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**MIDDLETON CITY COUNCIL  
FEBRUARY 3, 2021**

The Middleton City Council meeting on February 3, 2021 was called-to-order at 5:30 p.m. by Mayor Rule.

***The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. Persons desiring to testify at the Public Hearings will be welcomed in, a few people at a time. This Meeting will be streamed live via Facebook.***

**Roll Call:** Mayor Rule, Council President Kiser, Council Member Huggins, Garner and O'Meara were all present.

Pledge of Allegiance, Invocation: Pastor Middleton Baptist Church – Tim Hazelbaker.

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the Agenda as posted February 1, 2021 at 2:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

**Information Items**

**1. Staff Introduction: Planning and Zoning – Wendy Howell**

Mayor Rule introduced Wendy Howell who was hired to work in the Planning and Zoning Department.

**Action Items**

- 1. Consent Agenda (items of routine administrative business)**
  - a. Consider approving minutes for Council's January 20, 2021 regular meeting. Consider ratifying January 29, 2021 payroll in the amount of \$90,284.96 and accounts payable thru January 25, 2021 in the amount of \$365,862.30.**

Mayor Rule called the items. Council President Kiser asked that this item be moved to follow Item 12 on the agenda as the account payables deal directly with items 10, 11 and 12.

**Motion:** Motion by Council President Kiser to move action item 1 to follow action item 12. Seconded by Council Member Garner and approved unanimously.

**2. Consider approving Resolution No. 455-21: A Resolution declaring the City of Middleton, Idaho to be a Second Amendment Sanctuary City – Mayor Rule**

Mayor Rule called the item and resident Anthony Muralt gave a brief explanation of why he asked this be brought to Council.

City Attorney Chris Yorgason responded to the Mayor's question that this Resolution is a philosophical statement that the City would support 2<sup>nd</sup> Amendment rights even if laws from

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the Federal government or State Legislature are passed that the City would deem unconstitutional.

President Kiser said he has received multiple email correspondence both in support and opposition of this resolution. He has responded to the opposition asking why they are opposed, and no one has sent a response. For the record he is an avid gun owner and believes that hunting and fishing is a part of Idaho life.

**Motion:** Motion by Council President Kiser to approve Resolution No. 455-21: A Resolution declaring the City of Middleton, Idaho to be a Second Amendment Sanctuary City. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

**3. Consider approving a 5-year contract with Axon Enterprise, Inc for Police Taser Equipment in an amount not to exceed \$31,500.00. – Chief Takeuchi**

Mayor Rule called the item and Chief Takeuchi explained the reason for the contract. This contract is similar to the contract for the Body Camera Systems the Police currently use. When asked if this contract would present a legal challenge, City Attorney Chris Yorgason said no, it is not a legal encumbrance. Chief Takeuchi said it is in his budget.

**Motion:** Motion by Council President Kiser approve a 5-year contract with Axon Enterprise, Inc for Police Taser Equipment in an amount not to exceed \$31,500.00. Motion seconded by Council Member O'Meara and approved unanimously.

**4. Consider approving an estimate for the Police Training Room for flooring. – Chief Takeuchi**

Mayor Rule called the item. Chief Takeuchi explained the two bids received. One from Mr. B's Floors and Home Improvement for \$6,579.20 and one from 360 Home Improvements LLC for \$3077.62 He asked that the Council approve the bid from 360. This business did the work on the remodel of the Police building and Chief is confident in his work.

**Motion:** Motion by Council President Kiser approve an estimate for the Police Training Room for flooring from 360 Home Improvement, LLC in an amount not to exceed \$3,077.62. Motion seconded by Council Member O'Meara and approved unanimously.

**5. Public Hearing: An application from Middleton Industrial Park, LLC for preliminary plat and special use permit with respect to the Middleton Industrial Park Subdivision No. 2 located at 0 So. Middleton Road, Tax Parcel No., R34075014A0. The proposed preliminary plat is zoned M-1 ("light industrial") and consists of seven industrial lots on 16.36 acres. The special use permit requests decreased road width, elimination of pressurized irrigation, elimination of 5% open space requirement, reduction of right-of-way triangle, and elimination of sidewalks on interior lots. – Roberta Stewart**

Mayor Rule called the item and opened the Public Hearing at 6:11 p.m.

City Planner Roberta Stewart comments: Exhibit: Staff Presentation

Applicant Representative: David Sterling – T-O Engineers representing Middleton Industrial Park No 2. They are in agreement with Roberta and the Staff report. They would like the condition that Planning and Zoning commission added which is a landscape buffer be

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removed. They don't have pressurized irrigation to water it, and they don't have an HOA to manage it. It isn't required by City Code. They did phase one, and currently every lot is built out or being built on except for one and so now they are moving on to phase 2.

Bass Lane: The Right-of-Way was already dedicated back in 2018 for the entire road with 35 ft from the centerline. At the intersection they are planning on adding a right turn lane, and they are currently widening that out. That is why it varies from 35 to 45 ft which is for the taper for the turn lane.

Middleton Road: The Corridor study calls out two lanes in each direction with a 10 ft median. They are proposing a 12 ft center turn lane, an 11 ft through lane and then an 11 ft through lane that would be striped as an acceleration lane. Then there would be a 6 ft bike lane, a curb, a drainage swale and then an 8 ft pathway. They are striping the right lane off of Bass Lane onto Middleton Road to make it an acceleration lane.

Traffic triangle at Intersection at Bass Lane and S. Middleton Rd: Middleton's standard is 150 ft which is huge. And since they know a roundabout is not going in, they think that 35 ft is still going to give room and allow for the sidewalk. They are hoping to start construction this spring/summer.

Mayor Rule asked if David knows if the Highway District knows when improvements will be made to Middleton Road. No, he does not. But the applicant is currently installing the sewer line that goes down Middleton Road. Dependent on the approval they can get construction drawings submitted within a few weeks of approval and once those are approved, they would start construction. Construction is scheduled to happen this spring/summer.

Council President Kiser asked if the buffer that was discussed is similar to the buffer that is further south on the east side of Middleton Rd. That is not maintained. David said that this is an industrial park so there isn't any landscaping internally because it is all gravel and yard. If council were to require a landscape buffer we would have to put in a common lot, put in some type of irrigation system to maintain it and then create an HOA to manage it, which we don't have any of those three things which is why we are asking to not do that.

Mayor Rule said the County put that landscape buffer in to be a noise barrier and a beautifier and it really is not maintained well. It is not watered appropriately, half the trees die, and it is not mowed.

David said originally when the application was brought to the City the applicant had the same layout as they do on Bass Lane where they had a roadside swale between the curb and then they detached the sidewalk. Planning and Zoning didn't like that, they wanted it to match the rest of the corridor which necessitated the swale being behind the sidewalk, so if they had to do a landscape buffer it would go where the drainage swale is planned.

Mayor Rule opened the public comment portion at 6:32 p.m.

No Public Comment

Mayor Rule closed the public comment portion at 6:33 p.m.

Council Discussion:

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Mayor Rule said he is really glad to see the acceleration and deceleration lanes coming to pass. He thinks even Rule Steel management sees the advantage the trucks trying to get on, often have trouble getting out onto the highway and now there will be even more activity there so this is a good thing. And his name is Rule but he zero financial interest in this whole operation or project. He receives no monies.

President Kiser said he is excited to see this project moving forward. He and Councilwoman Huggins were here in 2015 when this first began. He agrees with the applicant that there is no need for a landscape buffer/berm. Just down Middleton Road south there are two rock crushing businesses and the berms that are there are not maintained, and they are not aesthetically pleasing. He is happy to see the design for the additional traffic lanes and the road improvements, but he doesn't see the need for the berm but he does like the road improvements along the frontage of their property they have agreed to do.

Council Member Huggins confirmed that even if there isn't a berm there will be a walking path along all of Middleton Road that eventually will go down to Caldwell as part of the Corridor Study.

Council Member O'Meara said he doesn't see the need for a berm. He likes the idea of some kind of decorative fencing or something else obstruct the view from the road. Both he and Council Member Garner are opposed to open chain-link fencing and would like some type of privacy fencing such as vinyl instead of chain-link.

Roberta Stewart said there was a development agreement for this property in 2015 that came in with the Annexation.

Mayor Rule reopened the Public Comment portion of the public hearing for the purpose of getting comment from the Applicant or the representative at 6:39 p.m.

Applicant Representative: David Sterling: The idea is that the fence would be owned by the owner of the lot. The developer was not planning on putting the fence up at the time of platting, that would come at a later time. As far as the material that fence is made out of, it is an industrial park and all the other lots have chain-link fence. So that is what they most likely were going to apply for.

City Planner Roberta Stewart said chain-link fencing is allowed in industrial.

President Kiser said we are talking about frontage on a major corridor that has never been addressed before.

Mayor Rule said there are a lot of different ways to approach this.

City Attorney Chris Yorgason said there is no specific requirement of what the fence has to look like and the material used, and a fence can be up to 8 ft tall in commercial or industrial zones. The fence requirement could possibly be a condition of a purchase of sale agreement of the purchaser of the individual lots, so that the developer is not required to install the entire fence. There could be an agreement between the applicant and the City so that as they sell the property they can advise as to the type of fence, (height, materials and other things) that has to be built.

Applicant: Steve Peel: The nature of the industrial park when the originally put together the development and annexation was zoned as light industrial. Most businesses that will be in

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there will want to put up a chain-link fence due to the security it does provide. He doesn't think vinyl fence is a good option but suggested privacy screening in the chain-link fence. He agrees consistency is important and that chain-link provides consistency of the overall industrial theme along both sides of Middleton Road.

President Kiser liked the idea of the privacy slats in a chain-link fence rather than a fabric screen that will tear.

Mike Graefe: Resident said he thinks the privacy slats should all be the same color to provide uniformity. He thinks that sometimes the City can be overzealous regarding the beautification side of things. It is an industrial park. Middleton does want industry to come in. We don't want industry to come in and trash the neighborhood, but there is nothing wrong with a chain-link fence with the privacy slats in it.

Facebook Comments:

Nick Tinman – since deleted by user: I agree, I think all industrial companies should be required to have white vinyl fencing to make it look better down that road.



Doug Fairbanks · 1:19:33

If this is a gateway to city it should not be chainlink and also needs landscape.

Like · Reply · Message · 1w

Mayor Rule closed the Public Comment portion at 6:49 p.m.

Council Member Garner said he would agree to a chain-link fence with privacy slats to provide security and create a buffer zone. He understands vinyl fence is not fool proof and can be broken pretty easily.

**Motion:** Motion by Council President Kiser to approve an application from Middleton Industrial Park, LLC for preliminary plat and special use permit with respect to the Middleton Industrial Park Subdivision No. 2 located at 0 So. Middleton Road, Tax Parcel No., R34075014A0. The proposed preliminary plat is zoned M-1 ("light industrial") and consists of seven industrial lots on 16.36 acres. The special use permit requests decreased road width, elimination of pressurized irrigation, elimination of 5% open space requirement, reduction of right-of-way triangle, and elimination of sidewalks on interior lots. To also remove the requirements for the landscape buffer asked for by Planning and Zoning and require the applicant to work with City staff on what is a required fencing (so that it doesn't have to come before City Council or Planning and Zoning again) along Middleton Road and that the applicant meet the remainder of the requirements by Planning and Zoning. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Mayor Rule closed the public hearing at 6:53 p.m.

- 6. Consider approving Local Professional Services Agreement No. 95795 with Stanley Consultants, Inc for S. Cemetery Road from State Hwy 44 to Willow Creek, a federally funded roadway connection and single span bridge over Willow Creek. – Rachel Speer**



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Mayor Rule called the item and introduced City Staff Engineer Rachel Speer who briefly explained the LPSA with Stanley Consultants for construction, engineering and inspection.

**Motion:** Motion by Council President Kiser to approve the Local Professional Services Agreement No. 95795 with Stanley Consultants, Inc for S. Cemetery Road from State Hwy 44 to Willow Creek, a federally funded roadway connection and single span bridge over Willow Creek. Motion seconded by Council Member Garner and approved unanimously.

**7. Consider approving Local Professional Services Agreement No. 95794 with Horrocks Engineers, Inc for S. Cemetery Road; State Hwy 44 to Willow Creek. – Becky Crofts**

Mayor Rule called the item and introduced City Staff Engineer Rachel Speer who briefly explained the LPSA with Horrocks Engineers for Engineer of Record Services.

**Motion:** Motion by Council President Kiser to approve the Local Professional Services Agreement No. 95794 with Horrocks Engineers, Inc for S. Cemetery Road; State Hwy 44 to Willow Creek. Motion seconded by Council Member O'Meara and approved unanimously.

**8. Consider approving Valhalla Country Estates Final Plat No. 3 bonding in the amount of \$16,995.00 for fencing, and Valhalla Country Estates Final Plat No. 4 bonding in the amount of \$18,750.00 for fencing. – Wendy Howell**

Mayor Rule called the item. City Planner Wendy Howell said the bonds for the fencing of Valhalla Country Estates Final Plats No 3 and 4 have been reviewed and seem to be sufficient. Bruce Bayne said as with any bond agreement improvements must be completed before the first Certificate of Occupancy is issued.

**Motion:** Motion by Council President Kiser to approve Valhalla Country Estates Final Plat No. 3 bonding in the amount of \$16,995.00 for fencing, and Valhalla Country Estates Final Plat No. 4 bonding in the amount of \$18,750.00 for fencing. Motion seconded by Council Member O'Meara and approved unanimously.

**9. Consider approving Valhalla Country Estates No. 3 Final Plat. – Wendy Howell**

Mayor Rule called the item. City Planner Wendy Howell directed Council's attention to the final plat.

**Motion:** Motion by Council President Kiser to Consider Valhalla Country Estates No. 3 Final Plat. Motion seconded by Council Member Huggins and approved unanimously.

**10. Consider approving payment of invoice from Lurre Construction Inc in the amount of \$50,387.50 for Wastewater Treatment work. – Bruce Bayne**

Mayor Rule called the item and introduced Public Works Director Bruce Bayne who explained how all three agenda items 10, 11 and 12 are related. Item 10 is for additional work that was done. Item 11 was approved by City Council as part of the original contract on November 10, 2020. Item 12 is now the last amount that was approved by City Council on November 10, 2020 and December 2, 2020 to excavate deeper down. They had to excavate deeper per the Geotech and therefore the amount increased. He said that the invoice in Item 10 is for the following 3 things.

1. Improved Road north/south of the farm. The road was widened to allow farm

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equipment where previously it was the width of a pick-up truck.

2. North Mill Slough to redo the entire road to increase to 27 ft wide to haul farm equipment and make it an all-weather road as it is over a 30-inch sanitary sewer trunkline.

3. To spread huge topsoil pile.

Mayor Rule said he approved these expenditures because they are in the budget and the rate of speed that Lurre Construction could do the work was 3 times to 1 of what the City could do. The City doesn't have the large equipment needed for this type of operation, so rather than tying up the public works department for hundreds of hours and paying for mobilization of the equipment needed, and as weather conditions were favorable, it was a good cost management decision for the City. The City is in a great position compared to a year ago.

Council Member Huggins asked if these expenditures would cause the budget to be opened? City Administrator Becky Crofts said this alone would not create a budget amendment, but it is likely there will need to be a budget amendment done.

Council President Kiser said some things are just outside of the City's control and once there is a construction company on site, it is best to not pay for remobilization if it can be avoided.

**Motion:** Motion by Council President Kiser to approve payment of invoice from Lurre Construction Inc in the amount of \$50,387.50 for Wastewater Treatment work. Motion seconded by Council Member O'Meara.

**11. Consider approving payment of invoice for Lurre Construction Inc in the amount of \$49,250.00 for work at River Park Pond. – Bruce Bayne**

**Motion:** Motion by Council President Kiser to approve payment of invoice for Lurre Construction Inc in the amount of \$49,250.00 for work at River Park Pond. Motion seconded by Council Member Garner and approved unanimously.

**12. Consider approving payment of 2 invoices from Lurre Construction Inc in the amount of \$89,170.00 and \$52,906.00 for Cemetery Road Extension Phase 2. – Bruce Bayne**

**Motion:** Motion by Council President Kiser to approve payment of 2 invoices from Lurre Construction Inc in the amount of \$89,170.00 and \$52,906.00 for Cemetery Road Extension Phase 2. Motion seconded by Council Member O'Meara and approved unanimously.

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

**a. Consider approving minutes for Council's January 20, 2021 regular meeting. Consider ratifying January 29, 2021 payroll in the amount of \$90,284.96 and accounts payable thru January 25, 2021 in the amount of \$365,862.30.**

Mayor Rule called the item.

**Motion:** Motion by Council President Kiser to approve item 1a the Consent Agenda: The minutes for Council's January 20, 2021 regular meeting and to ratify January 29, 2021 payroll in the amount of \$90,284.96 and accounts payable thru January 25, 2021 in the amount of \$365,862.30. Motion seconded by Council Member Huggins and approved

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unanimously.

**13. Consider approving payment of Invoice from T-O Engineers in the amount of \$36,392.50 for Middleton 2020 WWTP Upgrade.**

Mayor Rule called the item and Public Works Director Bruce Bayne explained this is billing for one month to meet the Federal requirements on the project.

**Motion:** Motion by Council President Kiser to approve payment of Invoice from T-O Engineers in the amount of \$36,392.50 for Middleton 2020 WWTP Upgrade. Motion seconded by Council Member Garner and approved unanimously.

**Public Comments, Mayor Comments, Council Comments:**

**Mayor Comments:**

- Phase 1 of S. Cemetery Road – CPC is organized and making good progress. This road was planned and completely engineered and approved more than 10 years ago. The City has been waiting for the funds and the federal tax dollars promised. Some residents have realized there will be an extension of the road and are concerned about increased traffic.
- Mill Slough crossing – There was a breach of the barrier, but it has been remedied by Irvco Construction which is working on the project.
- There has been positive interest to manage the gravel extraction at River Park. Mayor Rule believes that the City should receive well over \$2 million dollars for this project and that will help to aid in transportation needs possible at Hartley or Cemetery.

**City Administrator Becky Crofts Comments:**

- The breach of the Mill Slough embankment could have caused damage the 30-inch sewer trunkline. However, nothing was damaged, and Ms. Crofts was most impressed with Public Works who within 2 hours of the problem being brought to their attention had a mitigation plan in place if needed. They moved FAST and she was impressed with the team and the willingness to make it happen.
- Phase 1 of S. Cemetery Road looks to have substantial completion by June 6, 2021 and Phase 2 is looking to start immediately following. It looks to be coming in under budget and there may be excess surplus funds of about \$300,000 ahead of the project completed.

**Council Comments:**

President Kiser: He has spent a lot of time at City Hall this last two weeks. People don't understand how hard the staff worked to make sure some really horrible things didn't happen. He is very proud of the people at City Hall and what they do. The general public and even Council have no idea how hard they work. He knows that the right decisions were made quickly. There are great people at City Hall doing great things because a serious crisis was averted.

Council Member O'Meara: He appreciates the forward thinking to keep using the construction company onsite to complete the roadwork. The Middleton School District and GMPRD are still having talks regarding the Community Center.



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City Engineer Comments:

Friday January 29, 2021 she was on site at the Mill Slough Crossing when a man apparently upset by the perceived "bypass" approached her, yelled at her, and pushed her to the ground. She was quite scared and all she could think about was getting out of there. In all her 25 years in the construction industry she has never been treated like that.

Mayor Rule said he doesn't know who the man is, but that he physically assaulted the new engineer. He has apologized to Rachel but is still embarrassed and said the action is inappropriate and not what Middleton is.

**Adjourn:** Mayor Rule adjourned the meeting at 7:36 p.m.

ATTEST:

  
Jennica Reynolds, Deputy Clerk  
Minutes Approved: March 3, 2021

  
Steven J. Rule, Mayor

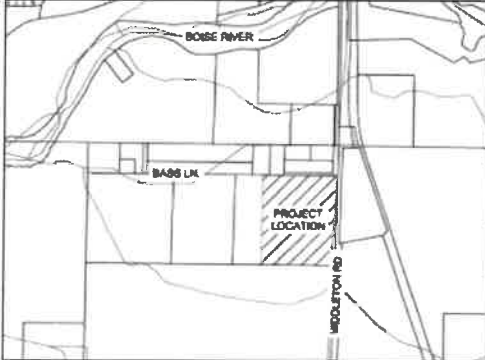




## STAFF PRESENTATION City Council Hearing, February 3, 2021

### Middleton Industrial Park No. 2

#### Slide 1 Intro

	DESCRIPTION	DETAILS
	Acreage	16.637 acres
	Current Zoning	M-1
	Proposed Zoning	to remain the same
	Current Land Use	Industrial
	Lots	7 lots ranging from 1.35 acres to 3 acres. No common lots.

- A. **Project Description:** Industrial Subdivision with seven lots on 16 acres of vacant land located at 0 Middleton Road (southwest corner of intersection of Bass Lane and Middleton Road, Tax Parcel No. R34075014A0.)
- B. **Project History:** The project property was annexed into the City in 2015, and a Development Agreement was executed and recorded with the annexation. The final plat for Middleton Industrial Park No. 1 was approved in Spring of 2019 and recorded in June 2019. The current project before the Council is adjacent to Industrial Park #1 and expands the overall industrial project to the east.

#### Hit Slide 2 – pre plat

- C. **Application Requests:** Applicant initially submitted three applications. The first is the proposed Preliminary Plat being discussed tonight. The second is a floodplain application that is still proceeding administratively. The third application was a Special Use Permit application to request five deviations from Code:
1. A reduction of the right-of-way width for Bass Lane from 40' to 35' to match the right-of-way width allowed in Middleton Industrial Park #1.
  2. Removal of Code required pressurized irrigation because there will be no landscaping or greenscape in the industrial park.
  3. Removal of sidewalks on the interior roadways (Tungsten St., and Thorsten Ave.), which is consistent with the special use permit approved for Middleton Industrial Park #1.
  4. Elimination of 5% Open Space requirement for subdivisions because of the industrial nature of the project, and
  5. Reduction of a 150' right-of-way triangle at the intersection of Bass Lane and Middleton Road.

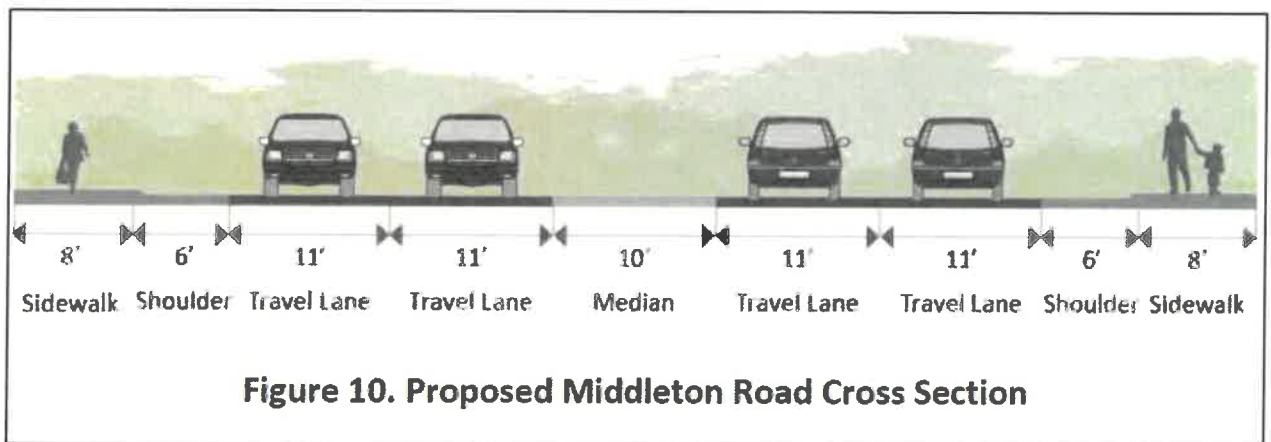
On January 11, 2021, the Planning & Zoning Commission approved the Special Use Permit. The Findings of Facts, Conclusions of Law and Decision will be presented to the Commission at the next P&Z Meeting for signature.

- D. Current Zoning:** The property is currently zoned M-1 or Light Industrial, which allows a mix of light industrial and commercial uses. The project is flanked on the east and west side by Middleton City property zoned M-1. County property flanks the project on the north and south, and it is zoned light industrial and agriculture. The uses generally surrounding the project are industrial uses.
- E. City Services:** Domestic water and sanitary sewer were extended to the Project property after the 2015 Annexation, and the service has been extended westward down Bass Lane. Sewer and water will also be extended south on Middleton Road along the frontage of the project. However, all lots in the project will hook up to water, sewer and dry utilities off of Bass Lane, not Middleton Road.

### Slide 3 Traffic Cross Section

**F. Traffic, Access & Streets:**

A Traffic Impact Study ("TIS") was recently completed for the Project. Also pertinent to the project is the 2016 Middleton Road Corridor Study. The study was commissioned by the Cities of Caldwell and Middleton together with Canyon Highway District #4. In the Study, the entities agreed upon the road cross section shown here for all future improvements on Middleton Road.



After the Middleton City Engineer and CHD4 reviewed the TIS and the 2016 Corridor Study, they made the following recommendations for City Council:

## Slide 4 Middleton Road north bound

1. **Middleton Road Improvements:** City Engineer and the P&Z Commission recommended that Developer be required to construct one-half of the Middleton Road cross-section as shown in the 2016 Corridor Study along the entire eastern frontage of the Project. However, the 10' center median shown in the cross-section should be expanded to a width of 12' to accommodate a north bound left-turn lane on to Bass Lane from Middleton Road as shown here:



## Slide 5 Right Turn from Bass

Additionally, City Engineer recommended that Developer dedicate an acceleration lane for right turn traffic from Bass Lane that intends to travel south on Middleton Road:



## Slide 6 deceleration lane

City Engineer has also indicated that a southbound deceleration lane on Middleton Road with right turn on to Bass Lane may be required.



However, the City Engineer does not recommend that Developer be forced to make these improvements at this time. Additionally, the TIS is not clear on “if and when” a southbound deceleration lane will be required. However, the City has encountered increased pressure from the public to ensure that Developers pay their fair share of traffic impacts. In light of that, Developer and the City will be working together to determine if the issue can be resolved through a proportionate share or prorata payment for traffic impacts. City Staff recommends that Final Plat not be approved until this issue is determined and all proportionate share fees are paid.

2. **Bass Lane Road Improvements:** Access to the Project site will be through Bass Lane. The P&Z Commission and City Staff recommend that Developer improve the south half of Bass Lane along the northern frontage of the project. In light of the approved Special Use Permit, the half-road width would be lowered from 40' to 35' to match the half-road width approved for the Middleton Industrial Park #1.
3. **Traffic Control:** The 2016 Middleton Road Corridor Study recommended a roundabout at the intersection of Bass Lane and Middleton Road when future conditions require some form of traffic control. The City Engineer and CHD4 have reevaluated that earlier recommendation, and both have indicated that a



traffic light may be more appropriate for that intersection in the future. The City Engineer further recommends that the Developer be required to dedicate a 35'x35' right-of-way triangle to accommodate the installation of the traffic signal, and this right-of-way width was approved by the Planning & Zoning Commission at the January 11<sup>th</sup> hearing on the matter..

4. **Traffic Proportionate (“Prorata”) Share Fees:** As indicated earlier, City Engineer recommends that Developer be required to pay its proportionate share of all traffic impacts. This includes the traffic light, all affected intersections, and possibly a future deceleration lane on southbound Middleton Road.
- G. **Pathway, Sidewalks and Open Space:** There will be an 8' wide paved pathway along Middleton Road and Bass Lane. The P&Z Commission approved Developer's request to eliminate 5' sidewalks along the interior streets, Thorsten Avenue and Tungsten Street. Additionally, the P&Z Commission eliminated the code required 5% open space for the subdivision because of the industrial nature of the project.
- H. **Caldwell Rural Fire Protection District:** The subject property is in the Caldwell Rural Fire Protection District. The District reviewed the proposed preliminary plat and submitted written approval of the plat.

## Slide 7 Comp Plan

- I. **Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated “Industrial” on the Land Use Map, which matches the industrial uses planned for the site.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan*:

- a. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the improvements to Middleton Road and Bass Lane. Pathways that are 8' wide will span along both roads, facilitating safe pedestrian passage.
- b. *Goal 5:* The project will establish development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.
- c. *Goals 7 & 8:* The project promotes a strong and diverse local economy by creating a desirable area for valuable industrial and commercial uses.

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

- K. Comments from Agencies:** 12/23/2020 and 1/5/2021 comments from CHD4.  
Comment from Caldwell Rural Fire Protection District dated 1/26/2021.
- L. Applicant Information:** Application was received on November 17, 2020. The Representative is David Sterling of T-O Engineers. Representative's contact information is 2471 S. Titanium Place, Meridian ID 83642, Tele: (208) 323-2288. Owner is Middleton Industrial Park, LLC, 11220 Bass Lane, Caldwell, ID 83605, Tele: (208) 585-3031.
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|---|---------------|
| <b>M. Notices &amp; Neighborhood Meeting:</b>                 | <b>Dates:</b> |
| Newspaper Notification  | 01/19/2021    |
| Radius notification mailed to Adjacent landowners within 300' | 01/15/2021    |
| Circulation to Agencies                                       | 01/15/2021    |
| Neighborhood Meeting  | 11/09/2020    |
- N. Applicable Codes and Standards:**
- Idaho State Statue Title 67, Chapter 65  
Middleton Supplement to the Idaho Standards for Public Works Construction  
Middleton City Code 1-14, 1-16, 5-1, 5-3, and 5-4.

## Slide 8 Recommendations

- O. PLANNING AND ZONING RECOMMENDATION:** At the January 11, 2021, Planning & Zoning Hearing, the Planning and Zoning Commission recommended that the Middleton City Council approve the request for preliminary plat for Middleton Industrial Park #2 subject to the following conditions:
1. Developer be required to install a 20' wide landscape buffer along the entire frontage of Middleton Road. The reason stated for the landscape buffer was the need to create an attractive greenscape at what is essentially the "gateway" to the City.
    - a. Staff does not agree with this recommendation, and we recommend that no such landscape buffer be required for the following reasons. First, the recommendation is in opposition to the approved special use permit that eliminated pressurized irrigation and the open space requirement. Second, a landscape buffer would require the developer to create a common lot along Middleton Road and a formal Business Association to manage the single common lot. This triggers additional burdens that may not outweigh the benefit of the landscape buffer. Finally, neither the 2016

Middleton Road Corridor Study nor the Middleton City Code requires a landscape buffer along Middleton Road.

At the January 11, 2021 Hearing, the P&Z Commission recommended further conditions of approval, and City Staff is in agreement with these conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services to be extended to serve the subdivision.
2. City Engineer review comments dated 12/8/2020 and 1/8/2021 are completed and approved.
3. Applicant dedicates and shows on the preliminary plat an easement of 15' in width for all pathways pursuant to MCC 5-4-10-5 unless the pathway is fully located within a dedicated right-of-way.
4. Applicant constructs, at its own cost, 50% of Bass Lane and Middleton Road per the requirements of the City Engineer.
5. Applicant constructs, at its own cost, the half portion of Middleton Road in compliance with the specifications set forth in the 2016 Middleton Road Corridor Study, except the 10' center median shall be converted to a 12' wide left-turn lane.
6. Developer pays its proportionate share of all traffic impacts prior to the approval of final plat.
7. All requirements of Caldwell Rural Fire Protection District are completed and approved.
8. Any lots in the floodplain will comply with the Floodplain Permit requirements prior to any structures being constructed on the lots.

Prepared by Middleton City Planner, Roberta Stewart

Dated: January 29, 2021



## Middleton Industrial Park No. 2 Preliminary Plat and SUP

February 3 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	David Sterling	2471 S. Titanium Pl	208-323-2288	✓			✓
2	Steve PEEL	11220 BASS LAKE	208-484-4455				
3	<del>Mike</del>						
4	Mike Strube	1889 Ridge Way	208-527-6227	X			X
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