
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
MAY 11, 2020**

The May 11, 2020 Planning and Zoning Commission Meeting was called to order by Chairwoman Gregory at 7:00 p.m. The meeting was streamed live via the City Facebook page due to the CDC/COVID-19 restrictions.

Pledge of Allegiance

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

2. Action Items

A. Election of new Chairperson for Planning and Zoning Commission and assumption of duties

Chairwoman Gregory called the agenda item, Planning and Zoning Official Bruce Bayne explained the positions needed to be filled: Commission Chair and Vice Chair.

Motion: Motion by Commissioner Hutchison to elect Commissioner Ray Waltemate to Commission Chair, seconded by Commissioner Springston and approved unanimously by role call vote.

Outgoing Chairwoman Janet Gregory turned the balance of the meeting over to newly elected Chairman Ray Waltemate who took control of the meeting.

Motion: Motion by Commissioner Gregory to elect Commissioner Jackie Hutchison as Vice Chair, seconded by Chairman Waltemate and approved unanimously by role call vote.

B. Consider approving minutes of the April 6, 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 Deaver to approve the minutes for the April 6, 2020 regular meeting was seconded by Commissioner Springston and approved unanimously.

C. Public Hearing: Consider approving an annexation, zoning and development agreement for Richard and Amy Davis of approximately 6.06 acres from Canyon County Agriculture to City of Middleton M-U (Mixed Use). The subject property lies north of Main Street, adjacent to and north of Perfection Tire and to the eastern side of Hartley Lane. Subject property parcel number is R1788901000.

Chairman Waltemate introduced the item, and said the public hearings for action items C, D, and E need to be tabled to a date certain of June 8, 2020 (due to the fact that no public is present - due to the CDC/COVID-19 restrictions)

Motion: Motion by Commissioner Gregory to move the public hearing to: Consider approving an annexation, zoning and development agreement for Richard and Amy Davis of approximately 6.06 acres from Canyon County Agriculture to City of Middleton M-U (Mixed Use). The subject property lies north of Main Street, adjacent to and north of Perfection Tire and to the eastern side of Hartley Lane. Subject property parcel number is R1788901000. Tabled to a date certain of June 8, 2020.

Motion seconded by Commissioner Hutchison and approved unanimously.

- D. Public Hearing: Consider a request by Deep Water LLC to annex into Middleton City limits approximately 14.00 acres and rezone from Canyon County Agricultural (AG) to City of Middleton M-U (Mixed Use). The property is located approximately 2,000 feet South of Main Street (State Hwy 44), West of Duff Lane (kitty-corner to Duff Pond).**

Motion: Motion by Commissioner Springston to move the public hearing to: Consider a request by Deep Water LLC to annex into Middleton City limits approximately 14.00 acres and rezone from Canyon County Agricultural (AG) to City of Middleton M-U (Mixed Use). The property is located approximately 2,000 feet South of Main Street (State Hwy 44), West of Duff Lane (kitty-corner to Duff Pond). Tabled to a date certain of June 8, 2020.

Motion seconded by Commissioner by Deaver and approved unanimously.

- E. Public Hearing: Consider a request by Dennis and Deborah Hundoble to rezone 1.77 acres from R-3 (Single Family Residential) to M-F (Multi-Family) from Middleton City Code 5-4-1, Table 1 (Land Use Schedule). The subject property is located at TBD Cemetery Road, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R1791101.**

Motion: Motion by Commissioner Springston to move the public hearing to: Consider a request by Dennis and Deborah Hundoble to rezone 1.77 acres from R-3 (Single Family Residential) to M-F (Multi-Family) from Middleton City Code 5-4-1, Table 1 (Land Use Schedule). The subject property is located at TBD Cemetery Road, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R1791101. Tabled to a date certain of June 8, 2020.

Motion seconded by Commissioner by Gregory and approved unanimously.

- F. Public Meeting: Consider a request by Landmark Pacific Investors to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Estates at West Highlands Subdivision consisting of 81 residential and 10 common lots on approximately 37.83 acres of vacant land. The subject property is located on the east side of Cemetery Road, north of Willis Road and immediately to the north of the existing Estates at Meadow Park Subdivision in Middleton, Idaho, commonly referred to as Canyon County Parcel No. R37577**

Chairman Waltemate called the agenda item. Planning and Zoning Official Bruce Bayne read the Administrative Review and Report to the Commission. In response to the written comments received from Landowners, Bruce stated that in the original development phase one was built to the south and phase 2 was never built. The plat for phase 2 was applied for and expired so the property is zoned R-3 and that is what the applicant needs to meet. There is no development agreement for this project, so the applicant only needs to meet R-3 standards for City Code. The City is not a signee to the HOA. The conditions of the HOA cannot be imposed by the City. Regarding the grading difference between this subdivision and adjoining property, the City Engineer will review all grading requirements when the construction plans are submitted. Bruce then finished reading the Report. He said that in response to the 2 neighborhood meetings that were done for this project, neither of them met the new neighborhood meeting standards so the applicant is required to hold a 3rd neighborhood meeting before this application will go to City Council.

Commissioner Deaver asked Bruce if this new subdivision is going to be apart from the current Estates at West Highlands? Bruce clarified that the current subdivision is the Estates at Meadow Park. After some discussion amongst the Commissioners and Bruce stated that per the City Code this subdivision only has to meet the requirements of R-3 zoning, nothing else. A previously approved preliminary plat where the lots were larger has no bearing on this plat. That preliminary plat is expired and there are no requirements for the City to force anyone to do anything other than R-3 zoning, which is what it is currently zoned. He did comment for the sake of the neighbors that these lots are larger, and the applicant has chosen to keep the lots larger instead of building out the maximum amount allowed.

Commissioner Springston commented that a concern that initially land was set aside to build another elementary school, but because of the way the town chose to vote in terms of the proposed elementary school that went away and is not a responsibility of planning and zoning. Bruce also commented to the school bond, he said the school still owns property to the east of this subdivision. Commissioner Hutchison and Chairman Waltemate asked if the flow of traffic on Highway 44 and Hartley is going to be addressed through a Traffic Impact Study (TIS)? Bruce said that he couldn't speak to any of the conditions in effect when the previous plat was grandfathered in. However now the current conditions according to City Code (MCC 5-4-3) are in place and the applicant is required to do a TIS and they will be paying their proportionate share, and because of COVID-19 the TIS was done based on pre-covid numbers.

Chairman Waltemate introduced the applicant. The applicant Don Newel – Landmark Pacific Investors and the applicants representative - Wendy Shrief from JUB Engineers. Wendy thanked the commission for holding the public meeting and stated they will be holding a third neighborhood meeting on May 27th. This subdivision was annexed into the City in 2005, there was an existing preliminary plat which has expired. The property is R-3 zoning and what they are proposing meets all subdivision standards for the R-3 zoning, they are not asking for any exemptions or waivers, they meet all standards for the R-3 zoning district. There are 93 lots planned for this project with 81 residential and 12 common lots. She described the access points to help divert traffic from the existing subdivision. The average lot size is 10,000 square feet and an average of 2.14 residences per acre. She confirmed they will be completing a TIS using pre-covid numbers. The TIS will address concerns brought up by Commissioner Springston for traffic on Cemetery Rd

and the crosswalks at Heights Elementary. Bruce stated that the school district is responsible for the crosswalks. The applicant is also working with Black Canyon Irrigation District to fix the drainage issues brought up by residents and Chairman Waltemate. Commissioner Deaver asked if there is sufficient water and sewer availability without extensive expenses to the City? Bruce stated yes, the City has the capacity for this development.

There was some discussion by the Commissioners and the applicant explaining the concerns of the past and why he may have been met with so much opposition. The Commission appreciates the applicant's willingness to address and answer concerns.

Motion: Motion by Commissioner Hutchison to recommend approval to City Council a request by Landmark Pacific Investors to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Estates at West Highlands Subdivision consisting of 81 residential and 10 common lots on approximately 37.83 acres of vacant land. The subject property is located on the east side of Cemetery Road, north of Willis Road and immediately to the north of the existing Estates at Meadow Park Subdivision in Middleton, Idaho, commonly referred to as Canyon County Parcel No. R37577 to include all of the conditions laid forth by Planning and Zoning Official.

Motion was seconded by Commissioner Gregory and unanimously approved.

- G. Public Meeting: A request by B & A Engineers to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Carlton Meadows subdivision consisting of 71 residential and 6 common lots on approximately 19.17 acres of vacant land. The subject property is located at 0 Whiffin Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R17610018A0.**

Chairman Waltemate called the agenda item. Commissioner Janet Gregory recused herself because this is in her neighborhood. Planning and Zoning Official Bruce Bayne read the Administrative Review and Report to the Commission, detailing the conditions needed to be met before the application can go before City Council. Bruce explained that if a Preliminary Plat application is submitted that meets all of the requirements for the City and does not ask for any exceptions it does not require a public hearing because it is all covered by code. So, no, unless the applicant asks for an exception there will not be a public hearing, it will be a public meeting. If there is one exception requested then there has to be a public hearing.

Chairman Waltemate asked if the applicant Mike Homan – Elder LLC was present? Mike introduced himself and stated the new revised plat called for 67 buildable lots.

Motion: Motion by Commissioner Hutchison to recommend approval to City Council a request by B & A Engineers to approve a Preliminary Plat according to Middleton City Code 5-4-4, for Carlton Meadows subdivision consisting of 67 residential and 5 common lots on approximately 18.29 acres of vacant land. The subject property is located at 0 Whiffin Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R17610018A0 with conditions laid forth by Planning and Zoning Official.

- H. Consider reviewing the conditions of approval placed on the Design Review Permit for Idahome RV Resort Building located at 0 Hartley Ln, Parcel # R34440017**

Middleton, Idaho. The subject property is generally located on the northeast corner of Highway 44 and Emmett Road.

Chairman Waltemate called the agenda item. Commissioner Gregory recused herself and Planning and Zoning Official Bruce Bayne read the Administrative Review and Report to the Commission. The Commission and Applicant decided it would be best to table this item to a date certain of June 8, 2020

Motion: Motion by Chairman Waltemate to table to a date certain June 8, 2020: Consider reviewing the conditions of approval placed on the Design Review Permit for Idahome RV Resort Building located at 0 Hartley Ln, Parcel # R34440017 Middleton, Idaho. The subject property is generally located on the northeast corner of Highway 44 and Emmett Road.

Motion was seconded by Commissioner Deaver and approved unanimously.

- I. **Consider reviewing the conditions of approval placed on the Design Review Permit for address 1121 W Main Street. The subject property is located along Main Street to the west of current City Hall and is currently zoned R-3 and the applicant has applied for a rezone to M-U.**

Chairman Waltemate called the agenda item. Commissioner Gregory recused herself and Planning and Zoning Official Bruce Bayne read the Administrative Review and Report to the Commission.

The applicant Jed Wyatt was present. He addressed Commissioner Hutchison's question of what would be facing the street. He stated that the shop will be constructed behind the home about a couple hundred feet back off of Highway 44.

Motion: Motion by Commissioner Hutchison to approve the Design Review Permit for address 1121 W Main Street. The subject property is located along Main Street to the west of current City Hall and is currently zoned R-3 and the applicant has applied for a rezone to M-U.

Motion was seconded by Commissioner Springston and approved unanimously.

- J. **Consider reviewing the conditions of approval placed on the Design Review Permit for address West Highlands Subdivision Phase No. 9, Pool House. The subject property is located at 0 Willis Road, Middleton, Idaho commonly referred to as Canyon County Parcel No. R3821 and zoned R-3.**

Chairman Waltemate called the agenda item and Planning and Zoning Official Bruce Bayne read the Administrative Review and Report to the Commission.

The applicants representative Brian Garrett was present and responded to the non-compliant conditions. He stated that the parking conditions are met through onsite parking by reducing the occupant load to 150 and providing 19 additional parallel parking spots adjacent to the property, because the pool is not a commercial pool but meant for residential use only.

Bruce asked that the parking conditions be reviewed by City Engineer and Middleton Rural Fire. Bruce stated that the requirements call for an enclosed dumpster, however, if the Commission wanted to approve wheeled trash carts instead of a dumpster, that was up to them.

Motion: Motion by Chairman Waltemate to approve the Design Review Permit for address West Highlands Subdivision Phase No. 9, Pool House. The subject property is located at 0 Willis Road, Middleton, Idaho commonly referred to as Canyon County Parcel No. R3821 and zoned R-3 with conditions laid forth by Planning and Zoning Official.

Public/Commission/Staff Comments:

Planning and Zoning Official Bruce Bayne said that in June the Meetings will be open to the public, but only allowing 50 people total at any one time.

Commissioner Springston suggested that the Planning and Zoning meeting on June 8, 2020 be held at 5:30 p.m.

Motion: Motion by Chairman Waltemate to hold the P&Z meeting on June 8, 2020 to 5:30 p.m. Seconded by Commissioner Springston and approved unanimously.

The Commission discussed ways to keep public hearings orderly.

Commissioners thanked Chairman Waltemate for accepting the position of Chair.

Adjourn: Chairman Waltemate adjourned the meeting at 9:10 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Approved: June 8, 2020


Ray Waltemate, Chairman