

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
December 28, 2016

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

Staff present: Wendy Merrill, Mark Owens, Tyler Olson

Others: Mike Hopkins, Faye Lynn Owen, Mark Owen, Heidi Dicus, Del Rumsey, Jim Chavarria, Debbie Chavarria, Kevin Graham, Don Bartlome

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

**REVIEW AND APPROVAL OF PLANNING & ZONING MINUTES 12/14/16** It was moved by Commissioner Penny Wright and seconded by Commissioner Charles Chesney to approve the Planning and Zoning minutes of December 14, 2016. The motion received unanimous approval.

**REPORT OF APPROVED BUILDING PERMIT** City Engineer Mark Owens reported on the following approved building permit:  
Anthony Crockett            950 North Brookside Dr.    House

**PUBLIC HEARING S.U.P. IPEX 640 SOUTH HIGHWAY 91** Chairman Linda Hansen called for the Public Hearing to give consideration to a request for a Special Use Permit for IPEX USA LLC, 640 South Highway 91, to use the southwest portion of their property, currently zoned Residential A-1, for emergency ingress and egress.

**PUBLIC NOTICE**

NOTICE IS HEREBY GIVEN, that a Public Hearing will be held before the Preston City Planning and Zoning Commission on December 28, 2016, at the hour of 6:15 p.m., or as soon thereafter as the matter may be heard, at City Hall, 70 West Oneida, Preston, Idaho, to consider the following:

APPLICATION FOR SPECIAL USE PERMIT

- A. APPLICANTS' NAME AND ADDRESS:  
IPEX USA, LLC    640 South Highway 91    Preston ID
  
- B. LEGAL DESCRIPTION OF PROPERTY:  
TOWNSHIP 15 SOUTH, RANGE 39 EAST OF THE BOISE  
MERIDIAN: Section 26: Beginning at the Southwest corner of Section 26, and running thence North 89°41'54" East, 683.93 feet; thence North 00°12'30" East, 1325.41 feet; thence North 89°24'53" East, 25 feet; thence North 00°12'30" East, 20 feet, to the true point of beginning; thence North 89°24'53" East, 185 feet; thence North 00°12'30" East, 66 feet; thence South 89°24'53" West, 185 feet; thence South 00°12'30" West, 66 feet to the true point of beginning.
  
- C. DESCRIPTION OF EXISTING USE:  
Ingress and Egress to the property should the railroad tracks become blocked

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- D. ZONING DISTRICT:  
Residential A-1
- E. DESCRIPTION OF PROPOSED SPECIAL USE:  
Ingress and Egress to the property should the railroad tracks become blocked
- F. A PLAN OF THE PROPOSED SITE FOR THE SPECIAL USE:  
On File at City Hall
- G. NARRATIVE STATEMENT EVALUATING THE EFFECTS ON ADJOINING PROPERTY, AS IT CONFORMS TO THE STARDS CONTAINED IN 17.26.030:  
On File at City Hall
- H. PLOT PLAN MAP AND LIST IDENTIFYING PROPERTY OWNERS WITHIN 300 FEET OF EXTERIOR PROPERTY BOUNDARIES OF APPLICANT (17.26.060)  
On File at City Hall

All persons present will be given the opportunity to be heard in regard to said Application. Written comments or objections to said special use 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 29<sup>th</sup> day of November, 2016.

s/Linda Acock, City Clerk

Publish: December 7, 2016 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 for a special use permit to use the southwest portion of their property for emergency ingress and egress.

Kevin Graham presented the following narrative statement evaluating the effects of the special use request on adjoining property:

- A. The use will constitute a special use, even though the previous use has been the same for several decades. The special use will allow for recorded use.
- B. The use will be consistent and harmonious to the same use for the past several decades.
- C. The use will be harmonious and appropriate in appearance to the existing use and previous use and that such continued use will not change the essential character of the parcel.
- D. The use will not be hazardous or disturbing to the existing or future neighboring uses.
- E. The use will be served adequately by essential public facilities and services, such as highways, streets, police and fire protections, drainage structures, refuse disposal, water and sewer and schools.

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- F. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community.
- G. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- H. The use will have vehicular approaches to the property which shall be so designated as not to create an interference with traffic on surrounding public thoroughfares; and
- I. The use will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance.

He then stated that IPEX USA, LLC, agrees to comply with the demands set forth in a petition submitted by some of the adjoining property owners, and IPEX will install a crash gate, proper signage, and landscaping of the area.

Chairman Linda Hansen asked if there was anyone in attendance to provide testimony in favor of granting the request for a special use permit.

City Attorney Tyler Olson stated that granting the special use permit would not violate uses allowed in the Residential A-1 zone, and referenced Preston Municipal Code 17.26.050, which outlines the penalty for violation should IPEX not follow the terms of the special use permit.

Del Rumsey, 647 South 1<sup>st</sup> East, stated for the Board that he is in favor of granting the request for a special use permit. He sought clarification from the Board as to whether the legal description in the Public Notice was the correct legal description of the southwest parcel.

Jim Chavarria, 565 South 1<sup>st</sup> East, read the petition submitted by some of the adjoining property owners:

We as adjoining property owners have concerns about the IPEX company application for special use permit. The following are what we propose.

- 1) Leave the lot in question designated residential A-1.
- 2) Special use permit which restricts it to be an emergency access only in the event that the railroad track becomes blocked.
- 3) To prevent IPEX employees from using the residential lot for purposes other than emergency access that a fence be put in place across the east end of the lot.
- 4) Properly maintain the lot so that it is aesthetically acceptable with the neighborhood.

He stated that if IPEX agrees to these propositions, he is in favor of granting the request for a special use permit.

Chairman Linda Hansen asked if there was anyone in attendance to provide neutral testimony in regard to the special use permit.

There being none, Chairman Linda Hansen asked if there was anyone in attendance to provide testimony against granting the request for a special use permit.

Heidi Dicus, 487 South 1<sup>st</sup> East, stated for the Board that she was opposed to granting the special use permit because of possible property damage if semi-trucks have access to 1<sup>st</sup> East.

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Mark Owen, 576 South 1<sup>st</sup> East, stated for the Board that he was opposed to granting the special use permit because no one will enforce the terms of the permit.

Debbie Chavarria, 565 South 1<sup>st</sup> East, stated for the Board that she was opposed to granting the special use permit because she was concerned about what type of fence and/or crash gate IPEX would use.

In rebuttal, Kevin Graham assured the property owners they would not use semi-trucks on 1<sup>st</sup> East.

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 Steve Call and seconded by Commissioner Charles Chesney to recommend to City Council the granting of the special use permit for IPEX USA, LLC, with the condition that the fence and crash gate are to be used for emergency ingress and egress only. The motion received unanimous approval.

A copy of the Findings and Recommendation follows minutes.

**TRANSFER  
OF WATER  
RIGHTS UPON  
ANNEXATION**

City Engineer Mark Owens updated the Board on the progress of revising Preston Municipal Code 13.72.020, dealing with the transfer of water rights upon Annexation, stating that he would be meeting with Lyle Porter of the Preston Consolidated Irrigation Company and would report on their discussion at the next planning and zoning meeting.

**CITY/COUNTY  
IMPACT AREA**

It was moved by Commissioner Penny Wright and seconded by Commissioner Steve Call to recommend the Preston Area of City Impact ordinance to City Council, along with the proposed boundary map. The vote was as follows:

Chairman Linda Hansen	Aye
Commissioner Bruce Hodges	Aye
Commissioner Penny Wright	Aye
Commissioner Charles Chesney	Aye
Commissioner Joe Perry	Aye
Commissioner Steve Call	Aye
Commissioner Brock Alder	Nay

Motion passed by majority vote.

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**ADJOURN** Meeting was adjourned at 6:48 P.M. by Chairman Linda Hansen.

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Linda Hansen, Chairman

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Linda Acock, Clerk