

**Madison County
Planning & Zoning Commission**

Public Hearing Minutes
September 8, 2016

Vice-Chairman Aaron Swenson called the meeting to order at 7:02 p.m. and conducted the meeting thereafter. Those attending were Arlene Anderson, Matt Hartline, Anthony Merrill, Doug Sakota, Bill Squires, Shane Sutton, Aaron Swenson, Ed Williams, Planning and Zoning Administrator Brent McFadden, legal counsel Troy Evans and Coordinator Judy Coy, Boyd Baggett and Kirsten Ruebush. Those excused were Mark Hansen, Mike Munns, Rick Robertson and Christy Swenson. The Pledge of Allegiance was recited and roll call was taken.

August 25, 2016 Work Meeting Minutes

Vice-Chairman Swenson asked if there were any changes to the meeting minutes from the August 25, 2016 work meeting. No changes were requested and a motion was made by Ed Williams. The motion was seconded by Matt Hartline. Motion carried.

PUBLIC HEARING

Vice-Chairman Aaron Swenson opened the public hearing at 7:06 p.m. He asked if there was any conflict of interest. No conflicts were mentioned from any of the commission members. Vice-Chairman Swenson then asked if the Public Hearing Notice had been posted appropriately. Judy Coy stated that the notices had been published in the Standard Journal newspaper on August 26th, and September 2, 2016 and had also been posted in the appropriate buildings. There were no news media present.

Prior to the presentation by Boyd Baggett commission member Anthony Merrill made the following statement: Mr. Baggett called me the other day and asked what he would need to bring to the meeting. I told him to just come prepared with the things that he has done for the conditional use permit and that it sounded good. Just for the record and I talked to Troy earlier today.

Conditional Use Permit for Boyd Baggett for the purpose of having a duplex dwelling in a Transitional Agriculture zone.

Boyd Baggett gave his presentation as applicant as follows: I brought a map and overhead map just so that you could see. I didn't know there would be this many people here but can I hand this to you. It is kind of an overhead view of the property so that you can see that we are not adding any new building, we are not adding any new external features or anything, we just simply want to rent out the upper portion of the house that is over the garage. It is basically a one bedroom apartment that is not needed. Most of my family has left home and we would just like to rent that portion of the residence out. It won't take any additional parking than what is already established there. It won't take any additional frontage off of the roof. The only thing that we thought would need to happen as we initially started this project with Mr. McFadden was to update or increase the capacity of the sewer system so that it would handle any additional use so we put a new septic tank and additional area under the drainage fields for that earlier this spring.

Bill Squires: What was it before?

Boyd Baggett: It was set for a thousand gallons four bedroom home. Now it is 1500 gallons for a five or six bedroom home but it would be a five bedroom counting this one. They have a separate entrance I think that was the other thing that was brought up and to my knowledge I don't have any neighbors that opposed this. They agreed to change the covenants of the subdivision to allow the rental of a portion of the property as long as any additional buildings would meet all of the regular requirements. So that update was made to the covenants formally a couple of weeks ago even though they signed it over a year ago so that would be my request. I am happy to take any questions:

Bill Squires: So what is your address?

Boyd Baggett: 1071 South 7th East

Ed Williams: That is Sugar City right?

Brent McFadden: Yes it is a Sugar City address.

Boyd Baggett: Yes

Bill Squires: This is already built?

Boyd Baggett: It is already built. My kids have slept there, my daughter lived before she got married.

Bill Squires: So how do you feel that this fits into the Comprehensive Plan as a conditional use permit? Excuse me.

Boyd Baggett: Well I just don't think that it changes anything basically, it won't be any more people living there or anything else. In fact if we bring a young couple in it's less than when my whole family was there.

Bill Squires: Is there a place where they can fix food.

Boyd Baggett: There is there is a kitchen and a bathroom.

Bill Squires: In the apartment.

Boyd Baggett: And what we have put there is a wall that is probably four foot by eight foot, in the hallway area we made it so that there is actually a separation now instead of just a doorway between the upstairs of the rest of the house.

Doug Sakota: The subdivision you said it is part of a subdivision.

Boyd Baggett: Can I step up here.

Brent McFadden: Don't touch the screen please.

Boyd Baggett: These five parcels are the subdivision. This is the property right here and the house sits right in the center. It is four and a quarter point four acres something like that four point three acres something like that. When you pull in there is a graveled parking area in the back by the shed and greenhouse and so forth.

Bill Squires: They would enter into the garage.

Boyd Baggett: Into the upstairs.

Doug Sakota: It is just these five parcels.

Boyd Baggett: They are all about four and half or five acres.

Bill Squires: Boyd do you have proof that the neighbors said everything is ok with that?

Boyd Baggett: I can....this is what I can leave this is the actual addition to the covenants. This is the original which was the agreement to get started on it. We had to formalize it. I will just leave the formalized addition to the covenants. Is that ok?

Bill Squires: Thank you.

Boyd Baggett: Any other questions?

Aaron Swenson: Staff presentation. Brent do you have that.

Brent McFadden: Yes. Just while I have been sitting here. This an out view, that line the turquoise is his lot to the north he is on the same road that runs to the east side of the Sugar High School you can see up there. He is the second lot down.

Bill Squires: Is that the Moody road down at the bottom.

Brent McFadden: The Moody road yes down at the bottom. That is showing Sugar's impact is right across the road but they are still in the county. And then that one is showing the zoning that they are in Transag. If you look at your zoning index in your book let me get that out there. I will find it somewhere. If you look at your zoning index it says a duplex dwelling is permitted in Ag permitted Ag Rec, conditionally permitted in Commercial and Light Industrial and it is permitted in a Master Planned Community and Residential and Townsite then it is conditionally permitted in a Transitional Ag zone which is where he is residing and that is why he is before you. Ok any other questions? Thank you.

Aaron Swenson: Judy, did we receive any written correspondence?

Judy Coy: There was no written correspondence received.

Aaron Swenson: Verbal testimony, we have got one audience member. Did you sign up, did anybody else sign up to testify.

Brent McFadden: Yes she did.

Aaron Swenson: Mrs. Ruebush do you want to come up.

Kirsten Ruebush: My name is Kirsten Ruebush. I live at 1893 West 5350 South. Um I am neutral. I think this is fine to do and just over the past few years being involved in this kind stuff I appreciate that duplex is now on is now a part of the code. My understanding though is that there is not a definition of duplex in our code and so my only question for you when something like this comes up is if we are regulating apartment rentals it is different than a duplex and when there is a conditional use permit has to be issued and when people come in to um. When I think of duplex I think of a side by side home that people build to rent out one half. That is just my definition of a duplex. So now we have duplex's without a definition in the code they take in apartments and I am not opposed to that apartments being rented I just think that since you added duplex in there really needs to be a definition of what it is, like this and when the conditional use permit needs to be issued. Otherwise at this point because of this precedence you are setting right now why would somebody else that is constructing a duplex on a lot need to come in for a conditional use permit until they are ready to rent it out after it has already been built. And then you have issues with, is that allowed under covenants or something like that so I, it just brings up another issue for you but it is actually an issue that has been brought up before that if you are going to add something it really needs to be defined in the code and then you can decide if you are regulating apartments or the construction of buildings. So um otherwise I am not opposed to what he is doing I wish him well I think that is great. Thank you.

Aaron Swenson: Thank you. Alright since we don't have anybody else signed up for testimony there is an opportunity for rebuttal if you have anything else you would like to say or add some comments. If not is there any other discussion?

Bill Squires: I have a question for Brent. Brent I thought this type of situation in the past fell under the accessory building with living space.

Brent McFadden: No. Duplexes are different.

Bill Squires: I understand that, but this is a garage with a bedroom up above it.

Brent McFadden: Which is all part of the main house.

Bill Squires: Right.

Brent McFadden: That is different than an accessory building. An accessory building is a building that is not attached. It stands alone away from the home. A duplex is anything that shares a common wall.

Bill Squires: Rentals above a garage falls into the duplex concept.

Brent McFadden: If it is attached to the home.

Bill Squires: Ok that answers that question.

Aaron Swenson: Are there any other questions. We will close the public hearing then. (The time was 7:19 p.m.) Any other discussion or we would hear a motion.

Bill Squires: Mr. Chairman.

Aaron Swenson: Yes.

Bill Squires: I appreciate the comments given about the definition. I think that is something we probably need to look at in the future and look at a clarification. I think it is in harmony with a conditional use permit. It's not disturbing to any existing or future neighbors. And it doesn't create any excessive additional expenses or requirements to the county. I think it would be harmonious with the objectives of where that sits.

Ed Williams: I see in the notes here that they have cleared this through the Idaho Public Health Department so I don't see any problem there.

Bill Squires: What was that Ed?

Aaron Swenson: His comment was he sees that it was cleared through the public health department. Bill wants to do the factors real quick is everybody it we could take just a second and everybody look at each of those and see if there is anything you would like to point out we will take just a minute to look at those.

Anthony Merrill: Mr. Chairman I don't see any problems looking at those conditional use permit factors.

Aaron Swenson: Brent do conditional use permits change with ownership.

Brent McFadden: Yes. No once it is issued it is issued.

Aaron Swenson: So if he were to sell his house whoever buys it from him could continue on.

Boyd Baggett: Do you want to buy it?

Brent McFadden: No.

Aaron Swenson: Without any further comment or discussion I would entertain a motion.

Matt Hartline: I would move that we approve the conditional use permit.

Ed Williams: I will second that.

Aaron Swenson: Matt and Ed.

Judy Coy: Arlene Anderson.

Arlene Anderson: Yes.

Judy Coy: Matt Hartline.

Matt Hartline: Yes.

Judy Coy: Anthony Merrill.

Anthony Merrill: Yes.

Judy Coy: Doug Sakota.

Doug Sakota: Yes.

Judy Coy: Bill Squires.

Bill Squires: Yes.

Judy Coy: Shane Sutton

Shane Sutton: Yes

Judy Coy: Ed Williams.

Ed Williams: Yes.

Judy Coy: Aaron Swenson.

Aaron Swenson: Yes. Troy did point out one thing that we didn't discuss. Is there an additional condition that anybody would propose for this permit?

Bill Squires: Mr. Chairman I would see, based on what he has already gone through I couldn't think of any that I thought we should put on.

Aaron Swenson: The annual review automatically applies?

Brent McFadden: Yes there is an annual \$25.00 review fee to make sure that you are in compliance.

Boyd Baggett: What rules.

Brent McFadden: We just have to come by and check and make sure you aren't partying hardy out there and disturbing the neighbors.

Aaron Swenson: Could I have a motion to adjourn.

Anthony Merrill: I make a motion that we adjourn.

Doug Sakota: I second.

Aaron Swenson: All in favor.

All of the commission members were in favor. The meeting stood adjourned at 7:24 p.m.

Meeting Minutes accepted by:



Aaron Swenson, Vice-Chairman

Meeting Minutes approved by:



Judy C. Cox, Coordinator