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## Hailey planners approve sober house

P&Z recommends new of ordinance

Tony Evans Oct 17, 2018

The Hailey Planning and Zoning Commission upheld a city staff decision Monday to allow a sober house for men in recovery from addiction to go into operation at 220 S. Second Ave., despite a legal appeal by neighbors.

Sonya Wilander, Blaine County Drug Court coordinator and a proponent of the Men's Second Chance sober house, said after the appeal hearing that the house was being remodeled and would open "as soon as possible."

The building was purchased early this month by The Advocates, a fiscal sponsor for Men's Second Chance. The house will be rented to the sober house operators until the new organization gains 501(c)(3) nonprofit status.

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"We totally support what they are doing. It's a needed service for the community," The Advocates CEO Trisha Swartling said.

The commission's unanimous support to uphold Community Development Director Lisa Horowitz's administrative approval of the sober house in August came Monday along with a recommendation to the Hailey City Council that it start a review process to create an ordinance that will deal with group homes for people who have disabilities.

Attorney Michael Pogue led the appeal by Chauncy Gardner, John Roland and other neighbors, claiming the sober house would pose a “health and safety risk” because it could house felons and would be on a bike route to schools.

Roland listed numerous lingering questions about the sober house’s proposed operations and screening process, including background checks and whether sex offenders would be allowed to live there. He said the use would be “drastically different” than what he and his neighbors ever thought would be allowed in the Transitional zone.

Pogue cited state law 67-6532, which could regulate group homes “whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.”

“You can’t allow this with carte blanche right now,” Pogue said.

Swartling said in an interview that it was surprising that the neighbors took issue with the sober house operating in the neighborhood.

“That building has long been a counseling center office and also housed the Crisis Hotline,” she said. “People with substance-abuse problems and mental-health issues have been going in and out of there for 20 years.”

The decision to uphold Horowitz’s decision was based primarily on the city’s lack of a conditional-use application process for sober homes.

The facility was approved as a “single-family dwelling,” which state law 67-6531 defines as including “any home in which eight or fewer unrelated mentally and/or physically handicapped or elderly persons reside; and who are supervised. ... ”

Attorney Jim Phillips, who represented the city at the hearing, said the state law trumps local zoning code for the Transitional zone, which prohibits “boarding houses.”

“The city does not have the capacity to treat these [sober homes] as conditional uses,” Phillips said. “But the city could write such an ordinance with a public comment process.”

P&Z Commissioner Owen Scanlon said he still had a “lot of questions” he would like to ask of the sober house applicants, echoing the sentiments of other commissioners.

Commissioner Dan Smith said, “A public hearing on this would have been helpful. Unfortunately, it takes these kinds of situations to find gaps in our ordinances.”

Wilander said in August that the home's residents would be overseen by a house manager charged with making sure the residents abide by rules. No drugs, alcohol or firearms would be allowed on the premises, and random drug testing and personal article searches would be conducted to make sure residents comply with the rules.

Pogue said after the meeting Monday that he was not sure whether his clients would appeal the P&Z's decision to the City Council.

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*Trisha Swartling*

The Advocates

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