

CITY COUNCIL MEETING  
December 11, 2023

MAYOR & COUNCIL	STAFF
Daniel M. Keller, Mayor	Linda Acock, City Clerk
Todd Thomas, Council	Kelly Mickelsen, Treasurer
Terry Larson, Council	Lyle Fuller, Attorney
Brent Dodge, Council	Tyrell Simpson, City Engineer
Chris Larsen, Council	John Balls, Public Works Director
	Shawn Oliverson, Community Dev.
	Dan McCammon, Police Chief

Council Meeting was called to order at 5:00 P.M. by Mayor Dan Keller.

Mayor/ Council Comments Mayor Dan Keller thanked the Elks Club for the time and efforts put into filling over 800 boxes of food, clothing, gifts for those in our community who are in need this time of year. This is highly appreciated. Mayor Keller then wished the community a Merry Christmas.

Consent Calendar The consent calendar includes items which require formal Council action, but which are typically routine or not of great controversy. Individual Council members may ask that any specific item be removed from the consent calendar in order that it be discussed in greater detail. Explanatory information is included in the City Council’s agenda packet regarding these items.

- |    |                            |                   |
|----|----------------------------|-------------------|
| A. | Council Minutes            | November 27, 2023 |
| B. | Bills                      | December 11, 2023 |
| C. | Treasurer’s Monthly Report | November 30, 2023 |

It was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to approve the consent calendar, which includes the Council Minutes of November 27, 2023, the Bills through December 11, 2023, and the Treasurer’s Monthly Report dated November 30, 2023. This received unanimous approval.

Approved Business Licenses The following business licenses have been approved:

Bethany Ann Perkins	81 North State	Native Rays Tanning LLC
HB Boys LC	800 North State	Burger King #11174
Braden Reeder	450 N 4 <sup>th</sup> E. Hyde Park	Braden G Reeder Const
Sheyenne Hernandez	252 East 1 <sup>st</sup> South	Sunshyn Properties LLC

Public Hearing To Consider Ordinance Assisted Living After giving guidelines for public hearings, Mayor Dan Keller called for the public hearing to give consideration for an Ordinance for amendment to Preston Municipal Code 17.06 and to create 17.64 Assisted Living, as follows:

NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held on December 11, 2023, at 5:00 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 City Council and Mayor to consider amendments to Preston Municipal Code 17.06.010 Zoning Definitions, Assisted Living Facilities to define an Assisted Living Facility to be nine (9) or more persons with disabilities or elderly, and to create Preston Municipal Code 17.64 Assisted Living Facilities allowing assisted living facilities in Residential A2, Residential A3 and General Commercial Zones, Defining group homes which is not considered an Assisted Living Facility, Setting standards for open space, parking, landscaping, storm water retention, and infrastructure improvements, and listing restrictions for assisted living facilities with violations being punishable by the general punishment found in 17.52.020.

Copies of the proposed ordinances are on file with the city clerk at the above address and copies of the same may be obtained from that office.

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All persons 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 Council in its deliberations.

S/Linda Acock, City Clerk

Publish: November 22, 2023, in The Preston Citizen

Mayor Keller explained that the City Clerk received written comments for the public hearing. These comments are lengthy, and were included in the City Council's packets, for council's review, but would not be read aloud for this hearing. They will be made part of the meeting minutes.

Community Development Specialist Shawn Oliverson explained that the ordinance came about because the assisted living regulations was placed within the multi-family codes. The Planning and Zoning Commission carved out a separate section for assisted living.

A few changes, defining an assisted living center as having 9 or more persons at the facility, specifies allowed zones for assisted living centers, setbacks required, open space requirement in the residential zone is 15% not taking parking into consideration of this formula, landscaping plans. The city engineer and the zoning commission will determine the infrastructure needs and decide whether improvements to roads, sewer, water, traffic studies and water models, etc. are needed based on the facility size and area.

Councilmember Brent Dodge asked about the storm water retention.

Community Development Specialist Shawn Oliverson explained that the builder's engineer will put together a study with the percolation rate through the different types of soil.

Mayor Dan Keller reminded those in attendance that the hearing is in regard to the change of the municipal code. This ordinance is not set to address the current operations of existing assisted living facilities. It does not pertain to one specific parcel of property or one specific land owner. He then asked for comments from those in attendance, in support of the proposed amendments.

Bryon Martin stated that he had submitted four pages of comments, and was glad that each council person had the opportunity to read them before the meeting, as he didn't want to read them aloud, at the meeting.

Mr. Martin stated that Franklin County is one of the fastest growing counties in the United States. We need to keep this in mind as we look at ordinances and proposed changes. He also stated that without changes to the assisted living codes, development will force 8-bedroom group homes in residential neighborhoods, without regard to the safety measures of parking, density, open space. The demand is there.

Sandy Martin had also submitted written comment, but also prepared public testimony. She stated that as population grows, the aging of that growing population is just a natural progression. Senior care is a necessity in our community and as the baby boomer generation ages over the next several years, the demand will become even greater. The present codes, having assisted living in the multi-family section of codes, makes it nearly impossible for new entrants to come into the Preston market.

Dixon Beckstead stated that he is in favor of passing the ordinance because the codes should not list assisted living under the same codes as multi-family. The elderly people need a nice place to stay, with day-to-day assistance.

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Angela Nielsen has seen her neighborhood grow, and an assisted living center in the neighborhood is a good idea.

There being no further comments in favor, and no further written comments other than what was included in the packets as testimony for the Planning and Zoning's public hearing. Mayor Dan Keller called for neutral testimony.

There being no neutral comment, nor written testimony, Mayor Dan Keller asked for testimony in opposition to the proposed ordinance.

Randy Taggart stated that he does see a need for assisted living, but the northeast quadrant is the busiest quadrant, there are assisted living, apartments, the hospital, church meeting house, and car dealership, and he doesn't want any more built in his neighborhood.

Michael Anderson stated some concerns directed to a certain proposed assisted living center. He's concerned about traffic, gravel roads, parking, vehicles idling, and de-valuing of his property. He would like these things addressed before an assisted living center is built in his neighborhood.

Mayor Dan Keller reminded those providing testimony that this is not about one specific property or person.

Jordan Snedaker agrees that there is a need for additional assisted living. With current codes, you can build an assisted living. It just needs to be done with the proper procedures and on the right piece of ground. The council shouldn't pass an ordinance that still needs to be worked on and improved. Don't simply push the ordinance through.

Kristine Waddoups is also concerned about increased traffic, and patrol.

Councilmember Terry Larson explained that the postponement of this public hearing was not due to concerns over the amendments, but due to errors in the publication in the newspaper.

Mayor Dan Keller stated for the record that the Planning and Zoning Commission has worked on these proposed amendments and additions for over six months.

There being no further comments, and no written comments, in opposition, it was moved by Councilmember Terry Larson and seconded by Councilmember Todd Thomas to close the public hearing and open the meeting to deliberation amongst council.

Councilmember Todd Thomas addressed comments that were given. He agrees that there is a need for assisted living, and now is the right time to create the ordinance. His concerns for the ordinance as presented are, the city should notify the adjoining neighbors when an application for a building permit comes through for assisted living, as well as the 15% of open space, there should be a footprint percent the same as residential of only 55% of the property can be covered with structures and paving, and assurance that the front of the building does not face the back yard of neighboring residences.

Councilmember Brent Dodge asked Attorney Lyle Fuller to explain Idaho Code allowing assisted living centers under 8 units.

Attorney Lyle Fuller advised that Idaho Code 39-3301 is the Idaho Residential Care or Assisted Living Act. This code regulates that you have to provide medical care, have a director, basically how they are run and how they are regulated. Code 39-3306 states that this part of the state code supersedes any program, licensing or standard for residential care facilities. Code 67-6530 declares that it is the policy of the state that persons with disability or elderly persons are entitled to live in normal residential surroundings and should not be excluded. And, code 67-6531 and 67-6532(3) essentially states that if

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the care is for eight or fewer persons, it's to be considered residential use, and we have to, as the city, treat it like we would treat a single-family home.

Councilmember Brent Dodge also asked Attorney Fuller if the city was asking for too much open space causing this to be a "taking" of the land.

Attorney Lyle Fuller advised that the 15% open space would not be considered a regulatory taking of land by the city.

Councilmember Chris Larsen asked if someone builds an eight-unit residential care facility, and later chooses to add on to the facility making it an assisted living center, but doesn't meet all the setbacks, would that prevent them from participating in adding to the assisted living.

Attorney Lyle Fuller stated that yes, it could prevent them from participating. As the Idaho Code states, the eight-unit facility must comply with current residential setbacks. If they choose to add to the facility, or build another building, they would fall under the assisted living ordinance and have to meet those setbacks and regulations.

Councilmember Brent Dodge asked about regulating emergency vehicle ingress and egress, and if that was something the city would regulate.

Attorney Lyle Fuller stated that the building plan would have to go before the fire marshal for emergency clearance under the fire code.

Councilmember Brent Dodge asked City Engineer Tyrell Simpson to speak on the water retention, density and traffic control.

City Engineer Tyrell Simpson explained that the builder's engineer does a percolation test to determine how much water the soil can take, then designs the water retention pond according to that. As to the density, the proposed ordinance will require 15% open space. The structure, hard surface, etc. is not included in the open space. The way the proposed ordinance is written, the city engineer and public works director will look at each application, and if necessary, they will require a traffic study and/or a water study.

Councilmember Chris Larsen stated that the city council is ultimately responsible for the passing of the ordinances and codes. The planning and zoning board will make recommendation. He would like to spend additional time reviewing, to assure that there are no unintentional consequences that come from passing the ordinance as it is written.

Mayor Dan Keller asked Attorney Lyle Fuller, regarding 17.64.090 at the discretion of the public works director and city engineer, a traffic study and or a water model may be required, if the word may could be changed to shall without having to hold another public hearing.

Attorney Lyle Fuller advised that it was not a significant enough change, and would not require an additional public hearing.

Councilmember Terry Larson stated that the way the ordinance is proposed, with side setbacks being increased, the 15% required open space, and not allowing parking to be included in the open space formula, this is adequate. Changing the wording from may to shall, requiring water models and traffic studies is good and also added that the developer shall be responsible for the costs.

Councilmember Todd Thomas motioned to deny the proposed ordinance as it is written, send it back to the Planning and Zoning Commission for a joint work meeting to identify the changes, do a re-write, and then hold another public hearing. Motion died for lack of second.

Councilmember Todd Thomas motioned to deny the ordinance as presented, instruct staff to make changes to the ordinance based on city council's recommendations, such as notifying adjoining property owners when an

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application is brought in, traffic impact, and change the word from may to shall in 17.64.090, then bring it back to city council for another

public hearing. Councilmember Chris Larsen seconded the motion. The vote was as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Nay</u>
Councilmember Brent Dodge	<u>Nay</u>
Councilmember Chris Larsen	<u>Aye</u>

Due to a tie in the vote, Mayor Dan Keller cast a Nay vote causing the motion to be denied by majority vote.

It was moved by Councilmember Brent Dodge and seconded by Councilmember Terry Larson to approve the proposed Ordinance 2023-6, with the minor change to 17.64.090 in terms of the water model and traffic study to state shall instead of may, and word that the applicant shall pay the costs. The vote was as follows:

Councilmember Todd Thomas	<u>Nay</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Nay</u>

Due to a tie in the vote, Mayor Dan Keller cast an Aye vote. The motion was passed by majority vote.

Ordinance  
2023-6  
Assisted  
Living  
17.64.090  
PMC 17.06  
& 17.64

Councilmember Brent Dodge introduced Ordinance 2023-6, an ordinance amending Preston Municipal Code 17.06 and creating Preston Municipal Code 17.64, Assisted Living Facilities and motioned to dispense with the rules requiring the reading of ordinances on three separate days, and ordered the ordinance to be read once by title. The vote was as follows:

Councilmember Todd Thomas	<u>Nay</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Nay</u>

Due to a tie in the vote, Mayor Dan Keller cast an Aye vote. Motion passed by majority vote.

Ordinance 2023-6 was read once by Title by City Clerk Acock.

It was moved by Councilmember Brent Dodge and seconded by Councilmember Terry Larson to approve Ordinance 2023-6. The vote was as follows:

Councilmember Todd Thomas	<u>Nay</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Nay</u>

Due to a tie in the vote, Mayor Dan Keller cast an Aye vote. Motion passed by majority vote.

(a copy of the submitted letters follows Minutes)

Internet  
Phone  
System

TJ Burbank, IT Specialists, presented a written proposal for improvement to the analog phone system. The proposal is for a voice over IP system. The system will provide additional capabilities that will be beneficial to all departments.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to accept and approve the phone contract with Rytell and authorize Mayor Dan Keller to sign said Agreement. This received unanimous approval.

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Preston           Community Development Specialist Shawn Oliverson presented a proposal  
Airport           for the Preston Airport (U10) grant to acquire snow removal equipment,  
U10               at a cost of Four Hundred Forty-Four Thousand Four Hundred Forty-Four  
                    Dollars (\$444,444.) The city's portion, if the grant is approved, is  
                    Seventeen Thousand Dollars (\$17,000).

It was moved by Councilmember Terry Larson and seconded by  
Councilmember Brent Dodge to authorize Mayor Dan Keller to sign the  
grant application for the Preston Airport to acquire snow removal  
equipment. The vote was as follows:

Councilmember Todd Thomas	<u>Nay</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by majority vote.

Water           After review, it was moved by Councilmember Todd Thomas and seconded by  
Service         Councilmember Chris Larsen to deny the Franklin County High School's  
Line To         request for a water line upgrade, at the city's expense. The vote was  
FCHS           as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Nay</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by majority vote.

North State   Public Works Director John Balls explained that the water line on North  
Water Line    State, from 1100 North to approximately 1600 North is ductile iron  
Replacement   pipe. The composition of the soil is red clay. They've been out there  
                 five times over the past three weeks to repair water leaks.

Facer Excavation has provided an estimated bid for the repairs and  
replacement of the ductile line.

Mayor Dan Keller stated that the city is still under the emergency  
declaration. This is a major flood area in our community. Because of  
this, the council will not have to re-open the budget, but that the  
crew can proceed as outlined.

It was moved by Councilmember Todd Thomas and seconded by Councilmember  
Terry Larson to approve the repairs and replacement of the water line  
on North State Street from 1100 North to 1600 North. This received  
unanimous approval.

Council &       Councilmember Todd Thomas, Councilmember Chris Larsen, Councilmember  
Dept. Head     Terry Larson, Community Development Specialist Shawn Oliverson, City  
Report On      Engineer Tyrell Simpson, Public Works Director John Balls, and Chief  
Assigned       Dan McCammon gave reports on their assigned designations. During his  
Designations   report, Chief Dan McCammon stated that he would like the council to  
                 confirm his department's decision to discontinue using the IWORQ  
                 software system. The department works with Spillman software, and it  
                 is tied in with Franklin County, dispatch, and other law enforcement  
                 agencies.

Councilmember Brent Dodge presented a letter to Chief Dan McCammon,  
with questions regarding the police department's decision to  
discontinue the use of IWORQ.

Chief McCammon addressed the issues of the letter by pointing out that  
during 2023, the department has had 2,156 complaints come in through  
dispatch, and only 25 complaints through IWORQ. It seems the public is  
more aware of bringing complaints to their attention by contacting  
dispatch than by entering the complaint online through IWORQ. The  
animal control/code enforcement officer is part-time, and doesn't get  
to the e-mails every day. Therefore, some of these complainants feel

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that their complaints go unheard because they don't receive immediate feedback. If the complaint is made through dispatch, the information is automatically entered into the Spillman program, and gets immediate attention. The business license and building permit portion of the software seem to work good, but the complaints is not, and it is redundant to put the information into both IWORQ and Spillman. Data security and privacy is much more stringent in the Spillman program than through IWORQ.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to support the police department's decision to discontinue the use of the IWORQ software system. The vote was as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Nay</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by majority vote.

Executive Session (A copy of the letter addressed to Chief McCammon follows Minutes)  
It was moved by Councilmember Todd Thomas and seconded by Councilmember Chris Larsen to enter into Executive Session to discuss personnel, as allowed in Idaho Code 74-206(1)(b). The vote was as follows:

Councilmember Todd Thomas	<u>Aye</u>
Councilmember Terry Larson	<u>Aye</u>
Councilmember Brent Dodge	<u>Aye</u>
Councilmember Chris Larsen	<u>Aye</u>

Motion passed by unanimous vote.

Entered Executive Session at 8:26 P.M.

It was moved by Councilmember Todd Thomas and seconded by Councilmember Terry Larson to exit Executive Session at 8:52 P.M. This received unanimous approval.

Adjourn Meeting was adjourned at 8:52 P.M. by Mayor Dan Keller.

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Linda Acock, Clerk

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Daniel M. Keller, Mayor

Bryon Martin  
290 N 2<sup>nd</sup> East  
Preston, Idaho 83262

December 7, 2023

To Whom It May Concern:

I would like to make a few comments regarding the Planning and Zoning Commission's recommended municipal code changes for Assisted Living. It should likely be pointed out first that this vote was a unanimous vote in favor of these changes by Planning and Zoning.

When considering if these changes should be made, I believe a few questions need to be answered.

First. Is this new code needed? In other words, is there a problem that this proposed code could solve?

Second. Is there is a perceived need for change? Does this help or address the needs in a meaningful and fair way?

Third. Does this change in code cause harm or cause significant problems? Do the benefits outweigh the problems or is doing nothing a better solution? Certainly, everything has a tradeoff.

In summary:

1. Is there a problem or need?
2. Is this a solution to a problem or need?
3. Is doing nothing a better solution?

When we address or explore the above questions in more detail, we discover several things.

#### **DEMAND EXCEEDS CURRENT SUPPLY**

First, it has been reported and I believe is common knowledge, that the one current Assisted Living Facility in our area has recently had as many as 13 individuals on a waiting list. It is logical to infer from this that existing beds are not able to accommodate current need and that this issue will only become exacerbated as the current population of baby boomers continues to age. The "Silver Tsunami" is coming and arguably, we are not prepared.

A recent article in the Preston Citizen points out that this area, specifically Franklin County, is among the fastest growing counties in the nation. The article notes that Franklin County is the 83<sup>rd</sup> fastest growing county in the nation. When explored further (dividing 83 by the 3143 counties in the nation) we find that our area is in the top two percent of growth rate. In other words, we are growing faster than 98 percent of the nation! How does this relate to the issue at hand? Any projections we do for Assisted Living should be based on a projection that this area, county included, is likely to continue to grow at an alarming rate and that services for this new population base should be anticipated to increase significantly in the next few years.



### **PROBLEM WITH CURRENT STATUS QUO**

Doing nothing or not accepting the proposed municipal code changes for Assisted Living assumes that future anticipated demand and current crisis demand can be accommodated through existing code and any problems can simply be addressed on a case-by-case basis using a special use permit or variance as needed.

Currently Assisted Living is viewed under municipal code as a "Multi-family Complex." Is there a problem with that?

Yes.

The first problem is that only 8 units are allowed per housing project, so a Variance/Special Use Permit is needed to get over this hurdle.

The second problem is that only 8 units are allowed per acre, so a second Variance/Special Use Permit is needed to get over this hurdle as well.

If I were an Assisted Living developer considering building in this area, I would seriously consider not pursuing development here. If for no other reason, historically the city and in most areas, special use permits and variances are rarely granted. Pursuing special use permits and variances is also costly in time, energy and resources.

### **COMPETITION WOULD BE ENHANCED WITH PASSAGE OF THIS PROPOSAL**

**Competition is necessary!** Choice creates a better product and service, for a better price. As you are aware, we are a one facility community. This gives the owner the opportunity to charge higher than usual prices. Competition is needed to keep pricing in check. The one facility is also considered a large facility within the industry with approximately 55 existing beds and possible 90 or more beds should they add 16 units (since each unit or room has the capacity of 2 beds).

Encouraging smaller facility development should be a goal of this City Council. Competition achieves this goal. It is a common thought of consumers that the larger a facility is or becomes, the poorer the service can become(s).

I recently read a post on social media in a Cache Valley group that someone was looking for assisted living accommodations for her mother and asked for any suggestions as to a facility that might be a good choice. There were two common themes among the many comments. First theme, many of the facilities have waiting lists so get her on a list. Second theme, try to find a smaller facility as they tend to have better service than the larger ones.

While a free market does not directly require the existence of competition, it does require **a framework that freely allows new market entrants.** Currently, as mentioned earlier, assisted living falls under the umbrella of multifamily. This makes it nearly impossible, in my opinion, for anyone to build an

assisted living facility in Preston City. With the passing of this ordinance, it makes it much easier and more attractive for a developer to build within our city.

#### **RIGHT OF LOCAL RESIDENTS**

**The individuals who live here in this community have a right to stay here until the end and enjoy their sunset years in the community they love.**

When our senior citizens are forced to go to another community either because of lack of beds or the cost is too prohibitive, because of lack of competition, it is difficult for their spouse or families to visit them. Imagine having lived all your life in a community, faithfully served your community and neighbors and now are forced to leave the community. No one should be left in their last days feeling alone and abandoned.

#### **IDAHO CODE ALLOWS SMALL GROUP HOMES WHICH CAN NOT BE EXCLUDED OR RESTRICTED BY LOCAL ZONING**

Idaho Code Section 67-6530. States the following.

“The legislature declares that it is the policy of this state that persons with disabilities or elderly persons are entitled to live in normal residential surroundings and should not be excluded therefrom because of their disability or advanced age, and in order to achieve statewide implementation of such policy it is necessary to establish the statewide policy that the use of property for the care of eight (8) or fewer persons with disabilities or elderly persons is a residential use of such property for the purposes of local zoning.”

Idaho Code Section 67-6532. This section goes on to explain

“(2) No conditional use permit, zoning variance, or other zoning clearance shall be required of a group residence, as defined in section 67-6531, Idaho Code, which is not required of a single-family dwelling in the same zone. (3) No local ordinances or local restrictions shall be applied to or required for a group residence, as defined in section 67-6531, Idaho Code, which is not applied to or required for a single-family dwelling in the same zone.”

#### **ALLOWED GROUP HOMES ARE NOT THE ANSWER:**

It is a matter of public record that a Preston City building permit was recently issued for an 8 bed group home for the elderly which also containing 2 units for live in staff.

This developer would prefer to modify the building permit to an Assisted Living facility and comply with all the requirements of the proposed Assisted Living code being recommended under the Proposed Assisted Living ordinance. Should the proposed Assisted Living ordinance, or something similar to it, not be adopted today, or in the near future, then this developer will build 3 additional elderly group homes

in other residential neighborhoods as it is not economically feasible to operate just one small group home.

Are group homes the answer to the shortage we currently face? Some might say yes but a closer look reveals that they can be disruptive to the single family neighborhoods they are built in. They are not subject to the items and protections this new municipal code would put into place. Some of the protections **THAT ARE NOT REQUIRED OF GROUP HOMES** include the following.

**Parking**

No minimum amount of parking is required. In the proposed code 1 parking spot is required for every 2 beds and 2 parking spots for every 3 staff and 1.25 parking spots for every resident that keeps a car at the facility.

**Zoning**

A group home can be built in any zone where a home can be built. The proposed code change applies restrictions for location.

**Setbacks**

Minimum setbacks allow building 8' from property lines where 15' is required in the proposed change.

**Storm Water Retention**

Water retention does not appear to be required onsite for group homes. It is, however, required in the proposed change.

**Open Space Requirement**

Walking paths, trails and outdoor recreation facilities are not required or even encouraged for group homes as they are in the proposed change.

**Infrastructure improvements**

If required, it appears to not be a billable expense with a group home.

**Garbage Collection**

Garbage collection location can be place anywhere with a group home, not as outlined in the proposed changes.

In conclusion, I have included a copy of an article written by Councilman Thomas for the Herald Journal regarding his opinion of the necessity of a carve out for assisted living facilities. I agree with Councilman Thomas. Let's please not reject this or kick it back to Planning and Zoning. It may not be perfect but it is a needed start.

Thank you,

Bryon Martin



## Citizen

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OCTOBER 25, 2023 • PRESTON, IDAHO

## Jake says 'be a good neighbor'

GUEST COLUMNIST  
OCT 18, 2023 0

My brothers and I recently attended the funeral service for our dear Aunt Viva Swainston Smith in the neighboring hamlet of Lewiston, Utah. Viva and her husband LaVor, my mom's brother, had a dairy farm where they raised their seven children. They started their agriculture operation way back in 1951 and remained there until age and health brought them to the downsized environment of a senior friendly home and then an assisted living facility for Aunt Viva.

The road they lived on had other dairy farms with similar aged families clustered together almost commune like for mutual benefit. Equipment was often loaned, meals shared, and friendly pranks pulled between families. I spent many summer days on that dairy farm growing up but was not much help at milking time as I waited impatiently to help Uncle LaVor "milk the boy cows". I was more interested in Aunt Viva's farm cooking of roast beef, real mashed potatoes with brown gravy and cinnamon rolls. Her homestyle cooking was so motivating that I once rode my skinny tire, 10-speed bicycle down the Fairview highway the 10.5 miles to fill my belly. The dual purpose existed to also earn

miles for the Cycling merit badge I coveted. Much to my chagrin, after a sleepover with cousin Kirk, I learned the return trip home was uphill and much harder.

After the funeral, as Craig and I drove home to Preston, we reminisced about their neighborhood and how tight knit they all were. We acknowledged that neighborhoods are not often like that anymore. People have seemed to grow fonder of their anonymity and do not interact like the pioneer stock of that Lewiston lane and its dairy farms. Jealousy between property owners did not exist or if it did, it did not show.

Our conversation about the camaraderie-laden vicinage our cousins grew up with made me think of the growing pains experienced in towns like Preston. Neighborhoods are changing, some growing and some shrinking. Open spaces are disappearing and former businesses whose history is unknown to the many newcomers in the county, now sit empty.

As a city council, we try to govern using more than a few ordinances that were put on the books in the 1970's or 80's. We often find ourselves feeling the need to update and modernize them to fit current times. Our Planning and Zoning

commission is of great assistance in this task. We have created new ones like a minor subdivision code to address the growing trend of family farmground being split into single or double lot increments for grandchildren to build their first home. A "carve out" of sorts from the more expensive and burdensome subdivision code. In the last 30 days, we tackled, with some bruising, the new idea of Air BnBs or short term rentals.

Another example of change or adaptation was on this past week's agenda. That being a similar "carve out" from the older ill fitting multi-family dwelling zoning code for assisted living facilities. Preston only has one ALF with a waiting list. Our vision is not myopic or singular but rather forward thinking to what the community will need in the coming 10-20 years.

The growth and demand we are trying to anticipate is not just with housing and senior care but with infrastructure as well. Therefore, the city provided utilities of water and sewer are being expanded and stabilized thanks to some arm twisting by the friendly DEQ. With transparency as our friend, I am going on record now... the sewer bill will be going up....count on it. Unknown at this date the exact amount

but we want to make sure that if Governor Little comes to visit the Famous Preston Night Rodeo again, he will be able to flush the toilet while here!

There is no such thing as a perfect ordinance. Especially when created and interpreted by a group of imperfect people who when they came together for the common good of their town, brought with them, "their prejudices, their passions, their errors of opinion, their local interests and their selfish views. From such an assembly can a perfect production be expected?" As a council, we may collectively be victims of the Dunning-Kruger Effect. That of not having enough knowledge to know we do not have enough knowledge. But we try...we really try.

Now, more than ever, Preston needs to be like that road in Lewiston where we band together and make Jake from State Farm proud. Khakis or jeans, work boots or dress shoes, it does not matter. LET US ALL BE GOOD NEIGHBORS! Be patient, honest and flexible in your dealings with each other. Besmirching words do no good. It will be amazing to witness what we as a city accomplishes and survives over the next decade, when none of us care who gets the credit.

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Preston, ID 83435

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To: Preston City Council  
From: Sandy Martin  
RE: Assisted Living Code Adoption  
Date: 12/07/2023

Several months ago, this body tasked the Planning and Zoning Commission to create an Assisted Living "carve out" ordinance. They fulfilled this task according to Element 16 of the City's Comprehensive Plan and have presented it to you for adoption into city code. They have reviewed, at length, the rising need for elder care. They have spent several months, choosing their words wisely, to present you with an ordinance they feel will serve the city well.

Through this process, I have heard the word density so many times. Frankly, that's a selfish argument and doesn't address the true needs of this community. I'll explain in a minute.

Councilman Thomas, in a previous meeting on this topic, you stated "the elderly deserve the best. They deserve walking paths and gardens." I too, believe the elderly deserve these things and more. They deserve delicious, nutritional hot meals. They deserve a community of friends and neighbors to visit with daily. They deserve the opportunity to participate in social activities catered to their abilities. They deserve a place to go outside for walks, not on city streets, but along pathways designed for walker and wheelchair use where they can enjoy flower beds and maybe pick a fresh tomato along the way. They deserve a patio they can sit on and enjoy their lunch or a visit with their family members and friends while smelling the sweet aroma of the surrounding rose gardens. They deserve a place for family activities that encourages frequent visits from family members. They deserve a place they can live out a new phase of their life that feels like home, not an institution. They deserve all of these things as well as getting the care and assistance they desperately need. I ask you, do these amenity's sound like a "density" problem? I think not! It sounds like a beautiful place with **plenty of space** for all of our moms and dads to go when the time comes, and enjoy and new phase of life.

I hope I've portrayed for you that this is not a picture of density but of lives filled with purpose even when their physical bodies have deteriorated from decades of raising families and creating their own legacies. Earlier this year a plan that included every one of these amenities was presented to this body and rejected because of this word "density." I believe this word density as it has been used over these past several months should be replaced with competition. Some don't want competition and use the word density as a buzz word to try and push their own agenda. Competition might cause them to lower their prices and step up their game.

Change is hard. People don't like it. Neighbors also use this word density to discourage you from voting for the carve out. Thirty years ago, when Heritage Home was built, it was a long, drawn-out process with the city and neighborhood. No one wanted it. Today, it's a thriving business where people go, probably to live out their final days. The community is grateful for it. The services provided there, tremendously benefit the community as a whole.

The ordinance before you, is a change the **people want**. Before the Planning and Zoning public hearing on this matter, I formed a petition and presented it to several members of the community. The letter they signed, I submitted to both Planning and Zoning and to City Council. I hope you all read it. Most of them live in the quadrant that seems to be the hot button regarding this issue. Each of them was absolutely in favor of adopting this ordinance into city code. Most of them are older individuals and

understand firsthand the need for more elder care facilities. At least four of them are at a point of needing additional care. They want to stay in our city so they can visit daily; not weekly, semiweekly or monthly, if weather cooperates. After that public meeting, there were more people who called me asking if it was too late to sign the petition they had heard about. **Yes, the people want it!**

I hope each of you have taken the time to go out into the community and talk to the people you represent, listening to the plight of those who have had to wait for extended periods of time for accommodations. If you have spoken with more than a few of your constituents, it should be painfully obvious that Preston City is in need of more elder care facilities. Look at today's need then think about the baby boomers coming on line for this type of assistance. Without this new ordinance, our senior citizens will be forced to leave the community they love.

In the last meeting regarding this, you each stated that Assisted Living is not multi-family. To leave it under the code as such, in my opinion would be a dereliction of duty. Please act now and pass this ordinance.

Thank you

Sandy Martin  
290 N 2<sup>nd</sup> E  
(801) 577-3490

Assisted Living Proposal Preston City Petition  
September, 2023

To: Preston City Planning and Zoning  
Preston City Council

After having read the proposed zoning ordinance regarding assisted living for Preston we want to express our support for this ordinance as presented.

Several of us have known people here in the Preston area who, because of a shortage of beds, have not been able to find accommodation locally. These individuals simply want to find a local care facility where they can get the appropriate assistance to live a full life in their senior years.

It has been frustrating to see family members and friends who have lived a full life in the community, offering service and developing networks of friends and family, now have to leave the community, many never returning, simply because the community has reduced services, such as the nursing home closing beds and the one assisted living facility is full with a long waiting list.

We understand there has been a proposed facility in our community which has tried to build more assisted living beds but has been unable to because of technical restrictions. We also understand that these changes will remedy current obstacles for this as well as other possible new assisted living care centers.

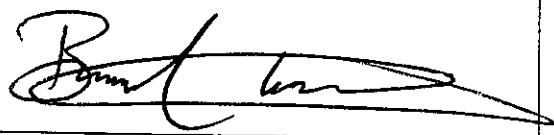
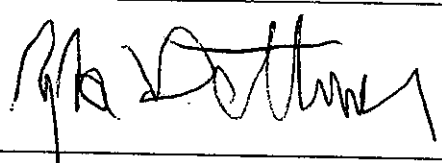

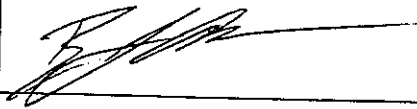

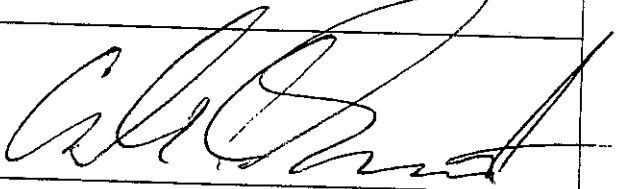
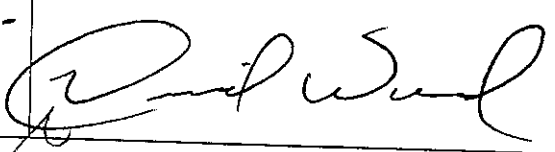
This is very much a positive, needed change. We welcome this change. It is therefore the desire of the undersigned to put our full support behind this addition to the city's ordinances, exactly as written. This proposal is precisely what our city needs in order to be able to move forward in providing services for our aging population.

We understand that as committee members you have put extensive effort into this draft. Thank you for your service.


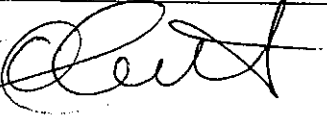
	Name & Address	Phone Number	Signature
1.	Lucenza M. Oliverson 427 E. 4th North Preston, Idaho 83263	208- 851-2014	Lucenza M. Oliverson
2.	Tara Sorenson 627 E 4th North Preston, ID 83263	208-852- 0264	Tara Sorenson
3.	Ron Long 129 E. 3rd N. <del>627 E 4th North</del> Preston, ID 83263	208- 269-7234	Ron Long
4.	Charles Hyer 242 N 340 E Preston ID 83263	208-851- 1273	Charles Hyer

5.	Karen Hyer 242 N 340 E Preston ID 83263	208-851- 1243	Karen Hyer
6.	Robert DAY 338 E 260 N PRESTON ID 83263	208-915- 0777	Robert Day
7.	Blanco DAY 338 E 260 N PRESTON ID 83263	208-915- 0777	Blanco Day
8.	Leah Hansen 290 N 2nd E Preston Idaho	408-813-3325	Leah Hansen
9.	Colleen Corbridge 550 E 4th Preston ID 83263	509-452-7429	Colleen Corbridge
10.	Thayne Corbridge 550 E 4th Preston Idaho 83263	509-949-6713	Thayne Corbridge
11.	Steven Farrell 248 N 2nd E PRESTON Idaho	208-240- 8919	Steven Farrell
12.	Jeanette Farrell 248 N 2nd E PRESTON ID	208-240- 8919	Jeanette Farrell
13.	Joshua Farrell 248 N 2nd East Preston, Idaho	208-705-6485	Joshua Farrell
14.	Rebecca Sanders 248 North 2nd East Preston, Idaho, 83263	435-213- 6420	Rebecca Sanders
15.	Sachi Wanner 242 N 2nd E PRESTON ID	435-938- 8237	Sachi Wanner



16	Brooke <del>Coffey</del> 135 E 1st N. Preston, ID 83263	208-339-4450	
17	Lyla Dettmer 226 N 2nd E Preston ID	<del>208-435</del> 213- 0332	
18	Angela Nilsson 153 E - 200 N.	208-220-5664	Angela Nilsson
19	Timothy Moosman	208-852-6317	
20	Brenda Moosman	208-852-2835	Brenda Moosman
21	Brian Auch 23 N. State	208-852-2039	
22	Michael Lower 215 S 3rd E	208-339-0000	
23	Dorothy Lowe 215 So 3rd E	208 339 2910	D Lowe
24	729 N State Alex C. Swenson	208 339 2730	
25	Karen Chasen 239 North 3rd E Preston ID	208-240- 8940	Karen Chasen
26	DAVID Ward 233 E 2nd N Preston ID	208-852- 2473	

Assisted Living Proposal Preston City Petition  
September, 2023

27	Suzanne Ward 233 E 2nd N Preston ID	208-852- 2473	Suzanne Ward
28	Julie Ann Ward 233 E 2nd N Preston ID	626-290- 1564	
29	Anita Swanson 648 E 100 S Preston ID 83263	208- 3393853	
30	Detana Bungarner 862 S 1150 E Preston ID 83263	208-989-0018	Detana Bungarner
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To: Preston City Planning and Zoning  
Preston City Council

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We understand that as committee members you have put extensive effort into this draft. Thank you for your service.

Michael B. Grant  
Signature

September 23, 2023  
DATE

Judith A. Krantz  
Signature

September 23, 2023  
DATE

Dear City Council Members,

Picture an older version of yourself. You are finding it difficult to perform the basic daily activities required to take care of yourself.

You're hungry for a hot meal but the cleanup is just too difficult so you'd rather just not eat.

A shower sure sounds nice but your fear of slipping and falling is overwhelming, so you decide to wait until Sunday so you can at least be presentable at church.

You feel incredibly lonely. It's difficult for people to communicate with you because you don't hear very well anymore. People get so busy with their own lives they just don't think about stopping by for a visit.

Finally, Sunday is here and you eagerly anticipate going to church and visiting with neighbors. You get up extra early because you know it requires additional time to shower and get dressed. You've been looking forward to a shower all week. You're so grateful your son installed grab bars for you. After washing and turning off the water, you hold onto the grab bar to help you step out of the shower. You didn't realize though, there is still just a trace of soap on the shower floor and you feel yourself slipping. Your grip just is not strong enough to hold your weight. Your greatest fear happens in an instant and you are helpless to do anything about it. The hysteria in your mind is as great as the excruciating pain pulsating throughout your body. Try as you may you are not able to get yourself up. Your phone is nowhere close. You have racing thoughts, "how long will it be before anyone thinks to check on me." The water, still on your body makes it as cold as a frosty fall morning. The thought of someone finding you without clothes is humiliating beyond words. You give it one last effort but still can't get yourself up. You finally give up and pray that God will please just let you die now. You've suffered enough.

Now, replace your face with the face of your own mom or dad. Is that something you want for a parent or any loved one?

Right now, in our city, there is a waiting list of 12 people at Heritage Senior Living, the only assisted living center in Preston. These are 12 people, 12 mothers and fathers that have made the difficult decision to live in a care center because of they can no longer care for themselves. They have these same fears and more.

There are likely countless others living in our community that want this same care but haven't yet made that final decision or maybe know they can't get in so they don't even try. These people live in fear everyday asking themselves "what will happen to me if I can't get a room?"

There are those in our community that would have development stopped citing various concerns. Things like traffic issues. This has already been addressed in the proposed ordinance by requiring a traffic study if the City Engineer deems it necessary.

Others selfishly say, not in my back yard! To them I say if not here, then where? They cite too much density. Is density really the issue when a builder chooses to build on acceptable acreage?

Still others say competition could be a problem. Not just competition for residents but employees as well. With a waiting list of double-digit numbers, competition should not be the question at hand. To that I say, let the free market work its magic. Should we really have to tell our mothers and fathers competition is not welcome here so you'll have to wait for someone to die before you can get a room and the care you so desperately need.

I implore each of you, pass this ordinance without further restrictions or delay so developers can build the care centers that are so greatly needed to care for our seniors. Let your legacy be one of considering the needs of our elderly citizens. They've cared for us. Now it's their turn to be taken care of with respect and dignity.

Thank you,

A handwritten signature in black ink that reads "Sandy Henderson". The signature is written in a cursive, flowing style.

12/11/2023

Chief McCammon,

Firstly, I would like to emphasize the essential correlation between neglected vehicles, blight, and their adverse effects on property values and community pride. Upholding municipal codes isn't merely about appearances; it's a fundamental aspect of ensuring safety, economic vitality, and fostering a thriving community. I believe our collaborative efforts in this regard play a pivotal role in maintaining a beautiful and prosperous Preston for all residents.

Now, shifting the focus to your new platform's implementation, I have a series of inquiries to ensure the utmost security, functionality, and successful transition.

Specifically:

- **Data Security and Privacy Measures:** How is the new platform designed to safeguard sensitive citizen information and complaints?
- **Feature Comparison:** Could you provide insights into how the new platform compares to our current system in terms of tracking, scheduling, document generation, and citizen engagement?
- **Success Stories and Reliability:** Have other police departments experienced successful implementations with this platform? Are there reviews or feedback available concerning its performance and reliability?
- **Transition Plan:** What strategies are in place for transitioning from our current system to the new platform? How are we engaging citizens during this transition period?
- **Non Emergency use of 911:** It's important to recognize that while citizens are encouraged to use 911 for emergencies requiring immediate police, fire, or medical response, instances of non-emergency concerns, code enforcement, inquiries should be directed to the appropriate non-emergency hotline or departmental contact. How is this being addressed in your new proposal/new system?

- **Preston City Contracts:** It is my understanding that contracts (such as iWorQ's), including approvals and cancellations, fall under the purview of the Preston City Council. Is this correct?

Moreover, I'd like to draw attention to the discontinuation of iWorQ's Code Enforcement software. This system not only offers operational benefits but also significantly contributes to addressing citizen concerns, particularly in building a stronger rapport between our department and the residents of Preston City.

The system's ability to allow officers to respond via email while maintaining the anonymity of code violation reporters has been instrumental in encouraging citizen participation and ensuring confidentiality. Will you reconsider this decision and explore potential enhancements to better align the software with your department's needs and citizen concerns?

Lastly, I am deeply concerned about recent changes that might affect the anonymity of citizen engagement with the police department. The anonymous feature within our current platform has been crucial in fostering open communication and trust between our community and law enforcement. Preserving this feature is pivotal in encouraging citizens to report concerns without fear of exposure, thereby promoting transparency and community safety.

I would greatly appreciate your insights and guidance on these matters. Your leadership and expertise are invaluable as we navigate these critical aspects impacting our community relations.

Thank you for your attention to these concerns.  
I eagerly await your response and direction on the next steps.



Brent Dodge  
Preston City Councilman



5:00 P.M.

[illegible]