

CITY OF PRESTON PLANNING AND ZONING MEETING

January 13, 2021

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

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

Others: Dan Keller, Scott Palmer, Ralph West, Susan West, Rex Sharp, Janel Boehme, Renee Christensen, Calin Christensen, Vickie Wanner, Christa Pitcher, Dixon Beckstead, Dava Beckstead, Linda B. Johnson, LeRoy Johnson, Chad Salmon, Shelly Salmon

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

REVIEW & APPROVE P&Z MINUTES 12/09/2020 It was moved by Commissioner Fred Titensor and seconded by Commissioner Steve Call to approve the Planning and Zoning Minutes of December 9, 2020 as written.
The vote was unanimous in favor.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN Chairman Penny Wright called for nominations for Chairman of Planning & Zoning. Commissioner Fred Titensor nominated Chairman Penny Wright. Commissioner Dave Cole nominated Commissioner Fred Titensor. Commissioner Steve Call made a motion to close nominations. Commissioner Berni Winn seconded the motion.
Vote went as follows:

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

Vote passed unanimously.

Chairman Penny Wright called for a vote by raise of hand for Penny Wright as Chairman. Commissioner Justin Carter and Commissioner Fred Titensor voted in favor.

Chairman Penny Wright called for a vote by raise of hand for Fred Titensor as Chairman. Commissioner Dave Cole, Commissioner Berni Winn, Commissioner Steve Call, Commissioner Adrienne Alvey, and Commissioner Penny Wright voted in favor.

Fred Titensor was voted Chairman by majority vote. Chairman Titensor presided over the remainder of the meeting.

Chairman Fred Titensor called for nominations for Vice-Chairman of Planning & Zoning. Commissioner Steve Call nominated Commissioner Dave Cole. Commissioner Penny Wright made a motion to close the nominations. Commissioner Dave Cole seconded the motion.

Vote went as follows:

Commissioner Wright-	Aye
Commissioner Alvey -	Aye
Chairman Titensor -	Aye
Commissioner Cole -	Aye

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Commissioner Winn-	Aye
Commissioner Carter -	Aye
Commissioner Call-	Aye

Vote passed unanimously.

Chairman Titensor called for a vote by raise of hand in support of Dave Cole as Vice-Chairman. Vote was unanimous.

**PUBLIC
HEARING
DIXON
BECKSTEAD
220 W 2ND S**

Chairman Fred Titensor called for a public hearing on Dixon Beckstead's property located at 220 W 2nd S.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on January 13, 2021, 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 Dixon Beckstead 678 South 2nd West, for a Variance to the requirements of Sections 17.12.030(A) of the Preston Municipal Code, which requires that the minimum lot area for each single-family dwelling be twelve thousand five hundred (12,500) square feet and 16.24.040(B) of the Preston Municipal Code, which requires that the minimum lot depth not be less than one hundred (100) feet and the depth-to-width ratio of the usable area of the lot not greater than three (3) to one (1). Specifically, the applicant desires to split the property, creating one lot 7,680 square feet that would be 50.22' by 159.54' and a second lot of 7,681 square feet that would be 50.28' by 160.34'. 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 11th day of December, 2020

Linda Acock

Publish: December 23, 2020

Chairman Fred Titensor explained the procedures for the public hearing. Commissioner Steve Call stated that he would recuse himself from this matter because of a relationship with Mr. Beckstead. Chairman Titensor asked Dixon Beckstead to present his variance application.

Mr. Beckstead stated that the deed to his property says that there is .66 acres, but because of old surveying and existing fence lines the actual square footage is less. The property also does not meet the required 3 to 1 ratio for width to depth. He would like to split the property and make two parcels to build affordable housing. He provided some examples of other properties in the neighborhood that are under the required 12,500 square feet and some that do not meet the 3 to 1 ratio requirement. He said that his property would not be that much different than others in the neighborhood.

Commissioner Cole asked Mr. Beckstead if the property lines on the deed encroached on any existing houses. Mr. Beckstead said that there is a house that is partially on his land per the deed. Mr. Beckstead said that he understood that

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old surveying wasn't exact and that fences were built without a survey and that he does not want to have any legal issues with the neighbors.

Commissioner Wright asked Mr. Beckstead if he was wanting to build homes on the property. He replied that he has built one home and would like to build another. Commissioner Alvey asked if he knew of the encroachment issues when he purchased the property and he replied that he did. Commissioner Alvey asked if he had built the home as close to the edge of the property as he could. Mr. Beckstead replied that he had not, there was about two feet of space more than what code required.

Commissioner Cole asked Mr. Beckstead if there were any disputes with the neighbors on the other side of the property. Mr. Beckstead said that he had worked with Mr. Wanner to agree on a property line and that Mr. Wanner had moved a fence.

Chairman Titensor thanked Mr. Beckstead and asked City Engineer Tyrell Simpson to answer questions from the commissioner. Commissioner Winn asked Mr. Simpson if the proposed zoning changes that are being discussed would affect this property. Mr. Simpson said that he was not sure but as they have not been adopted the commissioners needed to base their decision on what the zoning is right now.

Chairman Titensor called for comments in support. There were no comments and no written comments.

Chairman Titensor called for neutral comments.

Calin Christensen stated that he has no objection to the variance but would like the commissioners to think about how granting a variance could open the doors for other variances.

There were no written neutral comments.

Chairman Titensor called for comments in opposition.

Janel Boehme stated that the neighborhood has enjoyed a certain amount of open space and that some of them have animals and that they like the homes to have some space. She said that another home there could cause parking problems.

Vickie Wanner stated that when Dixon bought the property he had approached them and said that he needed fifteen more feet in order to build a house. The Wanner's deeded the land to him and moved their fence. She said that there had not been talk of building two houses. The second house would be right next to her property and she is concerned it would cause problems with her horses. She stated that she feels betrayed by Mr. Beckstead as their agreement was enough land to build one house, not two, and that since her husband has passed she feels that Mr. Beckstead feels he can do whatever he wants.

There was a written letter submitted by Ms. Wanner which is attached to these minutes. The letter was not read in the meeting as Ms. Wanner made a verbal statement.

Chairman Titensor invited Mr. Beckstead to give rebuttal comments. Mr. Beckstead stated that he did not want to have hard feeling with the neighbors and that he has appreciated the neighbors being willing to work with him. He said that there is plenty of space for parking. He said that he had told Mr. Wanner that his plan was to build one home but that was a long time ago and his plan had changed.

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Chairman Titensor called for a motion to close the public hearing. Commissioner Wright made a motion to close the public hearing for Dixon Beckstead, Commissioner Cole seconded the motion. Motion passed by majority vote.

Commissioner Wright invited City Attorney Preston Rutter to add any comments. Mr. Rutter stated that a variance needs to look at the physical characteristics of the land and advised the commissioners to adhere to the standards in the code.

Commissioner Alvey stated that Mr. Beckstead knew about the encroachment when he purchased the land and he built the house anyway, creating the problem for himself in a sense.

Commissioner Cole stated that they needed to base their decision on the code as it is now and the requirement is that each lot have 12,500 square feet.

Commissioner Wright made a motion to recommend to city council to deny the variance for Dixon Beckstead. Commissioner Alvey seconded the motion.

Vote went as follows:

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

Motion passed by majority vote.

COMPRE
-HENSIVE
PLAN AND
ZONING
DISCUSSION

Chairman Titensor opened the discussion by stating that the commissioners had agreed to look at the southeast quadrant of the city to discuss. The commissioners discussed issues of access across the railroad tracks, space for future industrial development, proximity to schools and surrounding residential areas. It was agreed that the proposed zoning was good with just a couple of changes. Chairman Titensor asked City Engineer Tyrel Simpson to update the proposed map and bring it to the next meeting.

The commissioners also discussed the issue of zoning categories and whether Residential A1 and Residential B are different enough to have both or if they should do away with Residential B. The only difference between the two is the size of lot required to build a home. They agreed to discuss this further at the next meeting. It was also agreed that the commissioners would look closely at the southwest quadrant of the city and be ready to discuss zoning at the next meeting.

PUBLIC
HEARING
CHAD
SALMON
350 NORTH
1ST EAST

Chairman Titensor called for a public hearing for a rezone for Chad Salmon at 350 N. 1st E.

NOTICE OF PUBLIC HEARING

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Notice is hereby given that a public hearing will be held on January 13, 2021, before the City of Preston Planning and Zoning Commission at the hour of 6:10 P.M., or as soon thereafter as this matter may be heard, at the city hall located at 70 West Oneida St., Preston, Idaho, to give consideration to the application of Chad Salmon, at approximately 350 North 1st East, Preston, Idaho, for the rezoning of certain property located in the City of Preston, Idaho, from its present classifications of Residential A-1, Residential B, and Transitional Zoning, to a classification of Residential B. More specifically, the applicant desires that the entire property be zoned under one classification of Residential B. A copy of the legal description of the property requested to be rezoned is attached hereto as Exhibit A and Exhibit B.

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 14th day of December, 2020

Linda Acock

Chairman Fred Titensor explained the procedures for the public hearing. Chairman Titensor asked Chad Salmon to present his rezoning application. Chad Salmon explained that he has owned the property for about twelve years and the zoning has changed a couple of times. His parcel now has three different zoning classifications, Residential A1, Residential B, and Transitional. He would like to have it rezoned so that it is all uniform in the Residential B zone. He would like to look into developing the property, which is twenty acres, in the near future and would like to have a combination of single family and multifamily development. Commissioner Wright asked Mr. Salmon if he would be the developer. Mr. Salmon stated that he is a licensed contractor and developer in Utah but would most likely hire someone who is licensed in Idaho. Commissioner Wright stated that she is concerned about traffic and road access in that area and asked Mr. Salmon how he would deal with that. Mr. Salmon stated that he has looked at a few options, including 1st and 2nd East for traffic flow and the future possibility of tying in the Scott Palmer's development on 6th South. He said that they will work with the city and that they are not going to try to put something on every space but that the development would include different housing options and some green space. Commissioner Cole asked when he would begin construction. Mr. Salmon replied that they would like to begin early in 2022.

Chairman Titensor asked for public comments in support. There were no comments and no written comments.

Chairman Titensor asked for neutral comments.

Scott Palmer stated that he did not know when his next phase of development would begin or when 6th South would be finished and that he has no agreements with anyone for access to that road.

Dixon Beckstead stated that Preston needs homes and business and that they should let people do what they want with their land.

Susan West asked the commissioners about an easement that the city owns for 6th East and if the city would be building a road there. Mr. Simpson replied that he was not aware of any property owned by the city but that he would look into it. Mrs. West also commented that her neighbor Gene Yearsley had wanted to come to the meeting but could not and asked her to say that he wants the neighborhood to stay quiet.

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Ralph West stated that he is in favor of development and building homes for people but that he is worried about the traffic in that section of town. He said that there needs to be more outlets to ease the congestion.

There were no written comments.

Chairman Titensor called for opposing public comments. There were no comments and no written comments.

Chairman Titensor invited Mr. Salmon to give rebuttal to the comments. Mr. Salmon stated that he did not have an agreement with Mr. Palmer but stated that if the city intended to tie into that road in the future it would provide an outlet. He also stated that the development would take time and be in phases and that they would be able to start with some based on access of roads.

Commissioner Wright made a motion to close the public hearing. Commissioner Alvey seconded the motion. Vote was unanimous in favor.

Commissioner Wright asked City Attorney Preston Rutter to make a statement. Mr. Rutter stated that any rezoning that takes place has to be in accordance with the comprehensive plan.

City Engineer Tyrell Simpson explained to the commissioners that the majority of Mr. Salmon's property is zoned Residential B and this change would clean up the zoning in that area. Commissioner Wright expressed concern about the traffic and road availability. Mr. Simpson explained that that issue would be part of the development plan and does not play into the rezoning.

Commissioner Call made a motion to recommend to city council approval of the rezone for Chad Salmon. Commissioner Winn seconded the motion.

Vote went as follows:

Commissioner Wright-	Nay
Commissioner Alvey -	Aye
Chairman Titensor -	Aye
Commissioner Cole -	Aye
Commissioner Winn-	Aye
Commissioner Carter -	Aye
Commissioner Call-	Aye

Vote was passed by majority vote.

**APPROVED
BUILDING
PERMITS**

The commissioners reviewed the following approved building permits, there was no discussion or comments.

Nicholas Golightly	251 E Eagle Way	House
Tony Crockett	578 Eagle Dr.	House

ADJOURN

Meeting was adjourned at 8:00 P.M. by Chairman Fred Titensor.

Becky Cox

Fred Titensor, Chairman