

CITY OF PRESTON PLANNING AND ZONING MEETING
January 14, 2015

ROLL CALL Roll Call showed the following Board members present: Chairman Randy Harris, Commissioner Bruce Hodges, Commissioner Terry Petterborg, Commissioner Roger Woolley, Commissioner Linda Hansen, Commissioner Delbert Rumsey

Staff present: Engineer Darek Kimball, City Council Liaison Sandra Hubbard, Clerk Linda Acock

Others: Cody Ralphs, H.K. Smith, Angela Smith, Bob Fellows, Jed Fellows, Thayne Winward, Easton Fellows

Meeting was called to order at 6:00 p.m. by Chairman Randy Harris.

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 12/17/14 It was moved by Commissioner Linda Hansen and seconded by Commissioner Bruce Hodges to approve the Planning and Zoning Minutes of December 17, 2014. The vote was as follows:

Chairman Randy Harris	<u>Aye</u>
Commissioner Bruce Hodges	<u>Aye</u>
Commissioner Terry Petterborg	<u>Aye</u>
Commissioner Roger Woolley	<u>Absent</u>
Commissioner Linda Hansen	<u>Aye</u>
Commissioner Delbert Rumsey	<u>Aye</u>

Motion passed by majority vote.

Commissioner Roger Woolley arrived at 6:04 p.m.

ELECT P&Z CHAIRMAN 2015 Randy Harris opened nominations for the Chairman of the Planning and Zoning Commission.

Delbert Rumsey nominated Linda Hansen as Chairman of the Planning and Zoning Commission.

There being no further nominations, Randy Harris asked for a motion to close nominations. It was moved by Bruce Hodges and seconded by Delbert Rumsey to close nominations for Chairman of the Planning and Zoning Commission.

Randy Harris asked for votes for the Planning and Zoning Chairman. The vote was as follows:

Randy Harris, Bruce Hodges, Terry Petterborg, Linda Hansen, Roger Woolley, and Delbert Rumsey voted for Linda Hansen as Planning and Zoning Chairman.

Linda Hansen was elected Chairman of the Planning and Zoning Board for the year 2015, by unanimous vote, and conducted the remainder of the meeting.

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**ELECT P&Z
VICE-CHAIR
2015**

Linda Hansen opened nominations for the Vice-Chairman of the Planning and Zoning Commission.

Bruce Hodges nominated Roger Woolley as Vice-Chairman of the Planning and Zoning Commission.

There being no further nominations, Linda Hansen asked for a motion to close nominations. It was moved by Terry Petterborg and seconded by Randy Harris to close nominations for Vice-Chairman of the Planning and Zoning Commission.

Linda Hansen asked for votes for the Planning and Zoning Vice-Chairman. The vote was as follows:

Randy Harris, Bruce Hodges, Terry Petterborg, Linda Hansen, Roger Woolley, and Delbert Rumsey voted for Roger Woolley as Planning and Zoning Vice-Chairman.

Roger Woolley was elected Vice-Chairman of the Planning and Zoning Board for the year 2015, by unanimous vote.

Commissioner Randy Harris took a few minutes to thank the Board for their support and hard work during the 2014 year.

**REPORT OF
APPROVED
BUILDING
PERMITS**

Engineer Darek Kimball reported on the following approved building permits.

AAA Self Storage of Preston	655 N State	Enclosed Breezeway
Bruce Hodges	451 E Oneida	Deck Cover
Valley Wide Co-Op	1010 W 8 th N	Fertilizer Storage

**CONCEPT
PLAN
P.U.D.
CODY
RALPHS**

Cody Ralphs presented a concept design for a planned unit development. He stated that his Planned Unit Development is still in the developmental stages, and he thought it would be beneficial to run the process of his P.U.D. concurrent with the Board changing the Planned Unit Development Ordinances.

Engineer Darek Kimball explained that the conceptual design does not meet current P.U.D. Ordinances, and could not be approved as the ordinances are now. He further advised Mr. Ralphs that the ordinance changes are still in the discussion stage, there are no definite changes, and it may be months before any ordinance changes are finalized.

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**PUBLIC
HEARING
VARIANCE
H.K. & ANGELA
SMITH
1100 N 1400 W**

Chairman Linda Hansen called for the public hearing to give consideration to the application for variance by H.K. and Angela Smith, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the Planning and Zoning Commission of the City of Preston, Idaho, on the 14th day of January 2015, at the hour of 6:15 P.M. at the City Hall located at 70 West Oneida St., Preston, Idaho, 83263, for the purpose of giving consideration to the Application for Variance submitted by H.K. and Angela Smith wherein the applicants seek a variance to the Zoning Ordinance of the City requesting that they not be required to construct that portion of 1100 North Street, an unimproved street, located on their property. The applicants represent that construction of the same would constitute an undue hardship stating that the road would only serve as an access for tractors or other farm equipment, would not presently link with 800 West St. and list other difficulties which such construction would impose on them. That portion of 1100 North St. for which the applicants seek said variance is located on property owned by applicants more fully described as follows:

Township 15 South, Range 39 East, Boise Meridian, Franklin County, Idaho.

Section 16: Commencing at a point 1980 feet North of the Southeast corner of the Southwest quarter of Section 16; thence running West 875 feet; thence North 196 feet; thence West 445 feet; thence South 196 feet; thence East 284 feet; thence South 234 feet; thence East 470 feet; thence North 201 feet; thence East 566 feet; thence North 33 feet to the point of beginning.

All persons present will be given the opportunity to be heard. Written comments or objections may be submitted to the City Clerk at the above stated address, and the same will be considered.

s/Jerry C Larsen, City Clerk

Publish: December 24, 2014

After giving guidelines for holding a public hearing, Chairman Linda Hansen asked if there were any board members that needed to declare ex-parte contact in this matter or to declare a conflict of interest. There being none, she asked Mr. Smith to present his request for an undue hardship variance.

H.K. Smith stated to the Board that he created a 5 acre parcel to keep from having to develop a subdivision. He is seeking a hardship variance to not have to build 1100 North Street, for one house. The costs are prohibitive for a single homeowner to build a 60' by 1200' street. He further explained that when the house is built, it will be accessed from 1400 West.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the variance.

Easton Fellows stated that he is the person who farms the land that the street will be built through, and the street will take up prime farming ground, as well as cause a nuisance by having the street go through the land.

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Chairman Linda Hansen asked Mr. Smith if she was understanding the request for variance correctly, in that he was asking for the variance to put the road in at a later date, when the city requests that the road be put in.

Mr. Smith stated that he understood the process to be that whoever builds a home on the ground behind them, which would be a relative because the Fellows' own all the surrounding property, that those builders would be required to build the road.

Commissioner Roger Woolley stated that he couldn't see a problem in allowing the variance.

Chairman Linda Hansen asked if there were any further comments. There being none, she closed the public hearing, and asked for discussion amongst the Board.

Engineer Darek Kimball explained that building permit rules require that all improvements be constructed before issuing the building permit. Mr. Smith's property encompasses a portion of 1100 North, so city code requires that he build 1100 North, as well as completing all other improvements along 1400 West, and the new 1100 North. The issue before the Board is whether to make recommendation to City Council in support of granting a variance on requiring that the road be built, or recommending denial of the applicant's request.

It was moved by Commissioner Roger Woolley to recommend approval of the request for variance to city council. Motion died for lack of second.

The Board furthered their discussion.

Commissioner Bruce Hodges asked if there was specific reason why this motion couldn't be seconded, or why the variance request couldn't go forward to city council.

Commissioner Terry Petterborg stated that the Board couldn't break the by-laws of the city.

Mr. Smith replied that the by-laws allow for a variance, otherwise there wouldn't be codes written giving you this option.

Commissioner Terry Petterborg stated that the Board had to consider the allowance for variance, as well as the city's ability to give the variance.

It was moved by Commissioner Roger Woolley and seconded by Commissioner Bruce Hodges to forward the Request for Variance by H.K. and Angela Smith, with the Planning and Zoning's recommendation that they approve the variance, based on an undue hardship, as presented. The motion received unanimous approval.

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PLANNED UNIT DEV. ORDINANCE	The Board continued their discussion and review of the current Planned Unit Development ordinances.
CITY/COUNTY IMPACT AREA	The Board continued their discussion and review of the City/County Impact Area.
UPGRADE INDUSTRIAL SUBDIVISION ZONES	The Board continued their discussion and review of the current Industrial Zones.
ADJOURN	Meeting was adjourned at 7:03 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk