

CITY OF PRESTON PLANNING AND ZONING MEETING
October 26, 2022

ATTENDANCE The following Board members were present: Commissioner Dave Cole, Commissioner Berni Winn, Commissioner Steve Call, Commissioner Richard Swainston, Commissioner Adrienne Alvey.

Staff present: Tyrell Simpson, Shawn Oliverson, Ethan Rawlings, Becky Cox, Dan McCammon.

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

**REVIEW &
APPROVAL
P&Z MINUTES
10/12/2022** Commissioner Winn moved to approve the minutes of October 12, 2022.
Commissioner Call seconded the motion.
Motion passed by unanimous vote.

**PUBLIC
HEARING:
VARIANCE
260 S 2ND W** Vice- Chairman Cole called for a public hearing on a variance at 260 S 2nd West requested by Kevin and Jeneil Blanch and Canson, LLC.

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on October 26, 2022, before the City of Preston Planning and Zoning Commission at the hour of 6:00 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 Kevin & Jeneil Blanch, Canson LLC regarding property located at approximately 260 South on 2nd West, for a Variance to the requirements of Section 16.28.020(N) which states that provisions shall be made for secondary nonculinary water to be used for irrigation purposes within a subdivision. Specifically, the applicants desire to develop a Subdivision using Xeriscaping to landscape on the property, reducing the need for irrigation. 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 16th day of September, 2022.

s/Linda Acock

Publish: September 28, 2022 in The Preston Citizen

Vice-Chairman Cole explained the procedure for the public hearing and invited Nicole Nielsen to present her application. Mrs. Nielsen explained that she represented the Blanch's and Canson, LLC and that they are requesting a variance to waive the requirement for secondary water for a major subdivision. She stated that there is no secondary water available in that section of town and the only other option is sand point wells and they are not a good option because they are not reliable and they would take water from other's wells. She proposed that instead of secondary water they would require the subdivision to have xeriscaping, which would preserve culinary

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water by using water efficient plants and grasses and efficient irrigation methods. She stated that the xeriscaping would be required by the HOA, garden spaces would have to be irrigated with a drip system and the green space would be planted with a drought-resistant grass.

Vice-Chairman Cole asked City Engineer Tyrell Simpson to present his report. Mr. Simpson stated that City Code 16.28.020 states that secondary water is required for major subdivisions and there are no city codes that would make xeriscaping enforceable by the city it would only be required by the HOA, but the CC&Rs of an HOA can be changed by the HOA members and the city would have no way to enforce it.

Vice-Chairman Cole called for public comments in favor. There were no comments and no written comments.

Vice-Chairman Cole called for neutral comments. There were no comments and no written comments.

Vice-Chairman Cole called for opposing comments.

Jordan Galloway stated that city water is near capacity and if this is allowed where does the city stop. He stated that xeriscaping is not great for kids play spaces and that HOA's only enforce their CC&Rs for six months and then they don't care anymore. He also stated that the road access to the subdivision is directly across the street from his house and headlights would be shining in his windows and that there is not enough water for Preston to keep growing at this rate.

Donald Strong stated that this property has tried to be developed before but willow creek runs through it and the water was a problem. Dirt and sand has been piled onto the property to raise the property but this is going to cause the water to run down to the neighbor on the South. He also stated that he saw a truck dumping liquid on the property that smelled toxic and they need to do a soil test.

Patty Chesney stated that the developer should research the city ordinances before deciding to develop and the city needs to uphold the ordinances. She said that there is no guarantee that the properties will stay with the xeriscaping and could end up using a lot of water. She said that they should not give variances to people who haven't done their homework.

Spencer Smedley stated that the city code requires secondary water and if the variance is granted it sets a precedence that could have consequences down the road and could put the city in a bad place. He stated that the water pressure is already low in that neighborhood and water levels in the whole valley are declining and the current residents shouldn't be negatively affected by a new development.

Justin Sharp stated that this property used to be a flood plane and as a kid he would raft on it. He also stated that there are sewer issues in that neighborhood and the water runoff from the property would end up in the neighbors back yards. He also stated concerns about property value going down with multifamily housing in the area.

Charles Chesney stated that he was on the P&Z for several years and the ordinances requiring secondary water were very carefully thought out. He

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stated that there is not enough water and exceptions to the rule should be denied.

Nathan Palmer stated that he has a sand point well and if they drill a well it will take water from him and he will have to use more culinary water. He also stated that apartments would allow too many people and be too noisy and busy for that neighborhood.

Tracy Rawlings stated that he recognizes that growth happens but that the water runoff is a concern as he has standing water in his pasture every spring right behind the proposed project.

Shelly Mitchell stated that if an exception is made other people will want one too, and that xeriscaping can't be kept up with.

Eddie Harris stated that he has adjacent property with a sand point well but it has dried up. He also stated concerns about safety issues with traffic already being a problem in that area.

Vice-Chairman Cole invited Mrs. Nielsen to reply to any of the comments. Mrs. Nielsen stated that variances are not done to set precedence but to recognize that a one size fits all solution does not fit all of the city. She stated that they would love to be able to get secondary water but it just isn't available and that they would address the water runoff with their water study. They stated that they want to be good neighbors and recognize that people don't want multifamily housing in their neighborhoods but the property is zoned for multifamily housing and this variance is not about zoning.

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

The commissioners discussed the fact that xeriscaping is a good idea and can look nice but is unenforceable by the city. They discussed concerns about current water availability in the city and setting a precedence for other property in the area that doesn't have access to secondary water.

Commissioner Winn made a motion to recommend denial of the variance at 260 S 2nd W. Commissioner Swainston seconded the motion.

Vote went as follows:

Commissioner Swainston	<u>Aye</u>
Commissioner Alvey	<u>Aye</u>
Commissioner Cole	<u>Aye</u>
Commissioner Call	<u>Aye</u>
Commissioner Winn	<u>Aye</u>

Motion passed by unanimous vote.

**SUB-DIVISION
ORDINANCE:
IMPROVEMENTS**

City Engineer Tyrell Simpson presented the commissioners with a draft of the requested changes to the improvements section of the subdivision code. Changes include larger green space requirements, surety bond requirements, adding a tier of requirements for green space improvements, and updating to match other sections of code.

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SUB-DIVISION CODE: APPLICATION PROCESSES Mr. Simpson explained that this is going to require quite a bit of work to get the processes changed in all of the different sections of code and that he would be ready to begin discussing it at the next meeting.

APPROVED BUILDING PERMITS The following approved building permits were reviewed, there were no comments.

Jeremiah Wright 145 E Eagle Way House

PUBLIC INPUT None.

WATER CONNECT-ION INFO Vice-Chairman Cole explained that is information is something that they want to keep in mind as they work on the ordinances. The information comes from the recently completed water study done by Keller & Associates.

CALENDARING Vice-Chairman Cole stated that they will work on the subdivision application processes at the next meeting. As they don't want to rush through anything the public hearing for the changes will most likely be in January.

ADJOURN Meeting was adjourned at 7:22 P.M. by Vice-Chairman Cole.

Becky Cox

Dave Cole, Vice-Chairman