

CITY OF PRESTON PLANNING AND ZONING MEETING
January 12, 2022

ATTENDANCE The following Board members were present: Vice-Chairman Dave Cole, Commissioner Steve Call, Commissioner Berni Winn, Commissioner Justin Carter, Commissioner Adrienne Alvey

Commissioner Wright and Chairman Titensor were excused.

Staff present: Shawn Oliverson, Tyrell Simpson, Lyle Fuller, Becky Cox, Dan McCammon

Meeting was called to order at 6:00 P.M. by Vice-Chairman Dave Cole.

**REVIEW &
APPROVAL
P&Z MINUTES
12/08/2021**

Commissioner Call moved to approve the minutes of December 8, 2021 as written. Commissioner Alvey seconded the motion.

Vote went as follows:

Commissioner Cole	<u>Aye</u>
Commissioner Carter	<u>Abstain</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Winn	<u>Aye</u>

Motion passed by majority vote.

**NOMINATE
COUNCIL
CHAIRMAN**

Vice-Chairman Cole called for nominations for council chairman. Commissioner Call nominated Fred Titensor for council chairman.

Commissioner Carter moved to close nominations for council chairman. Commissioner Alvey seconded the motion. The vote for Fred Titensor as council chairman was unanimous by show of hands.

**NOMINATE
COUNCIL
VICE-
CHAIRMAN**

Vice Chairman Cole called for nominations for council vice-chairman. Commissioner Winn nominated Dave Cole for council vice-chairman.

Commissioner Alvey moved to close nominations for council vice-chairman. Commissioner Carter seconded the motion. The vote for Dave Cole as council vice-chairman was unanimous by show of hands.

**CONSOLI-
DATED
IRRIGATION
EASEMENT**

Robert Swainston, representing Consolidated Irrigation Company, explained to the commissioners that as Preston grows some of the new developments are very close to their pressurized pipelines. He asked that they consider some way to incorporate a 'hold harmless' clause into the city code in the case of a line break that could cause damage to the property.

Commissioner Call asked if the company has a legal easement around the pipelines. Lyle Porter, of Consolidated Irrigation Company, stated that they have prescriptive easements, but these do not show up on title searches.

City Engineer Tyrell Simpson suggested that during the development process Consolidated Irrigation Company could be notified of the development and given a time frame in which to let the city know if they have pipelines that

CITY OF PRESTON PLANNING AND ZONING MEETING
January 12, 2022

would be affected and then provide a waiver for the developer to sign. This could not be retroactive; it would affect only future developments.

Commissioner Call stated that their timing to talk about this was good as they are currently discussing the subdivision ordinances. City Attorney Lyle Fuller stated that there are some legal issues that need to be looked into.

Commissioner Call made a motion to defer a decision on the Consolidated Irrigation Company's request and give staff time to review the issue. Commissioner Carter seconded the motion. Motion passed by unanimous vote.

**BLUE
SAGE
PUD
PHASE 3**

City Engineer Tyrell Simpson explained that Cody Ralphs is changing his originally planned phase three and doing a one lot phase because this lot already has water and sewer infrastructure. Mr. Ralphs has turned over the required water shares to the homeowner's association. Simpson also mentioned the storm water agreement signed by Mr. Ralphs stating that the drainage needed to be addressed before any further development. The storm drain has not been installed, there is a contractor lined up to do it but no date set. Commissioner Cole noted that the storm drain agreement had been signed in May 2021.

Commissioner Carter asked Mr. Ralphs what his time frame for development is. Mr. Ralphs responded that the materials for phase four are there just waiting for good weather. He said that phase three happened because that one lot had the water and sewer ready to go and they could build that house while they worked on the infrastructure for phase four. He stated that they are about a year behind in the development, they have had material delays and difficulty finding contractors to work. They have been meeting with city staff to get the storm drain issues ironed out and they are presenting a plan at the next city council meeting.

Commissioner Cole asked what the projected time frame on the storm drain is. Mr. Ralphs stated that they have had engineering problems and parts delays and don't have a time estimate. Commissioner Alvey asked if water was a problem on that lot and Mr. Ralphs stated that there is space for run off but the more they develop the more crucial that drain is.

Commissioner Call stated that the agreement clearly states that phase three cannot be continued until the storm drain is in place. Mr. Ralphs stated that he would like to break this one lot off of the original phase three and off of that agreement.

The commissioners discussed ways of amending the agreement to prevent additional lots being done before the storm drain and the pros and cons of doing so.

Commissioner Call made a motion to recommend to city council denial of the final plat for Blue Sage PUD Phase 3. Commissioner Winn seconded the motion. Motion passed by unanimous vote.

**DISCUSSION:
MINOR
SUB-**

The commissioners reviewed the drafted changes to section 16.22.010 of the municipal code dealing with minor subdivisions. They discussed the number of splits allowed and that they had not changed the date for the original lot

CITY OF PRESTON PLANNING AND ZONING MEETING
January 12, 2022

DIVISIONS being 1974. Commissioner Winn also brought up that they had not addressed splitting property and selling a portion when it isn't going to be developed.

Commissioner Cole stated concerns about the requirement for developers to build the road to the back of the lot. He researched costs and got some rough quotes and determined that it would not be financially feasible for small developers to build the road. They discussed alternatives to the road requirement and the pros and cons of building those small portions of road.

The commissioners also discussed a timeline for finalizing changes before the expiration of the moratorium on minor subdivisions on March 12, 2022. The moratorium cannot be extended.

**CALEN-
DARING** Vice-Chairman Cole stated that they will discuss minor subdivisions again at the next meeting.

ADJOURN Meeting was adjourned at 7:05 P.M. by Vice-Chairman Cole.

Becky Cox

Dave Cole, Vice-Chairman