

CITY OF PRESTON PLANNING AND ZONING MEETING
October 25, 2017

ROLL CALL Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Penny Wright, Commissioner Charles Chesney, Commissioner Brock Alder, Commissioner Vern Purser

Staff present: Wendy Merrill, Mark Owens

Others: Cameron Rounds, Berni Winn

Meeting was called to order at 6:00 p.m. by Chairman Linda Hansen

**REVIEW AND
APPROVAL
OF PLANNING
& ZONING
MINUTES
10/11/17**

It was moved by Commissioner Penny Wright and seconded by Commissioner Charles Chesney to approve the minutes of October 11, 2017. The motion received unanimous approval.

**PUBLIC
HEARING
OPEN SPACE
ORDINANCE**

Chairman Linda Hansen called for the Public Hearing for the purpose of receiving and hearing public comments on a proposed amendment to Preston Municipal Code 16.28.010 Paragraph I, Open Space and Preston Municipal Code 16.34.060 – Common Open Space, providing alternative means to satisfy the open space by voluntary contribution of land or funds or a combination thereof.

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing shall be held before the Planning and Zoning Commission of the City of Preston, Idaho, on the 25th day of October, 2017 at the hour of 6:00 P.M., or as soon thereafter as can be heard, at the City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of receiving and hearing public comments on a proposed amendment to Preston Municipal Code 16.28.010 Paragraph I, Open Space and Preston Municipal Code 16.34.060 – Common Open Space. Providing alternative means to satisfy the open space by voluntary contribution of land or funds or a combination thereof as may be agreeable to the City of Preston. A copy of the drafted ordinance is on file at the Office of the City Clerk.

All persons present will be given the opportunity to be heard. Written comments or objections may be submitted to the office of the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

Dated this 22nd day of September, 2017.

/S/
Linda Acock, Preston City Clerk

Publish: The Preston Citizen October 4, 2017

Chairman Linda Hansen gave guidelines for holding a public hearing, and asked if any Board member needed to declare a conflict of interest, or ex-parte contact with the matter. There being none, Chairman Linda Hansen opened the public hearing and asked City Engineer Mark Owens to present the proposed amendment to Preston Municipal Code 16.28.010 Paragraph I, and Preston Municipal Code 16.34.060.

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City Engineer Mark Owens presented the proposed amendment to Section 16.28.010 I, to add the following: the developer may voluntarily propose alternative means to satisfy the open space requirement through contribution of land, funds, or a combination thereof as may be agreeable to the city, subject to a written agreement. Any contribution would be based upon the fair market value of the land in the area of the development in a developed, subdivided condition. The final determination of fair market value shall be made by the City Engineer, following submittal by the developer of an appraisal or other evidence of fair market value, and subject to review by the city council. Contributions shall be used for acquisition or improvement of open space as multi-use paths, parks or playgrounds to serve the immediate and future needs of the development and the general area in conformance with the city comprehensive plan; and adding the same paragraph to Section 16.34.060.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of the proposed ordinance amendments.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony regarding the proposed ordinance amendments.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against the proposed ordinance amendments.

There being no further testimony, Chairman Linda Hansen closed the public hearing and opened the meeting up to the Board for discussion.

After discussion, it was moved by Commissioner Charles Chesney and seconded by Commissioner Penny Wright to recommend to Preston City Council the approval of the proposed amendment to Preston Municipal Code 16.28.010 Paragraph I, Open Space and Preston Municipal Code 16.34.060 – Common Open Space. The motion received unanimous approval.

**PRELIMINARY
PLAT
A. JAY HANSEN**

City Engineer Mark Owens reported that the Preston City Council was sending the Planning and Zoning Commission Decision, Plat – A. Jay Hansen back to the Planning and Zoning Commission to address the issues of adequate fire access, and the creation of flag lots outside the 4th core area of the City. The Board discussed these issues.

**PLANNING &
ZONING
COMMISSION
DECISION
SANDY
ACRES MINOR
SUBDIVISION**

It was moved by Commissioner Charles Chesney and seconded by Commissioner Vern Purser to approve the Planning and Zoning Commission Decision to the City Council for the final plat of the Sandy Acres Minor Subdivision, and to have Chairman Linda Hansen sign the Decision. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision Final Plat – Sandy Acres Minor Subdivision follows minutes.

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PLANNING & ZONING COMMISSION DECISION SMITH ESTATES MINOR SUBDIVISION It was moved by Commissioner Charles Chesney and seconded by Commissioner Vern Purser to approve the Planning and Zoning Commission Decision to the City Council for the final plat of the Smith Estates Minor Subdivision, and to have Chairman Linda Hansen sign the Decision. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision Final Plat - Smith Estates Minor Subdivision follows minutes.

PLANNING & ZONING COMMISSION DECISION BRYON MARTIN REZONE It was moved by Commissioner Charles Chesney and seconded by Commissioner Penny Wright to approve the Planning and Zoning Commission Decision to the City Council for Bryon Martin, 280 North 3rd East, to rezone the property from Residential A-1 to Residential B, and to have Chairman Linda Hansen sign the Decision. The motion received unanimous approval.

A copy of the Planning and Zoning Commission Decision Bryon Martin – Rezone follows minutes.

REPORT OF APPROVED BUILDING PERMITS Chairman Linda Hansen reported on the following approved building permits

Gary Simper	450 East Brookside Court	House
Five Star Investments	145 South State	Restaurant
LizBeth Tena	1097 North 8 th West	House
Larry Ralphs	331 East 260 North	House
Craig Dopp	807 West Oneida	Industrial Building
Sun Sage Floral	16 South 1 st East	Sign

REVISION TO MINOR SUBDIVISION ORDINANCE TO ALLOW ONE LOT SPLITS City Engineer Mark Owens referenced Ordinance number 2017-3, amending Preston Municipal Code, Section 16.04.030 – Exceptions, deleting Exception for one division of original parcel. Exception #2, which read, One (1) division of any parcel into not more than two (2) parcels each; provided, that each parcel resulting from such subdivision shall front upon a public street and meets the minimum lot size required, had been stricken from the ordinance. City Engineer Mark Owens suggested the Board put this exception back in the ordinance, and the requirement that all lots will be subject to deferral agreements for improvements be added. After Board discussion, it was moved by Commissioner Charles Chesney and seconded by Commissioner Penny Wright to put exception #2 back in the ordinance along with the required deferral agreements. The motion received unanimous approval.

NOTICE TO ADJOINING PROPERTY OWNERS ON MINOR SUBDIVISIONS AND REGULAR SUBDIVISIONS City Engineer Mark Owens referenced Preston Municipal Code, Section 16.22.040 – B, which states that the city will provide copies of submitted documents, as necessary, to outside agencies and jurisdictions, which, in the opinion of staff, may be affected by the proposal. In addition, the city will provide written notice to the owners of property adjacent to the property proposed for development. The notice shall provide the adjacent property owners a plan of the minor subdivision, general information concerning the proposal, and the time frame for submitting written comments. He asked the Board to consider keeping the requirement to provide notice to adjoining property owners on minor subdivisions, or whether to remove the notification requirement, or whether to notify adjoining property owners on minor subdivisions and regular subdivisions. Commissioner Brock Alder stated that

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adjoining property owners have a right to know when a subdivision will be developed near them, to which Commissioner Vern Purser agreed. After Board discussion, it was moved by Commissioner Brock Alder and seconded by Commissioner Vern Purser to require that property owners be notified of both minor and regular subdivisions.

Motion was rescinded.

It was moved by Commissioner Brock Alder and seconded by Commissioner Vern Purser to require that only the immediately adjoining property owners be notified of both minor and regular subdivisions. The motion received unanimous approval.

**MEETING
SCHEDULE**

It was moved by Commissioner Brock Alder and seconded by Commissioner Charles Chesney to cancel the November 22, 2017 Planning and Zoning meeting, due to the Thanksgiving Holiday, and to cancel the December 27, 2017 Planning and Zoning Meeting, due to the Christmas Holidays. The motion received unanimous approval.

ADJOURN

Meeting was adjourned at 6:50 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk