

CITY OF PRESTON PLANNING AND ZONING MEETING
December 19, 2018

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

Staff present: Shawn Oliverson, Linda Acock

Others: Brian Taylor, Jan Taylor, Berni Winn, Vance Broadhead, Janean Jensen, Brett Jensen

Meeting was called to order at 6:00 P.M. by Vice-Chairman Penny Wright.

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 11/28/2018 It was moved by Commissioner Steve Call and seconded by Commissioner Vern Purser to approve the Planning and Zoning Minutes of November 28, 2018, as written. The motion received unanimous approval.

Chairman Linda Hansen arrived at 6:06 p.m.

PUBLIC HEARING AMENDMENT TO TITLE 17 PRESTON CITY MUNICIPAL CODE ZONING After giving guidelines for holding a public hearing, Vice-Chairman Penny Wright called for the public hearing for amendments to Title 17 of the Preston Municipal Code, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on the 19th day of December, 2018, at the hour of 6:00 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Planning and Zoning Commission to consider a proposed ordinance amending Chapters 17.08, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, as follows:

17.08.030 – AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL A-1 ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.08.060 ACCESSORY USES, RESIDENTIAL A-1 ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.10.030 – AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL A-2 ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.10.060 ACCESSORY USES, RESIDENTIAL A-2 ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.12.030 – AREA AND HEIGHT REQUIREMENTS, RESIDENTIAL B ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE

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ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.12.060 ACCESSORY USES, RESIDENTIAL B ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.14.030 – AREA AND HEIGHT REQUIREMENTS, TRANSITIONAL ZONE, AMEND 45% OF ALLOWED LOT COVERAGE TO INCLUDE ASPHALT, CEMENT OR DRIVEWAYS AND INCREASE MAXIMUM HEIGHT OF DWELLING TO THIRTY-FIVE (35) FEET. 17.14.060 ACCESSORY USES, TRANSITIONAL ZONE, AMENDING ALLOWED LOT COVERAGE, HEIGHT OF ACCESSORY BUILDINGS, ACCESSORY BUILDING SETBACKS, REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING, AND EXCLUDING KITCHENS IN ACCESSORY BUILDINGS. 17.16.060 ACCESSORY USES, BUSINESS ZONE, AMENDING HEIGHT OF ACCESSORY BUILDINGS, AND REMOVING REQUIREMENT OF LAND SURVEY FOR MOVEABLE ACCESSORY BUILDING. 17.20.010 – CERTAIN ANIMALS PROHIBITED A-1 AND A-2 DISTRICTS, AMENDING ALLOWED PETS IN MULTI-FAMILY AND DUPLEX PROPERTIES, ALLOWING FOR UP TO FIVE (5) CHICKENS, PROHIBITING CHICKENS TO ROAM FREE UPON SURROUNDING PROPERTIES AND CAUSING OWNERS TO BE RESPONSIBLE FOR ANY DAMAGE CAUSED. 17.20.020 – CERTAIN ANIMALS PROHIBITED IN RESIDENTIAL B AND TRANSITIONAL DISTRICTS, AMENDING TO ALLOW FOR CERTAIN ANIMALS BASED UPON ACREAGE, ALLOWING CHICKENS, GOATS AND STEERS, AMENDING ALLOWED PETS IN MULTI-FAMILY AND DUPLEX PROPERTIES, PROHIBITING ROOSTERS IN ALL ZONES, CAUSING OWNERS TO BE RESPONSIBLE FOR ANY DAMAGE CAUSED.

A copy of a proposed ordinance is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after November 28th, 2018.

All persons present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

S/Linda Acock, City Clerk

Vice-Chairman Penny Wright asked if any Board member needed to declare a conflict of interest, or ex-parte contact with this matter. There being none, she asked Economic Development Specialist/Assistant Planner, Shawn Oliverson to present the proposed amendments to the Board.

Economic Development Specialist/Assistant Planner, Shawn Oliverson explained that as the Planner for Preston City, he has noticed recurring issues, and he and Engineer Tyrell Simpson have worked on updating the code from as far back as 1979. He touched on topics such as increasing the height of residential buildings from 25 feet to 35 feet, adding asphalt, sidewalk, etc. to the 45% lot coverage requirement, increasing the accessory building height and size, yet not allowing them to be higher than the residence, all buildings, regardless of size will have to maintain setbacks, moveable buildings will not

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require a land survey for a building permit, detached garages may be even with the house, no accessory building can be used as a dwelling, animals will allow for up to 5 chickens in residential zones, no roosters allowed within city limits, allowing for additional animals on a per acre basis, all chicken coops must be at least 30 feet from any residence, and that Grandfather rights will stay as is.

Commissioner Steve Call mentioned that he has been hearing from people that they do not want animals within the city limits.

Vice-Chairman Penny Wright asked if Economic Development Specialist/Assistant Planner, Shawn Oliverson has researched other cities ordinances allowing animals within the city limits. Economic Development Specialist/Assistant Planner, Shawn Oliverson explained that he has researched other Idaho towns similar in size to Preston, as well as neighboring community, Smithfield, Utah. Other cities do allow for animals.

Vice-Chairman Penny Wright called for comments in support to the amendments within Title 17 of the Preston Municipal Code.

Vance Broadhead stated that he doesn't think the city will see a huge change in the animals within the city. The biggest change will be those with acreage being allowed a few more animals. Mr. Broadhead feels this is a good change and is in favor of the amendments.

Brian Taylor stated that he is also in favor of the amendments. The City still has limits on the allowed animals, and they are good and favorable.

Brett Jensen stated that a subdivision Restrictive Covenants would regulate animals within subdivisions.

There being no further comments in favor of the proposed amendments, Vice-Chairman Penny Wright called for neutral comments.

There being none, Vice-Chairman Penny Wright then asked for comments opposing the proposed amendments. There being none, Vice-Chairman Penny Wright asked if written comments had been received in the Clerk's Office. Clerk Linda Acock stated that no written comments have been received.

Vice-Chairman Penny Wright closed the public hearing, and opened the meeting to discussion amongst the Board.

Commissioner Steve Call reiterated that he thinks the Board needs to be very careful in making changes to the animal rights.

Commissioner Scott Palmer asked why these zone changes were being done at this point in time, when there is a zone change and amendment to the Comprehensive Plan that should be ready for public hearing, and these matters would be considered at that time.

Economic Development Specialist/Assistant Planner, Shawn Oliverson agreed that the zone change and amendment to the Comprehensive Plan would be the best time for these changes, but there have been delays in that project. This amendment would work as a "stop-gap" in the interim.

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Commissioner Scott Palmer asked that the master street plan be placed on a future agenda, and that the Mayor, City Attorney, and Comprehensive Plan Committee all be invited to attend to address the concerns of this matter taking over a year to be resolved.

It was moved by Commissioner Brock Alder and seconded by Commissioner Vern Purser to accept the proposed amendments to Title 17 of the Preston Municipal Code, as written, and forward the Commission's recommendation of approval to City Council. The vote was as follows:

Chairman Linda Hansen	<u>Abstain</u>
Commissioner Chuck Chesney	<u>Aye</u>
Commissioner Penny Wright	<u>Aye</u>
Commissioner Steve Call	<u>Nay</u>
Commissioner Vern Purser	<u>Aye</u>
Commissioner Brock Alder	<u>Aye</u>
Commissioner Scott Palmer	<u>Aye</u>

Motion passed by majority vote.

**REPORT OF
APPROVED
BUILDING
PERMITS**

Chairman Linda Hansen reported on the following approved building permits:

Blue Sage Park	307 East 260 North	House
Higley Homes	114 East 100 North	House
Preston Mobile Est.	13 Sunrise Drive	Man. House

**DISCUSS
ACCESSORY
BUILDING ON
VACANT LOT**

Brett and Janeanne Jensen came before the Board to discuss building a storage building on a vacant property. As well, they would like the City to consider allowing them to defer building 9th East and 4th North streets that run through the parcel of property.

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Scott Palmer to approve, in concept, and have the Brett and Janeanne move forward with seeking a Deferral Agreement for 9th East and 4th North streets, and application for a Special Use Permit. This received unanimous approval.

ADJOURN

Meeting was adjourned at 6:57 P.M. by Chairman Linda Hansen.

Linda Acock, Clerk

Linda Hansen, Chairman