

City of Ashton Minutes Planning and Zoning Commission

**Thursday, April 18, 2024
7:00 p.m.**

In Attendance: Dallas Hill, Rosie Owens, Audrey Tibbitts and Trenna Howell

Also, in Attendance: Planning and Zoning Administrator Sara Bowersox and Deputy Clerk Jan Warnke

Chairman Hill welcomed everyone and opened the meeting at 7:07 pm

1. Approve Minutes from March 21, 2024: ACTION ITEM

Commissioner Rosie Owens made a motion to approve the minutes as submitted. Commissioner Trenna Howell seconded the motion. The motion passed unanimously.

2. Elect New Chairperson ACTION ITEM

After a brief discussion about the process, nominations began.

Commissioner Trenna Howell made a motion to nominate Rosie Owens as Chairman. Commissioner Audrey Tibbitts seconded the motion. The motion passed unanimously.

Commissioner Dallas Hill made a motion to nominate Danya Liebert as Vice Chairman. Commissioner Rosie Owens seconded the motion. The motion passed unanimously.

3. Administrator's Report – Sara Bowersox

The administrator has been getting a few questions about different properties. Tyler Teske's will be able to start on his storage units as soon as he merges the two lots and brings the city the documents from Fremont County. She has approved the typical administrative permits for remodels, a garage, sheds and fences.

4. Association of Idaho Cities P & Z Video Series

The commission watched Property Rights in Planning. The Local Land Use Planning Act or LLUPA requires cities and counties to address 17 Specific Planning Components in their Comprehensive Plan. The first listed is property rights. LLUPA requires Comprehensive Plans to analyze provisions which may be necessary to ensure that land use policies, restrictions, conditions and fees do not unduly violate private property rights, adversely impact property values or create unnecessary technical limitations on the use of property. Through the process of adopting a Comprehensive Plan, each component is discussed and integrated to create the future community vision. It is through this community discourse that the balance between the public welfare versus individual property rights is maintained. However, the Comprehensive Plan is a statement of vision, not a regulatory document and must be implemented by local ordinances.

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Comprehensive Plans are implemented primarily through zoning. Zoning provides a regulatory framework to implement the Comprehensive Plan including provisions related to the protection of private property rights. Private property rights are important. It is also important to recognize that how one person uses their land can have impacts on other property owners and the community. This is why states, counties and cities regulate land use. When finding the balance between private property rights and public welfare, cities need to consider that sensible use of land increases property values. Value can be created by government or created in location. Down zoning does not mean loss of value and land use protects values. Zoning is an exercise of police power to protect the health, safety and general welfare of the community. Zoning fulfills that purpose by strategically planning for and separating land uses that may be harmful to more sensitive land uses. Zoning controls the allowed uses, density, height, bulk, scale and location of structures to protect uses of adjoining properties. For example, separating single family residential structures from larger business uses may impact the privacy, quiet, outdoor livability and use of that structure. Zoning also protects the rights of all property owners by ensuring that adequate facilities are provided such as parking and drainage. By distributing certain types of land uses into distinct and limited districts of like uses zoning enables a community to achieve its goals for growth and economic development and protection of its resources and unique character of a community. One of the main jobs of a planning and zoning body is to plan for the future by balancing private property rights with the public good.

The commission would like to preserve the agricultural appearance around the area. They talked about house bill 506 concerning short term rentals. If this bill gets passed in the future, cities wouldn't be able to have any restrictions on them at all. The commission discussed some reasonable restrictions that they would like to see be implemented.

5. Comprehensive Plan Update

a. Review Question Flyer

The administrator shared the first results from the online questionnaires. The commission read through the results. Some of the responses that were discussed were the Jake Brake law, yards that need to be cleaned up, weeds, and outdoor storage. They also discussed the Main Street look; zone change suggestions and ideas of how to encourage the original look of the town. There were responses the commission could work with and responses that are out of the scope of what planning and zoning can do. The commission shared their experiences from hand delivering questionnaires to the businesses that were assigned to them. The commission decided to have the questionnaires and QR code at the school play for people to take and answer at their convenience.

b. Discuss Topic for Joint Meeting with Council

Commissioner Hill asked Administrator Bowersox if she had spoken to the council about a joint meeting. Administrator Bowersox informed the committee that she had spoken to the City Council about having a joint meeting between them and the Planning and Zoning Commission. The council was amenable to the idea. The mayor stated that there may be a special council meeting at the end of May so they would like to try and have the joint meeting at that time. Commissioner Hill would like to address Airbnb's along with the Comprehensive Plan update with the City Council. The Administrator told the commission that the regulation of short-term rentals was not strictly a P & Z topic. Its business regulations, utility fees, licensing fees and other areas that are outside the scope of planning and zoning.

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In the past the commission has discussed the possibility of having a committee with a couple of commission members and council members to address putting some regulations on short-term rentals. The administrator agrees with the commission that this topic should be prioritized. The administrator will ask to address the following topics at the joint meeting, short-term rentals, goals and status on the Comp. Plan, the council's expectations of the commission and the results of the survey.

c. Discuss Next Steps from AIC Handbook

Because it is 8:55 pm, the administrator recommended that the commission discuss this topic at the next meeting. The commissioners agreed and closed the meeting.

The meeting was adjourned. Next meeting will be held on May 16, 2024, at 7 pm.

Minutes respectfully submitted by Deputy Clerk Jan Warnke