

Rigby Planning & Zoning
February 9, 2006

Members present: Tamara Rochette, Gerd Zimmermann, Travis Poole. Also present was P&Z Secretary Linda Radford.

Chairperson Tamara Rochette opened the meeting at 7:05 P.M.

Item #1 on the agenda was dismissed because the participants were not present.

The hearing for a special use permit to use a residence in an R-1 area as a children's day treatment facility opened at 7:07 P.M.

Carl Andreason, of 633 W. 3rd North, St. Anthony, spoke as proponent. He and his wife, Jinger, run the Social Growth and Learning Center and are asking for a special use permit to run this children's day treatment facility out of the residence located at 470 Annis Highway. Their present facility at 119 North State Street, in Rigby, ID, is too small for them to operate properly and they must turn away clients. He and his wife are both licensed social workers and currently serve sixteen clients who have mental illnesses that require treatment. They plan to run the facility from the upper level of the home and live in the lower level.

The floor was opened for those in favor of or who were neutral on the permit to speak, but there was no one present. The floor was then opened for those opposed to speak. Morgan Lake, of 475 Annis Highway, read from a prepared statement and a petition signed by neighboring property owners (Exhibit #1) who felt the present zoning regulations would be violated should the special permit be approved and that businesses had no place in a residential neighborhood.

Kristine Clark, of 444 North State, felt the need was warranted but that this home was not the place for it. She did not want more businesses in the area and felt that she was being encroached upon already by the Garden Gate Nursery that she lives next to. The Garden Gate use was grandfathered in. She feels businesses lower the resale value of their homes and did not want the increased foot and vehicular traffic she felt this would generate.

Karen Barber, of 510 Annis Highway, had concerns about the children that would be involved, especially with the extension of Call Heir Drive to the Annis Highway. She wants the Annis Highway to remain a nice residential street.

Lori Dye, of 479 Annis Highway, wanted to go on record as agreeing to what Morgan Lake had read.

Carl Andreason took the floor for rebuttal and stated he had taken into consideration how it would affect the neighborhood. They want to teach living skills to children in a home-like environment. They would be living in the home and using it as a residence themselves. He said this use would be temporary until they can find an appropriate area in a commercial zone. At that time they would move their business but remain as residents in the home. Their current location is much less safe than the location on Annis Highway would be since there is more traffic on State Street. They do not want to

devalue the property in any way. The children served have specific needs for a specific environment.

Ken Smith, of 480 North 3rd West, arrived and asked if he was a private citizen or a P&Z board member. Tamara Rochette told him he had not been sworn in and he was therefore a private citizen. He stated he wanted to testify against the special use permit. He was asked to sign in for the record. After discussion, he signed the sign in sheet and took the podium. He stated he is opposed to the use because he believed major structural changes would have to be made to the home to make it satisfy state requirements for schools.

Jinger Andreason stated that they would not be operating a school and that the state classifies their business as being closer to a day care facility. Sprinklers are not required unless they would be using two levels of the structure. The facility would be run out of the upper level and the family would live on the lower level. She states that the current clientele's parents are quite concerned about safety and they need to move as soon as possible. She stated that they usually pick the children up themselves in the morning and take them home in the afternoon. The use would only be temporary until they find another building.

Lorin Butterfield, of 468 N. State Street, wanted to know about time lines as to when this use would begin & end and when the fence would be installed. He also wants to see the area kept residential.

The floor was closed to public comment and the commission discussed the application. Karen Barber asked the Commission who would follow through to make sure the conditions imposed on the special permit were carried out, should it be approved. She states that the Teton View Apartments were required to put a fire lane in place and it never did.

Travis Poole talked about the traffic in the business's current location. He stated he has a business near them and that they have sidewalks and traffic lights near their current location, but that there were no such things on Annis Highway and traffic moved faster there.

Gerd Zimmermann wondered about the fact that there was nothing written that showed that the use would be temporary.

In response to questions asked by the board, Carl Andreason stated that most of the children would come from Rigby and Jefferson County since other areas had their own facilities to serve them. There is a potential for those outside of Jefferson County to have need of the facility, but it is highly unlikely. The ages of the children served run from two to fourteen years of age at present and it is not expected that anyone older than fourteen would use the facility. There are no violent children using the facility. If they become violent, they are removed from the program and placed in a stricter facility. They currently serve sixteen children but would be able to accommodate more with a larger facility. The maximum would be 35-40 children. There are currently three staff members and ratios of staff to children are set by the state. A preschool requires 35 square feet per child according to state rules and the home has 5300 square feet. They intend to install a six foot high wooden fence to maintain confidentiality of the clients. The board discussed the feasibility of a temporary permit. Morgan Lake felt that a temporary permit would be a foot in the door and it would remain permanently.

Travis Poole moved to recommend disapproval of the permit due to the lack of sidewalks, curbs & gutters and the speed of traffic on Annis Highway. Gerd Zimmermann seconded, all voted aye and the motion passed. The permit was denied. Hearing closed at 7:39 P.M.

Item #1 was brought up again since the participants were now present. Darwin Dinsdale swore in Ken Smith as the new P&Z board member.

The hearing for the annexation into the city of five lots was opened at 8:07 P.M. Jonathan Heyrend, of 210 West 4th North, spoke as the proponent. He and the Bryce Call's own the land in question, except for the Jefferson Central Fire District property. He would like to see a nice single family subdivision in the area. He wants to have only single family homes and no multi-family homes built there. He owns a home at one of the potential entrances to the new subdivision (possible extension of West 1st North). The floor was opened to those who were for, felt neutral or were against the proposed annexation, but no one present wished to speak.

Mr. Heyrend was asked by Kristine Clark if he intended to put protective covenants in place. He replied he had not really thought about it since this proposal was only at the annexation stage. He stated he did not want to see 100% siding on the houses and he would want larger than normal lots with larger houses. He wanted to see something different than what Pioneer Park Estates had.

The floor was closed to public comment and the board discussed the proposal. Hearing closed at 8:16 P.M.

Mr. Smith found a letter written by Bryce Call that said he supported the annexation and wished for R-2, Multi-family housing, to be built there. This was in Travis Poole's set of papers. No one else on the board had a copy of this letter and the record did not have one. (Mr. Smith had left his copy of the information packet at home). He believed the presence of this letter meant that they could change the density of the subdivision housing to R-2 at any time they wanted with no notice. He was informed that unless the applicant requests otherwise, all annexations automatically have the strictest zone applied to them - in this case, R-1. Ken Smith moved to accept the **recorded** version of the application as annexing in the entire area as R-1, single family residential. Travis Poole seconded. All voted aye and the motion passed. Matter comes before City Council on February 21, 2006.

The minutes of December 8th were discussed and approved. The findings and conclusions of the December 8th hearings of H&S Development Amended Plat, Pioneer Park Final Plat and the Bigelow's Special Use Permit were read, approved, and signed.

Meeting adjourned at 8:32 P.M.