

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
September 14, 2016

**ROLL CALL** Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Bruce Hodges, Commissioner Penny Wright, Commissioner Steve Call, Commissioner Brock Alder

Staff present: Wendy Merrill, Mark Owens, Tyler Olson

Others: Mareen O. Moosman, Colter Noyes, Sheridan Noyes, Josh Purser, Paula Purser, Vern Purser

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

**REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 08/03/16 & 08/10/16** It was moved by Commissioner Steve Call and seconded by Commissioner Penny Wright to approve the Planning and Zoning minutes of August 3, 2016 and August 10, 2016. The motion received unanimous approval.

**REPORT OF APPROVED BUILDING PERMITS** City Engineer Mark Owens reported on the following approved building permits:

RBMC Properties	1377 Industrial Park Rd.	Industrial Bldg.
Wells Fargo Bank	5 North State	Sign
Justin Carter	395 East 6 <sup>th</sup> South	Sign
LDS Church	310 North State	Inside Remodel
Marlene Wilding	123 West 2 <sup>nd</sup> South	Garage
Franklin County	47 South 1 <sup>st</sup> West	Ambulance Bldg.
Higley Homes	564 South 4 <sup>th</sup> East	House

**PUBLIC HEARING MAREEN MOOSMAN 140 LARSEN DR** Chairman Linda Hansen called for the Public Hearing to give consideration to the application of Dennis and Mareen Moosman, 140 Larsen Drive, for a Variance to the requirements of Section 17.08.040(B) Preston Municipal Code, which requires residential homes in the Residential A-1 zones to maintain side yard setbacks no closer than 8 feet to any side property line, in order to make an addition to the existing home that would measure 16 feet by 44 feet, in which 16 feet of the addition will be located 3 feet from the north side property line, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on September 14, 2016, before the City of Preston Planning and Zoning Commission at the hour of 6:15 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Dennis and Mareen Moosman, 140 Larsen Drive, for a Variance to the requirements of Section 17.08.040 (B) Preston Municipal Code, which requires residential homes within the Residential A-1 zones to maintain side yard setbacks to be no closer than eight (8) feet to any side property line. Specifically, the applicant is requesting that they make an addition to the existing home that is 16 feet by 44 feet, in which 16 feet of the addition will be located 3 feet from the north side property line. A copy of the Application for Variance is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

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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 variance 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 8<sup>th</sup> day of August, 2016.

s/Linda Acock, City Clerk

Publish: August 24, 2016

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 asked Mareen Moosman to present her request for a Variance to make a 16 foot by 44 foot addition, in which 16 feet of the addition will be 3 feet from the north property line.

Mareen Moosman presented a request for a Variance to add a 16 foot by 44 foot addition to the back of her existing home, in which 16 feet of the addition would be 3 feet from the north property line. She explained that she wished to enlarge her existing home and that the home is located on an older parcel of land in the City limits when setbacks were not required.

Chairman Linda Hansen read the following written comment from J. Carter, 147 North 2<sup>nd</sup> East: We have received this notice and have no objection to the variance. Thanks, J. Carter, dated August 29, 2016.

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 Steve Call and seconded by Commissioner Bruce Hodges to recommend to Preston City Council the approval of the Request for Variance for Mareen Moosman, as presented, and to allow Chairman Linda Hansen to sign the Findings and Recommendations. This received unanimous approval.

The Findings and Recommendations follow the minutes.

Commissioner Bruce Hodges was excused from meeting at 6:32 P.M.

**PUBLIC  
HEARING  
COLTER  
NOYES  
1230 SOUTH  
6<sup>TH</sup> WEST**

Chairman Linda Hansen called for the Public Hearing to give consideration to the application of Colter and Sheridan Noyes, 1230 South 6<sup>th</sup> West, for a Variance to the requirements of Section 17.28.065 Preston Municipal Code, which requires, prior to the construction of any building upon any property, that all improvements, including curb and gutter, drainage swales, sidewalks, streets, and secondary water where available be installed. Specifically, the applicants are requesting that all utility improvements be waived, as follows:

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on September 14, 2016, before the City of Preston Planning and Zoning Commission at the hour of 6:30 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Colter and Sheridan Noyes, 1230

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South 6<sup>th</sup> West, for a Variance to the requirements of Section 17.28.065 Preston Municipal Code, which requires, prior to the construction, erection or placement of any building or structure upon property, all improvements shall be constructed, including, but not limited to electrical and other utility improvements, vertical curb and gutter or ribbon curb, drainage swales, concrete sidewalks, provision for disposal of stormwaters, provision for sanitary sewer systems, connection to the central water supply of the city, and secondary water where available. In addition, such owner shall also lay asphalt plant mix pavement over approved rock bases on the street or streets adjoining such property to the middle of such street. Specifically, the applicants are requesting that the utility improvements, curb, gutter, sidewalk, and asphalt be waived. A copy of the Application for Variance is on file with the City Clerk at the above stated address, and may be reviewed upon request to the City Clerk.

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said variance 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 8<sup>th</sup> day of August, 2016.

s/Linda Acock  
City Clerk

Publish: August 24, 2016

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 asked Colter Noyes to present his request for a Variance to waive the required utility improvements, curb, gutter, sidewalk, and asphalt.

Colter Noyes presented a request for Variance from the requirements of Section 17.28.065 Preston Municipal Code, which requires, prior to construction, that all improvements such as curb and gutter, ribbon curb, drainage swales, and sidewalks shall be constructed. He stated that no one else in the area has been required to install improvements, and that construction of the improvements would result in flooding to the neighboring home.

Vern Purser stood before the Board and also voiced concern that the requirement for improvements would cause flooding issues for the neighboring home, and to voice approval of the Variance.

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

City Engineer Mark Owens agreed that installation of the improvements would create a hardship for the neighboring home.

After discussion, it was moved by Commissioner Steve Call and seconded by Commissioner Penny Wright to table their decision for further review by the Board, and this issue was placed on the next agenda. This received unanimous approval.

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- MEETING SCHEDULE** It was moved by Commissioner Brock Alder and seconded by Commissioner Penny Wright to schedule a special meeting of the Board on September 21, 2016 to make a decision and recommendation on the Colter Noyes Variance. This received unanimous approval.
- CITY/COUNTY IMPACT AREA** The Board held a brief discussion on the City/County public hearing of September 7, 2016. Chairman Linda Hansen reported that Mayor Mark Beckstead and City Engineer Mark Owens are in the process of planning an educational meeting with the County residents affected by the Area of Impact.
- REVIEW/ UPDATE MUNICIPAL CODE** At the request of Mayor Mark Beckstead, the Board reviewed Preston Municipal Code 17.28.065-A, requiring that all improvements such as curb, gutter, swales, sidewalks and roads are to be constructed prior to construction. City Engineer Mark Owens reported he is continuing to work on a map to develop a core area within the City where curb, gutter, swales, sidewalks and roads would and would not be required, and that he would present the map to the Board at the next meeting.
- ADJOURN** Meeting was adjourned at 7:12 P.M. by Chairman Linda Hansen.

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Linda Hansen, Chairman

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Linda Acock, Clerk