive Land Use Plan, the request is in accordance with Chapter 7 "Economic Development", page 7-5, which addresses the need and objective for business retention and expansion. The request is in accordance with Chapter 7, "Economic Development", Policy 8, which is to "continue to provide an atmosphere for successful business development"

If approved, Ms. Clark recommended the following conditions: (a) Comply with all city, state, and federal requirements; and (b) Special Use permit shall be allowed for up to five (5) years, renewable upon expiration.

Applicant Testimony: Karolee Gregory, 613 6th Ave East, appeared before the commission and testified via Zoom on her application. Ms. Gregory testified she wants to renew her permit as she would like to continue the businesses. She stated she has reduced her hours for the last year but wants to continue these activities. She stated she is not aware of any complaints from the neighbors. Upon inquiry from Chairman Mink, Ms. Gregory stated she currently has one student for piano lessons. She continued she will not exceed five students in one week as she currently works outside of the home fulltime.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: Ms. Clark read the following:

Terri Hammerstron, 609 N Fillmore Street, Jerome

"Allowing one "home" business creates a sense that anyone can have a home business. There is an auto mechanic working out of his home, working mostly on VW's. This business is located on South Fillmore- (garage) and the front of the home faces 701 East Ave "H" in Jerome. Residential zoning should remain residential."

Rebuttal Testimony: Karolee Gregory, stated the complaint in opposition should be acknowledged but it is not directly opposed to her application. She stated there are ways to have their complaint heard by the City.

There being no further testimony, Chairman Mink closed the Public Hearing at 7:33 p.m.

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

I. Findings

- A. 613 6th Avenue East, Jerome, Idaho, is zoned Residential 2 (R-2), which requires a special use permit for the proposed use, a renewal of a home occupation on the property.
- B. The proposed use, home occupation, requires a special use permit to operate in R-2.
- C. JMC 17.60.030 provides the standards for special use permits.
- D. The proposed use is harmonious with the general objectives of the comprehensive plan in that allowing a home occupation such as this one promotes economic development and growth. This particular occupation allows Ms. Gregory to provide supplemental income to her family, with no noticeable impact on the neighborhood.
- E. The proposed use is harmonious and appropriate in appearance with the existing and intended character of the general vicinity in that according to her description of the business, Ms. Gregory will not make any changes to the exterior of her residence. Further, the fact that she is occupying less than 100 square feet of her residence is strong proof that the appearance of the existing and intended character of her property and of the neighborhood will not be disturbed by this home occupation.
- F. The proposed use will not be hazardous or disturbing to existing or future neighboring uses. The Commission hears and understands the testimony offered by Ms. Hammerstron. The Commission appreciates that each special use application for a home occupation must be considered on a case-by-case basis and that some home occupations can threaten the residential nature of a residential neighborhood, which nature should be protected by this Commission. The Commission specifically finds, however, that teaching piano lessons and providing virtual book keeping services will have no impact on the residential nature of this particular neighborhood because the piano lessons are few in number and parents bringing their children to lessons will park in Ms. Gregory's driveway or in

front of her house. In essence, this impact is equal to the impact of having regular social visitors at one's home, which is consistent with the nature of a residential neighborhood.

- G. No additional public facilities will be necessary for the proposed use. The bookkeeping services are provided virtually and thus will not occupy any additional facilities. The number of piano lessons will be so small as to also not require any additional facilities.
- 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. On the contrary, for the reasons already stated herein, the business will promote the economic welfare of the community and will have no adverse impact by the involvement of materials, equipment or conditions that will create excessive traffic, noise, smote, fumes, glare or odors.
- I. The vehicle approaches to the property will not create an interference with traffic on surrounding public thoroughfares. There are no changes anticipated in this regard.
- J. The proposed use will not result in the destruction, loss or damage of a natural scenic or historic feature of major importance. The Commission is not aware of any natural scenic or historical features of major importance that will be remotely impacted by the proposed use.

II. Conclusions

- A. A special use permit is required for the applicant to be able to use the above described property for a home occupation in the R-2 zone for the City of Jerome.
- B. A special use permit promoting a home occupation is consistent with the City of Jerome Comprehensive Plan.
- C. The Commission approves the renewal application of Karolee Gregory for a home occupation located at the above described real property subject to the following conditions:
 - i. Comply with all city, state, and federal requirements; and
 - ii. Special Use permit shall be allowed for up to five (5) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 8th day of December, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

ROD MINK, Chairman of the Board

Jerome City Planning and Zoning

- H. Consider/Approve Findings of Facts for Cherie Lujan for a Special Use Permit, allowing six chickens, on the property described as Lot 8 Block 129, Jerome Townsite, NE 24-8-16, more commonly known as 527 West Avenue D, Jerome, Idaho.

FINDINGS AND CONCLUSIONS ON APPLICATION OF CHERIE LUJAN FOR A SPECIAL USE PERMIT ALLOWING SIX (6) CHICKENS, ON THE PROPERTY LOCATED AT LOT 8 BLOCK 129, JEROME TOWNSITE, NE 24-8-16 COMMONLY KNOWN AS 527 WEST AVENUE D, JEROME, IDAHO

A public hearing on the application of Cheri Lujan concerning that parcel commonly known as 527 West Avenue D, Jerome, Idaho, for a special use permit was held, pursuant to notice, on Tuesday, December 8, 2020, by teleconference 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, Ida Clark, provided the staff report on the application. Ms. Clark stated the property in question, 527 West Ave. D, in Jerome, is currently zoned Residential 3 (R-3). The proposed use, the possession of chicken or poultry, requires a Special Use Permit from the Planning and Zoning Commission. Regardless of use, setbacks for detached accessory structures on the property will not be less than three (3) feet from the rear or side property lines.

As pertains to Chapter 17.18.050: Unique Land Uses, F. Chicken, Poultry and Fowl; Roosters are prohibited and then can only have hens.

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

As pertains to Title 8 of the JMC, the ordinance addressing nuisances, chicken manure is considered a public nuisance and the proper disposal of stable matter must be properly disposed of to not create a nuisance.

Regarding the General Standards for Special Uses, Ms. Clark stated the Planning and Zoning Code allows up to six (6) chickens in the R-3 zone with an approved special use permit. The request appears to be harmonious with the objectives of the Comprehensive Plan and Title 17 of the Jerome Municipal Code.

The application shows the chickens are kept in a small coop with an enclosed chicken run in their fenced backyard. The application states the chickens are like pets and they raised them from chicks. The application states they do use the eggs and have had the chickens for a few years. Staff has not received any complaints from neighbors. If properly cared for, the chickens should not be hazardous or disturbing. There is no indication that additional services will be needed to serve this use. It does not appear the chickens will create excessive additional requirements at public cost. Chickens can cause odors and noise. The applicant will need to keep the coop clean. There are no changes proposed to the vehicular approaches to the property. It does not appear that the chickens will result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

If approved, Ms. Clark recommended the following conditions: (a) Any permanent chicken 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 up to two (2) years, renewable upon expiration.

Applicant Testimony: Cherie Lujan, 527 West Ave D, appeared before the commission and testified on her application. Ms. Lujan testified, her daughter had the chickens and raised them from chicks. They use them for their eggs. Ms. Lujan stated she was not aware she needed a Special Use permit. Upon inquiry from Commissioner McEntarffer, Ms. Lujan stated the coop is at least three (3) feet from the property line and next to the shed. Upon inquiry from Commissioner Holley, Ms. Lujan stated they do not have more than six (6) hens. Ms. Lujan stated her daughter keeps the coop clean.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

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

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. 527 West Avenue D, Jerome, Idaho is zoned Residential 3 (R-3), which requires a special use permit for the proposed use, allowing six (6) laying 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 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 Cherie Lujan for a special use permit allowing no more than six (6) laying chickens, on that property located at 527 West Ave D, 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 two (2) years, renewable upon expiration.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 8th day of December, 2020 to approve the application as specified herein is hereby made final this 12th day of January, 2021.

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

- I. Consider/Approve Findings of Facts for Collin Sharp for a Variance, allowing a sign to be placed less than ten feet (10') away from public easements on the property located at Jerome Unplatted Tax 2194596 of SESW 30-8-17, more commonly known as 214 East Yakima, Jerome, Idaho.

**FINDINGS AND CONCLUSIONS ON A REQUEST FROM COLLIN SHARP,
FOR A VARIANCE ALLOWING A SIGN TO BE PLACED LESS THAN TEN (10)
FEET AWAY FROM PUBLIC EASEMENT, ON THE PROPERTY LOCATED AT JEROME
UNPLATTED TAX 2194596 OF SESW 30-8-17, MORE COMMONLY KNOWN AS 214
EAST YAKIMA, JEROME, IDAHO.**

A public hearing at the request of Collin Sharp, for a variance allowing a sign to be placed less than ten feet (10') away from public easement on the property located at Jerome Unplatted Tax 2194596 of SESW 30-8-17, more commonly known as 214 East Yakima, Jerome was held, pursuant to notice, on Tuesday, December 8, 2020, by teleconference 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, Ida Clark provided a report upon this request. Ms. Clark stated applicant has built a new business office on the parcel and would like to install a freestanding sign. This area has a few pre-existing residential uses

surrounded by businesses. The right of way is 80 feet for East Yakima. The applicant is requesting to place a freestanding sign approximately 5' south of the existing parking lot. This would place the sign in the easement. The placement of the sign does not block visibility on East Yakima.

The property in question, 214 East Yakima, is currently zoned High-Density Business (C-3). Per JMC, 17.32.045, "All signs shall be set a minimum of ten feet (10') away from public easements and be contained completely within the bounds of the lot or parcel of real property on which they are located, unless otherwise specified in this title. With the exception of signs located in the central business district, no part of any sign shall hang over a public right of way and/or public easements." The applicant is requesting a variance on the setback requirement from the easement for the construction of a freestanding sign.

The Jerome Municipal Code defines 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 provisions 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 the variance criteria, Ms. Clark went over the following standards. Standard A: That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district. The application notes the setback requirements for a sign on this lot property tremendously limit visibility. Additionally, the wide right of way on East Yakima combined with the 10' setback for signs create special conditions which are peculiar to the land. This area is also in transitions with residences that are legal nonconforming. These residences also have several large trees located in the right of way that limit visibility. Due to the conditions of the land, this lot is approximately 77 feet wide. The current sign setbacks limit where a sign can be placed on this parcel.

Standard B: that a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title. The freestanding sign would have to be placed approximately 50' from the center of East Yakima if the variance is not granted, thus decreasing the effectiveness and visibility of the sign. It is noted there is an additional 15' of right of way that will not be used or needed for several years.

Standard C: that special conditions and circumstances do not result from the actions of the applicant. The application notes there are no special conditions or

circumstances resulting from the actions of the applicant. This is an area of Jerome City limits that is growing and transitioning from residential to business.

Standard D: that granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district. The application notes granting the variance will not confer any special privilege on the applicant as other businesses on South Lincoln and East Yakima have signage that is closer to the road and placed within easements. Additionally, it is noted that if future projects cause the need for the sign to be relocated, the responsibility to relocate the sign will fall upon the property owner. Ms. Clark noted Idaho Central Credit Union (ICCU) and Brennen's Carpet received similar variances to put signs on their property line on South Lincoln.

Ms. Clark sent the application out to City staff and received the following comment: Engineering- Given the distance from the existing road to the property line, no issue with allowing the sign to be all or partly in the ROW under the condition that the owner would have to relocate it at their expense, when the City expands the roadway or otherwise needs to use the ROW.

If approved, Ms. Clark recommended the following conditions: (a) Obtain all building permits before installing signs; and (b) Comply with all City, State and Federal requirements.

Ms. Clark showed the commission a layout of the property, the right of way compared to existing buildings, and where the sign is being proposed.

Applicant Testimony: Collin Sharp, 163 Homestead Loop, Jerome, before the commission and testified on this application. Mr. Sharp testified there is 40 feet right of way from the middle of the road to the edge of the parking lot. There was an additional 15 foot easement for utility so it is a total of 55 foot easement. Upon inquiry from Commissioner King, Mr. Sharp stated the sign will be perpendicular to the street and it will be two sided. It will not be illuminated as there is a home near so he may do some landscaping with lights. He would like to have a small, worded sign just in case he needs to move it. He stated he understands he picked the property but the visibility is pretty poor. Once they widen the road, the visibility will get better. He stated he will move the sign if necessary.

Testimony in Favor: None.

Testimony in Neutral: None.

Testimony in Opposition: None.

There being no further testimony, Chairman Mink closed the public hearing at 7:56 p.m.

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

I. Findings

- A. 214 East Yakima, Jerome, Idaho, and is currently zoned High Density Business (C-3).
- B. The C-3 zone pursuant to Title 17 of the City of Jerome Municipal Code requires signs be set a minimum of ten feet (10') away from public easements.
- C. The purpose of the variance is to allow a variance on the setback requirement from the easement for the construction of a freestanding sign.
- D. Variances are typically granted when the following four (4) criteria are met:
 - i. that special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district;
 - ii. that a literal interpretation of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this title;
 - iii. that special conditions and circumstances do not result from the actions of the applicant; and
 - iv. that granting the variance requested will not confer on the applicant any special privilege that is denied by this title to other lands, structures or buildings in the same district.
- E. The application and the requested variance will not confer any special privileges upon the applicant.

II. Conclusions

- A. The application is consistent with development standards and objectives for C-3 Zone.
- B. Not granting the variance as requested in the application would result in an unnecessary hardship—as referenced in Title 17 of the City of Jerome Municipal Code—to the applicant.
- C. This variance is granted and contingent upon the following:
 - a. Applicant shall obtain all building permits before installing signs; and
 - b. Applicant shall comply with all City, State and Federal requirements.

These findings and conclusions, having been adopted by the Jerome City Planning and Zoning Commission on the 12th day of January, 2021, in support of the decision of the Planning and Zoning Commission on the 8th day of December, 2020, to approve the application for a variance is hereby made final this 12th day of January, 2021, subject to appeal by an interested party within the prescribed period under Idaho law.

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

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

Second to the motion by Commissioner King and carried.

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

CITIZEN CORRESPONDENCE AND ISSUES

None

DISCUSSION PERIOD & STAFF REPORTS

Ms. Clark stated the next meeting will be on the 26th of January.

There being no further discussion, Chairman Mink closed this regular meeting at 9:14 p.m.

Rod Mink, Chairman

Katie Elliott, Secretary