

# CITY OF PRESTON PLANNING AND ZONING MEETING

April 9, 2014

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

Staff present: City Liaison Sandra Hubbard, Clerk Linda Acock, Planner Bronson Tatton

Others: Ryan Visser, Rick Burns, Randie Lykins, Barbara Lykins, Gary Remund, Brent Dodge, Cody Ralphs, Larry Ralphs, Larry Stokes, Larry Andra, Barbara Andra, Francisco Rodriguez

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

**REVIEW &  
APPROVAL  
P&Z MINUTES  
03/12/14**

It was moved by Commissioner Roger Woolley and seconded by Commissioner Terry Petterborg to approve the Planning and Zoning Minutes of March 12, 2014. The vote was as follows:

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

Motion passed by majority vote.

**REPORT OF  
APPROVED  
BUILDING  
PERMIT**

Planner Bronson Tatton reported on the following approved building permits:

Daniel Higley	781 McIntosh Cir	Orchard Estate #41	House
Stokes Market	217 South State		Commercial Bldg.

Commissioner Linda Hansen arrived at 6:09 p.m.

**PUBLIC  
HEARING  
ZONE CHANGE  
5<sup>TH</sup> E & 4<sup>TH</sup> S  
C. RALPHS**

Chairman Randy Harris called for the public hearing to give consideration to a request for a zone change from Residential B to Residential A-1, as follows:

## NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on April 9, 2014, before the City of Preston Planning and Zoning Commission at the hour of 6:15 PM at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Ernest W. Knowles, for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Residential B District to a classification of Residential A-1 District. A copy of the legal description of the property to be rezoned is attached hereto together with a copy of a map showing the location of the property in proximity to adjoining streets.

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All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said rezoning may be submitted to the City Clerk at the above stated address, and the same will be considered if received prior to said public hearing.

Dated this 14<sup>th</sup> day of March, 2014

/s/ \_\_\_\_\_  
Jerry C. Larsen  
City Clerk

After giving guidelines and explaining the process for holding a public hearing, Chairman Randy Harris asked if there were Board members that needed to declare ex-parte contact in this matter, or to declare a conflict of interest. There being none, he asked Cody Ralphs, on behalf of Ernest W. Knowles, to present the request for a zone change.

Cody Ralphs stated that they are before the Board to request a zone change for the property at 5<sup>th</sup> East and 4<sup>th</sup> South, to change the zoning from Residential B to Residential A-1. There is adjoining Residential A-1 property across the street. He further explained that the underlying reason for the request for zone change is that they would like to use the property to develop a Planned Unit Development, as a 55+ community, with 1,300 square foot, single family homes.

Planner Bronson Tatton reminded the Board that details of the Planned Unit Development are not for discussion. The discussion should be based on the rezone and not the details of the Planned Unit Development.

Commissioner Cedar Hodges stated that many of the people attending the meeting may have concern over the development, but the purpose of this public hearing is for rezoning. He then asked if Preston City has vacated 5<sup>th</sup> East.

Planner Bronson Tatton explained that the issue of vacating 5<sup>th</sup> East was a matter that would be brought before the City Council in their public meeting, but hadn't been on the City Council agenda yet.

Chairman Randy Harris asked if there was anyone present at the meeting that would like to offer comments in support of the rezone.

Larry Stokes stated that he was in favor of rezoning the property.

There being no further comments in favor of this matter, Chairman Randy Harris asked for those who wished to give neutral testimony.

Brent Dodge asked the Board to consider a few matters that are of concern to him. He asked the Board if rezoning of this property could cause higher traffic flow in the area of the grade school, where many of the school kids walk on the street because there are no sidewalks. He stated that rezoning may impact water pressure, in an already low water pressure area. He also asked the Board to consider snow removal, as well as, the capacity/usage at the sewer treatment plant.

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Larry Andra asked for clarification between the Residential A-1 Zone and Residential B.

Chairman Randy Harris asked Commissioner Cedar Hodges to explain a few of the differences between Residential A-1 and Residential B. Commissioner Cedar Hodges reviewed a few of the differences between the two residential zones. He again stated that the Planned Unit Development was not at issue for this public hearing. The reason for the public hearing was to consider a zone change.

Brent Dodge stated that the Planned Unit Development has been introduced as part of the public hearing, in that Mr. Ralphs was allowed to offer testimony in his presentation that the reason for requesting a zone change is to develop a Planned Unit Development in the area. Mr. Ralphs was allowed to offer testimony and provide pictures and plans testifying that changing the zone to Residential A-1, so that he could development a Planned Unit Development, was the best use of the property. Mr. Dodge offered testimony that it is not the best use of the property.

Commissioner Cedar Hodges stated that Mr. Ralphs has not presented any building plans, any development plans, nor requested to vacate any streets. All he has requested at this time is a change in the zoning from Residential B to Residential A-1.

Larry Andra asked about the right of ways on the property, easements over the pipeline, and the effect it would have on his adjoining property, in that if the right of ways are closed or abandoned, his property would be landlocked.

Chairman Randy Harris advised that the meeting had deviated too far from the required process of holding a public meeting, and that the hearing would have to go back to point B in the hearing process. He then asked Bronson Tatton if he would re-address.

Bronson Tatton reminded the Board that the focus is on system wide zoning, rather than a specific plan development that may or may not happen. He suggested that those present at the meeting keep updated, and attend future meetings to let their opinions be known.

Larry Stokes asked if the property Mr. Ralphs was requesting to be rezoned has animal rights.

Clerk Acock explained that Residential B allows for two horses, two cows, eight sheep or an equivalency. If the zone is changed to Residential A-1, these animal rights no longer exist because A-1 doesn't allow for animal rights. Since Mr. Ralphs has requested the rezone, and not Preston City, the property would automatically lose those rights allowed in Residential B.

Chairman Randy Harris asked if there were any supporting comments.

Larry Stokes reiterated that he is in favor of the zone being changed.

There being no further comments in support of the proposed zone change, Chairman Randy Harris asked for neutral comment and testimony. There

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being none, he asked for comments from those opposed to changing the zone from Residential B to Residential A-1.

Larry Andra stated that he opposes any zone change, in that his property could become landlocked, and he doesn't want to chance that happening.

Brent Dodge stated that he doesn't think that the zone change is the best use of the land.

There being no further testimony, Commissioner Cedar Hodges asked Mr. Ralphs if he would like to offer rebuttal on this matter.

Mr. Ralphs stated that changing the zone to Residential A-1, because there is Residential A-1 adjoining this property, is the best zone for this property.

Chairman Randy Harris closed the public hearing portion of the meeting, and further explained that the information given at this public hearing would be taken under advisement, and the Board would come to the April 23<sup>rd</sup> meeting prepared to make recommendation to Preston City Council.

**DISCUSS  
DENSITY  
REQUIREMENTS  
P.U.D.  
C. RALPHS**

Cody Ralphs came before the Board, to request increased density within a Planned Unit Development.

The Board suggested that Mr. Ralphs address the desired increased density in the preliminary plat, whereas they haven't yet seen plans, and cannot make an informed decision until that time.

**CONTINUE  
BOARD'S  
DISCUSSION  
FROM PUBLIC  
HEARING  
REZONE**

The Board continued their discussion for the rezone request to change the property at approximately 5<sup>th</sup> East and 4<sup>th</sup> South from Residential B to Residential A-1.

Chairman Randy Harris asked each Board member for comment.

Commissioner Roger Woolley stated that he was in favor of changing the zone to Residential A-1, but he is concerned about landlocking Larry Andra's property.

Commissioner Cedar Hodges stated that Mr. Ralphs has requested a zone change, and that he doesn't see any problem with the granting of a zone change. He hopes that Mr. Ralphs understands that this matter is strictly a zone change, and that it won't guarantee that his project will be approved, and that it would be difficult to go back to Residential B after it has been changed to Residential A-1, if he should ever want to do that.

Commissioner Linda Hansen stated that a zone change should work out fine, but he does loose animal rights.

Commissioner Terry Petterborg stated that he still needs to weigh the information, that he doesn't have a set opinion at this time, whether it is the best use of the property or not.

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Commissioner Bruce Hodges asked about the process to rezone all the properties from 4<sup>th</sup> East, to 5<sup>th</sup> East.

The Board discussed rezoning the block, and the fact that it would require Preston City to do the entire process, instead of the property owners, and the matter would need to start again from the beginning.

The Board will come to the April 23, 2014 Planning and Zoning meeting prepared to render a Facts, Finding and Recommendation to City Council.

**ADJOURN** Meeting was adjourned at 7:16 P.M. by Chairman Randy Harris.

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Randy Harris, Chairman

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Linda Acock, Clerk