

---

**MIDDLETON CITY COUNCIL  
FEBRUARY 7, 2024**

The Middleton City Council Meeting was called to order on February 7, 2024, at 5:32 p.m. by Mayor Jackie Hutchison.

**Roll Call:** City Council: Council President Kiser and Council Members Christiansen, Murray and O'Meara were all present.

Mayor Jackie Hutchison, City Attorney Ms. Yett, City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart, Public Works Director Mr. Van Gilder and Deputy Clerk Ms. Reynolds were present.

**Pledge of Allegiance, Invocation:** Gary Erickson – Canyon Springs Christian Church

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by President Kiser approving the Agenda posted February 2, 2024, 4:00 p.m. Motion seconded by Councilman O'Meara and approved unanimously.

**Information Item:**

**1. Discussion about Food Trucks**

Councilman Murray is concerned about the limitations placed on food trucks because of the Ordinance previously adopted. The owner of Latte'Da food truck addressed the council and requested she not be required to remove her truck every night.

No decisions were made, however, Council did ask Staff to bring back the ordinance at a future meeting to revisit.

**2. Liquor License – MPD and Business Input**

Chief Smith addressed Council and stated he would like to see the new ordinance abide by state law and keep closing time at 1:00 a.m. and last call remain at 12:30 a.m. Local business owners from the Chapp, The Bank Bar and Casa Mexico agreed with the Chief. Council gave staff direction to use the 2020 Census population numbers to determine the number of licenses the City can issue. No action was taken and the ordinance will be brought forward at the next regularly scheduled meeting for consideration.

**Action Item:**

**1. Consent Agenda (items of routine administrative business)**

- a. Consider approving minutes for City Council January 17, 2024, Regular meeting.
- b. Consider approving minutes for ITD Open House meeting on January 11, 2024.
- c. Consider approving minutes for January 30, 2024, Special Meeting.
- d. Consider ratifying payroll for January 26, 2024, in the amount of \$169,592.66.
- e. Consider approving accounts payable through January 26, 2024, in the amount of \$837,810.32
- f. Consider authorizing the Mayor to approve the quote from Xylem dated 1/30/2024 to rebuild the Prospector Lift Station wastewater pump in the amount of \$8,280.42.
- g. Consider authorizing the purchase of meter replacement components from Zenner as described in their quote dated 1/30/2024 in the amount of \$29,882.00.

---

Council President Kiser called the items and stated that he had reviewed the accounts payable. Nothing was out of the ordinary.

**Motion:** Motion by President Kiser approving Consent Agenda Items 1 a-g. Motion seconded by Councilman O'Meara and approved unanimously.

## **2. Election City Council President**

Mayor Hutchison called the item. Councilman Christiansen nominated Councilman Kiser as Council President. Nomination seconded by Councilman O'Meara and approved unanimously.

## **3. Consider approving the expenditure of up to \$390.00 in the reimbursement of materials necessary for the construction and installation of trail markers by Mr. Joshua Levandowski of Boy Scout Troop 5. – Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder explained briefly the request. He invited Mr. Levandowski up to describe his Eagle Project. The trail markers will be put in along the Ridley's pathway down to the Boise River about every 10<sup>th</sup> of a mile.

Council thanked Mr. Levandowski's troop for flying the flags for the special presentation to the Veterans employed by the City.

**Motion:** Motion by President Kiser approving the expenditure of up to \$390.00 in the reimbursement of materials necessary for the construction and installation of trail markers by Mr. Joshua Levandowski of Boy Scout Troop 5. Motion seconded by Councilman O'Meara and approved unanimously.

## **4. Consider approving Mayor's appointment of the following individuals to serve a 3-year term to the Local Improvement District Advisory Committee:**

**Tim O'Meara – City Council**

**David Murray – City Council**

**Susan Lowe – City Resident**

**Janet Gibson – City Resident**

**Mike McDougal – County Resident**

**Carol Watkins – County Resident**

**Cindy Powell - County Resident**

Mayor Hutchison called the item.

**Motion:** Motion by President Kiser approving Mayor's appointment of the following individuals to serve a 3-year term to the Local Improvement District Advisory Committee:

Tim O'Meara – City Council

David Murray – City Council

Susan Lowe – City Resident

Janet Gibson – City Resident

Mike McDougal – County Resident

Carol Watkins – County Resident

Cindy Powell - County Resident

Motion seconded by Councilman Christiansen and approved unanimously.

## **5. Consider approving Resolution No. 503-24: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN WATER UTILITY AND BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING DISPOSAL OR DONATION OF SURPLUS PROPERTY. – Ms. Crofts**

Mayor Hutchison called the item and City Clerk Ms. Crofts explained the resolution and

---

detailed the surplus property.

**Motion:** Motion by President Kiser approving Resolution No. 503-24: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN WATER UTILITY AND BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING DISPOSAL OR DONATION OF SURPLUS PROPERTY. Motion seconded by Councilman O'Meara and approved unanimously.

**6. Consider adopting Ordinance No. 690: An Ordinance Enacted By The Middleton City Council Amending Title 1, Chapter 5, Section 01-05-01, Middleton City Code, Pertaining To Salary Of The Mayor; Providing For An Effective Date; Providing For Severability; And Repealing All Ordinances, Resolutions, Orders And Parts Thereof, In Conflict Herewith. – City Attorney**

Mayor Hutchison called the item and City Attorney Ms. Yett explained it. There will be visibility and transparency and any monies that are used will be tracked on their own line item in the General Fund. The mayor will always come back before Council to get approval on any projects prior to the money being spent.

Discussion by Council about the Mayor's spending authority.

**Motion:** Motion by President Kiser to read Ordinance No. 690 by Title Only. Motion seconded by Councilman Murray and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

President Kiser read the Ordinance by Title Only.

**Motion:** Motion by President Kiser to waive the 3-reading rule and adopt Ordinance No. 690. Motion seconded by Councilman Christiansen and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

Mayor Hutchison called a brief recess at 6:29 p.m. She reconvened the meeting at 6:36 p.m.

**7. Public Meeting: Consider Request for Reconsideration of the denial of the Mills Landing Subdivision project on December 6, 2023. – Ms. Stewart and Attorney Waterman**

Mayor Hutchison called the item. Ms. Stewart gave a presentation to Council regarding the request. (Exhibit 1).

Discussion by Council.

Applicant Representative Jeff Bower gave a presentation to Council. (Exhibit 2)

Discussion of Council, Ms. Stewart and Legal Counsel Ms. Yett. The action before Council is to determine if there was a procedural deficiency in the written FCO for the hearing that took place on December 6, 2023.

**Motion:** Motion by President Kiser to deny the Request for Reconsideration of the denial of the Mills Landing Subdivision. Motion seconded and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

- 
- 8. Public Hearing. Applications by Greg Payne, Todd Meyers, GP3 Hartley LLC, and Alan Mills for annexation/rezone and development agreement with respect to vacant parcels that equal 14.73 acres and are located at 0 Hwy 44, Middleton, Idaho (Tax Parcel Nos. R34772011 & R34772000). Applicants are requesting a zone change from County "Agricultural" and C-1 (Neighborhood Commercial) to City C-3 (Heavy Commercial). - Ms. Stewart**

Mayor Hutchison called the item and opened the public hearing at 7:08 p.m.

Ms. Stewart presented a PowerPoint presentation of her staff report (Exhibit 3)

Mayor Hutchison called a brief recess at 7:26 p.m. She reconvened the public hearing at 7:31 p.m.

Applicant: Todd Meyers: Referred to staff presentation and answered questions regarding:

- Widening of Hartley Lane
- Adding a channeled right turn lane from SH44 to S Hartley Lane
- Pressure irrigation
- Aesthetic elements and elevations.
- They will have one RV dump open to the public. This is not a "truck stop" in that there will be no "overnight parking".
- Routing of truck traffic.

Applicant Alan Mills addressed Council:

- Payne family has been farming for years and needs to continue to do so until a use is found for the 12 acres.
- Businesses are looking for property that they can move to and conduct their business.
- "If you build it they will come." This will increase the tax base for Middleton and bring in more Commercial as opposed to Residential.
- Applicant has cooperated with the city regarding the DA.

Mayor Hutchison opened the public testimony at 7:47 p.m.

*David Luiz:* In favor. Maverik is a favored brand and our community can benefit from another gas station. He does have a question about the underground tanks and close proximity to city wells. He also is concerned about the timer set on the Hartley traffic signal.

*City Public Works Director:* The site is not in the cities well protection areas. The nearest well is at the high school, 1.5 miles away. There is another well on the opposite side of the Boise River.

*Mayor Hutchison:* Will call ITD to discuss the timing of the light.

*Mike Graefe:* wants to make sure the irrigation and water rites stay with the property.

*Don Reynolds:* Supports this project, it is good for the city and would ask that Maverik develop a cheesy jalapeno corn dog.

Rebuttal: Todd Meyers

- Underground storage tanks are double lined and every connection has a sensor that is connected to headquarters so they know the minute in the event of a breach. In

---

order to put a tank into the ground Maverik is required by the State of Idaho to pay into a fund that if Maverik were to go bankrupt that fund will pay for the removal of the tanks. If Maverik closes up the store the first thing they do is pull out those tanks and get the State out to inspect in order for a clean bill of health.

- He has meeting with ITD and will talk about the timing of the Hartley Light with them. Our customers need to feel safe.

Mayor Hutchison closed public testimony at 7:59 p.m.

No Council Discussion

**Motion:** Motion by President Kiser that based upon the facts and law presented he moves to approve the applications by Greg Payne, Todd Meyers, GP3 Hartley LLC, and Alan Mills for annexation/rezone and development agreement subject to the conditions of approval set forth in the staff report for the public hearing. Motion seconded by Councilman Christiansen and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

Mayor Hutchison closed the public hearing at 8:02 p.m.

- 9. Consider approving Ordinance No. 688 (Maverik Annexation): An Ordinance Of The City Of Middleton, Canyon County, Idaho, Annexing To The City Of Middleton, Idaho, Certain Real Property Situated In The Unincorporated Area Of Canyon County, Idaho, And Contiguous To The Corporate Limits Of The City Of Middleton, Idaho; Establishing The Zoning Classification Of Said Real Property To C-3 (Heavy Commercial); Directing That Copies Of This Ordinance Be Filed As Provided By Law; And Providing An Effective Date.**

Mayor Hutchison called the item.

**Motion:** Motion by President Kiser to ready Ordinance No. 688 by title only. Motion seconded by Councilman Murray and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

President Kiser read Ordinance No. 688 by title only.

**Motion:** Motion by President Kiser to waive the 3-reading rule and adopt Ordinance No. 688. Motion seconded by Councilman O'Meara and approved unanimously by Roll Call Vote.

Kiser – Yes, Christiansen – Yes, Murray – Yes, O'Meara – Yes.

- 10. Consider authorizing the Mayor to execute a Memorandum of Understanding with Idaho Transportation accepting \$1,972,300 from the FY2024 Strategic Initiatives Program Local Transportation Grant Program for the construction of the Cemetery Road and SH-44 signalization project. - Mr. Van Gilder**

Mayor Hutchison called the item and Public Works Director Mr. Van Gilder explained that this is to accept and execute the agreement with ITD to fund the signalization project. The City held an open house yesterday with the public regarding the project and have already passed those comments on to the design engineer.

---

Discussion by Council and Mr. Van Gilder. Project is fully funded. Improvements to S. Highland Dr and Idaho Street as well as SH44 are all a part of this project. The disruption to traffic will be relatively small as the project gets underway.

**Motion:** Motion by President Kiser authorizing the Mayor to execute a Memorandum of Understanding with Idaho Transportation accepting \$1,972,300 from the FY2024 Strategic Initiatives Program Local Transportation Grant Program for the construction of the Cemetery Road and SH-44 signalization project. Motion seconded by Councilman Christiansen and approved unanimously.

**11. Consider authorizing the Mayor to execute an agreement with the Local Highways Technical Assistance Council (LHTAC) for the replacement of Bridge KN27310 (Bridge on Dewey Ave over the Mill Slough approximately 530' south of SH44) with funding from the Leading Idaho Bridge Program. -Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder explained the bridge replacement program. The money doesn't come to the City. The Cities contribution is to attend the meetings and we get the bridge replaced at no cost to the City.

**Motion:** Motion by President Kiser authorizing the Mayor to execute an agreement with the Local Highways Technical Assistance Council (LHTAC) for the replacement of Bridge KN27310 (Bridge on Dewey Ave over the Mill Slough approximately 530' south of SH44) with funding from the Leading Idaho Bridge Program. Motion seconded by Councilman O'Meara and approved unanimously.

**12. Consider authorizing the Mayor to execute an on-call services task order with FCS Group to conduct a Wastewater Rate Study and Connection Fee Update in an amount not to exceed \$40,645 as described in the attached scope of work. - Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder explained the need to conduct a wastewater rate study and connection fee update and the desire to work with FCS Group to conduct that study. This is only for sewer rates and sewer connection fees only. This is a budgeted item.

**Motion:** Motion by President Kiser authorizing the Mayor to execute an on-call services task order with FCS Group to conduct a Wastewater Rate Study and Connection Fee Update in an amount not to exceed \$40,645 as described in the attached scope of work. Motion seconded by Councilman Murray and approved unanimously.

**13. Consider authorizing the Public Works Director to spend up to \$60,000 for the procurement of equipment, parts, and materials necessary for the by the public works crew to install a water recycling system at the Piccadilly Park splash pad. – Mr. Van Gilder**

Mayor Hutchison called the item and Mr. Van Gilder explained the need to move the Piccadilly Park splash pad to a water recycling system, similar to what would be used in a swimming pool. The system will pay for itself in under 3 years and is reimbursable with park impact fees.

President Kiser asked about the water tank there. Mr. Van Gilder said that tank, while it was

---

a good idea, didn't work with the math. Public works is hoping to repurpose the tank.

**Motion:** Motion by President Kiser authorizing the Public Works Director to spend up to \$60,000 for the procurement of equipment, parts, and materials necessary for the by the public works crew to install a water recycling system at the Piccadilly Park splash pad. Motion seconded by Councilman Christiansen and approved unanimously.

**Public Comments:**

*Janet Gibson:* Could the city require low flow water fixtures? Regarding the Wastewater workshop she is concerned about the Emergency fuel that is or is not accessible to the City. Question about approval of annexations. Would like to see a real time comprehensive map of subdivisions approved.

*Council:* Canyon County takes the lead for catastrophic emergencies. City has generators that have fuel for the wells and lift stations in the event of a local emergency.

*Ms. Stewart:* If an application for residential annexation comes in, city staff will not recommend approval.

*Mayor Hutchison:* Ms. Stewart is creating a similar map of the subdivisions and is hoping to have it done sometime in May. But we don't have the capability to do a real time map.

*Don Reynolds:* Thanks to City Council and Staff for the efforts and work they put in. He specifically wanted to highlight Jason Van Gilder for his work. Don had gone to the ITD meeting on the 11<sup>th</sup> and found Jason at the meeting and he answered his questions better than anyone previously. He appreciates Jason's professionalism excellence in explaining and working with the public in difficult matters.


**Mayor, Staff and Council Comments:**

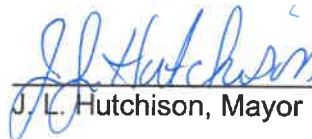
*Councilman Murray:* Wants to see the Resolution about the mayor's spending authority in and ordinance so it can be adopted into City Code. He needs contact information (emails) of the LID Committee members.

*Councilman Christiansen:* The Lee Moberly Museum is having the Historical Society annual meeting. He is planning on going and if others are, do we need to post a notice? He went to Nampa City Council meeting. They have an active LID program. He thinks LID is a good program.

**Adjourn:** Mayor Hutchison adjourned the meeting at 8:34 p.m.

ATTEST:

  
Jennica Reynolds, Deputy Clerk  
Minutes Approved: February 21, 2024

  
J. L. Hutchison, Mayor



**City of MIDDLETON IDAHO**


**Mills Landing Subdivision  
Request for Reconsideration**

- Vicinity
- Toll Brothers Project / 100 single family lots / R-3 Zoning / 40 acres.
- Applications were Annexation & Rezone / Preliminary Plat / DA application



1

**City of MIDDLETON IDAHO**



- Public Hearing on the three applications was held on December 6, 2023. During the presentation, Staff reported that Applicant would not agree to two provisions in the proposed DA: (1) construction of a traffic signal at Cemetery & 44 before Developer got final plat approval and (2) payment of \$109,000 in traffic pro rata fees. Developer offered to pay \$46,000 instead.
- During Council discussion, Council President Kaiser stated that Developer's refusal to agree to the DA provisions regarding the traffic light and \$109,000 payment was the basis for his motion to deny the applications. Council Member Huggins and Council President Kaiser clarified for the record that if the developer agreed to the DA provisions in the future, that could be the basis for an approval in the future. Council then voted on the motion to deny, and the motion was unanimously approved.

2

**City of MIDDLETON IDAHO**

MCC 1-14-2

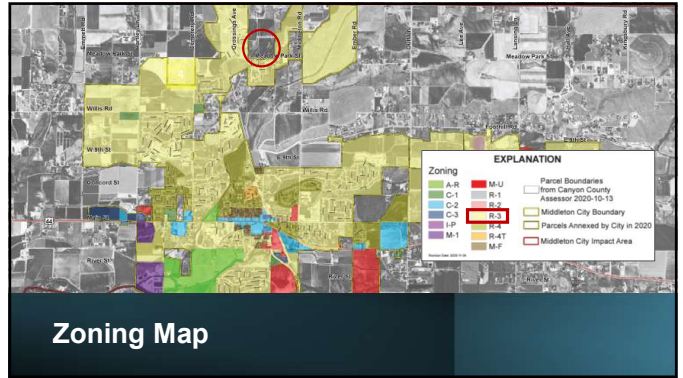
F. Reconsideration Request and Appeal. Applicants, or an affected property owner as defined in Idaho Code 67-6521, shall have fourteen (14) days after a written final decision is executed to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in a final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to any affected property owners who have requested notice of the final decision.

3

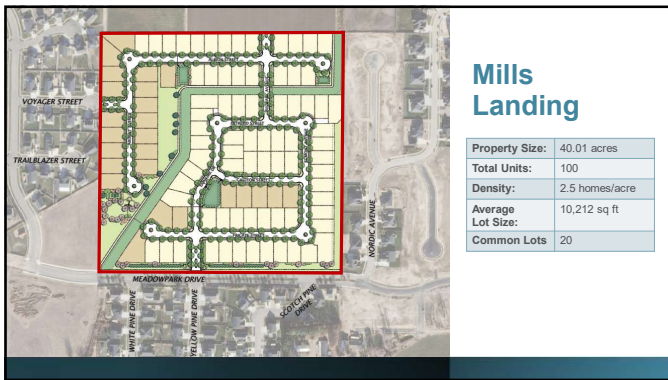
Exhibit 2



1



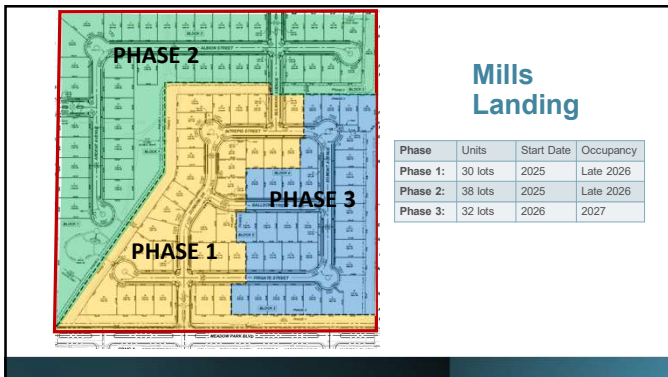
2



3



4



5



6

- Cemetery Rd & Hwy 44 Traffic Signal
- Traffic Pro-Rata Fee (\$109,375)

IMPROVEMENT	COST
Mid Star Transportation Impact Fee	\$505,000
Pro Rata Payment	\$109,375
<b>TOTAL:</b>	<b>\$614,375</b>

[illegible]

## Requested Action

- Approval for the Annexation & Zoning, Preliminary Plat, and Development Agreement, ***as conditioned by planning staff's recommendation.***
  - Includes condition for SH44/Cemetery
  - Pro Rata Payment of \$109,375
  - Waiver (bulbouts and detached sidewalk)

7

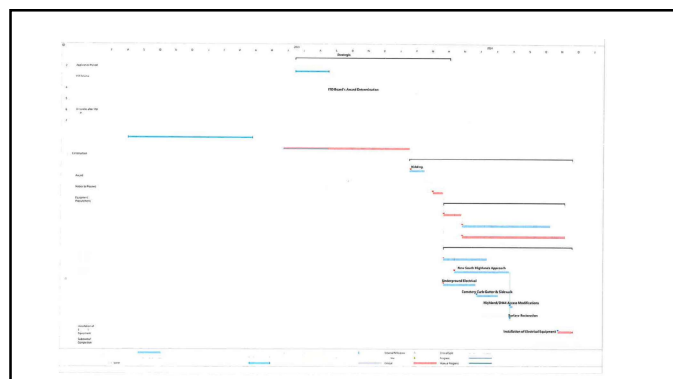
8

# Thank You!

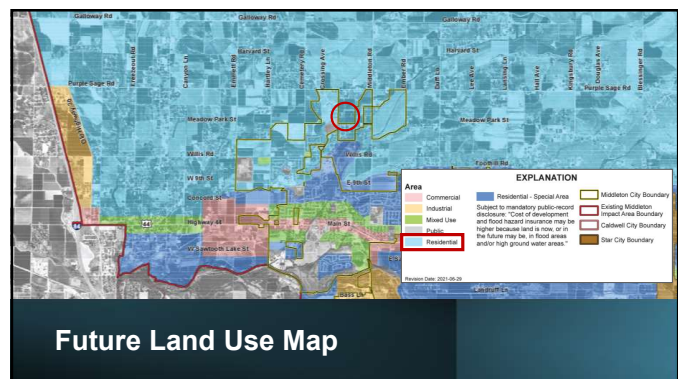


9

10



11



12

### Pro Rata Share

#### Planning Staff Calculation

SUBDIVISION: Mills Landing — Pro Rata Share - TIS DATED September 2023 - 2040 Build-out year						
Intersection	Improvement planned	Cost Estimate	CTR Eligible	Allowed Cost	Impact %	Pro Rata Share Due
Middleton Road / Meadow Park Dr.	None	\$0	\$0	\$0	14%	\$0
Middleton Road / Purple Sage Rd.	Single Lane RAB (per Mid-Star p. 32)	\$2,000,000	\$1,920,000	\$80,000	2%	\$0
Crossing Road / Purple Sage Rd.	None	\$0	\$0	\$0	4%	\$0
Crossing Road / Purple Sage Rd.	Single Lane RAB (per Mid-Star p. 32)	\$2,000,000	\$0	\$0	7%	\$140,000
Cemetery Road / Willis Rd.	Traffic Signal	\$575,000	\$0	\$575,000	4%	\$23,000
Cemetery Road / 344 44	Traffic Signal (Mid-Star p. 32)	\$1,492,500	\$796,250	\$1,511,750	2%	\$0
Cemetery Road / Meadow Park	None	\$0	\$0	\$0	14%	\$0
N. Middleton Rd / 344 44	Traffic Signal (Mid-Star p. 32)	\$962,500	\$0	\$962,500	1%	\$0
<b>TOTAL</b>						<b>\$149,000</b>

City using percentages from 2030, but costs from 2040 projects.

#### Kittelson Calculation

SUBDIVISION: Mills Landing — Pro Rata Share - TIS DATED September 2023 - 2040 build-out year						
Intersection	Improvement planned	Cost Estimate	CTR Eligible	Allowed Cost	Impact %	Pro Rata Share Due
Middleton Road / Meadow Park Dr.	None	\$0	\$0	\$0	2.4%	\$0
Middleton Road / Purple Sage Rd.	Single Lane RAB (per Mid-Star p. 32)	\$2,000,000	\$1,920,000	\$80,000	0.3%	\$0
Crossing Road / Purple Sage Rd.	None	\$0	\$0	\$0	0.4%	\$0
Crossing Road / Purple Sage Rd.	Single Lane RAB (per Mid-Star p. 32)	\$2,000,000	\$0	\$0	0.7%	\$14,000
Cemetery Road / Willis Rd.	Traffic Signal	\$575,000	\$0	\$575,000	0.2%	\$23,000
Cemetery Road / 344 44	Traffic Signal (Mid-Star p. 32)	\$1,492,500	\$796,250	\$1,511,750	0.1%	\$0
Cemetery Road / Meadow Park	None	\$0	\$0	\$0	0.3%	\$0
N. Middleton Rd / 344 44	Traffic Signal (Mid-Star p. 32)	\$962,500	\$0	\$962,500	0.01%	\$0
<b>TOTAL</b>						<b>\$41,000</b>

13

### ITD Comments

**Your Safety • Your Mobility**  
**Your Economic Opportunity**

November 1, 2023

Laura M. Rouse, PE, PTOE  
Director of Mobility  
500 South Capitol Boulevard, Suite 400  
Bloomington, IL 61820

Re: Mills Landing Development - ITD Traffic Impact Study Response Letter

Dear Mr. Rouse,

Thank you for providing the Mills Transportation Study Report (TIS) for the Mills Landing Traffic Impact Study (TIS). The TIS report is a valuable tool for understanding the potential impacts of the proposed development on the local transportation system. We have completed our review and find the TIS report to be a high-quality study that provides a thorough analysis of the project's impacts on the local transportation system. We have completed our review and find the TIS report to be a high-quality study that provides a thorough analysis of the project's impacts on the local transportation system.

The following mitigations are recommended to be implemented in addition to the following mitigations, all of which are considered to be feasible and effective in addressing the impacts of the proposed development on the local transportation system.

**Recommended Mitigations**

- Implement a traffic signal at the intersection of Middleton Road and Purple Sage Road.

The Department of Transportation (IDOT) has approved the proposed development's contribution to the local transportation system. The Department of Transportation (IDOT) has approved the proposed development's contribution to the local transportation system.

Thank you for your cooperation and for providing the TIS report. We look forward to working with you on the implementation of the recommended mitigations.

**ITD Comments**

From: Brian Duran <Brian.Duran@idaho.gov>  
Sent: Wednesday, November 1, 2023 7:48 AM  
To: Laura M. Rouse <Laura.M.Rouse@idaho.gov>; Adam Capel <Adam.Capel@idaho.gov>; Kyle Breyer <Kyle.Breyer@idaho.gov>; Luke Ruppel <Luke.Ruppel@idaho.gov>  
Subject: Re: Mills Landing Traffic Impact Study

Hi Laura,

No, you are correct, the amounts collected under the Mid-Star program cover the requirement listed in the memo.

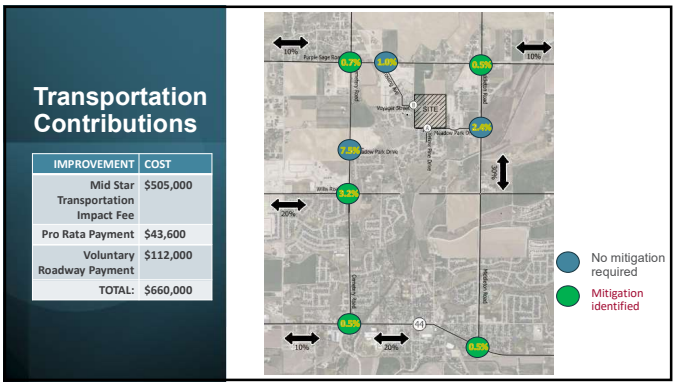
Thanks,

Brian Duran  
Development Services Manager | District 5  
Work Phone: (208) 316-5177  
Cell Phone: (208) 672-2442  
Email: Brian.Duran@idaho.gov

14



15



16



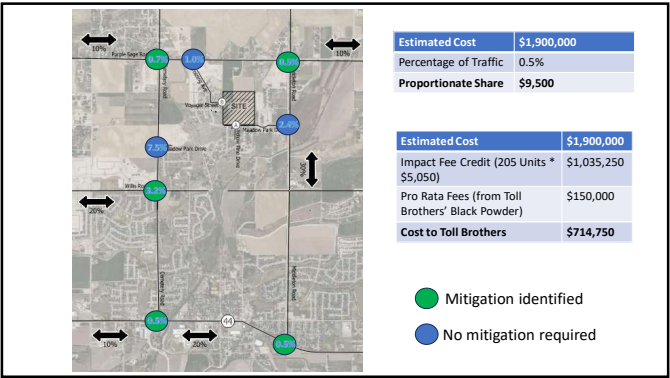
17



18



19



20

## School Comments

**Middleton School District #134**  
Every Child Learning Every Day

**Middleton School District #134 - Public Hearing Notice Response**

Dear Parents and Community Members:

Middleton School District #134 is currently experiencing significant growth in its student population. As a result, we are reviewing our current facilities and infrastructure to ensure they meet the needs of our growing student body. We are holding a public hearing to gather your input on the proposed changes to our facilities and infrastructure.

The proposed changes include:

- Construction of a new elementary school building.
- Construction of a new middle school building.
- Construction of a new high school building.
- Construction of a new library building.
- Construction of a new community center building.

We are seeking your input on the following questions:

- Do you support the proposed changes?
- What are your concerns or suggestions?
- How can we better serve our growing student body?

Please contact us at [phone number] or [email address] if you have any questions or comments.

*[Signature]*  
[Name]  
[Title]

21

Toll Voluntary Payment							
SUBDIVISION: Mills Landing — Pro-Rata Share - TIS DATED September 2023 - 2040 Build-out year							
	Intersection	Improvement planned	Cost Estimate	<TIF Eligible>	Allowed Cost	Impact %	Pro-rata Share Due
1							
2							
3	Middleton Road / Meadow Park Dr.	None	\$0	\$0	\$0	13.5%	\$0
4	Middleton Road / Purple Sage Rd.	Single Lane RAB (Per Mid-Star p. 32)	\$2,000,000	\$1,020,000	\$80,000	1.5%	\$0
5	Crossing Road / Purple Sage Rd.	None	\$0	\$0	\$0	4.0%	\$0
6	Cemetery Road / Purple Sage	Single Lane RAB (Comp Plan)	\$2,000,000	\$0	\$2,000,000	2.0%	\$40,000
7	Cemetery Road / Willis Rd.	Traffic Signal	\$925,000	\$0	\$925,000	7.5%	\$69,375
8	Cemetery Road / SHI 44	Traffic Signal (Mid-Star p. 32)	\$3,000,000	\$730,750	\$2,269,250	1.5%	\$45,000
9	Cemetery Road / Meadow Park	None	\$0	\$0	\$0	13.5%	\$0
10	N. Middleton Rd / SHI 44	Traffic Signal (Mid-Star p. 32)	\$965,500	\$0	\$965,500	0.5%	\$0
11						TOTAL	\$154,375

22




Vicinity / Project / Applications



The proposed project parcels are located at the southwest corner of the Hartley Lane & Hwy 44 intersection (tax parcel nos. R34772000 and R34772011 – 0 Hwy 44). The project parcels are vacant land totaling 14.73 acres. One parcel is approximately 2.75 acres, and the other is approximately 12 acres. Applicants are requesting that City annex in the parcels and rezone them to C-3 (Heavy Commercial). Applicants are proposing the construction of a Maverik fueling station and convenience store on the 2.75 acre parcel (R347720). There is currently no project proposed for the 12 acre parcel (aka "Payne parcel").


The applications include (1) annexation/rezone and (2) Development Agreement.

1



Current Zoning and Land Use

The property is currently vacant land in Canyon County zoned "Agricultural" and C-1 (Neighborhood Commercial). The property is contiguous to Middleton City limits, making it eligible for annexation. It is flanked by property in City limits zoned C-3 to the north and east. County land zoned Agricultural is located to the south, and to the east is property within City limits zoned M-1 (light industrial).




City Services:

Water and sewer are already located in Hartley Lane immediately adjacent to the project site. City has already allocated (or reserved) sewer capacity for the Maverik site. Water capacity is also ample for the Maverik site.

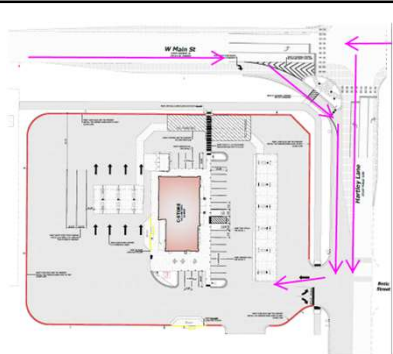
As to the 12 acre Payne parcel, sewer and water capacity for any future development will be considered at the time a development permit is submitted in the future.

2



Traffic, Access & Streets:

The primary access for the 2.75 acre Maverik parcel is directly off of Hartley Lane. There will be no direct access from Hwy 44.



3




The 12-acre Payne parcel will have two accesses off of Hartley Lane, and they will generally line up with the Sage International School accesses to the east.

This will help avoid any traffic conflicts.



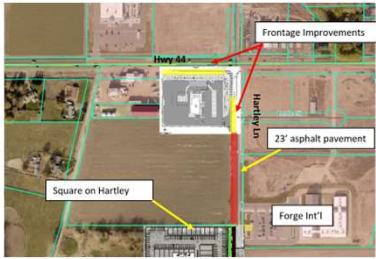
4



The Developer of the Maverik parcel will complete all frontage improvements along Hwy 44 and Hartley Lane adjacent to the property. (shown in yellow).


The Maverik Developer has also agreed to install approximately 23' of asphalt on Hartley Lane the length of the 12 acre parcel to the south. (See area highlighted in red.) This will ensure that the Hartley travel lanes can accommodate the increased traffic in the area.

When the 12 acre Payne parcel is developed some time in the future, then the road frontage improvements will be completed in their entirety. Proper shoulder, curb/gutter, stormdrain, and sidewalk will be added at that time.




Drive Aisle Access: The Maverik Developer and Developer of the Payne parcel will be required to provide recorded cross-access easements to provide drive aisle connectivity and good circulation for future commercial traffic.

5



Police / Fire Protection: Middleton City Police will serve and protect the project site. The project is surrounded by property already within City limits, so police are already patrolling the area. The site is already in the Middleton Rural Fire District, so annexation will not change that status in any way.

6



## Annexation

**Annexation and Rezone:** Applicants are requesting that the 2.75 Maverik parcel and 12 acre Payne parcel be annexed into the City of Middleton with a zone change from County Agricultural & C-1 to Middleton City C-3 (Heavy Commercial). Convenience Store/Gas Station is an allowed use in the C-3 Zone.

There are two findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits and (2) City services such as sewer, water, police/fire and roadway system can be expanded to serve the site in an orderly, efficient, and economical manner. (Idaho Code 50-222.)


An application for rezone requires two findings before City Council can approve the rezone: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

**FINDINGS:**

*With respect to annexation, Planning Staff finds that Applicant's project meets the criteria of contiguity because the site is adjacent to City limits. Staff also finds that City services can be economically and efficiently extended because sewer and water are immediately adjacent to the site. As to roadway, the Development Agreements require that the roadway system be developed in an orderly manner to serve the site and surrounding area. Fire & Police are also in a good position to serve the site.*

*As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services as already noted above. As will be shown below in the section regarding the Comprehensive Plan, Staff finds that the project is also consistent with the Comprehensive Plan Maps, goals and strategies as set forth in the Comp Plan.*

7




## Development Agreement

**Development Agreement:** Although this is a single annexation application, there are separate Development Agreements ("DA") for each of the two parcels. **The DA for the 2.75 acre Maverik parcel** has the following conditions of development:

- Developer will develop the project site generally consistent with the site plan attached to the DA. (Sec. 3.1)
- Developer shall construct all Hwy 44 frontage improvements as required by ITD and City. (Sec. 3.2 and 3.4)
- Developer shall construct all 1/2 road frontage improvements on Hartley Lane the length of the project parcel and construct a 23' wide strip of pavement and borrow ditch the length of the Payne parcel to the south. (Sec. 3.3 and 3.5)
- City shall provide Developer with one access off of Hartley Lane, and Developer shall create a cross-access easement to the south to help with circulation. (Sec. 3.6)
- Developer to provide a 10' wide asphalt pathway along Hwy 44 and 8' wide pathway on the eastern boundary of the project parcel. A 12' wide public access easement shall overlay the 10' asphalt pathway. (Sec. 3.7)
- Developer to provide public utility easements along the perimeter boundaries. (Sec. 3.8)
- Developer to provide 1 public RV dump station. Developer to pay all connection fees, but City will not charge Developer a fee for monthly sewer service. (Sec. 3.9)
- City to waive Mid-Star Transportation fees and Pro-Rata Traffic Fees in consideration of the additional improvements Developer is required to make to the Hartley Lane & Hwy 44 intersection. (Sec. 3.11)
- City may terminate the DA if the convenience store/gas station is not constructed within three years of annexation. This time period can be extended one year upon written request. If terminated, the parcel shall remain C-3 zoning. (Sec. 3.12)
- Although the annexation of the two lots is intertwined, the DAs are not intertwined except with respect to the provisions regarding asphalt installation along the 12' acre parcel. Any default by one party to their respective DA will not have any effect on the other DA and parties thereto.

8




## Development Agreement

**Development Agreement:** The DA for the **12 acre Payne parcel** to the south contains the following provisions:

- Owner of the parcel can continue to farm the 12 acre parcel as a non-conforming use in the C-3 zone. (Sec. 3.1)
- Owner may, at any time, seek to develop the parcel in compliance with the City's code for the C-3 zone at the time of development. Sewer capacity will be considered at the time a development permit is issued. (Sec. 3.2)
- Owner shall allow Maverik to install a 23' wide asphalt travel lane along the eastern boundary of the Payne parcel, including borrow ditch and shoulder. Owner to dedicate the improvements to the City at no cost to taxpayers. Such improvements must be completed before Maverik will get a certificate of occupancy for its convenience store/fueling station. (Sec. 3.3)
- When Owner chooses to develop the Payne parcel, Owner shall construct the missing portions of the Hartley Lane frontage. (Sec. 3.4)
- At the time of development, City will provide Owner with 2 accesses off of Hartley that generally line up with the accesses for Sage International School. Owner shall provide drive aisles to the north, west and south to create connectivity to future development.
- Maverik's traffic study does not apply to the Payne parcel. City may require Owner to complete a separate traffic study at the time of a proposed development. (Sec. 3.6)
- The combined annexation does not make the DAs intertwined. Therefore, any default by one party does not affect the other DA and parties thereto. (Sec. 3.7)
- Owner is entitled to signs on the Maverik parcel and on the 12 acre parcel to the south. The signs will be subject to Design Review found in MCC 1-15-8.

9




**Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the area where the project is proposed is shown as commercial on the FLUM.

Developer's project also complies with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan:

- Goal 1: to be proactive in delivering city services to properties reasonably expected to be annexed in the future.
- Goal 4: Promote commercial development near State Hwy 44.
- Goal 6: Water, sewer, and adjacent road systems will be expanded in an orderly manner consistent with population growth.
- Goal 7: commercial development will provide employment opportunities to residents so they can remain in the City for employment.
- Goal 8: new commercial development will not detract from existing businesses.

10



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

**Comments from Agencies:** Attached as Exhibit "C" to the Staff Report that was posted with the agenda for public review.

**Application Information:** Todd Meyers of Maverik, Greg Payne, GP3 Hartley and Alan Mills. Application was accepted on 7/5/2023.

**Notices & Neighborhood Meeting:**

	Dates:
Newspaper Notification	1/21/2024
Radius notice to adjacent landowners	1/19/2024
Circulation to Agencies	1/19/2024
Sign Posting property	1/19/2024
Neighborhood Meeting	6/1/2023 & 11/21/2023

**Applicable Codes and Standards:**

Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2.


11

**Planning & Zoning Commission Recommendation:** The Planning & Zoning Commission considered the Applicants' annexation/rezone and development agreement applications at a January 8, 2024, public hearing. The Commission recommended that City Council approve the applications subject to the conditions of approval set forth in the staff report for the hearing.

**Conclusions and Recommended Conditions of Approval:** Per State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

**As to Findings of Facts,** Planning Staff has set forth findings of facts above in parentheses.

**As to Conclusions of Law,** Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a decision the applications.



12

If City Council is inclined to approve the applications, then Planning Staff recommends that any approval be subject to the following conditions:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the project sites at development.
2. Developer and Owner to comply with all terms of their respective Development Agreements approved for the project.
3. Owner of the 12 acre Payne parcel shall be required to pay all pro-rata share traffic fees as required by MCC 5-4-3 prior to the issuance of any development permit.
4. All City Planner and Engineering review comments for the Maverik Design Review site plan are to be completed and approved.
5. All City Planner, Engineering and Building Department comments for the Maverik building permit plan set are to be completed and approved.
6. All requirements of the Middleton Rural Fire District and Canyon County Water Company are to be completed and approved.
7. Sewer and water capacity to be considered and analyzed when the Developer of the 12 acre Payne parcel submits a development permit. Sewer and water capacity will not be reserved any earlier than City's approval of construction drawings for a subdivision project or at the time City approves a building permit application for the 12 acre Payne Parcel.

Finally, if the Council denies the applications, then the Council should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Applicant presentation – two part





Applications by Greg Payne, Todd Meyers, GP3 Hartley LLC, and Alan Mills for annexation/rezone and development agreement with respect to vacant parcels that equal 14.73 acres and are located at 0 Hwy 44, Middleton, Idaho

February 7, 2024 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Co APPLICANT TODD MEYERS	185 S. STATE STR SALT LAKE CITY, UT	todd.meyers@meurik.com	X			
2	Co-APPLICANT ALAN MILLS	Box 206 Middleton, Id. 83644	millscoventry@gmail.com	X			X
3	<del>TODD MEYERS</del>						
4	WRONG PAPER <del>TODD MEYERS</del>	<del>1493 SCOTCH PINE DR</del>	<del>9165440342</del>			X	X
5	DAVID LUIZ	ON FILE	ON FILE	X			X
6	<del>David Gibson</del>	<del>on file</del>	<del>on file</del>		X		X
7	MIKE GRKLEF	1889 RIDGE WAY	208-527-6771				
8	Don Reynolds	452 Ewalott Lake Ct	208 905 5225	X			
9							



## City Council Public Comment

February 7, 2024

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Tabatha Jeffries	28097 OLD HWY 30 Catawba, IN 46007 16 W main st	208-994-1917	Food trucks.
2	Janet Gibson	on file	on file	
3	MIKE GRAEFÉ	1889 RIDGE WAY	208-527-6227	
4	Don Reynolds	452 E WARENT LAKE CT.	208-965-5005	
5				
6				
7				
8				
9				
10				