

**City of Heyburn Planning & Zoning Meeting & Public Hearing**  
**Tuesday, November 24, 2020**  
**4:00 P.M.**

**Welcome, Declaration of Quorum:**

Planning & Zoning Chairwoman Heather Petersen welcomed everyone to the meeting at 4:04 p.m. A quorum was confirmed by Heather Petersen. Those present were Heather Petersen, Amy Despain, and Glen Loveland, Bryan Jensen (attended via telephone). Scot Bell was not present. City employees Tony Morley, Ernest Juarez, Debra Encinas, and Paul Ross were also in attendance.

**Discuss / Consider Approval of the Minutes of the October 22, 2020 Planning & Zoning Meeting & Public Hearing – ACTION ITEM**

Motion by Glen Loveland to approve the minutes of the October 22, 2020 Planning & Zoning Meeting & Public Hearing. Second by Bryan Jensen. Roll-Call Vote: Amy Despain – Aye; Bryan Jensen – Aye; Glen Loveland – Aye; Heather Petersen – Aye.

**Public Hearing (Re-Hearing) – Application for Special Use Permit submitted by LeAnne Taylor Litchfield and Edith Taylor for an In-Home Daycare for up to 12 children at 2404 O Street, Heyburn, Idaho. This property is zoned Commercial General.**

Planning & Zoning Administrator Tony Morley explained that there had been some noticing issues, that is the reason for the re-hearing.

Edith Taylor went up to the podium and gave her presentation regarding their request for the Special Use Permit for an In-Home Daycare.

Chairwoman Heather Petersen opened the public hearing.

Those speaking in favor of the Application for Special use Permit were:

LeAnne Taylor Litchfield explained that there is a need in the community for more child care.

Those speaking who are neutral to the Application for Special Use Permit were: None

Those speaking against the Application for Special Use Permit were: Randy Leatham explained that he has maintained the road for 20 plus years and that this road is not made for all the traffic that will come with this daycare. He wants to know who will be responsible for taking care of the road.

Mr.Morley said there was a letter sent in from Diane Griswold regarding this hearing and it was read aloud for the public.

Ladon Goodfellow said she has been at Randy's house and he has lots of heavy duty equipment and it would be a danger if the children went into his property.

Carole Leatham also said that this is a terrible place to put a daycare at, the canal is very dangerous and the road is not made for all the traffic that will be going through it.

Final remarks by Edith Taylor explained that it will not be as much traffic as everyone suggests. They will only

be allowed to have a maximum of 12 children at one time at the daycare. The property will be all fenced in. She has done daycare for about 27 years. She said it is two of them and someone will always be available to watch the kids. The daycare will comply with state licensing requirements.

Hearing no further comments, Chairwoman Heather Petersen closed the public hearing.

The Planning & Zoning Commission went into discussion.

Brian Moon with Minidoka County Fire Protection District explained all the specifications and requirements for the road and related access. The FPD will monitor pursuant to business and state licensing requirements.

**Discuss / Consider Application for Special Use Permit submitted by LeAnne Taylor Litchfield and Edith Taylor for an In-Home Daycare for up to 12 children at 2404 O Street, Heyburn, Idaho – ACTION ITEM**

After discussion, motion by Amy Despain to approve the Application for Special Use Permit submitted by LeAnne Taylor Litchfield and Edith Taylor for an In-Home Daycare for up to 12 children at 2404 O Street, Heyburn, Idaho with the following conditions:

1. If property ownership changes and Edith Taylor does not have any ownership in the property that the daycare is located in, then the Special Use Permit will become invalid.
2. If Edith Taylor moves from the property located at 2404 O Street, Heyburn Idaho and does not domicile there then the Special Use Permit will become invalid.
3. Erect, maintain and preserve fencing to enclose and protect children from any watercourses, dangerous conditions, and the ability to leave the immediate vicinity of the daycare without adult supervision.
4. Daycare is permitted for a maximum of twelve (12) children at one time (as defined by their license, this does not include family or non-commercial children). Any number exceeding twelve children will be grounds for the P&Z Commission to revoke the Special Use Permit.
5. Daycare will always have sufficient adult staffing for the number of children located in the home at any one time.
6. Road into the daycare must be maintained and have an all-weather surface. The road will be maintained so it will not obstruct or impede other traffic and surrounding properties.
7. Daycare will comply with and follow all State of Idaho, City of Heyburn, and any regulatory agencies having authority, including their rules, requirements and conditions for the operation of a daycare in the City of Heyburn, County of Minidoka, and the State of Idaho.
8. If any conditions herein are in violation the P&Z Commission reserves the right to review the Special Use Permit at a noticed hearing wherein the Special Use Permit may be revoked or any conditions may be imposed to mitigate future violations.
9. If the Special Use Permit is revoked or becomes invalid at any time the P&Z Commission will send a letter to the State of Idaho, Minidoka County, and any other regulatory agency having authority stating the condition of the permit.

Second by Glen Loveland. Roll-Call Vote: Amy Despain – Aye; Bryan Jensen – Aye; Glen Loveland – Aye; Heather Petersen – Aye.

**Discuss / Consider Area of City Impact – ACTION ITEM**

Mr. Morley explained to the Planning & Zoning Commission about the Area of City Impact.

City Attorney Paul Ross explained the Area of City Impact as well.

No action was taken on this item.

**Motion to adjourn – ACTION ITEM**

Motion to adjourn the meeting by Amy Despain. Second by Bryan Jensen. Roll-Call Vote: Amy Despain – Aye; Bryan Jensen – Aye; Glen Loveland – Aye; Heather Petersen – Aye.

The meeting adjourned at 5:20 P.M.

Heather Petersen  
Chairwoman

Debra Encinas  
Planning & Zoning Clerk