Jefferson County

Planning and Zoning Public Hearing

March 4, 2021 6:00 PM

6:00:11 PM


Staff Present: Mark Taylor – Prosecuting Attorney

Kevin Hathaway – Planning and Zoning Administrator

Jenny Kerr – Planner

Erik Stout – Assistant Planner

Tyson Schwartz – Code Compliance Coordinator

Samantha Farr – Administrative Assistant

6:02:57 PM Chairman Albertson opened the meeting. Commissioner Ashcraft led the Pledge of Allegiance. The staff was introduced.

Commissioner Steel moved to approve the minutes from the February 4, 2021 Planning and Zoning meeting. Commissioner Lewis seconded.

6:05:04 PM All in favor. Motion carries.

6:05:39 PM No ex parte communications disclosed. Chairman Albertson read the proceedings of the public hearing.

6:11:38 PM Albertson informed those present that the Lynn Dixon Preliminary Plat has been postponed.

6:12:20 PM Commissioner Beebe moved to approve the written decisions for Cedar Groves Plat Amendment for Larry Hallam February 4, 2021 meeting. Commissioner Steel seconded. All in favor. Motion carries.

6:13:23 PM Public Hearing No.1 Conditional Use Permit/ Kristina Christensen/ Located at 3959 E 460 N, Rigby, Jefferson County, Idaho/ Proposing to place a second dwelling on her parcel to help care for a loved one.

6:13:31 PM The Staff report was read by Planner Jenny Kerr.
Presenting: Kristina Christensen (3959 E 460 N, Rigby, ID) – I am proposing a Conditional Use Permit for placing a separate mobile unit on my property. My daughter has medical condition that needs to be monitored. In order to do this, she need to be close to home. We have acquired a small but sufficient mobile home. She is expecting a baby and my current home won’t have the space for her and her child. She’s strong, she wants to be self-sufficient, but is limited and the medical issues that need to be closely monitored. We feel it is the best option. When purchasing the property, one of the primary considerations was that there was an additional set of utilities, adjacent is another area with existing utilities. We would be able to put it in there and not have to do any of diggingbringing in lines or anything, everything is already set up. District 7, I applied through them, so I could connect to an existing septic, I have the paperwork for that, it was approved. They said the septic is adequate. Proper procedures and inspections are being followed. We want you to know that we will make it presentable. I have pictures. It’s not going to be an eyesore. This would allow her to be independent and self-sufficient and the trailer would be removed when those medical needs have been taken care of. I appreciate the opportunity to express those needs. This will be instrumental to the health and wellbeing of my daughter.

Christensen submitted East Idaho Public Health approval and picture for exhibits.

Beebe – It would be temporary? How long are you expecting this to last? Christensen – We’re not sure. The doctor wants to closely monitor her keep checking. It’s not expected to be long-term, it’s because of a surgery. I would hope it would be a short amount of time until she’s able to not have to have such close supervision. It won’t be indefinite. Beebe – Do you have an estimated time? 1-3 years? Christensen – If I had to guess, it would be 2-3 years. Beebe – What are you proposing? A mobile home? Christensen – It’s a single-wide, 12x48. So it’s very small. Beebe – How are you proposing to present that for skirting/anchoring? Christensen – We will be anchoring it, leveling it, skirting it, landscaping as well, and there has been talk of having a temporary fence for service animal. The parking would be in front, on that plan there are some green spaces. That shows our parking and hers. Beebe - Did you provide setbacks from property lines? Christensen indicated setbacks and distances on the map.

Beebe – Your home is the existing home. And the front faces south? Christensen – Yes. Beebe – The new one face north or west? Christensen – The front door faces west. Beebe – Is there a separate septic? Christensen – District 7 said the existing septic would be adequate for both homes.

There was a mobile home there in the past. There are other utilities.

Warner – I think the question regarding the septic, I assume it would be the same well? Christensen – Yes, it’s the same well. I was told there was no one there to contact regarding the well. If there was issues with the pressure, we’d need to increase the size of the pump.

Public Testimony Portion Opened:

In favor: Destry Christensen (3959 E 460 N, Rigby, ID) – We’re good.

Neutral: None

Speaking in Opposition: None
Jenny read in 2 letters of opposition.

Rebuttals: Christensen – Regarding the 1st letter. They mentioned an increase in traffic flow due to the construction. There is no real construction that needs to be done. It’s a matter of hooking up utilities. With the proper building inspections. There will be no increase in cars. The people that are going to live in that home already have vehicles there. They voiced a concern of zoned for 1 home per acre. Mine is a 1.99 acre lot. So I can see where her concern is. Mine is one of the bigger lots there. Regarding the 2nd letter. We’ve already purchased this home. We’ve jumped the gun. We called the county and we are trying to do the best we can to make sure everything is on the up and up. As far as adding on, it would be nice to say we could afford to add on. The home has already been purchased. Even with the sale of the other home, it wouldn’t be enough for the stick-built addition. There was some septic concerns. I did apply for the approval to connect to an existing system. He did rule it adequate.

Discussion of the Board: Steel addressed a portion of the letters – I would confirm, this is not a request for a zone change, simply a conditional use permit. Just to make that clear just to reference the letters and make that clear.

Lewis – This isn’t currently part of a subdivision, correct? It is not.

Albertson – 1.99 acre parcel separate from the subdivision.

There was confusion about the sign-up sheets and the opportunities to speak.

Steel motioned to open public testimony. Beebe second. All in favor.

Kyle Taylor (3963 E 460 N, Rigby, ID) – Against. I apologize that I’m against it, it’s because property values do drop when they see these undesirable things. There’s a daughter living there. The whole line on 460 is all homes, not one trailer. I hate to see a 3-year commitment end up being longer because things do happen in life. That’s the only real reason why I can say no. It’s because that happens a lot of times, where 3 years turn into 10 years. Those homes are looking to sale within the next 2-5 years. I’m building next to it. I hope to sell it as soon as possible. I hope the buyer is not going to have to look at a trailer every day. I’m against it. I do apologize.

Brent Peterson (190 Stockham Boulevard Apt C, Rigby, ID) – In Favor. I am for her being able to do this. I understand the previous gentleman’s argument. He purchased a piece of property not long ago. That was his intent to buy and sell. My daughter and family’s intent was to buy a property that already had a trailer parked where they’re requesting it to be. It was moved just before. It was all done legally. There’s 2 electrical boxes. One is for the home the other is for the additional space. The same thing is with the gas meters. The gas company has a separate address for the trailer power. Their purpose in buying the property was so that it’s large enough to handle the needs of her family and her lot is more than twice the size of other lots near the property. She bought the properties and they didn’t have covenants that restricted this. Everything to the east are in a subdivision that has covenants that they have to adhere to. Her property does not have restrictions against what she’s asking to do.
Discussion of the Board:

Warner – Question for administration, we had testimony of a trailer that used to be a trailer there and it was removed. Does that give it any status that a trailer could have been replaced without having to go through permitting processes. I would presume no, because we’re here.

Hathaway – Had it been less than a year, there would have been no additional permitting required. If they would have replaced the trailer with the same size or less, within the year, it would have been allowed. It’s been over a year.

Lewis – How old was the trailer? Not clear. Steel – Does it meet the age requirement? The age of the trailer was not presented.

Beebe – Looking at our ordinance, some of the issues brought up. We’re not changing the rules. We’re not proposing the zoning ordinance be changed. It does allow one level of consanguinity.

3.11.6 Manufactured homes (2) (f) line 2.

Albertson – The single-wide is allowed under the ordinance under that ordinance under one level of consanguinity.

Beebe – Some of the issues are the temporary nature of it. There’s no guarantee how long this would take place.

Lewis – One year at a time.

Albertson – If the CUP is granted, it is a year to year basis. It is looked at every year if the use changes... You can apply conditions in regards to the use and if the use changes.

Steel addressed concerns that the doors may have been locked. Albertson tried to determine which hearing the new arrivals were present for. They expressed concerns about developments. It was explained that they were currently hearing a Conditional Use Permit and Albertson informed the new members of the public that the Saddle Hill subdivision had been postponed. Clarified which hearing was going forward. Some were there for an item regarding the Zach Giles subdivision.

Tyson Schwartz verified that the doors had been unlocked the same way all night, there had been no changes to those doors. The late arrivals had claimed all doors were locked and they had called the number to be let in. Albertson – We have reopened this hearing previously to hear more testimony. We are in discussion at the moment. It never got reopened a second time. There were people in the audience that where here for something we’re not hearing tonight. It was not on the agenda. Verified with zoom. We opened earlier for a confusion on sign-up sheet. We’ve since closed that again and we are now in discussion as a board as to how to proceed with the CUP.

Albertson – It does fit taking care of a family member of 1 level of consanguinity in that regard. Is there any reason why an accessory dwelling cannot be allowed? Hathaway - It can be allowed
with a Conditional Use Permit as it would be anywhere else in the county. As it’s not in a subdivision it
doesn’t have any covenants, which we wouldn’t enforce HOA rules anyways. You can place conditions.
We can’t consider the fact that appearance may not be suitable for some people just because it’s a mobile
home. If it’s placed, it will require a building permit and it will be inspected and there will be requirements
for skirting, etc.

6:56:51 PM Steel – Age would be considered, correct? Hathaway – It meets the age requirement.

6:57:00 PM Taylor – In looking at the ordinance 3.11.6 (2) (f) this is where the exceptions are
permitted to the requirements on a mobile home. It indicates 3 conditions. It’s not the most artfully
worded ordinance, but it would appear that all 3 conditions need to be met (2) (a-e). It suggest that all 3
conditions have to be met. My concern is on the third condition, it’s for Farm labor mentioned. I don’t
know how the board wants to address that if they all need to be met or if 2/3 is sufficient.

6:58:23 PM Hathaway – It can be farm labor or used to house family members. That’s how it’s been
interpreted in the past.

6:58:39 PM Albertson – The previous interpretation has been meeting, not all three, it has been
meeting the level of consanguinity or it has been meeting the farm labor, but not necessarily both. And
the dwelling is temporary. Temporary is a relative term. With regards to how long this is going to be in
place. No one knows when they’re going to die. As per condition of the Conditional Use Permit, if the use
changes, the condition has been applied that within 1 year after the change of the use, it will be removed.

6:59:48 PM Hathaway – And we verify that every year.

6:59:54 PM Albertson – I don’t remember the number of the ordinance. An accessory dwelling is
allowed virtually anywhere in the county if it can be half of size of the main floor of the main house. We’ve
had those. I’m not trying to be either for or against. I’m stating how it has gone. In the previous
interpretation is that it didn’t have to meet all 3 conditions. It doesn’t make sense. If it was a 24 ft. wide
house. It seems the single-wide has been deemed a dog and unless there is a certain condition is met,
they’re not allowed. That was way before we got here, due to an influx of single-wide houses from another
county. I’m not a lawyer.

7:01:40 PM Taylor– It’s not well worded. There’s ambiguity and so interpretation is required and that’s
the purpose of the board.

7:02:01 PM Ashcraft – I had the same question the wording is confusing. The definition says
temporary is 6 months. It doesn’t make sense that you would have to have a relative that is your employee
for farm labor. I read it is as one of these 3 conditions, then it is acceptable.

7:02:42 PM Albertson – That has been the interpretation.

7:02:49 PM Beebe – I think the requirements intent is to make sure that the dwelling is pleasing and
presentable. We don’t need to accept those. Those can be leveraged to make them look nice.
Albertson – The board can apply conditions within reason. You have to be careful and you have to be careful and not overstep your bounds. Beebe – But you follow ordinances.

Lewis – They are reviewed annually.

Hathaway – The 6 months generally refers to an RV. In a CUP, temporary is interpreted as not permanent. It’s not ever seemed to be permanent. It’s not like a variance, which is permanent.

Warner – Could other mitigating circumstances be applied, for a hedge or trees between properties to ensure that the sightlines of adjacent property owners?

Albertson – In the instance of commercial property next to residential, it is required. But residential next to residential, I don’t know that you can say you need to put up a screening fence so I can’t see you.

Steel – It seems that we wouldn’t be any more stringent on this than what we have historically done.

Lewis – I’d agree. Albertson – I believe that’s a fair statement. The other thing that needs to be considered here is the rights of the property owner and the rights of the property owners around them. Is this 100% detrimental to the surrounding properties?

Lewis – If it was in a subdivision, it would be a different story. Albertson – State statute allows a mobile home in a subdivision if they want it.

Albertson – We’re talking about the biggest lot on the road it’s basically going to be divided between two homes. Lewis – It has already had one. Steel – And we’re not going for a zone change. It is a CUP. It seems to meet the requirement for family member to be.

Beebe – I think it should be clear that this is not exercising a right to develop R1. It’s a temporary situation where another home is coming in. It’s not a development. Steel – It’s not a lot split. It’s not permanent.

Albertson – There isn’t a lot split. That’s valid. On the other side of that is if there is a need to take care of a family member, if this is the way it works, I don’t see anything to prohibit the CUP. That’s why we’re here and that’s why we’re having the discussion. I’m neutral.

Beebe moves that this be approved based on 3.11.6 2(f) (2) which allows a temporary unit for a family member. It meets the setback requirements on all sides. I don’t see any violations there. They would have to meet health department requirements. I don’t think we need to make any additional request. That would be another course of action. I would propose that they meet the other requirements. 3.11.6. (2) home. I don’t think we need to dictate the 24 ft. in width. “Having an adequate roof.” I wouldn’t dictate the 3.5/12 pitch with 6” eaves. I would see that the outside has siding to make it look pleasing.

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would not leverage (d) that it’s on a permanent foundation, because this is temporary. I would leverage (e) that hitch, axel, and wheels be removed and it be skirted in a pleasing way.

7:11:40 PM Lewis – When the family member moves/no longer needed, it would be moved within 1 year.

7:12:00 PM Steel seconds.

7:12:06 PM Warner – For clarification, in my mind, if this young lady is with child and she has that child and it grows up, and if the issue continues and the child continues living in there, is that a condition that would be acceptable in the future? Albertson – Consanguinity allows the daughter, not granddaughter. Warner – It is specific to one level? Albertson – reads the section of the ordinance referencing it. That could be a limit on the time.

7:13:20 PM Ashcraft – This is to allow the CUP for the length of time that the condition the daughter is experiencing, until that condition that requires close proximity goes away. Albertson – That is correct. Lewis – How do we determine that? Albertson – This is annually reviewed. If it is found that the use has changed, it is over and would need to be removed.

7:14:42 PM Lewis – We don’t need to put stipulations on how and what that medical condition is.

7:14:52 PM Albertson – It’s no difference in caring for aged parent. No one knows the last day to put a time on it. Beebe – I didn’t think that was condition. It was until the care was no longer needed. Albertson – I can be one or another, I went down the dark path, I apologize.

7:15:46 PM It has been moved and seconded to approve. All in favor. Motion carries.

7:16:21 PM Jenny read back the conditions. 3.11.6 2(f) (1) and (2); it meets setback requirements; it needs to meet Health Department Requirements; it needs an adequate roof; the outside needs to be sided and look pleasing; hitch, axel, and wheels need to be removed; it needs to be skirted; it needs to be removed within 1 year of the change or termination of use; and annual review.

7:17:27 PM Taylor – It is my understanding was to include 2(c) and 2(e) which refers to the siding, roof, and skirting and all of the specifics of that.

7:19:24 PM Public Hearing No.2 Zoning Ordinance Map Amendment/ Jefferson County Planning & Zoning/Waterstone Division No. S/ Located approximately at 528 N 4000 E, Rigby, Jefferson County, Idaho/ To change the zoning from C-1 to R-1.

7:19:29 PM The Staff report was read by Planner Jenny Kerr.

7:21:04 PM Hathaway – We have asked Erik Stout to present. It was platted as a residential subdivision, due to some zoning issues that took place, it was switched to a commercial zone.
Presenting: Jefferson County Planning and Zoning (210 Courthouse Way Ste. 170, Rigby, ID) Erik Stout – This was platted before 2008 as a Residential 1 subdivision. It was approved as an R1 subdivision, but when the ordinance went into place, the county changed the zoning of that area to Commercial 1. Because it is a platted subdivision, someone could go in a start building if the roads were installed. This is more of a clerical correction. There are other Waterstone subdivisions surrounding. Stout indicated the proposed Zone Change area on the map. Albertson – It is not built out? Stout – It is not built out currently, but if someone put roads in there, they could be building right now.

Lewis – This is just clerical only. They could build a residential subdivision right now. Stout – Because it is an R1 subdivision, they could. They would just need to get the roads in and everything else. Hathaway – The plat states that it’s an R1 subdivision, but the zoning shows Commercial 1.

Albertson – Currently it is open space, it is platted, zoned C1. Stout confirmed these items.

Beebe – This has been entirely requested by Planning and Zoning? Stout – This is something that should have been corrected a while ago, it’s just now that we’ve had enough time that we could bring it in front of you. Beebe – So we’ve probably already spent enough time on this. Steel – Do we have Zoom comments? I was just making sure we weren’t making a motion yet.

Albertson – This is a zone change, a serious matter. It needs to be done properly.

Aschraft – Where it’s zoned C1, could a business go in? Stout – No, because it’s a platted R1 subdivision, everything is governed by what is recorded on the plat and on the plat it’s noted as residents only. Albertson – So it is noted, but it is currently zoned C1, erroneously.


Stout – Naniloa Investments own it and they did sign, so they are aware of the zone change and have consented to it. We do not own Waterstone 5.

Public Testimony Portion Opened:

In favor: None

Neutral: None

Speaking in Opposition: None

Discussion of the Board: Lewis – It makes sense. Somewhere in the past somewhere it got screwed up and we need to correct it. Albertson – Sometime prior to 2008 it was zoned C1. As the plat indicates, it was zoned R1.

Lewis – The owners are for it, the county is for it, we should be for it.
Hathaway – It may have also occurred when areas had been proposed for commercial zoning around the highway. It was platted and approved for residential subdivision.

Albertson – A PUD would allow commercial and residential, correct? But where the plat shows this was listed as R1. Whether it was a typo or the zone got changed. It is a serious matter and we’re trying to make sure that property is zoned accordingly and recorded properly.

Lewis moves to recommend this to the Board of County Commissioners to approve the zone change from C1 to R1 on Waterstone 5 because it is an approved plat as R1. The plat shows that it is R1. Steel seconds. All in favor. Motion carries.

Work Meeting To discuss items in the Subdivision Ordinance related to the Moratorium put in place on February 22, 2021.

Discussion of the Board: Albertson – Staff has information for an upcoming work meeting on the subdivision ordinance on March 18, the hearing is April 1. Staff passed out that information which included a draft of minutes from the county commissioner meetings, letters, and staff recommendations. Discussed the purpose of the March 18th work meeting.

The Commission discussed the necessary timeline for proper publication and proper summary of language.

It would be necessary to change the work meeting to next week to meet publication deadlines.

Steel – Another option would be no changes, to recommend what we already recommended.

Changed work meeting to March 10 at 6:00 pm.

Lewis moves to adjourn. Beebe seconds. All in favor.

Date of Document completion: April 1, 2021

Kevin Hathaway
Jefferson County
Planning and Zoning Administrator

Warren Albertson
Jefferson County
Planning and Zoning Chairman of the Board