
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
AUGUST 10, 2020**

The August 10, 2020 Planning and Zoning Commission Meeting was called to order by Commissioner Janet Gregory 5:40 p.m.

1. Call to Order - Pledge of Allegiance

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

3. Information Item – None

4. Action Items

A. Consider approving minutes of the July 13, 2020 regular meeting.

Commissioner Gregory 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 July 13, 2020. Seconded by Commissioner Deaver and approved unanimously.

B. Public Hearing: Consider approving a special use permit to allow builders in Blue Meadows Subdivision to use the maximum height designated in Section 5-4-1, Table 2 of the City Code, based on lot size, not current zoning designation. The subject property is 80 acres zone R-3 and located at Foothill Road, Fountain Springs Court and New Castle Court, Middleton, Idaho.

Commissioner Gregory opened the public hearing at 5:41 p.m. Planning and Zoning Official Bruce Bayne read the staff report.

Bruce said the request is to base the heights of the homes based on the lot size and not the zoning designation. He believes it was an oversight and the maximum height allowed is 30 ft in R-3 Zoning. The lots in this subdivision are much larger and the tallest height that would be allowed in this subdivision would be 40 ft. Bruce said he thinks the average lot size is over an acre. He said that if the lot is smaller than an acre the maximum height would be 35 ft, if the lot is an acre or larger than 40 ft would be allowed. This is the first time that this problem has been brought to the City so it may not make sense to change the code.

Commissioner Gregory asked if it makes sense to change the Zoning to R-2? Bruce said if they do a zoning change it has to go to City Council as well. The Special Use Permit can be approved by the Planning and Zoning Commission only and not have to go to City Council. There are no other code that they are asking for changes to. He is more of the thought to leave it the way it is and do the Special Use Permit. He said he doesn't want to change the code then it applies across the board. If you do a Special Use Permit it means it is only allowed at this time for this subdivision at this location. That is why the

wording in the staff report states: Staff believes that in this case at this location, at this time. It does not apply to any other subdivision in the City.

Applicant: Spencer Kofoed – 8454 Brookhaven Place, Middleton, ID 83644. He is the developer. He said that most people choose to do the most density in a subdivision as is allowed in the zoning. This is a unique situation because the lots are larger and fit better with the surrounding neighborhoods. This problem was brought to his attention when they submitted the very first house that was 31 ft tall and got rejected because it didn't meet the height ordinance of R-3 Zoning. He doesn't think that there will be an issue in other developments because generally developers don't do larger lots than they are allowed. He met with all the neighbors, and they were in favor because it will match the surrounding subdivisions.

Commissioner Deaver said he talked to 3 of the neighbors and they were in favor of this.

Applicant Spencer Kofoed said that in order to follow the R-3 Zoning they would have to do smaller and flatter roofs on the larger homes instead of a nice 6-8 foot pitch roof. This allows the houses to look nicer.

Bruce said that Spencer had changed the pitch of the roof on the first set of plans that came through even if the SUP is not approved. Bruce thinks it is better to have the proper height for the proper size of lot.

Spencer said they didn't change the pitch to match the code, but he didn't want to have that issue with buyers on bigger lots in the future, which is why he is applying for the SUP so it can be done one time for all of the lots that match the lot size.

Commissioner Gregory opened the public comment at 5:52 p.m.

Jim Grey: 23557 Duff Lane, Middleton ID 83644 asked what is the height of a normal 2 story house?

Commissioner Hutchison said that with the heights of the homes being built at this time, people want anywhere between 10-12 feet on both floors, we are not allowed basements in this area which takes away from a basement. In order to get the pitch high enough you have to keep going wider and wider so that why the higher roofs are needed, and then you also have the air space needed.

Jim Grey: So the house is 24 ft and then the roof on top of that being 6 ft is 30 ft tall?

Commissioner Hutchison: Yes

Commissioner closed the public comment portion at 5:55 pm

Commissioner Springston said that it makes sense to have a roofline established based on the lot size rather than the zoning, in this particular case the lots are 3 & 5 acres in size that is not an intrusion on anyone's privacy or skyline.

Motion: Motion by Commissioner Hutchison to consider a special use permit to allow builders in Blue Meadows Subdivision to use the maximum height designated in Section

5-4-1, Table 2 of the City Code, based on lot size, not current zoning designation. The subject property is 80 acres zone R-3 and located at Foothill Road, Fountain Springs Court and New Castle Court, Middleton, Idaho. Motion seconded by Commissioner Springston. Approved unanimously by Roll Call Vote.

Commissioner Gregory closed the public hearing at 5:57 p.m.

C. Public Hearing: Consider approving a request from Neva Coburn to annex and zone into Middleton City limits approximately 15.28 acres and rezone from Canyon County Agriculture (AG) to City of Middleton Mixed Use (M-U) along with a Development Agreement according to Middleton City Code 5-1-5. The property is addressed as 23624 Lansing Lane, Middleton, Idaho (Canyon County Parcel R33832).

Commissioner Gregory opened the public hearing at 5:58 p.m.

Planning and Zoning Official Bruce Bayne asked that the correct Canyon County Parcel of R3383601 be called out.

City Planner Tom Blanchard read the staff report.

Bruce Bayne read the development agreement Article III. This spells out what the developer is able to do with the property.

The Commission read silently the letter received by the city in opposition (see attached)

Commissioner Springston asked in a M-U zoning what is the average lot size of single family residential?

Bruce Bayne said because these lots are larger than R-1 zoning the maximum height and density will be based on R-1 zoning. He said that normally when a person applies for M-U they want to have medium or high density residential, that doesn't apply here because the applicant is only asking for single family homes, but they do want to have the business on the lot. The only way to have both of those things is to do the Mixed Use. That is the only choice that staff had to allow them to have a single-family home and their business.

Commissioner Springston asked if the only business on the property is the existing concrete business, and not to add an additional business?

Bruce said the applicant would need to answer that.

Commissioner Hutchison asked if they don't annex into the city limits, they can go to Canyon County and get this changed and Middleton loses all the tax revenue, and gets to foot many of the bills?

Bruce Bayne said that is very true in normal cases, yes.

Commissioner Hutchison: But because they are coming to us, we will provide them with City services?

Bruce Bayne: Yes, if the city wants to pay for things that we already have in the City, and be able to pay for the required changes to the sanitary sewer, waste water treatment plant and other water and sewer we do have to bring more properties on. Otherwise the only the existing properties will pay.

Commissioner Hutchison: Are they contributing anything to State Highway 44 or the intersection?

Bruce Bayne: No, the only time we request that is when the development is over 25 lots. We can ask for it if there is less than 25 lots, but I am not going to ask for that when there are two lots involved.

Commissioner Hutchison: If they did build commercial the current impact fees would apply. But if we don't annex them in, they will not pay the City Impact fees.

Bruce Bayne: Correct, they would pay impact fees to Canyon County

Commissioner Springston: For clarification, they are proposing taking 15.28 acres and dividing in two lots and building new homes.

Bruce Bayne: There is one existing home, they would only be building one new home. The existing business is on the property already.

Applicant: Casey Coburn 23624 Lansing Ln. Middleton, ID 83644. His concrete business is already there. But to split the current lot he is wanting to build a home there. He wants to be able to keep his trailers there. His fiancé runs a massage business there. Traffic will not change; he will be able to have his family there every day instead of 4 times a week.

Commissioner Springston asked that should the property be sold the zoning of M-U stays with the land as well as the Development Agreement?

Bruce Bayne: Correct

Commissioner Gregory opened the public comment at 6:14 p.m.

Kassie Strohmeyer: Opposed: 16653 Berkley Ave, Caldwell, ID. Plan on moving out to 8921 Foothill Rd, her parents' property within the next year. She looked up the available public records for the previous meeting and noticed that the 9th Ave that was being projected to be placed on the property right now, however she also noticed that is was also being split right through the neighboring property because where it is coming out and going into the subdivision is right next door to her parents property is. It is right on the corner. Her question is regarding 9th Street and how the development of 9th Street ties in with this adjoining planning.

Bruce Bayne: Each piece of road is dedicated to the City one property at a time. The previous developer that was here with the previous application, he built or dedicated a portion of that road. They will have to dedicate a portion of their road. If and when the people you are talking about want to do something with their property, they will have to do the same thing. That's how it is done when there are roads that are not existing now.

Kassie Strohmeyer: So that is a future plan if they sell the property?

Bruce Bayne: Correct

Kassie Strohmeier: Her husband has worked in concrete business before; she wants to know how much equipment the applicant owns to know exactly how many trucks and trailers would be coming down Lansing Lane?

Julie Thomas: Opposed: 23687 Lansing Lane, Middleton, ID 83644. Opposing based on older news. She wants to understand how the Development Agreement works. On the original proposal Casey requested more vehicles come down the road, and yet here, said there would be no more additional traffic. She wants to confirm only one more building is being built. It will be a house and not something else like condos.

Bruce Bayne: He spoke to the Development Agreement, and that it is done for a specific reason. Development Agreements are allowed to be amended through public hearings. The Development Agreement stays with the property and dictates what can be done on the property even if the property is sold. As far as condos, they are specifically excluded from there. The only residences allowed are single family residential units. They are allowed to build additional out buildings just as you or I could build a barn or other things other than single family homes, but they are not allowed to build more homes than what is allowed for those lots.

Casey Coburn: 7975 W Orbit Dr. Boise Id 83709: We don't have any equipment, just trucks and trailers which is 3 pickups and about 8 trailers. We might end up getting a skid steer or mini excavator, if we grow to keep getting bigger, we will actually buy land to have our business out of at that point. Traffic wise, the extra traffic would be his family and his fiancés two to three clients a day.

Commissioner Gregory closed the public comment portion at 6:22 p.m.

Commissioner Hutchison: She feels the only choice they have is to bring them into City Limits. They cannot turn down someone who wants to come into the City and help with the tax base. She sees no reason to deny them their request.

LeAnn Phaff: 7975 W Orbit Dr. Boise, ID 83709. When we first asked to split the property, we were told by the County that we were not allowed to split it in half. We want to split it in half because, Grandma who is Neva owns the property wants to gift half to Casey's Dad and half to Casey. The County told us the only way to do that is to annex it into the City because it had already been split from the original plot and then we would have to go through the City to allow us to split. She wants to make sure that is what is happening. Is it required for us to have City water and sewer? There is already septic and those things.

Bruce Bayne: Because your properties are more than 2 acres in size they do not. If they become less than 2 acres, then they will have to.

Commissioner Deaver: If they had to come in and pay for all the utility hookups, it would be very costly for what they are trying to do. It all makes sense to him.

Commissioner Springston: Reviewing Development Agreement wants to make sure there are no loopholes. As far as she can tell there is nothing missing.

Motion: Motion by Commissioner Gregory to Consider approving a request from Neva Coburn to annex and zone into Middleton City limits approximately 15.28 acres and rezone from Canyon County Agriculture (AG) to City of Middleton Mixed Use (M-U) along with a Development Agreement according to Middleton City Code 5-1-5. The property is addressed as 23624 Lansing Lane, Middleton, Idaho (Canyon County Parcel R3383601). Motion seconded by Commissioner Hutchison, approved unanimously by Roll Call Vote.

Commissioner Gregory closed the public hearing at 6:28 p.m.

D. Public Hearing: Ordinance No. 633 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general provisions, modifying and updating land use, setback table, subdivision of land, road standards and recreational vehicle park requirements, making other minor modifications and providing an effective date.

Commissioner Gregory opened the public hearing at 6:29 p.m.

Planning and Zoning Official Bruce Bayne read the proposed changes provided to Commission and viewed on the large screen.

Commissioner Gregory opened the public comment portion at 6:48

Mike Graefe: 1889 Ridge Way, Middleton, ID 83644. He was worried they were going to change the setbacks.

Commissioner Gregory closed the public comment portion at 6:49

Commission agrees with the changes and appreciates staffs hard work.

Motion: Motion by Commissioner Springston to approve Ordinance No. 633 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general provisions, modifying and updating land use, setback table, subdivision of land, road standards and recreational vehicle park requirements, making other minor modifications and providing an effective date as soon as possible pending approval from City Council. Motion seconded by Commissioner Gregory and approved unanimously by Roll Call Vote.

Commissioner Gregory closed the public hearing at 6:51 p.m.

E. Consider Amending Title 1, Chapter 15, Section 8, Design Review Permit, Updating the section and providing and effective date.

Commissioner Gregory called the item, Planning and Zoning Official Bruce Bayne reviewed the proposed changes.

Motion: Motion by Commissioner Gregory to recommend City Council approve amending Title 1, Chapter 15, Section 8, Design Review Permit, Updating the section and providing and effective date. Motion seconded by Commissioner Springston, approved unanimously.

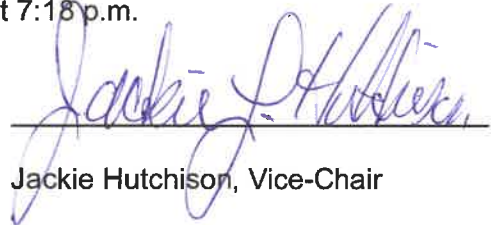
Public/Commission/Staff Comments:

Public Comment:


Mike Graeffe 1889 Ridge Way: He asked when the O'Reilly's island on Main Street is going to be addressed. Bruce said ITD is aware and will be revised sometime going forward. His other question is regarding sidewalks on subdivisions. Are they asphalt or concrete? Bruce said if it is on major roadways, it will almost 100% be asphalt. If it is a local city street it will be cement/concrete. Hartley Rd is supposed to be asphalt, but some of that was built in concrete when West Highlands was in before the code was changed. On the west side there is asphalt and on the east side is concrete. Mike asked if the swales in the Estates fell under the old code. Bruce said yes, the City will not allow swales going forward on any subdivision. It will all be curb and gutter and they will have a retention area or detention basin.

Commissioner Springston: When can we get an update on the Transportation Plan? Bruce said the Mayor and staff are working on it and it will come to Commission hopefully at the next meeting. He said concerning the lack of directional signs at the O'Reilly's has been addressed and will be addressed by ITD. She would like to know if there is a code of conduct that we can hold the public to? Bruce said the person with the gavel controls the meeting.

Adjourn: Commissioner Gregory adjourned the meeting at 7:18 p.m.


Jackie Hutchison, Vice-Chair

ATTEST:


Jennica Reynolds, Deputy Clerk
Approved: September 14, 2020

