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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
JUNE 13, 2022**

**Pledge of Allegiance, Roll Call & Call to Order:** The June 13, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:32 p.m. Chairman Waltemate, Vice Chairman Summers and Commissioners Crofts and Christiansen were present. Commissioner Brock was absent. Legal Counsel Douglas Waterman, Planning & Zoning Official Roberta Stewart and Planning Deputy Clerk Jennica Reynolds were also present.

**Action Items:**

1. **Consent Agenda (items of routine administrative business)**
  - a. Consider approving May 9, 2022, regular meeting minutes.
  - b. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation & Order (FCR/FCO) for Reed's Landing Subdivision.
  - c. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation & Order (FCR/FCO) for Channel Crossing Subdivision.
  - d. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation (FCR) for Zamco Annexation/Rezone.

**Motion:** Motion by Vice Chairman Summers to approve the consent agenda items 1a-d. Motion seconded by Commissioner Crofts and passed unanimously.

2. **Public Hearing: (Request to be tabled) An application by Briggs Miller and Kyle Miller for preliminary plat, with respect to the Heights Landing Subdivision located at 23443 Cemetery Road (Tax Parcel Nos. R17904010 and R17904000). The proposed preliminary plat consists of 12 residential lots and 1 common lot on 4.1 acres of land currently in city limits and zoned R-3. – Roberta Stewart**
3. **Public Hearing: (Request to be tabled) An application by Wade Thomas, IAG, LLC and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots and 4 common lots on approximately 6.665 acres of land currently in city limits and zoned R-3. – Roberta Stewart**

**Motion:** Motion by Chairman Waltemate to table public hearings for Action Items 2 & 3 to a date certain of July 11, 2022. Motion seconded by Vice Chairman Summers and approved unanimously.

4. **Public Hearing: Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1 (b) 4-5-7, (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, (f) 5-4-10-7. – Roberta Stewart.**

Chairman Waltemate opened the public hearing at 5:35 p.m.

Planning and Zoning Official Roberta Stewart presented a Powerpoint of the proposed changes to the code. (Exhibit 1)

Chairman Waltemate opened public comment at 6:00 p.m.

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*Mike Graefe:* Asked about city ownership of roads in subdivisions, perimeter streets and landscape buffers.

Chairman Waltemate closed the public comment at 6:05 p.m.

Discussion with Commissioners regarding changes and clarification.

**Motion:** Motion by Chairman Waltemate to approve the Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1 (b) 4-5-7, (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, (f) 5-4-10-7. Motion seconded by Commissioner Christiansen and approved unanimously.

Chairman Waltemate closed the public hearing at 6:11 p.m.

### **Public Comments, Commission and Staff Comments**

*Mike Graefe* – Need to change codes to address density.

*Mike McDougal:* We need a tool or mechanism for complete roads to be built.

*Janet Gibson:* Does the Mayor talk with Star to address growth?

Chairman Waltemate briefly addressed each question.

**Adjourn:** Chairman Waltemate adjourned the meeting at 6:31 p.m.



Heidal Summers, Vice Chairman




ATTEST: Jennica Reynolds  
Deputy Clerk, Planning

Approved: July 11, 2022







Closed loop hole for commercial uses listed in the M-1 zone

**5-4-10-7 LANDSCAPE BUFFERS:**

A. When a commercial land use that is listed as an allowed use or special use in the C-1 Zone, Neighborhood Commercial, of the Land Use Schedule (5.4.1, Table 1), directly abuts a residential use, a twenty-foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.


B. When a commercial land use that is listed as an allowed or special use in the C-2 or C-3 zones, or when any industrial use directly abuts a residential use, a twenty-foot (20') landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.

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**Comprehensive Plan:** Any changes to the City's Zoning Ordinance or Subdivision Ordinance must be in compliance with the City's Comprehensive Plan.

**PDC100:** Planning Staff finds that all proposed changes are in compliance with the Comprehensive Plan because nothing proposed is in conflict with requirements shown on and contained in the Plan. Additionally, none of the proposed changes conflict with any "Goals" set forth in the Comprehensive Plan. None of the proposed changes to legal provisions for land use regulations conflict with the requirements of Comprehensive Plan set forth in the Land Use Planning Act (Isham, State Code, Title 67, Chapter 60). Finally, the proposed changes comply with the following Goals, Objectives and Strategies of the 2019 Middleton Comprehensive Plan:

- Goal 3: The proposed changes help provide safe vehicle and pedestrian facilities with proper sidewalks and safe roadway crossings.
- Goal 4: Proposed changes enhance the quality of life with open space and appropriate buffers between residential areas and more intensive uses.



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**Comments Received from Surrounding Landowners:** None.

**Comments from Agencies:** City of Calwell submitted a comment on 5/27/2022. CHSA submitted comments dated 6/8/2022. (The comments were provided to the public and Commission through the public agency and staff report.)

**Notice & Neighborhood Meeting:**

- Newspaper Publication: 5/26/2022
- Consultation to Agencies: 5/27/2022

**Applicable Codes & Standards:** Idaho State Code Title 67, Chapter 60, Main Necessity for Public Street Construction and Minimum Streetment Specs., Middleton City Code 1-6, 1-14, 5-1 and 5-4.




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**Conclusions and Recommended Conditions of Approval:** The Planning & Zoning Commission should have any decision or recommendation on general facts and conclusions of law.

Planning Staff has set forth above findings that the proposed code changes do not conflict with the City's Comprehensive Plan.

All in conclusion of law, Planning Staff finds that the Commission has the authority to hear the application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further sets forth the portions of the Idaho State Code and Middleton City Code to be amended to remedy a discrepancy in the application.

If the Commission is inclined to recommend approval of the proposed code changes, Planning Staff does not recommend any conditions of approval.



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