

CITY OF PRESTON PLANNING AND ZONING MEETING
September 23, 2020

ROLL CALL **Roll Call showed the following Board members present: Chairman Penny Wright, Commissioner Fred Titensor, Commissioner Adrienne Alvey, Commissioner Dave Cole, Commissioner Steve Call, and Commissioner Berni Winn**

Staff present: Tyrell Simpson, Shawn Oliverson, Preston Rutter, Becky Cox

Others: Dan Keller, Michael Jewell, Dixon Beckstead, E. Kurtis Nelson, Judy Nelson, Tom Madsen, Tarea Madsen

Meeting was called to order at 6:00 P.M. by Chairman Penny Wright.

REVIEW & APPROVE P&Z MINUTES 8/12/2020 **It was moved by Commissioner Berni Winn and seconded by Commissioner Dave Cole to approve the Planning and Zoning Minutes of September 9, 2020 as written.**
The vote was as follows:

Chairman Penny Wright-	Aye
Commissioner Alvey -	Aye
Commissioner Titensor -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Call -	Abstain

Motion passed by majority vote.

PUBLIC HEARING KURTIS & JUDY NELSON **Chairman Wright called for a Public Hearing on the Application for Variance for Kurtis and Judy Nelson at 110 South 1st East.**

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on September 23, 2020, before the City of Preston Planning and Zoning Commission at the hour of 6:05 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Kurtis and Judy Nelson 110 South 1st East, for a Variance to the requirements of Sections 17.08.060(A) of the Preston Municipal Code, which requires an accessory building being set back a minimum of eight (8) feet from all property lines, except that any accessory building on a corner lot shall maintain a twenty-five (25) foot side yard adjacent to the street, which intersects the street upon which the principle building fronts. Specifically, the applicants desire to build an accessory building behind an existing fence, which would encroach in the required twenty-five (25) foot side yard. 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.

Legal Description of said property –

TOWNSHIP 15 SOUTH, RANGE 39 EAST OF THE BOISE MERIDIAN, FRANKLIN COUNTY, IDAHO SECTION 26: COMMENCING AT THE NORTHEAST CORNER OF LOT SIX (6), BLOCK ONE (1), OF PRESTON CENTRAL ADDITION IN PRESTON, IDAHO, FRANKLIN COUNTY, SITUATED IN THE NW ¼ OF SECTION 26; AND RUNNING THENCE SOUTH 7 RODS; THENCE WEST 7 RODS; THENCE NORTH 7

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RODS; THENCE EAST 7 RODS TO THE PLACE OF BEGINNING.
(04206.00)

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 18th day of August, 2020.

s/Linda Acock

Publish: August 26, 2020 in The Preston Citizen

Chairman Wright gave guidelines for holding a public hearing and asked Mr. Nelson to present his application for variance.

Kurtis Nelson explained to the commissioners that he would like to build a shed on his property. He needs a variance because he would like to build the shed closer to the property lines than the code allows for. There is a privacy fence around the yard and the shed does not obstruct any views.

Shawn Oliverson, Economic Development Director, explained that the setbacks in the code are different for corner lots like the Nelson's because of visibility at intersections. The placement of the house allows for good visibility and the shed does not obstruct visibility in any way. If the Nelson's were to place the shed according to the written setbacks it would be in the middle of their yard, which would make a large part of the yard unusable.

Mr. Nelson was asked if Scott Beckstead, the property owner to the West, had any objections to the shed as it would sit close to the house on his property. Mr. Nelson said that he had talked to Mr. Beckstead and he did not have any objection.

Chairman Wright called for comments in support of the variance. There were no comments and no written comments.

Chairman Wright called for neutral comments. There were no neutral comments and no written comments.

Chairman Wright called for comments on opposition. There were no opposing comments and no written comments.

Chairman Wright called for a motion to close the public hearing. Commissioner Titensor moved that the public hearing be closed, Commissioner Alvey seconded the motion. Voting was unanimous.

Commissioner Dave Cole commented that it seemed a feasible request to put the shed where Mr. Nelson would like it to be. Commissioner Cole moved to recommend to City Council approval of the application for variance for Kurtis and Judy Nelson at 110 South 1st East. Commissioner Berni Winn seconded the motion.

Vote went as follows:

Chairman Penny Wright-	Aye
Commissioner Alvey -	Aye
Commissioner Titensor -	Aye

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Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Call -	Aye

**PUBLIC
HEARING
TOM AND
TAREA
MADSEN**

Chairman Wright called for a Public Hearing on the Application for Variance for Tom and Tarea Madsen at 520 North 8th East.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on September 23, 2020, before the City of Preston Planning and Zoning Commission at the hour of 6:10 P.M. at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Tom and Tarea Madsen 520 North 8th East, for a Variance to the requirements of Sections 17.14.060(A) and 17.14.040 (A) of the Preston Municipal Code, which requires accessory buildings do not encroach upon the front or side yards, and street setbacks of twenty (20) feet or more. Specifically, the applicants desire to build a barn on the property that will sit to the side and front of the principle structure, deviating from the proposed 9th South street setbacks. 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 26th day of August, 2020.

s/Linda Acock

Publish: September 2, 2020 in The Preston Citizen

Chairman Wright gave guidelines for holding a public hearing and asked Mr. Madsen to present his application for variance.

Mr. Madsen explained that he has 7.5 acres and would like to put his barn to the front and side of the house as the area behind the house drops down into the hollow and is unbuildable.

Chairman Wright asked Mr. Madsen about the footings that are already poured at the site. Mr. Madsen explained that the property used to be in the county and he was unaware that it had been annexed into the city when he began construction.

Tyrell Simpson, City Engineer, informed the commissioners of a conflict with 9th East, a proposed road on the Master Street Plan. The proposed location of the road already has a conflict with another house and Mr. Simpson offered a couple of solutions. He said that the commissioners could look at moving the location of the road or abandoning the road altogether. Commissioner Titensor asked if a decision on the road had to be made right away and Mr. Simpson said it did not, but would have to be dealt with at some point in the future.

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Chairman Wright called for comments in support of the variance. There were no comments and no written comments.

Chairman Wright called for neutral comments. There were no neutral comments and no written comments.

Chairman Wright called for comments on opposition. There were no opposing comments and no written comments.

Chairman Wright called for a motion to close the public hearing. Commissioner Titensor moved that the public hearing be closed, Commissioner Winn seconded the motion. Vote was unanimous.

Commissioner Titensor moved to recommend to City Council approval of the variance for Tom and Tarea Madsen at 520 North 8th East. Commissioner Winn seconded the motion.

Vote went as follows:

Chairman Penny Wright-	Aye
Commissioner Alvey -	Aye
Commissioner Titensor -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Call -	Aye

**314 WEST
PRESTON,
LLC
HOMESTEAD
AT COUNTRY
HAVEN
FINAL PLAT**

Tyrell Simpson, City Engineer, told the commissioners that the developers have met all of the criteria for city code. Chairman Wright questioned the developers on their timeline for completion. Michael Jewell said that upon approval they plan to start construction in the spring with the goal of finishing within the year. Commissioner Titensor asked if the plan is to sell or rent the units. Mr. Jewell said that each unit will be an individual property so that it can be sold. They anticipate that there will be a mix of owners and renters. The development will have an HOA with CC&R's that will have to be followed by whomever is living in the unit whether an owner or a renter. Commissioner Titensor brought up the fact that with the plans for changing the ordinances in the near future this development would not be able to be sold and changed into apartments. Commissioner Alvey said that she did not oppose the development but wished that there was a way to improve the roads for the residents that are there to accommodate the increased traffic.

Commissioner Titensor moved to recommend to City Council to approve the 314 West Preston, LLC Homestead at Country Haven Final Development Plat with the caveat that they have been told about future changes to the city code regarding multi-family housing. Commissioner Alvey seconded the motion.

Vote went as follows:

Chairman Penny Wright-	Aye
Commissioner Alvey -	Aye
Commissioner Titensor -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Call -	Aye

COMPRES

Shawn Oliverson, Economic Development Director, presented the

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**-HENSIVE
PLAN AND
ZONING
DISCUSSION**

commissioners with a rough draft of changes to the current code regarding multi-family housing. At the last meeting the commissioners discussed changes in minimum lot size for multi-family housing units and Mr. Oliverson drafted that portion of the code with their changes for the commissioners to look over. Mr. Oliverson recommended that the commissioners discuss the ordinances that pertain to nursing homes, assisted living facilities and boarding houses. Commissioner Titensor commented that the changes look like what they discussed and are a good improvement.

Commissioner Winn asked if the code addresses tiny houses. Mr. Oliverson said that Preston City does not currently have any code to address tiny houses. Commissioner Titensor brought up the subject of accessory dwelling units and whether the commissioners thought that would be a good addition to Preston. He said that there would have to be controls put in place, such as one water hook-up for both units and the owner having to occupy one of the units. There was discussion about fire safety, utilities, zoning and lot size. It was agreed that more research needed to be done and that Mr. Oliverson would draft some of the ideas presented to be discussed more next meeting.

Commissioner Titensor opened a discussion about the distance between multi-family complexes. The commissioners discussed traffic issues and street maintenance and density per block. Putting a minimum distance between buildings was discussed and what the ideal distance would be to be able to regulate the density but not restrict building too much. It was agreed to do more research and come back to this topic at a later meeting.

ADJOURN

Meeting was adjourned at 7:15 P.M. by Chairman Penny Wright.

Becky Cox

Penny Wright, Chairman