

**CITY OF PRESTON PLANNING AND ZONING MEETING**  
December 8, 2021

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**ATTENDANCE**      The following Board members were present: Chairman Fred Titensor, Commissioner Steve Call, Commissioner Berni Winn, Commissioner Dave Cole, Commissioner Penny Wright, Commissioner Adrienne Alvey

Commissioner Carter was excused.

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

Meeting was called to order at 6:00 P.M. by Chairman Fred Titensor.

**REVIEW &  
APPROVAL  
P&Z MINUTES  
10/27/2021**

Commissioner Call moved to approve the minutes of November 11, 2021 as written. Commissioner Winn seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Wright	<u>Abstain</u>
Commissioner Cole	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Alvey	<u>Abstain</u>

Motion passed by majority vote.

**PUBLIC  
HEARING:  
TITLE 17  
ZONING  
AND  
ZONING  
MAP**

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held on the 8<sup>th</sup> day of December, 2021, at the hour of 6:05 P.M., or as soon thereafter as this matter may be heard, at City Hall located at 70 West Oneida St., Preston, Idaho, before the City of Preston Planning and Zoning Commission to consider a repeal of the existing Preston Municipal Code Title 17 ZONING and PRESTON CITY ZONING MAP, and enactment of a new Preston Municipal Code Title 17 ZONING and PRESTON CITY ZONING MAP, as follows:

17.02 General Provisions – Title; Intent; Scope; Compliance; Conflict; Interpretation of District Boundaries; Major Street Plan; Existing Buildings and Land Uses;

17.04 Districts Established-Zoning Map – Use Districts Established; Official Zoning Map and the Comprehensive Plan;

17.06 Zoning Code Definitions – Zoning Definitions A-Z;

17.08 Residential Zoning District General Provisions – General Requirements; Measurement of Setbacks; Fencing; Building Permits Exceptions; Accessory Buildings; Survey Exceptions on Some Accessory Buildings; Accessory Building Restrictions; Detached Garages; Detached Garages for Triplexes, Fourplexes, and Townhomes; Required Parking Spaces; Park Strips/Swales; Nonconforming Uses; Maintenance and Snow Removal; Restrictions; New Construction Requirements; Fines for Violations; Trees Overhanging the ROW; Multi-Unit/Multi-Family Dwellings;

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17.10 Residential Zone-A1 –Purpose; Area, Coverage, Height and Setbacks; Allowed Uses; Accessory Buildings;  
17.12 Residential Zone-A2 –Purpose; Area, Coverage, Height, Setbacks, Width and Depth; Allowed Uses; Accessory Buildings; Landscaping Plan Required for All Parcels Exceeding One (1) Dwelling Unit;  
17.14 Residential Zone-A3 – Purpose; Area, Coverage, Height, and Setbacks; Allowed Uses; Accessory Buildings; Landscaping Plan Required for All Parcels Exceeding One (1) Dwelling Unit;  
17.16 Residential Zone-B – Purpose; Allowed Uses; Area, Coverage, Height, and Setbacks; Accessory Buildings;  
17.18 Accessory Dwelling Units (ADU) – Purpose; Review Process; Requirements; Applicability; Transferability; Appeals; Violations;  
17.20 Mobile/Manufactured Homes – Residential Zone A3  
Mobile/Manufactured Homes Purpose; Definitions; Restrictions; Temporary Uses; Park Requirements; Provisions Governing Mobile/Manufactured Homes; Uses Permitted; Ownership Requirement; Common Open Space; Space Sizes and Setbacks; Parking Spaces; Utility Requirement; Mobile/Manufactured Home Park Placement; Accessways; Procedure for Approval of Mobile/Manufactured Home Park; Procedure for Public Notice and Hearing; Approval in Principle by the Planning and Zoning Commission; Contents of Application of Final Development Plan; Recommendation by the Commission; Action by the City Council; Expiration and Extension of Approval Period; Recording of Final Plan; Construction Standards; Fees; Penalties  
17.22 Commercial Zoning District General Provisions – General Requirements; Measurement of Setbacks; Fencing; Building Permits: Square Footage; Accessory Buildings; Survey Exceptions on Some Accessory Buildings; Accessory Building Restrictions; Accessory Buildings; New Construction Requirements; Multiple Structures/Uses on One Lot; Maintenance and Snow Removal; Nonconforming Uses; Allowed Uses; Fines for Violations; Trees Overhanging the ROW;  
17.24 Commercial Zone-Downtown – Purpose/Allowed Uses; Disallowed Uses; Residential Use; New Residential Dwellings; Restrictions; Special Provisions;  
17.26 Commercial Zone-General – Purpose/Allowed Uses; Disallowed Uses; Residential Use; New Residential Dwellings; Restrictions; Special Provisions;  
17.28 Commercial Zone-Heavy Commercial/Light Industrial (H/LI) – Purpose/Allowed Uses; Disallowed Uses; Restrictions; Special Provisions;  
17.30 Industrial Zoning District General Provisions – General Requirements; Measurement of Setbacks; Fencing; Building Permits: Square Footage; Accessory Buildings; Survey Exceptions on Some Accessory Buildings; Accessory Building Restrictions; Accessory Buildings; New Construction Requirements; Residential Use; Restrictions; Allowed Uses; Fines for Violations; Trees Overhanging the ROW;  
17.32 Industrial Zone-Light (LI) – Purpose; Uses Allowed; Disallowed Uses;  
17.34 Heavy Industrial Zone-H (HI) – Purpose; Uses Allowed; Disallowed Uses  
17.58 Home Occupation – Definition and Conditions; Home Based Daycare/Group Daycare; Home Based Pre-School;

A copy of the proposed ordinance and map changes is on file with the city clerk at the above address and copies of the same may be obtained from that office from and after October 20, 2021.

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All person present at the public hearing will be given the opportunity to be heard. Written comments and objections may be submitted to the City Clerk at the above address prior to the public hearing, and the same shall be considered by the Commission in its deliberations.

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Linda Acock, City Clerk

Publish October 20, October 27, November 3, 2021 in The Preston Citizen

Chairman Titensor invited City Attorney Preston Rutter to explain some of his proposed wording changes to Title 17: Zoning. Mr. Rutter explained that he recommended some wording changes to increase clarity in some areas of the code.

Chairman Titensor explained to those present that the commissioners have been working on the zoning code and map and the PUD code for several months. He stated several bullet points of the changes that have been made:

- Expanded PUD's outside of the care area of 4<sup>th</sup>, 4<sup>th</sup>, 4<sup>th</sup> and 4<sup>th</sup>.
- Added accessory dwelling units
- Removed the transitional zone
- Changes lot size allowances in Residential A1 and A2
- Allow apartments in downtown buildings
- Increase land available for commercial development
- Require a special use permit for multifamily housing over eight (8) units
- Increase acreage requirements for multifamily housing
- Increase setbacks for multifamily housing
- Add a farm exemption for existing farmers
- Support animal rights
- Require impact studies to be done by larger developments
- Restricts the number of multifamily housing per block

Chairman Titensor called for a public hearing on Preston Municipal Code Title 17: Zoning and Preston City Zoning Map.

Chairman Titensor explained the procedure for the public hearing and called for any supporting comments.

Mike Lower: Mr. Lower has served on the city council and the county planning and zoning and knows that it is a hard job. He recognized that people need space and larger lots are a good idea. He stated that it is the responsibility of developers to pay their way and to be good neighbors. He told the commissioners that he agrees with the changes they have made.

There were no written supporting comments.

Chairman Titensor called for neutral comments.

Michael Jewell: Mr. Jewell represents Triiiio Group and the development that they are trying to coordinate with Vance Broadhead. He stated that he has seen small cities go through growing pains with trying to keep their agricultural heritage while allowing for growth and providing housing. He requested that the property owned by Vance Broadhead on 8<sup>th</sup> N that is slated

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to be changed to a commercial zone be changed to a residential A2 zone. He stated that it is currently being used as residential property, the owner objects to the change, and their plan to develop the property with residential housing is beneficial to the city. He stated that it abuts residential A2 property and would create a zoning island.

Janel Boehme: Ms. Boehme is a resident of Preston and appreciates that the commissioners are trying to keep an agricultural feel to the city. Ms. Boehme works in the school district and questioned whether the schools would be able to keep up with so much development. She recognized the need for housing but questioned whether it needs to be in Preston City.

There were no written neutral comments.

Chairman Titensor called for opposing comments.

Vance Broadhead: Mr. Broadhead stated that he is working on a development plan for his property at 300 E and 800 N to develop residential housing. The property is currently zoned transitional but is slated to be changed to commercial, which he opposes. It is a large piece of land right off of the highway and the zone change would affect the value of the land. The zone change would cause the homes that are currently there to be surrounded by commercial on all three sides and would split his property into two different zones. The uses allowed in general commercial zones are limited and the city does not need more office buildings but needs more housing. The comprehensive plan states that there is a need for more multifamily housing units. The utilities are already in place and he requested that his land be zoned residential A2 as it is bordered by that zone.

McKay Cordner: Mr. Cordner is planning a development on land he owns and questioned if it would be affected by the zoning change. City Engineer Tyrell Simpson looked at the map with Mr. Cordner and determined that it would not change his development plans.

There were no opposing written comments.

Commissioner Winn moved to close the public hearing; Commissioner Cole seconded the motion. Vote was unanimous.

The commissioners discussed the land that Mr. Broadhead requested not be changed. Commissioner Cole stated that it makes sense to end the commercial zone at the state sheds and keep the rest residential. Chairman Titensor stated that making that residential would prevent the current homes there from being surrounded by commercial property.

Commissioner Cole made a motion to recommend to city council approval of the proposed changes to Preston Municipal Code 17: Zoning and the Preston City Zoning Map on condition of accepting the changes recommended by Mr. Rutter and changing the property at 300 East to residential A2. Commissioner Winn seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Wright	<u>Nay</u>
Commissioner Cole	<u>Aye</u>

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Commissioner Call	<u>Nay</u>
Commissioner Winn	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>

Motion passed by majority vote.

**PUBLIC  
HEARING:  
PRESTON  
MUNICIPAL  
CODE 16.34  
PLANNED  
UNIT  
DEVELOP  
MENTS**

**NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that a public hearing shall be held before the Planning and Zoning Commission of the City of Preston, Idaho, on the 8<sup>th</sup> day of December, 2021 at the hour of 6:00 P.M., or as soon thereafter as can be heard, at the City Hall located at 70 West Oneida Street, Preston, Idaho, for the purpose of receiving and hearing public comments on proposed amendments to Preston Municipal Code 16.34 PLANNED UNIT DEVELOPMENTS;

16.34.030 Minimum Area, add verbiage to include Maximum Units Allowed; removing verbiage referencing the core area, and adding a maximum number of 20 units per 2 acres and 10 units per acre thereafter.

16.34.040 Uses Permitted, remove reference to farm animals, and add medium or large animals as defined in Title 17, Chapter 19; remove verbiage to core area.

16.34.060 Common Open Space, add a minimum of ten (10) percent open space; remove voluntarily propose alternative means to satisfy open space requirement.

16.34.100 Residential Unit Placement, remove variation factors of landscaping, siting, design features, reserved section, and arrangements and heights of structures, adding the commission may recommend to City Council and increased residential density of up to fifteen (15) percent provided these factors make up a substantial contribution to the objectives of the PUD, including open space, design features, increase in visitor parking.

16.34.110 Roadways, add all roads with no parking, shall install no parking signs every 50’.

16.34.120 Parking, add parking requirements shall be incorporated into the homeowner’s association’s CC&Rs.

16.324.140 Expansions, change the title of this chapter from Reserved to Expansion; add that once a PUD has been approved and recorded with Franklin County, there shall be no expansions or changes. Any additional property acquired after approval shall be a separate development.

16.34.170 Contents of Application of Preliminary Development Plan, add improvements along the frontage of the street to the preliminary development plan; indication if the multifamily housing units will be for rental purposes or owner occupied.

16.34.200 Contents of Application of Final Development Plan, add detailed plan for recreation/playground area on the final development plan.

16.34.260 Fees, add applicant shall file with the city clerk a surety bond, or other acceptable guarantee, to ensure the requirements are met. Bond is refundable upon request from the application to the city, and inspection has been approved.

All persons present will be given the opportunity to be heard. Written comments or objections may be submitted to the office of the City Clerk, 70 West Oneida Street, Preston, Idaho, 83263.

Dated this 10<sup>th</sup> day of November, 2021.

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s/Linda Acock, Preston City Clerk  
Publish: The Preston Citizen November 17, 2021

Chairman Titensor called for a public hearing on Preston Municipal Code 16.34: Planned Unit Developments.

Chairmen Titensor called for supporting comments.

There were no supporting comments or written supporting comments.

Chairman Titensor called for neutral comments.

There were no neutral comments or written neutral comments.

Chairman Titensor called for opposing comments.

There were no opposing comments or written opposing comments.

Commissioner Winn made a motion to close the public hearing.  
Commissioner Call seconded the motion. Vote was unanimous.

The commissioners agreed that there were no issues with these changes and that they are happy with the changes that address density issues, quality of multifamily housing, and moving it outside of the core of the city.

Commissioner Wright made a motion to recommend to city council approval of Preston Municipal Code 16.34 on condition of accepting the changes recommended by Mr. Rutter. Commissioner Alvey seconded the motion.

Vote went as follows:

Chairman Titensor	<u>Aye</u>
Commissioner Wright	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Winn	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>

Motion passed by unanimous vote.

**CALEN-  
DARING**

Chairman Titensor stated that there will be no meeting on December 22 and the next meeting will be January 12, 2022 where they will elect a chairman and continue working on the minor subdivision code.

**ADJOURN**

Meeting was adjourned at 6:53 P.M. by Chairman Titensor.