
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
SEPTEMBER 14, 2020**

The September 14, 2020 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate 5:40 p.m.

1. Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate and Commissioners Janet Gregory, Jackie Hutchison, Bill Deaver and Whitney Springston were present.

2. Information Item

A. Review City Transportation, Schools and Recreation map to show proposed revised transportation facilities. Mayor Steve Rule

Mayor Rule gave a review of the City Transportation, Schools and Recreation Map and discussed the City plans for transportation facilities in the future.

3. Action Items

A. Consider approving minutes of the August 10, 2020 regular meeting.

Chairman Waltemate called the agenda item and asked if any of the commissioners saw anything, they wanted corrected: None.

Motion: Motion by Commissioner Hutchison to approve the minutes for the August 10, 2020. Seconded by Commissioner Deaver and approved unanimously.

B. Design Review Appeal Hearing: Design Review Permit for Idahome RV Resort Building located at 0 Hartley Ln, Parcel # R34440017 Middleton, Idaho.

Chairman Waltemate called the item and opened the hearing at 5:54 p.m. Planning and Zoning Official Bruce Bayne presented the Design Review Hearing minutes from the City Attorney Chris Yorgason for the hearing that was heard at City Council. Bruce read the conclusion: "The council's role is to determine whether the Design Review Committee had sufficient facts to support their conclusions and or conditions of approval. The council is not tasked to make its own decision on the application. The council has heard the appeal and is remanding the review back to design review committee for further review." Specifically, the City Council is asking the Design Review Committee to reconsider its decision on the following items:

1. Secondary access and whether locked emergency access will be sufficient for the secondary access on Emmett Rd.
2. Perimeter fence of uniform height.
3. Remove conditions that are inappropriate for Design Reviews, including references to Impact fees, and other City fees and costs; sewer, water, transportation.

Bruce reviewed the applicants appeal and the City comments to the appeal. Bruce specifically discussed in detail the conditions that will be in place and the items remanded back to the Design Review Committee. He made a note that zoning

designation is very different from use.

Applicant: Jan Arrasmith: 12981 Okie Ridge, Caldwell ID.

They went to City Council and appealed but the Conclusion and the document Bruce read had not been given to them prior to this meeting. They were told they could speak to the secondary access (locked or open) and fencing. This is not a mobile home park. We will not allow mobile homes. They feel that treating this as a residential property is arbitrary and no finding of fact. She showed other RV Parks in the surrounding cities. They are not opposed to the secondary access, just opposed to it being open. They would have a lock box or key with access for Emergency Services. Regarding the fencing, the fencing they are proposing is within City code. They have not seen an 8 ft fence around town, and the fencing contractors they have talked to said they will not warranty an 8 ft vinyl fence. She appreciates the opportunity to address the Committee.

Will Mason: Mason and Associates – He sent an email to Chris Hopper at CHD4. Chris responded to an email. He has never seen the plans. Without seeing the plan Chris said no one will cut through a secondary access. It is his belief that with the High School being so close an open secondary access would provide a shortcut.

There was discussion back and forth between the commissioners and the applicant to answer questions and get clarification of the items of appeal.

Motion: Motion by Chairman Waltemate to approve Design Review Permit for Idahome RV Resort Building located at 0 Hartley Ln, Parcel # R34440017 Middleton, Idaho for:
A. Secondary access will have a locked emergency access that will be sufficient, the roadway will be paved road.

B. The perimeter fence will maintain uniformity as far as height and appearance around 100% of the park on a minimum 2 ft high landscaped berm with a 6 ft vinyl fence with the exception that if the canal district says they cannot have a vinyl fence, they can go back to the 6 ft chain-link privacy fence with permission from the city only after turning in the presentation that says they cannot have a vinyl fence, not by verbal only.

C. Remove conditions that were deemed inappropriate by City Council such as the impact fees and other City fees and costs.

Motion seconded by Commissioner Hutchison.

Commissioner Springston brought up that she just got a note from the applicant. This is very frustrating, like when the City admin was verbally attacked, that they as commissioners feel they have to bring in the Police. This type of conduct is inappropriate, and she is not happy about it.

Chairman Waltemate said also on record: We have had several times unprofessional emails and different unprofessional verbalisms with this particular group. We are trying to get to a motion, not make this decision emotionally. We are trying to make this a biased away from us as possible, and in the best interest of the City, that also doesn't set a negative precedence for future endeavors in our City. We want to be fair and unbiased in our decisions and that kind of activity will make us very emotional.

Motion approved unanimously.

Chairman Waltemate called a quick recess at 7:19 p.m. Meeting called back in session at 7:27 p.m.

- C. Public Hearing: A request by Joan Endicott to rezone three parcels, totaling 0.70 acres from R-3 (Single Family Residential) to M-U (Mixed Use) from Middleton City Code 5-1-5, along with a Development Agreement, Middleton City Code Title 5, Section 2. The subject properties are located at 424 Boise St., Parcel No. R18502, 0 Boise Road, Parcel No. R18503 and 0 Boise Road, Parcel No. R18504, Middleton, Idaho.**

Planning and Zoning Staff Tom Blanchard read the staff report:

Chairman Waltemate called the public hearing open at 7:36 p.m.

Applicant: Brett Endicott: 4250 Burman Road, Marsing, ID. Answered question from Commissioners: Question: What are you intending to put there? Answer: Don't intend to put anything there. It is up for sale. But because of where it is located, we do feel that by changing the zoning it will broaden the scope of clients that we will receive.

Planning and Zoning Official Bruce Bayne added that this zone change was at the request of the City as well. We don't want that area to stay in the R-3 zoning.

Sandee Sinclair: 1871 Ridge Way, Middleton ID – She is neutral. She thinks it would be a good idea.

Chairman Waltemate closed the public comment portion at 7:40 p.m.

Motion: Motion by Commissioner Gregory to recommend for approval to City Council a request by Joan Endicott to rezone three parcels, totaling 0.70 acres from R-3 (Single Family Residential) to M-U (Mixed Use) from Middleton City Code 5-1-5, along with a Development Agreement, Middleton City Code Title 5, Section 2. The subject properties are located at 424 Boise St., Parcel No. R18502, 0 Boise Road, Parcel No. R18503 and 0 Boise Road, Parcel No. R18504, Middleton, Idaho.

Motion seconded by Commissioner Hutchison and approved unanimously.

Chairman Waltemate closed the public hearing at 7:41 p.m.

- D. Public Meeting: An application from Premier Industrial, LLC for a preliminary and final plat approval of Rule Steel Industrial Park. The proposed preliminary and final plat consists of 3 buildable lots, with existing buildings and private commercial drives accessing Bass Lane. Site area is approximately 20.96 acres located at 11299 Bass Lane.**

Planning and Zoning Official Bruce Bayne read the staff report.

Applicant: Jonathan Zacharias: T-O Engineers 2471 S Titanium Place, Meridian ID: The reason we are proposing a preliminary plat and final plat is because right now each lot already has an existing building within it and existing utilities and commercial access so there are no improvements that need to be done.

Bruce said three buildings are on a single lot. The applicant is proposing to put in a lot line adjustment to increase from one to 3 lots, one for each building.

Steve Peel: 476 E Rivers Edge Lane, Eagle ID: He owns Premier Industrial LLC, Rule Steel and the industrial park on the other side. To comment about that. There were 3 different buildings when we did the original design of the property for the improvements. They had a future plan to subdivide that and put each building on its own parcel.

Motion: Motion by Commissioner Springston to recommend for approval to City Council an application from Premier Industrial, LLC for a preliminary and final plat approval of Rule Steel Industrial Park. The proposed preliminary and final plat consists of 3 buildable lots, with existing buildings and private commercial drives accessing Bass Lane. Site area is approximately 20.96 acres located at 11299 Bass Lane.

Motion seconded by Commissioner Deaver and approved unanimously.

E. Public Hearing: An application from Peter Harris for a preliminary plat and special use permit of Concord Square Subdivision. The proposed preliminary plat zoned R-3, consists of 9 single family lots, accessing Birch Avenue. Site area is approximately 2.69 acres located near the southeast corner of Birch Ave. and Concord St, address of 0 Concord St, Canyon county parcel no. R1869601.

Planning and Zoning Official Bruce Bayne read the staff report. He has been working with the applicant on this project since about Nov 2019. The applicant has done a lot of infill projects. The applicant did originally ask for front and rear set back changes, but after discussion we realized they don't need a front setback change, so they are only requesting the rear setback. City staff is not objectionable for this specific project only, at this specific time, under these specific circumstances. Planning and Zoning Commissioner's will make the determination on Special Use permits.

Chairman Waltemate opened the public hearing at 8:03 p.m.

Applicant: Stephanie Leonard: KM Engineering 9233 W State St, Boise, ID: She presented the project and the benefits of the project as it is an in-fill project. They have worked hard to make sure that they are developing something that is consistent with the area, compliments existing homes and is also something people would be proud to live in. They had to get pretty creative in order to make it work with City code, but they appreciate City staff working to find an acceptable option. They agree with the staff report and conditions and believe they can create something special in this in-fill spot.

Applicant: Peter Harris 1309 S. Willow Wood Way, Eagle ID: He has done other infill projects. He has worked with Bruce to make this work. He is the builder for this project. He is proposing single story houses on the front. Every house will have at minimum a 25ft driveway from the property line to garage door. The depth of the garage will be about 23 ft. The people who are buying these houses know what they are getting. He said that the neighborhood meeting went well. He thinks the neighbors are interested in getting rid of the patch of weeds. There was no push back from the neighbors at all.

Chairman Waltemate opened the public comment portion at 8:18 p.m.

Sandee Sinclair: 1871 Ridge Way: Neutral: She asked for clarification on the backyard setback, the approximate square footage of the houses as well as the cost of the houses.

Bruce Bayne said the 15 ft setback in the backyard means that they cannot build in the 15 ft area. The minimum space from house to fence is 15 ft.

Applicant: Peter Harris: The plan for the house with the market is to hope that the price of the houses is sub 300K. The infill project houses in Boise are going for 400K. The initial plans for square footage of homes is approximately between 1600-1800 square feet 3-bedroom, 2 bath and 2 car garages.

Chairman Waltemate closed the public comment portion at 8:42 p.m.

Motion: Motion by Commissioner Hutchison to approve an application from Peter Harris for a preliminary plat and special use permit of Concord Square Subdivision. The proposed preliminary plat zoned R-3, consists of 9 single family lots, accessing Birch Avenue. Site area is approximately 2.69 acres located near the southeast corner of Birch Ave. and Concord St, address of 0 Concord St, Canyon county parcel no. R1869601. Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 8:24 p.m.

F. Public Hearing: A request by the City of Middleton to amend the city's Comprehensive Plan text and maps as necessary to incorporate the city's updated capital improvement plans for city Police Department.

Chairman Waltemate called the public hearing open at 8:25 p.m.

Planning and Zoning Official Bruce Bayne reviewed the proposed changes to the City's Comprehensive Plan text and maps. He read the comments from the City and Impact fee committee. The Committee recommends adding the Impact Fees and amending the City's Comprehensive Plan. Bruce had asked City Attorney Chris Yorgason if the residential fee can be based on the square footage of the home. The answer is no, according to State Impact Fee Law the impact fee amount is set for residential homes.

Chairman Waltemate opened the public comment portion at 8:31 p.m.

Chief Alan Takeuchi: MPD 6 N Dewey: We as a police department can only go so far with property taxes, the City is growing fast and we need to be able to keep up with that growth before we get behind. We are already starting to drop in the rankings. We want to stay in the top 3 safest cities. We were number 2, are now number 3. We need to have something back into our pockets from the growth of the city and help us do our job.

Chairman Waltemate asked what the average per officer/citizen ratio?

Chief Takeuchi: The last population he saw was 10,200. We are currently at 8 officers. We are behind the national average of 1 officer per 1,000 citizens.

Commission: This will help with future costs for the Police as the town and population grows. It will also help with equipment, facility improvements but not cars or hiring.

Ines Moxley: 9870 Grand Teton Trail: She supports the police department. Wants to understand who the fees are being assessed to?

Bruce answered the Impact Fees are strictly on new developments. On building applications and they are a set rate. The outside firm Galena looked at the growth of the city and anticipated growth, then from that the formula is created. The Impact Fee is different for each City and not determined by the State. This Impact Fee would only be able to be used for Police. The City also has a parks fee and a transportation fee that is imposed in the same way but is done on separate reports. The City has nothing to do with the School District. They are their own district and tax on their own basis.

Chairman Waltemate closed the public comment portion at 8:38 p.m.

Discussion: On the study, and how it details out the amounts and how we compare to other Cities.

Motion: Motion by Commissioner Hutchison to recommend approval to City Council by the City of Middleton to amend the city's Comprehensive Plan text and maps as necessary to incorporate the city's updated capital improvement plans for city Police Department. Motion seconded by Commissioner Springston, approved unanimously.

Chairman Waltemate closed the public hearing at 8:41 p.m.

G. Public Hearing: Ordinance No. 638 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general zoning provisions, , modifying and updating the uses and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements; updating special developments provisions; making other minor modifications and providing an effective date.

Chairman Waltemate opened the public hearing at 8:42 p.m.

Planning and Zoning Official Bruce Bayne discussed the changes to Title 5 of the Middleton City Code.

Chairman Waltemate opened the public comment portion at 8:52 p.m.

No public comment.

Chairman Waltemate closed the public comment portion at 8:52 p.m.

Discussion: Think it is great. Covers some loopholes.

Motion: Motion by Commissioner Hutchison to recommend for approval to City Council Ordinance No. 638 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general zoning provisions, , modifying and updating the uses and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements; updating special developments provisions; making other minor modifications and providing an effective date.

Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 8:54 p.m.

Public/Commission/Staff Comments:

Public Comment:

The intersection of Duff and Purple Sage. He is wondering if the City would consider a 4 way stop instead of a roundabout. It would be cheaper and not as dangerous.


Mike Graeffe: 1889 Ridge Way: He has been thinking about the bypass. His question is there is still traffic concern on Hwy 44, with the bypass we are moving it 2 blocks south. It still doesn't get rid of the traffic congestion. He questions whether it will solve anything. Our problem is not needing a bypass. Our problem needing traffic controls at intersections. He has heard about the traffic improvements and intersection improvements that have been promised at Hartley and Hwy 44 for the past 6 years. When will it happen?

Bruce said the bypass will only have 4 roads that will intersect the bypass. If you look at the streets that now intersect Hwy 44 there are about 70 streets that do it. So it is not accurate to compare the two.

Motion: Chairman Waltemate motioned to adjourn the meeting. Commissioner Springston seconded the motion.

Adjourn: Chairman Waltemate adjourned the meeting at 9:03 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Approved: November 9, 2020


Ray Waltemate, Chairman



Amend City Comprehensive Plan, Text and Maps

September 14, 2020 - Planning & Zoning Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Ines Moxley	9870 Grand Teton	Ines Moxley 203mail.com				
2	Alan Takemachi	6 N. Dewey Ave	208-585-0208				
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Peter Harris - Concord Square PP and Special Use Permit

September 14, 2020 - Planning & Zoning Public Hearing

Please check

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			In Favor	Neutral	Opposed	Testify
1 Peter Harris	1303 S. Willowbrook Way	208 941 5787	<input checked="" type="checkbox"/>			
2 Suzanne Johnson	409 S. Paradise	508-585-3916				
3 Stephanie Leonard	9233 W State St	208- 229 1396930	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
4 Paul Blaney	405 Regent T	208-870-1321	<input checked="" type="checkbox"/>			
5 Andrea Staebler	1871 Ridge Way	208-585-6419				<input checked="" type="checkbox"/>
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Endicott Rezone .707 acres

September 14, 2020 - Planning & Zoning Public Hearing

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				In Favor	Neutral	Opposed	Testify
1	Mark Endicott	16076 Logan St	(208) 869-7671	<input checked="" type="checkbox"/>			
2	Shirley Strachan	1871 Ridge Way	808-555-1691		<input checked="" type="checkbox"/>		
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Amend Title 5 of Middleton City Code

September 14, 2020 - Planning & Zoning Public Hearing

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In Favor

Neutral

Opposed

Testify