

CITY OF PRESTON PLANNING AND ZONING MEETING

November 9, 2016

ROLL CALL Roll Call showed the following Board members present: Chairman Linda Hansen, Commissioner Bruce Hodges, Commissioner Brock Alder, Commissioner Joe Perry

Staff present: Wendy Merrill, Mark Owens, Tyler Olson

Others: Mike Hopkins, Lyle H. Owen, Cameron Hanson, Marsha Hanson, Jer Barnard, Mark Owen, Faye Lynn Owen, Heidi Dicus, Derick Rooks, Scott Palmer, Bruce Carter, Judy Carter, Del Rumsey, Jennie Bell, Jim Chavarria, Debbie Chavarria, Brett Naylor, Jay Hansen, Robert Child, Don Bartlome, Wade Lamont, Shannon Knapp, Gary Knapp, Kevin Graham, Chris Kriby

Meeting was called to order at 6:08 p.m. by Chairman Linda Hansen

REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 10/26/16 It was moved by Commissioner Brock Alder and seconded by Commissioner Bruce Hodges to approve the Planning and Zoning minutes of October 26, 2016. The motion received unanimous approval.

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

Glade Schvaneveldt	199 East 1100 North	House
Blue Sage Park	266 North 340 East	House
Blue Sage Park	278 North 340 East	House
Lewiston State Bank	125 South State	Commercial Building

PUBLIC HEARING REZONE IPEX 640 SOUTH HIGHWAY 91 Chairman Linda Hansen called for the Public Hearing to give consideration to the application of IPEX USA LLC, 640 South Highway 91, for the rezoning of certain property located in the City of Preston, from its present classification of Residential A-1 to Industrial, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on November 09, 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 for the rezoning of certain property located in the City of Preston, Idaho, from its present classification of Residential A-1 District to a classification of Industrial. More specifically, a small portion in the southwest section and a small portion of the west section of parcel 4347.01 is zoned residential. IPEX USA LLC desires that the entire parcel be zoned Industrial. 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.

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.

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Dated this 13th day of October, 2016.

s/Linda Acock, City Clerk

Publish: October 19, 2015 in The Preston Citizen

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 Kevin Graham, representing IPEX USA LLC, 640 South Highway 91, to present the request to rezone a portion of the southwest section and a portion of the west section of their property from Residential A-1 to Industrial.

Kevin Graham presented a request to clear up the ambiguity of the zoning of portions of the southwest and west sections of the property located at 640 South Highway 91, Preston, Idaho, by rezoning these sections from Residential A-1 to Industrial, so the entire property would be zoned Industrial.

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

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony in regard to rezoning the property.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the request to rezone the property.

Jim Chavarria, 565 South 1st East, stated for the Board that he is opposed to granting the rezone, explaining IPEX has already affected his quality of life by blocking his mountain view, shining lights in his bedroom windows, and generating noise day and night, and he was concerned granting the request to rezone the property would only make these issues worse.

Gary Knapp, 607 South 1st East, stated for the Board that he is opposed to granting the rezone, and wondered what would happen should IPEX sell to another buyer in the future. If IPEX agreed not to use the rezoned west finger for semi-trucks and pipe storage, he wanted to know what guarantee the home owners would have that the new company would honor that agreement.

Heidi Dicus, 487 South 1st East, voiced her concern to the Board that if the west finger portion of the property was rezoned Industrial, IPEX would be using 1st East as an access for semi-trucks and heavy equipment.

Mark Owen, 576 South 1st East, stated for the Board that he was opposed to granting the rezone, explaining that if the zone was changed to Industrial the noise, lights, and forklifts would be more of a problem than they already are, and semi-trucks traveling on 1st East would create even more problems.

Debbi Chavarria, 565 South 1st East, stated for the Board that she is opposed to granting the rezone, explaining that even with their current zoning of Residential A-1, IPEX is storing pipe and supplies on the property and erecting structures that have created a favorable environment for wasps.

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Faye Lynn Owen, 576 South 1st East, stated to the Board that she is opposed to granting the rezone because she doesn't care for the view she has across the street of all IPEX's structures that have restricted her view of the mountains, and if the west finger portion was rezoned Industrial, semi-trucks would be driving over her yard when accessing 1st East.

Del Rumsey, 647 South 1st East, stated for the Board that he is opposed to granting the rezone request.

Bruce Carter, 548 South 1st East, stated to the Board that he was opposed to granting the rezone to Industrial, as this would give IPEX access to a residential street, 1st East, for use by heavy vehicles, thus creating safety issues.

Don Bartlome, 538 South 1st East, stated to the Board that he was opposed to granting the rezone, because he did not want to see heavy truck traffic on 1st East.

Derick Rooks, 553 South 1st East, stated to the Board that he was opposed to granting the rezone, explaining to the Board that IPEX creates a lot of noise, and having semi-trucks accessing 1st East day and night would make the noise problem worse.

Robert Child, 703 South 1st East, stated to the Board that he was opposed to granting the rezone, and asked the Board to put themselves in the position of the home owners when considering their recommendation.

Marsha Hanson, 510 South 1st East, stated to the Board that she was opposed to granting the rezone because she was concerned about the safety of the children and elderly residents in the area if the street were to be accessed by heavy traffic.

City Engineer Mark Owens explained that the city does not want heavy vehicle use on any of its streets. However, IPEX does need a safe access in case of emergency, since there is currently only one way in or out of the facility, and rezoning the west portion to Industrial would allow them to install a crash gate for use in case of such an emergency. This would also prohibit them from storing pipe and other items on that portion of the property.

City Attorney Tyler Olson reminded the Board that their role is to make a recommendation to the City Council, and they should follow the future land map and comprehensive plan when considering a recommendation to rezone the property.

In rebuttal, Kevin Graham stated it was not IPEX's intention to deprive anyone of the enjoyment of their property, and they have no plans to run heavy traffic or semi-trucks along 1st East to access the west portion, but they need another exit in case of emergency. He further explained that most of the inventory they are currently storing on the property will be stored at their Salt Lake City facility in the future.

Jim Chavarria, 565 South 1st East, asked the Board why the zoning would need to be changed to Industrial if the same emergency exit use was allowed in a Residential A-1 zone.

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Heidi Dicus, 487 South 1st East, wondered what would happen if IPEX sold the property to someone else, and whether they would be required to use the west finger of the property for the same purpose.

Debbie Chavarria, 565 South 1st East, seconded concerns that a future company would not honor any agreement between IPEX USA and the home owners.

Chairman Linda Hansen asked if any written comments, either for, or against, this matter had been received. There were none.

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 Brock Alder to leave the property zoned Residential A-1. Motion died for lack of a second.

After further discussion, it was moved by Chairman Linda Hansen and seconded by Commissioner Joe Perry to table this issue for further review by the Board, and place it on the next Planning and Zoning agenda for December 14, 2016. The motion received unanimous approval.

**CITY/COUNTY
IMPACT AREA** Chairman Linda Hansen updated the Board on the progress of the City/County Impact Area Agreement, stating that Mayor Mark Beckstead is working with the Franklin County Commissioners to come up with some changes to present to the City Council.

**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 Attorney Tyler Olson presented an initial draft of the proposed sidewalk ordinance, which was discussed by the Board.

ADJOURN Meeting was adjourned at 7:46 P.M. by Chairman Linda Hansen.

Linda Hansen, Chairman

Linda Acock, Clerk