

City of Ashton Minutes Planning and Zoning Commission

**Thursday, November 16, 2023
7:00 p.m.**

In Attendance: John Finley, Rosie Owens, Danya Liebert, Trena Howell and Dallas Hill

Also, in attendance: Conditional Use Permit Applicant Tyler Teske, Planning and Zoning Administrator Sara Bowersox and Deputy Clerk Jan Warnke

Chairman Hill welcomed everyone and opened the meeting at 7:00 pm

1. Approve Minutes from October 19, 2023: ACTION ITEM

Commissioner Danya Liebert made a motion to approve the minutes as submitted. Commissioner John Finley seconded the motion. The motion passed unanimously.

Each speaker will be allowed a maximum of 3 minutes unless repeat testimony is requested by the P & Z Commission

2. Public Hearing for Conditional Use Permit: ACTION ITEM

Deputy Clerk Warnke was the hearing officer. She explained that the purpose of the hearing was for the Commission to receive public comments and testimony concerning a conditional use permit requested by Tyler Teske, Owner of the property located at the corner of 6th Street and Pine St.

Deputy Clerk Warnke asked Administrator Bowersox if the property had been posted and if the hearing notice was published. Administrator Bowersox replied that the property was posted, the hearing notice was published, and the proof of publication was given to the commission.

Deputy Clerk Warnke asked the commission if any of them had a conflict of interest. By a roll call vote, no one did. She then asked Administrator Bowersox to present her report on the proposed conditional use permit. Administrator Bowersox told the commission that she received an application for open storage units to be placed on the property at 6th Street and Pine Street. She went on to remind the commission that they had heard of a similar conditional use permit and that storage units are an allowable conditional usage in the Community Core Zone. The conditional use code states that it is not precedent setting so each one has to be heard separately. When Mr. Teske brought in his plan there were some things that did not fit within the zoning requirements for that zone. After discussing the issues with Mr. Teske, he made changes to his plan to come into compliance with those things. Administrator Bowersox asked the commission if they had any questions for her. They didn't have any and time was turned over to the applicant, Tyler Teske.

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Mr. Teske handed the commission the preliminary plans for the open storage units that had not been turned in with his application. Mr. Teske explained to the commission that these storage units would be open storage for items such as campers, boats, and RV's. He plans on having 24 units. His plans include having a flat roof, so the snow won't be sliding onto city property. His design shows the buildings are six inches from the property line for a drip edge. The site is designed with a pull through driveway to give adequate access for Emergency vehicles. Mr. Teske also provides parking for a neighboring apartment complex. The code does not allow vehicles to back up onto the street so the vehicle parking will be on the west side of the storage units. This property has been a vacant weedy site for a long time and Mr. Teske wanted to clean it up and make it productive. He saw a need for open storage where this is a big recreation area. There are a lot of smaller closed storage units around but not a lot of large open storage units. This area will not be loud and intrusive. There will be security cameras installed so it will provide security for the units as well as the neighboring properties. If his permit is approved, he would like to start breaking ground in the spring so that hopefully they can be operational before next winter.

Commissioner Owens asked if the storage units would be gated. Mr. Teske said it would not be, that is why he will have security cameras. If there is a need in the future, he will add that. Commissioner Howell asked if there was one space per unit and what the building would be made of. Mr. Teske answered by saying that the units will be 12 feet wide by 40 feet deep and every 12 feet there will be a pillar for support. The building would be all wood framed wrapped in metal. Commissioner Howell then asked if there will be enough space in the driveway to back the campers in. Teske replied that it may be tight, but he has a skid-steer that he can use to help the customer if needed. Howell then asked if there would need to be any snow removal. Mr. Teske replied that he will keep the driveway and apartment parking lot plowed and will store all the snow on the west side of his property. The east side of the building that will be closest to the corner of 6th and Pine will be shortened to maintain the clear vision triangle needed for street traffic. Commissioner Howell asked if there were any fire hydrants nearby. Administrator Bowersox informed the commission that all the fire hydrants must be placed within so many feet of each other so there would be one close enough for access. Commissioner Liebert asked how big the units would be at the clear vision triangle. Mr. Teske stated that the one closest to 6th Street would be ten feet deep, the next one would be twenty feet deep and the third one would be thirty feet deep. There were no other questions for the applicant and there was no one else at the meeting to give public comment so Deputy Clerk Warnke closed the public hearing and turned the meeting back over to the commission for discussion.

Chairman Hill asked the administrator if the CUP is approved how long would the applicant have to start building before the permit was void. The administrator replied that the use was supposed to start within two years. The commission had enough information that they didn't feel the need to ask any more questions or discuss any further.

Commissioner Liebert made a motion to recommend to the Ashton City Council to approve the Conditional Use Permit for Tyler Teske to put open storage units on his property. Commissioner Howell seconded the motion. The motion passed unanimously by roll call vote.

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Administrator Bowersox explained to the commission and the applicant that she would take the recommendation from the commission to the next city council meeting on Wednesday, December 13, 2023. She also explained the permitting process and how extensions worked if needed.

3. Administrator's Report – Sara Bowersox

There haven't been any new permit applications as building is slowing down. She took the time to review the public hearing that occurred on Monday night at the county Planning and Zoning meeting concerning the cell tower Conditional Use Application within the Ashton City Area of Impact. She reminded the commission of the agreement between the county and city for that area that was adopted and codified in 2005. The area of impact is mandated by Idaho State Law. The county has jurisdiction, but they will apply the city zoning rules and code because that is the area that the city is most likely to grow. She explained that if the city is going to grow and eventually annex that property, they would want the growth in that area to parallel the city code.

The administrator then told the commission that at least a year ago the company was ready to build a cell tower on a piece of property inside the City of Ashton, that they had been planning for years to use. They had received a permit for this project in 2019, but never started that work. The zoning had since been changed so they were no longer able to use that piece of property. They then started looking for another piece of property to build their cell tower. She gave them some ideas of where they might be able to build. They looked at the city lagoon property as well as Reinke Grain property located on 3600 E. These two properties did not work out, so they settled on another piece of property within the Ashton Area of Impact.

In the Ashton City Code utilities and communication facilities are on the list of things allowed with a Conditional Use Permit in the Low-Density Residential Use Zone. The Fremont County Administrator, Tom Cluff, said that the county would follow the City Code and use the City Conditional Use Permit Application, but Fremont County would be responsible for holding the public hearing and making their recommendation to the Board of County Commissioners to vote on. This process is outlined by Idaho State Law. The Fremont County Planning and Building Administrator did ask Administrator Bowersox if she had any input for Fremont County Planning and Zoning commission. She told them that from her reading of the Ashton Code it met the requirements so as the Ashton City Planning and Zoning Administrator, she had no objections.

The county held their public hearing on Monday, November 13, 2023. Administrator Bowersox did not attend the hearing. Deputy Clerk Warnke did attend, not as a City of Ashton employee but as a private citizen. The commission heard the presentation and heard the comments that were given and then voted three to two to deny the application. It still must go to the Fremont County Commissioners on November 27, 2023. The County Planning and Zoning Administrator will give the Planning and Zoning recommendation to the commissioners for them to make the final decision. That is the process for any Conditional Use Permit in the Ashton Area of Impact.

If someone in the impact area wanted to do something that was a standard allowable usage, the city would not be notified. The applicant would go to the county and get a permit. They follow the Ashton City Code but use Fremont County's process. The only time the city would be contacted about anything being proposed in the impact area is when it is not a standard usage. Then the Ashton City Administrator goes through the code to check what is allowed or not allowed and advise the applicant if of options including the possibility a conditional use permit.

Deputy Clerk Warnke interjected that it is confusing for people to understand the laws concerning the area of impact. One of the reasons that the state made this mandate was for more of a unified growth. They wanted a buffer around the city that coincided with each city's comprehensive plan. She then explained what happened through the cell tower Conditional Use Permit process. There were a lot of assumptions and misconceptions about the involvement of the Ashton City Council, the Planning and Zoning Commission and Ashton city employees. Deputy Clerk Warnke then explained that her husband, the landowner of the property they were looking at, was contacted by the company that would be

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building the tower. Administrator Bowersox added that if they had been able to build the tower on the Reinke Grain property, which is Zoned industrial, it would have been a standard usage for an industrial zone and they may not have had to contact the City of Ashton at all. There were letters that went out from the company to the administrator and others to meet FCC and governmental environmental impact regulations that had nothing to do with the city or the county. There were letters that went out asking different questions. An example is if there are any historical buildings within so many feet from this site to be submitted in writing. There were a lot of things this company had to do before they even got to the conditional use permitting process. Commissioner Liebert told the commission that she had people knocking on her door trying to get her family involved. She told them that it was the landowners' property and that they could do what they wanted on their property. Deputy Clerk Warnke told the commission that she didn't realize that a cell tower was such a controversial subject. Chairman Hill added that there is a lot of misinformation about a cell tower and what impact it will have on the community. He trusts the processes that the city makes to make changes to accommodate needs as they arise. Commissioner Liebert added that as a member of the search and rescue, if it would help them find someone, then she is all for it. The administrator pointed out that people need to educate themselves. Someone made a great comment, be informed not influenced. The commission didn't have any questions for the administrator. Chairman Hill thanked the administrator for addressing the subject with them.

4. Comprehensive Plan Updates

The chairman reminded the commission of the quick list that was made the previous month of things that potentially could be important to consider. He then asked if anyone had anything that they would like to add. Commissioner Howell thought that they were supposed to come up with five questions to ask, then bring them together and narrow them down. An example was, "What would you like to see happen in Ashton? What would you like to see recreationally, and would you like to see a shared facility between county and city agencies?"

The commission discussed possible classes and facilities that may help people want to stay in Ashton. A couple of concerns that the commission discussed were Airbnb's. How Airbnb's are affecting long term rental properties, ways to permit, regulate and enforce the regulations. Administrator Bowersox stated that this is something that needs to be addressed but it is not something that has to do with the comprehensive plan. She thinks that maybe the city council would be interested in forming a subcommittee with two council members and two planning and zoning members to review the state law, looking at how other communities are handling them. Then come up with an example of what they would like in an ordinance. She will talk to the City Clerk about this. Each of the commission members will then come back with five questions at the next meeting that they would like to ask the residents to gather the thoughts of the community. Some of the commission thought that it would be a good idea to set up a booth at different functions that are held each year to get a broader group of people. Some suggestions were the groundhog dinner, German supper, dog sled races among others. Chairman Hill volunteered to reach out to the Methodist Men's group and ask about setting up a table at the groundhog dinner. The administrator volunteered for her and the Deputy Clerk to work up a flyer template for the questions. At the next meeting, the commission will plan the outreach for the community.

The meeting was adjourned. Next meeting will be held on January 11, 2024, at 7 pm

Minutes respectfully submitted by Deputy Clerk Jan Warnke