

PLANNING & ZONING MEETING

August 22, 2012

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

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

Others: Kevin Thompson, Leah Thompson, Kay Coburn

STATEMENT OF FACTS FINDINGS AND DECISION Attorney Clyde Nelson has prepared the Statement of Facts Findings and Decision in regards to the Request for Variance presented by Kevin and Leah Thompson. The public hearing was held on July 25, 2012.

Leah Thompson was present at the meeting, and asked for clarification on the matter of minimal road maintenance and snow clearance as listed in the Decision, item #3.

Due to the Planning and Zoning Minutes of July 25, 2012 not being complete in time to be presented at the meeting for approval, it was moved by Commissioner Cedar Hodges and seconded by Commissioner Roger Woolley to table discussion and signing of the Statement of Facts Findings and Decision until those Minutes are completed, reviewed, and approved. The motion received unanimous approval.

PUBLIC HEARING REQUEST TO VACATE A PORTION OF 7TH EAST D. WEBB

Chairman Bruce Hodges called for the public hearing to give consideration to the Request To Vacate a Street Within The City Limits, a portion of 7th East, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held before the City of Preston Planning and Zoning Commission, on the 22nd day of August, 2012, at the hour of 6:15 P.M., at the Preston City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of giving consideration to the application of Douglas S. Webb to vacate a street within the city limits, to-wit:

7th East Street on that portion of property owned by the applicant which property is described in Exhibit "A" attached hereto and made part of this Notice of Public Hearing.

Written comments or objections concerning the proposed street abandonment may be submitted to the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

PLANNING & ZONING MEETING

August 22, 2012

All persons present at the public hearing desiring to be heard on the proposed abandonment shall be given the opportunity to be heard.

/s/ _____ Jerry C. Larsen

Jerry C. Larsen
Preston City Clerk

EXHIBIT "A"

A parcel of land located in the Southeast quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, Preston City, Franklin County, Idaho and further described as follows:

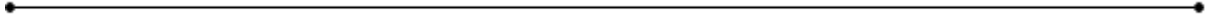
Beginning at the Southeast corner of said Section 23, from which the South quarter corner of said Section 23 bears North 89_ 54' 58" West 2664.39 feet;
Thence North 89_ 54' 58" West 622.87 feet along the south line of said Section 23 to the True Point of Beginning;
Thence North 89_ 54' 58" West 189.00 feet along said south line;
Thence North 00_ 05' 32" West 49.50 feet to found rebar with cap labeled, PLS 13173 set on the north right of way line of East Oneida Street;
Thence North 00_ 05' 32" West 108.28 feet to a 5/8" rebar with cap;
Thence South 89_ 55' 43" East 54.90 feet to a found rebar with cap labeled, Pete Peterson;
Thence North 00_ 04' 33" East 34.16 feet to a found rebar with cap labeled, LS 9163;
Thence North 00_ 05' 56" West 514.36 feet to a found rebar with cap labeled, PLS 9163;
Thence South 89_ 45' 55" East 366.40 feet to a found rebar with cap labeled, PLS 13173;
Thence South 00_ 05' 56" East 368.34 feet to a found rebar with cap labeled, PLS 13173, set on the north line of that parcel of land owned by Douglas S. and Sandra V. Webb and Clydell and Pamela Bowen as recorded under instrument number 209583 in the official records of Franklin County;
Thence North 89_ 53' 31" West 25.00 feet along said north line to the northwest corner of said parcel;
Thence South 00_ 05' 56" East 145.21 feet along the west line of said parcel to a found rebar with cap labeled, PLS 4735;
Thence North 89_ 53' 31" West 207.40 feet to a found rebar with cap labeled, PLS 13173;
Thence South 00_ 05' 32" East 142.40 feet to a found rebar with cap labeled, PLS 13173 set on said north right of way line;
Thence South 00_ 05' 32" East 49.50 feet to the True Point of Beginning.
Containing 5.03 acres of land.

Subject to a right of way for East Oneida Street located in the Southeast quarter of Section 23, Township 15 South, Range 39 East, Boise Meridian, Preston City, Franklin County, Idaho and further described as follows:

Beginning at the Southeast corner of said Section 23, from which the South quarter corner of said Section 23 bears North 89_ 54' 58" West 2664.39

PLANNING & ZONING MEETING

August 22, 2012



feet;

PLANNING & ZONING MEETING

August 22, 2012

Thence North 89° 54' 58" West 622.87 feet along the south line of said Section 23 to the True Point of Beginning;

Thence North 89° 54' 58" West 189.00 feet along said south line;

Thence North 00° 05' 32" West 49.50 feet to a 5/8" rebar with cap labeled, "A.A. Hudson, PLS 13173" set on the north right of way line of East Oneida Street;

Thence South 89° 54' 58" East 189.00 feet along said right of way line to a 5/8" rebar with cap;

Thence South 00° 05' 32" East 49.50 feet to the True Point of Beginning. Containing 0.2 acres of land.

Together with a right of way in common with others as described under instrument number 191991 in the official records of Franklin County.

Also together with and subject to a right of way over an existing roadway along the east side of the above described parcel and further described under instrument number 191991 in the official records of Franklin County.

After giving guidelines for holding a public hearing, Chairman Bruce Hodges asked for presentation for the request to vacate 7th East.

There being no one in attendance to make presentation, Chairman Bruce Hodges asked Commissioner Clair Thomas to read into the record, Douglas Webb's Proposal to Abandon 7th East.

(The following Proposal To Abandon 7th East is typed into these minutes verbatim)

RE: PROPOSAL TO ABANDON PRESTON CITY STREET SEVENTH EAST NORTH OFF OF ONEIDA STREET

THIS PROPOSAL TO ABANDON SEVENTH EAST OFF OF EAST ONEIDA STREET WILL TAKE A DANGEROUS INTERSECTION OUT OF THE ROAD SYSTEM. IT IS HALF WAY DOWN THE EAST SIDE OF THE FIRST HOLLOW WITH A HIGH BLUFF ON THE EAST SIDE OF THE STREET ENTERANCE. THERE IS POOR VISIBILITY TURNING ON AND OFF SEVENTH EAST WHEN USING SEVENTH EAST GOING NORTH.

THE CLOSURE WILL ALLOW THE IMPROVEMENT OF ONE LOT FOR DEVELOPMENT TO INCREASE THE TAX BASE FOR THE CITY. THE INFERSTRUCTURE OF SEWER IS NOT FEASABLE AND THE PROPERTIES ON THE EAST SIDE OF THE HOLLOW WILL REQUIRE SEPTIC SYSTEMS AT THE PRESENT TIME.

SUBMITTED BY DOUGLAS S WEBB

Commissioner Randy Harris stated that he was in acceptance of allowing Mr. Webb's written proposal as his presentation.

Chairman Bruce Hodges asked if there was anybody present at the meeting to propose supporting comments. There being none, he asked for comments from those with neutral testimony.

PLANNING & ZONING MEETING

August 22, 2012

Kay Coburn asked for verification where the street would be located, and how far back does Mr. Webb want to vacate the street.

Engineer Darek Kimball stated that the street is on the west side of the property, and Mr. Webb's proposal is to vacate the street to the north end of his property.

Kay Coburn then explained that if the street is located on the west side of the property, the street location does not match the house numbering for existing homes.

Engineer Darek Kimball introduced a memo with his comments, stating that he has reviewed the Preston City Comprehensive Plan and the Transportation Master Plan. The major street plan states that it's intent is to keep the streets on a grid pattern and to limit the length of blocks.

Previous requests to abandon odd streets have been considered, if it is shown that the street will not serve the general public and will not jeopardize future access to adjacent lands for public use.

Mr. Kimball's recommendation to the Board is that the request is not in harmony with the Comprehensive Plan or the Transportation Master Plan and should be denied.

There being no one else in attendance to offer testimony, Chairman Bruce Hodges closed the public hearing and opened the meeting to discussion amongst the Board.

It was moved by Commissioner Randy Harris and seconded by Commissioner Roger Woolley to accept Engineer Kimball's advise, and recommend to City Council that they deny the applicant's request to abandon a portion of 7th East, based on the fact that it is not in harmony with the Comprehensive Plan and Transportation Master Plan. The motion received unanimous approval.

**ADDITIONS,
UPGRADE, &
REMODEL
RESIDENTIAL
USE WITHIN
BUSINESS**

It was moved by Commissioner Cedar Hodges and seconded by Commissioner Linda Hansen to recommend to City Council that the City Of Preston's Municipal Codes and Ordinances be updated to allow existing residential homes, within the Business Zones, to be improved, allowing additions, upgrades and remodels. They further recommend that the Ordinance changes do not allow for new homes to be built within the business zones. The

ZONE

motion received unanimous approval.

**ADJOURN
MEETING**

Meeting was adjourned at 6:40 P.M. by Chairman Bruce Hodges.

Bruce Hodges, Chairman

PLANNING & ZONING MEETING

August 22, 2012

Linda Acock, Clerk