

PLANNING AND ZONING COMMISSION MEETING FEBRUARY 10, 2010 6:30 P.M. AT THE COMMUNITY CENTER PUBLIC HEARINGS; ELLIS, CHICKENS; MCARTHUR, CONDITIONAL USE PERMIT

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, Lance Ellis, and Clerk Robyn Keyes.

VISITORS: Mike Taylor, Bette Lovinus, Kathy McNamara, Terry McNamara, Sally Price, Lynn McKinlay, Linda Hobbs, Eric Astel, Melanie Seneff, Eric Seneff, Craig Marshall, Jonie Marshall, Stephanie Rockwood, Greg Orem

PZ Chairman Beazer welcomed everyone and led the Pledge of Allegiance.

Minutes. The minutes from the last meeting were reviewed. PZ member Hobbs made a motion to approve the minutes. PZ member Garren seconded the motion. All were in favor, minutes approved.

New Member Discussion. Chairman Beazer introduced Mike Taylor and explained that Mayor Andersen had invited Mr. Taylor to be on the Planning and Zoning Commission. The Commission members asked Mr. Taylor to tell why he was interested in the position. Mr. Taylor said he liked Iona and the small town atmosphere. He understood that growth was inevitable, and he wanted to help manage the growth. The Planning and Zoning members talked with Mr. Taylor more about his interests and his vision for the City. The Planning and Zoning members agreed to recommend the City Council approve Mike Taylor as a Planning and Zoning member.

Planning and Zoning member Ellis recused himself for the public hearing 7:00 p.m.

Public Hearing 7:00 p.m.. A public hearing was held for Lance Ellis. Mr. Ellis was asking for a conditional use permit for chickens. After holding the hearing and reviewing the request, the Commission agreed to table Mr. Ellis' request and instead ask the City Council to decrease the lot size for chickens from ½ acre to 1/3 acre or greater.

PZ member Hobbs made a motion to recommend to the Council to revisit the lot size for chickens and change the required size from ½ acre to 1/3 acre or greater. PZ member Garren seconded the motion. All were in favor. See appendix A for hearing minutes. Public hearing closed at 7:15 p.m.

Planning and Zoning member Ellis re-joined the Commission 7:15 p.m.

Old Business. The windmill ordinance was discussed. The Commission agreed to adopt by resolution Bonneville County's windmill ordinance. Clerk Keyes asked Chairman Beazer to bring a copy of the ordinance into her office for the Council to adopt.

Clerk Keyes reminded the Commission that they needed to perform their annual review of the comprehensive plan. Chairman Beazer said he would like to review the code book as well for necessary changes.

Public Hearing 7:30 p.m. A public hearing was held for Dennis and Linda McArthur. The McArthur's were asking for a conditional use permit to allow people other than their family to live in their home with them and help pay the living expenses. After holding the hearing and reviewing the request, the Commission agreed to table the McArthur's request for further deliberation. The McArthur's request will be revisited at the next planning and zoning meeting in March. See appendix B for minutes. Public hearing closed at 8:30 p.m.

The Commission member thanked Mr. Taylor for staying throughout the meeting. Mr. Taylor asked if he would be asked the same questions at the Council meeting. Clerk Keyes said he would not, the Council would just consider the Commissions recommendations.

PZ member Hobbs made a motion to adjourn. PZ member Garren seconded the motion. All were in favor.

Adjourned 8:40 p.m.

APPENDIX A
PUBLIC HEARING 7:00 P.M. ELLIS, CHICKENS

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, and Clerk Robyn Keyes.

VISITORS: Lance Ellis, Mike Taylor, Bette Lovinus, Kathy McNamara, Terry McNamara, Sally Price, Lynn McKinlay.

Planning and Zoning Chairman Beazer welcomed everyone, and went over the procedure for the public hearing. Chairman Beazer then invited Mr. Ellis to present his case.

Mr. Ellis said he was the County extension educator for Fremont County, which included teaching poultry education in Bonneville and Bingham as well. Mr. Ellis said currently he had to keep the chickens for his education classes at his parent's farm, which added an hour to his commute. Mr. Ellis asked for a conditional use permit to keep the chickens at his home in Iona. Mr. Ellis said he had just under 1/2 of an acre of property and could easily meet the setback requirements for the chicken coop.

PZ chairman Beazer asked how many chickens Mr. Ellis would keep at a time. Mr. Ellis said he would have approximately 8 hens and up to 20 chicks, but he would only have the chicks for less than a week at a time because they would be given away as part of the education.

PZ member Hobbs asked what Mr. Ellis would do with the waste. Mr. Ellis said he would compost the waste.

PZ chairman Beazer asked if anyone in favor of the request would like to speak. Bette Lovinus was Mr. Ellis' next door neighbor, and said she was in favor of Mr. Ellis keeping chickens on his property.

Mr. McKinlay asked where the property was located. Mr. Ellis said he lived on Freedom Circle in Mountain Ridge Estates.

PZ chairman Beazer asked if anyone that was neutral would like to speak, no one did.

PZ chairman Beazer asked if anyone that was against would like to speak, no one did.

PZ chairman asked if anyone else had a comment. Sally Price said people should be allowed to do what they want with their property as long as it didn't bother the neighbors.

PZ chairman Beazer closed the public portion of the hearing and opened the discussion to the Commission members.

PZ member Garren said since most of the lots in Iona were 1/3 acre he was in favor of changing the lot size from 1/2 acre to 1/3 acre or greater to accommodate more people and avoid continued conditional use permit hearings.

PZ member Hobbs agreed that according to the survey about the chickens, the majority of the people were in favor of allowing chickens, and the majority of the lots were 1/3 acre or greater.

PZ members Hobbs and Beazer were also in favor of changing the lot size.

PZ member Hobbs made a motion to recommend to the City Council that the allowable lot size for chickens be changed from 1/2 acre to 1/3 acre or greater to include the majority of the people.

PZ member Garren seconded the motion. All were in favor. Motion carried

Public hearing closed 7:15 p.m.

APPENDIX B
PUBLIC HEARING 7:30 P.M. McARTHUR, CONDITIONAL USE PERMIT

PRESENT: Chairman Adrian Beazer, Members; Roy Hobbs, Dan Garren, Lance Ellis, and Clerk Robyn Keyes.

VISITORS: Mike Taylor, Bette Lovinus, Kathy McNamara, Terry McNamara, Sally Price, Lynn McKinlay, Linda Hobbs, Eric Astel, Melanie Seneff, Eric Seneff, Craig Marshall, Jonie Marshall, Stephanie Rockwood, Greg Oram

Planning and Zoning Chairman Beazer welcomed everyone, and went over the procedure for the public hearing. Chairman Beazer then invited Mr. and Mrs. McArthur to present their case.

Mr. McArthur said he was requesting a permit to allow tenants in his basement for the benefit of the tenant and the McArthur's. Mr. McArthur presented signatures of all of his adjacent neighbors that approved of the permit. The only neighbor that did not sign the letter was Mr. Seneff. Mr. McArthur also read letters of approval by two of his neighbors, and a past tenant. (See attached letters). Mr. McArthur explained that he did not offer his home as a means to make money, but rather to help young people out financially. Mr. McArthur said his home is open to the people that live there, and they help out with the living expenses. Mr. McArthur said the house was built with a self contained basement, but he has never had a rental agreement with any of the tenants.

PZ member Beazer asked if there would be off street parking. Mr. McArthur said there was.

PZ member asked if anyone that was in favor would like to speak.

Stephanie Rockwood said she was in favor of the McArthur's opening their home for tenants. Mrs. Rockwood was living in the basement of the McArthur's and grateful for the opportunity to save money.

Craig Marshall said he lived next door to the McArthur's and was in favor of the permit. Mr. Marshall said the McArthur's were good people.

Greg Orem said he lived in a situation like the McArthur's when he was first married, which helped him save money for his own home. Mr. Orem said he was not in favor of apartments in neighborhood, but was alright with a situation like the McArthur's.

PZ chairman Beazer asked if anyone that was neutral would like to speak, no one did.

PZ chairman Beazer asked if anyone that was against would like to speak. Terry McNamara said the McArthur's asked for rezoning in 2000 and were denied, and they asked for a conditional use permit in 2008 and were denied. Mr. McNamara said he liked the McArthur's and agreed they were good people, but was against multifamily dwellings

in single family zoning. Mr. McNamara said if the City allowed Mr. McArthur to have a multifamily dwelling, then that would open the door for other people to do the same thing and he did not want high density housing in Iona.

Kathy McNamara asked the McArthur's if they were renting now. Mr. McArthur said he was not renting now. Mrs. McNamara said that Mrs. Rockwood just said she was living in their basement. Mr. McArthur said he did not have a rental agreement with her and he did not charge rent, she just helped with the living expenses. Mrs. McNamara said Mr. McArthur was blatantly disregarding the ordinance. Mrs. McNamara said that Mr. McArthur was using the City Attorney for consultations.

Eric Seneff agreed with Mr. McNamara, and said this was the third time they had been asked to appear for a public hearing for the same thing. Mr. Seneff also said he liked the McArthur's and had nothing personal against them. Mr. Seneff said he did not want multifamily dwellings to take over the area like it had in some areas of Idaho Falls like North Water Street.

Mr. McArthur said he had talked with an attorney, not the City Attorney, and spent hours looking up the Fair Housing Act and in this country you cannot tell people how many other people they can have in their homes.

PZ chairman Beazer asked those opposed what conditions they would want to see applied if the McArthur's were granted the permit.

Mr. McNamara asked if there would be a definition between renting and letting someone stay in the house in exchange for paying the expenses. Mr. McNamara suggested it was the same thing if money was exchanged.

Mr. McArthur asked Mrs. Rockwood if he had offered her the option of paying rent. Mrs. Rockwood said he did not. Mr. McArthur said he offered Mrs. Rockwood the option of helping with the household expenses.

The public portion of the hearing was closed and discussion was opened to the Commission.

PZ member Garren said according to the code for conditional use permits the McArthur's did not fall under a hardship, or necessary situation. The only category PZ member Garren could place the McArthur's permit under would be a boarding house.

Joanie Marshall asked what the definition of a boarding house was. No one was sure what the definition was.

PZ member Ellis suggested finding the definition of a boarding house and resolving the issue.

PZ Garren said he can understand both sides of the situation. He agreed what the McArthur's were doing was a good thing, but he was concerned about how it affected the people around the McArthur's. PZ member Garren was also concerned with the precedence that would be set under the circumstances with the McArthur's.

PZ member Hobbs said the other conditional use permits that had been issued were for hardship cases. PZ member Hobbs said he wanted to uphold the integrity of the neighborhood and R-1 zone.

PZ member Ellis agreed with the precedence that would be set, and that economically many people might want to enter into the same situation.

PZ chairman Beazer opened the public portion of the hearing back up. The chairman again asked those opposed what conditions they would like to see applied if the permit were granted.

Mr. McNamara agreed that the definition of a boarding house needed to be explained.

Mrs. Seneff said her home was big enough for a boarding house and she said that might open the door for a lot of people to begin renting their homes out as such.

Mr. McArthur said precedence has already been made, and the Fair Housing Act allows people to open their houses up for boarding.

Mrs. McNamara said she was not opposed of the McArthur's renting their home, she was opposed of the fact that he had been doing it when he had been told by the City that he was not allowed. Mrs. McNamara said the Council should follow the rules the same as everyone else, and in fact be held to a higher standard. Mrs. McNamara is opposed to the McArthur's doing something they were told they could not do.

Mr. McArthur said he was not doing anything wrong.

PZ chairman Beazer noted that the overwhelming majority of the people involved and notified were in favor of allowing the McArthur's to open their home to other people.

PZ member Hobbs made a motion to postpone the public hearing with the City Council next week to deliberate and gather more information regarding boarding houses, and the circumstances that other conditional use permits have been granted.

PZ member Ellis seconded the motion. All were in favor. Motion carried. The next meeting for the McArthur's conditional use permit would be March 10 at 7:00 p.m.

Public hearing closed 8:30 p.m.

