
**MIDDLETON CITY COUNCIL
JUNE 16, 2021**

The Middleton City Council meeting on June 16, 2021 was called-to-order at 5:33 p.m. by Mayor Rule.

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

Pledge of Allegiance, Invocation: Chris Grooms

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the Amended Agenda as posted June 15, 2021 at 5:00 p.m. Motion seconded by Council Member Garner and approved unanimously.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for City Council June 2, 2021 regular meeting.**
 - b. Consider ratifying payroll for June 4, 2021 in the amount of \$78,079.45**
 - c. Consider approving accounts payable thru June 9, 2021 in the amount of \$252,702.50.**

Mayor Rule called the items. Council President Kiser gave a summary of accounts payable payments. Explained that some items were pass through items such as Republic Services.

Motion: Motion by Council President Kiser approve Consent Agenda Items 1a, b and c. Motion seconded by Council Member Garner and approved unanimously.

- 2. Consider approving two quotes from Integrity Inspection Solutions for Phase 2 CCVT Sewer Line cleanout and repairs in an amount not to exceed \$40,000 and \$11,875.00. –Bruce Bayne**

Mayor Rule called the item Bruce Bayne presented the quotes and an explanation of the project. Bruce explained that there is \$50,000 in the budget for these projects. Integrity Inspections Solutions will continue in Phase 2 to look for issues in the sewer system including blockages and leaks. During the previous phase Integrity Solutions identified a large intrusion of irrigation water into the sewer line. This phase will be working in the older areas of town to identify lines that need to be fixed the cost for this is not to exceed \$40,000. The amount not to exceed \$11,875 will be used to repair the line at Piccadilly Park where it crosses the creek. There are roots that have invaded the line and need to be removed and the line repaired.

Motion: Motion by Council President Kiser to approve the quotes from Integrity Inspection Solutions for Phase 2 CCVT Sewer line cleanout and repairs in the amounts not to exceed \$40,000 and \$11,875. Motion seconded by Council Member Huggins and approved unanimously.

3. Public Hearing: Applications from Falkirk Holdings LLC & Todd Campbell for Rezone and Development Agreement with respect to the Stonehaven project planned for an 11.18-acre parcel located at 0 Hartley Lane (Tax Parcel #34443013). Applicant is seeking a rezone of a portion of the parcel from C-1 to M-F to permit the future development of a maximum of 84 townhome lots. – Roberta Stewart

Mayor Rule opened the public hearing at 5:43 p.m. and City Planner, Roberta Stewart presented a staff report on the project (Exhibit 1).

Applicant presentation—Jay Walker presented a PowerPoint presentation on the proposed project (Exhibit 2).

Questions to Applicant:

Mayor Rule: The mayor asked what he meant when he said the project was “what the mayor desires”; the mayor did not want to be quoted on record for something he did not say. Mr. Walker clarified that he was referring to the project being in alignment with the comprehensive plan of the city as developed by the previous mayor and city council.

Council President Kiser: Requested clarification on the statement that the Willis/Hartley would not get built without this project. Mr. Walker clarified that it would not get built at this time or in a timely manner if this project doesn’t happen.

Applicant Presentation ended at 6:17 p.m. Mr. Walker requested that the rebuttal be shared with the owner of the property.

Mayor Called for comments in favor of this project:

Todd Campbell: He stands behind the presentation by Jay Walker. This is a high quality project. It will help to improve the concerns of the city regarding traffic. The traffic will be improved at Hartley/Willis and also Hartley/Highway 44. Mr. Campbell also committed to contribute an additional \$100,000 towards the Hartley/Highway 44 intersection if this project is approved.

Mayor called for questions for Mr. Campbell and there were none.

Renee Watson: Expressed approval for the project. She has looked at the other projects completed by the applicant/builder and they are beautiful. She looks forward to the improvements to the area due to this project.

Mayor Comments: The mayor stated that Ms. Watson was originally the owner of the property in this project.

David Cliché: Spoke representing the Stonehaven neighborhood in favor of the project. In his past experience he has found that commercial has more traffic than residential. The group feels that the project would stabilize the values of their homes. They fully support the project.

Kelsee Thompson: In favor of the project. No further comments.

Kip Thompson: In favor of the townhomes—they are beautiful. The proposed project is directly adjacent to his property. He feels that the townhomes would be much nicer next to his property than commercial would be. The additional funds for the improvements to Hartley/HWY 44 would be very helpful in solving the traffic issue at that intersection.

Mayor Called for neutral comments of this project:

Diane Cummings: Stated that she is neutral. No further comments.

Mayor Called for comments in opposition of this project:

Dana Furrow: Just stated that they are opposed to the project.

Sandy Sinclair: Suggested that the project be aimed towards a 55 and over community. Personal opinion is that the project won’t be good there. Her experience coming from California is that people will buy the condos and rent them out. Rentals will bring down the value of the adjacent properties. Traffic in the area is already a “nightmare” this project would make it worse.

Comments in opposition of this project cont.:

Carlene Thie: She attended a large council meeting two years ago—this area was going to be C-1 Light commercial. The Hartley intersection is “deadly” and doesn’t need more traffic. Light commercial closes early so there would be little evening and weekend traffic. She feels that Jay Walker bullies people—trying to manipulate them. She feels that overbuilding will be detrimental—the developer is already committed to help pay for infrastructure.

Mike Grafe: Stated that he is opposed to this project. He stated that the property started as R-3 and the developers requested to have it changed to C-1. He feels that an assisted living facility would be good. He doesn’t like multi-family dwellings. He feels that the roads will be too full and it will be a mess with traffic. He is also opposed to the comment regarding that there will be no improvements without this development.

Mayor Called for rebuttal from the applicant:

Jay Walker: The people in Stonehaven who will be directly effected by this project are in favor of it. Addressing the 55 and over they’d be able to be in the designated C-1 area in the proposal. Concerning Carlene’s comment regarding the commercial being less traffic due to light commercial having limited hours but he doesn’t believe that is always the case. This project is projected to relax the traffic not increase it as stated by those in opposition. These plans would provide a buffer between the highway and business/residential.

Paul Watson: He is the owner of the property. He has been listening to the concerns regarding traffic for ten years. The concerns of the patrons are the same: heavy traffic, not too much commercial and unsafe for pedestrians. He also lives here and has experienced the traffic issues. He feels the product being offered would best serve the communities needs. The market controls what can be put in the area and the market isn’t looking for a large area of C-1. This planned development was planned to attract commercial and get things done in a timely manner. He encourages the council to proceed with the project.

Mayor Called for questions:

President Kiser: Questioned the comments regarding it won’t get done in timely manner if this project isn’t approved and the comment regarding more traffic with commercial. He also pointed out that the property in 2012 was zoned residential and changed at the request of the property owner to C-1 and a development agreement was signed. If it was purchased by the current owner after that date they purchased it with it being zoned as C-1.

Answer from the applicant:

If we don’t proceed with the product by a known good developer there could be a delay in the project.

Council Member Garner: When would this project start?

Answer from the applicant: As soon as possible. The plat would be submitted to the city for approval and then would proceed as quick as reasonably possible. The developer is very motivated to get this project going.

Mayor: Would you begin with the townhouses or commercial?

Answer from the applicant: We don’t know it depends upon the market.

Motion: Motion by Council President Kiser close public comment at 7:00 p.m.

Motion seconded by Council Member Garner and approved unanimously.

COUNCIL DISCUSSION:

President Kiser: In his opinion townhouses are not the best for the proposed area. Twelve acres of commercial would be difficult but he would still like to see commercial on that piece. In his opinion he doesn’t feel the project is a good fit to align with the comprehensive plan.

Council Member Garner: Commenting on the developers plan to start as soon as possible—he feels that the intersection needs to be done before the development. 84 units is too many for that small area. Effects all people in town not just those in Stonehaven.

MAYOR/COUNCIL DISCUSSION CONT.:

Mayor: City Staff Please address the Hartley/Highway 44 and Willis/Hartley intersections.

Becky Crofts, City Administrator: The city has an anticipated \$800,000 towards the \$1.1 million project. It is anticipated to be completed before school next year—the sewer line needs to be completed prior to the completion of the intersection. With regard to the Willis/Hartley intersection—the city is working with Toll Bros to put a roundabout there. This is not finalized it is just being discussed.

Council Member Huggins: When I look at the minutes from P & Z I feel the intersections are going to happen. She feels there is a need for townhomes in Middleton but doesn't feel that is the best location. She thinks that the proposed number of townhomes is too many for that area. Commercial is a high priority for Middleton.

PUBLIC HEARING CLOSED 7:13 P.M.

Motion: Motion by Council President Kiser to deny the application from Falkirk Holdings LLC & Todd Campbell for Rezone and Development Agreement with respect to the Stonehaven project planned for an 11.18-acre parcel located at 0 Hartley Lane (Tax Parcel #34443013). Applicant is seeking a rezone of a portion of the parcel from C-1 to M-F to permit the future development of a maximum of 84 townhome lots. Motion seconded by Council Member Huggins and approved unanimously by a roll call vote of all present council members.

4. Consider approving a Special Events Permit to Middleton Fireworks Fund for 4th of July Fireworks at Foote Park July 4, 2021. – Becky Crofts

Mayor Rule called item and City Administrator Becky Crofts presented the application. It has been reviewed by the Middleton Rural Fire District and Deputy Chief Islas submitted his comments and approval.

Motion: Motion by Council President Kiser to approve a Special Events Permit to Middleton Fireworks fund for 4th of July Fireworks at Foote Park July 4, 2021 and waive fees. Motion seconded by Council Member Garner and approved unanimously.

5. Consider approving 2021 Special Events Permit to GMPRD for community events located in Foote Park and Hawthorne Park. – Becky Crofts

- **Art in the Park at Foote Park June 18-19, 2021. *Beer & Wine Catering permit required.***
 - **Baseball Concessions @Hawthorne Park - Monday thru Thursday evenings - ran by GMPRD employees for about 2.5 hours each time. Currently doing this through the end of June.**
 - **Baseball Tournament - Middleton Baseball Association is hosting this on June 17th - June 19th at Hawthorne Park.**
 - **Movies in the Park @ Foote Park. Dates: (6/11, 6/18, 7/16, 8/20, 9/10, 9/24)**
 - **July 4th Fireworks in Foote Park (7/4)**
 - **Water Wars at Foote Park (7/21, 8/10)**
 - **Back to School – Obstacle Course at Foote Park (8/12)**
 - **Harvest Festival - 1st Saturday in October (10/2)**
 - **Pedersen's Lemonade at Foote Park concessions on Saturdays to sell to soccer players. (Now through the end of soccer season)**

Vendor/Solicitor permit required.

- **Saturday Soccer at Middleton Place Park**
- **Sportsman's Outdoor Event at Foote Park (8/27 & 8/28)**

Mayor Rule called the item and Becky Crofts presented a summary and referred to city code.

Motion: Motion by Council President Kiser to approve Special Events Permits for GMPRD for the events presented at Foote Park and Hawthorne Park. Motion seconded by Council Member Huggins and approved unanimously.

6. Consider approving a proposal from the Stack Rock Group for design of River Park Commercial/Residential areas and walking paths. – Becky Crofts

Mayor Rule called the item and City Administrator Becky Crofts presented the proposed design sample. This would be a city project to increase park areas and connect recreational areas with proposed commercial areas. The design from Stack Rock Group would provide the “vision” for the city to develop from.

Mayor/Council questions and comments:

Mayor: Urban Renewal could help with this project similar to what Caldwell has done with their Indian Creek renovations.

Council President Kiser: Would the \$24,000 be the out the door cost? Yes, it is not to exceed \$24,000. He also commented that he would like to see a venue in Middleton so that people stay here instead of recreating and using retail in other communities.

Huggins: She feels that anything we can do to give residents in Middleton activities in Middleton is good for our community.

Motion: Motion by Council President Kiser proposal from Stack Rock Group for design for River Park Commercial/Residential areas and walking paths. Motion seconded by Council Member Garner and approved unanimously by Roll Call Vote.

Budget Workshop: FY 2022—Wendy Miles, City Treasurer

Public Comment:

None.

Mayor Comments, Council Comments:

Council President Kiser:

Mayor Rule:


Council Member Huggins:

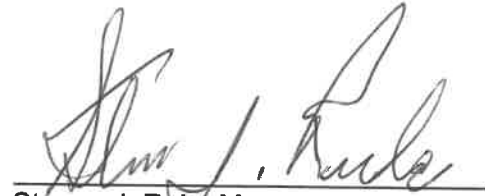
Council Member Garner:

Council Member O'Meara:

Adjourn: Mayor Rule adjourned the city council meeting at 8:34 P.M.

ATTEST:


Rhonda Carpenter, Deputy Clerk
Minutes Approved: July 7, 2021

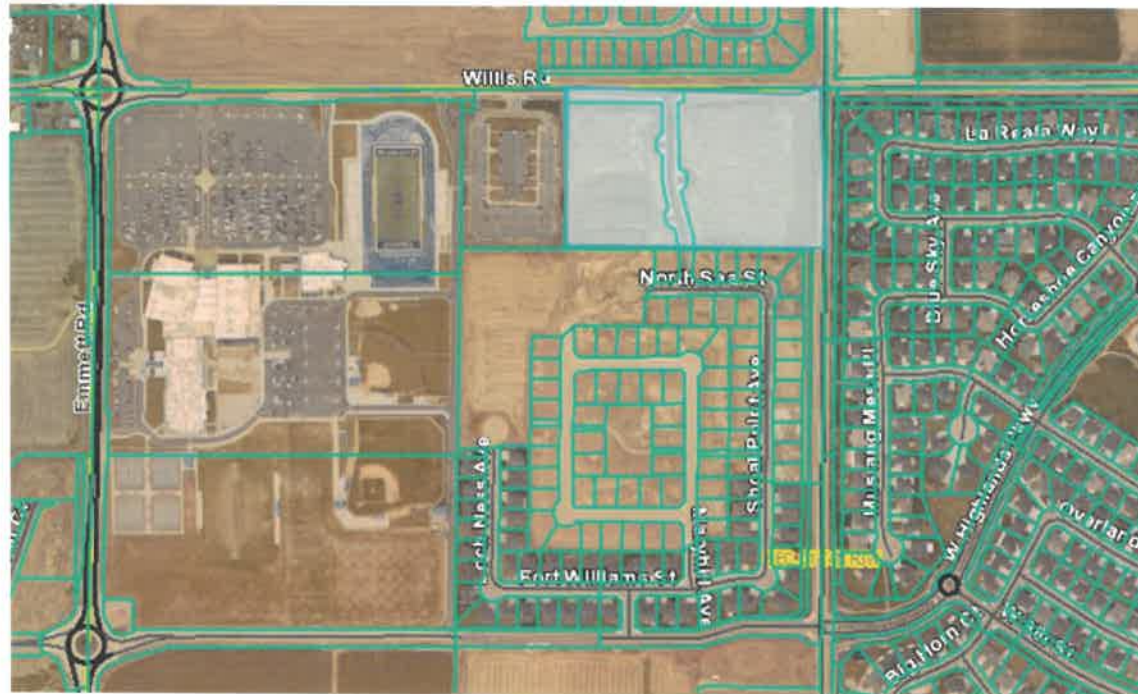

Steven J. Rule, Mayor





Stonehaven -11+ Acre Commercial

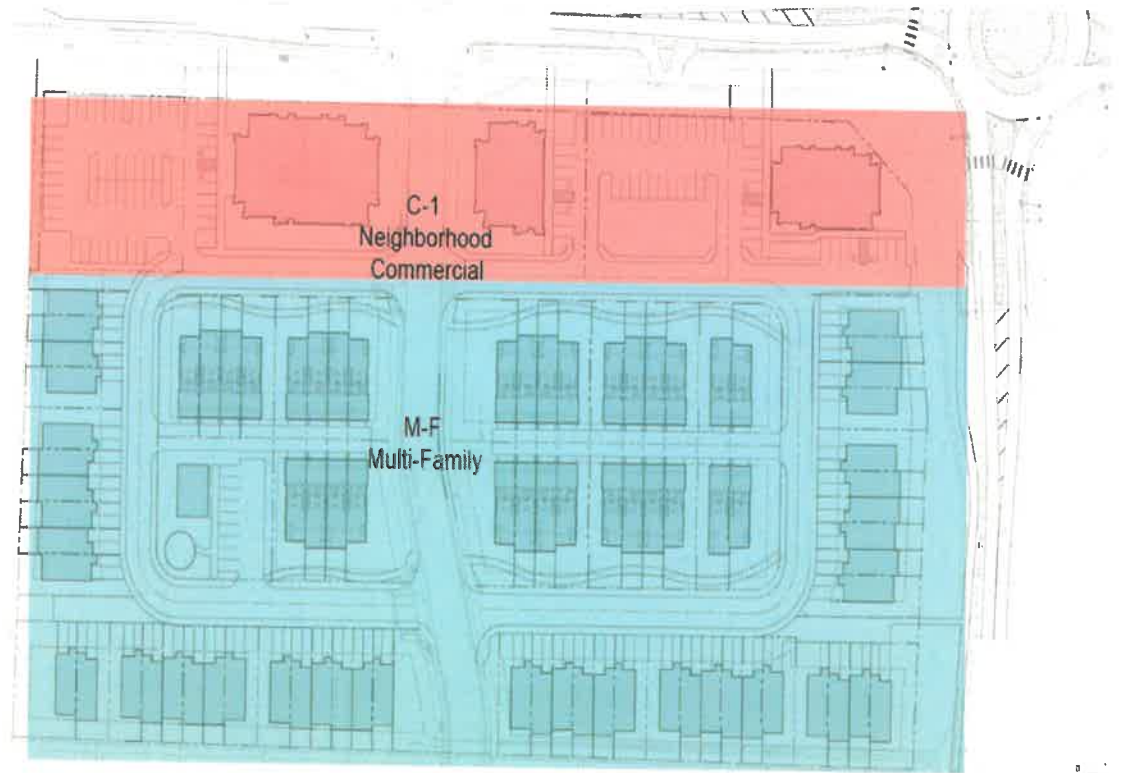
Rezone and Development Agreement





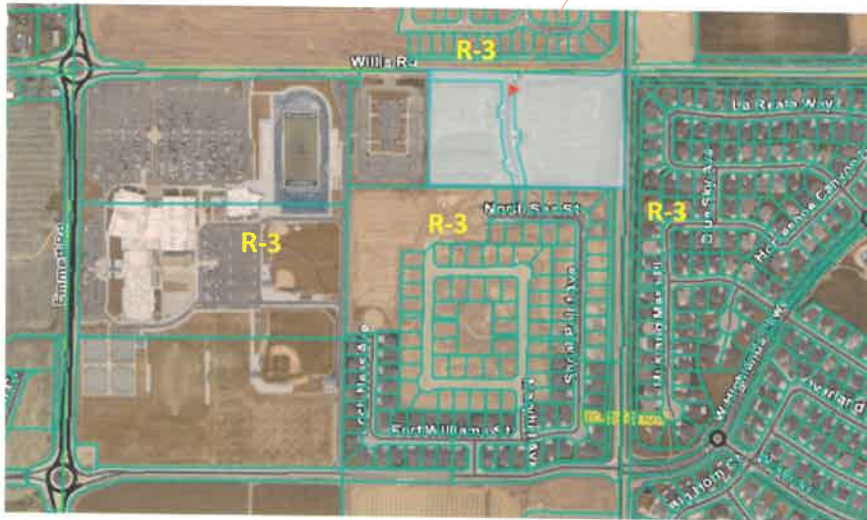
Application Request and Project Description:

This is a request for Rezone and Development Agreement Modification of an 11+ acre parcel adjacent to the Stonehaven Subdivision (Tax Parcel No. 34443013 – 0 Hartley Lane.) Applicant is requesting rezone from C-1 Neighborhood Commercial to M-F Multi-Family for 7.3 acres of the 11 acres. The remaining 3.7 acres are to remain C-1 along the frontage of Willis Road. Applicant is also requesting a modification to the current Development Agreement to allow future preliminary plat and development of up to 84 townhomes (or “single family attached” homes) in the M-F zone.





Sewer & water



History and Current Zoning: In 2012, the current owner of the property had requested a rezone from R-3 to the current zoning of C-1. C-1 zoning is "Neighborhood Commercial", and it is a less intensive commercial use that services local neighborhoods. This would include dental offices, light retail, and service businesses such as a fitness gym. Since the time of the 2012 rezone to C-1, the property has remained vacant land with no commercial development.

As to zoning, the parcel is surrounded on all four sides by R-3 zoning. Single-family homes surround the property on the north, east, and south side. To the west is a large church parcel.

City Services: City water and sewer are already located on site. They are located along Edzell Avenue, which is the road running down the center of the project.

Traffic, Access & Streets: Access to the subdivision is via Willis Road and also through the Stonehaven Subdivision to the south. Curb/gutter/sidewalk are already constructed along Edzell. Road Improvements along Willis Road will need to be completed prior to final plat.

Development Agreement: A rezone request generally requires a Development Agreement ("DA"). The proposed DA Modification will have the following provisions:

- a. 7.3 acres of the total 11 acres are to be rezoned M-F Multi-Family. The remaining 3.7 acres to remain C-1 zoning.
- b. Developer shall improve the parcel as generally shown in the Concept Plan attached to the DA.
- c. In the M-F zoned portion of the parcel Developer may develop up to 84 townhome lots, defined in the Middleton City Code as "Single Family Attached."
- d. Any future preliminary plat application must include a special use permit application for townhomes/single family attached in compliance with MCC 5-4-1 Table 1.
- e. Developer will be required to submit a Traffic Study at the time a land use application is submitted. The Traffic study will include, at the very least, the intersections of Willis & Hartley and Hartley & 44 per the current DA in addition to any other intersections deemed necessary by the City Engineer.
- f. Upon development, the Developer will improve all street frontages and dedicate improved right of way to the City.
- g. Upon development, the Developer will pay all proportionate share traffic fees as determined by the Traffic Study.

Comprehensive Plan & Findings Required for Approval or Denial of Applications: Per Middleton City Code 1-14-2, the City Council must make a reasoned statement explaining the basis for their decision. If the City Council chooses to deny the applications, City Council must identify what Applicant can do to gain approval. In order to make a reasoned statement, City Council must specifically consider the following:

1. Does the rezone/DA Mod have a demonstrably adverse effect on the delivery of City services (sewer & water)?
2. Is the Rezone/DA Modification "in harmony" with the Comprehensive Plan or "in conflict" with the Comprehensive Plan? If it is in harmony, then the applications should be approved. If it is in conflict, then the applications should be denied.

Comprehensive Plan & Findings (continued):

Because City services are already on site, the City Council is left with considering only whether the rezone/DA Mod is in harmony with the Comp Plan or in conflict with the Comprehensive Plan. To decide this, Council should look to the Goals and Strategies outlined in the 2019 Comprehensive Plan.

Planning Staff finds that the Rezone/DA Modification is both “in harmony” and “in conflict” with the Comprehensive Plan. The decision of the Council may come down to how much weight and consideration the Council gives to one “Goal” over another. For instance, the Comprehensive Plan has Goals to promote commercial development, a diverse economy, and employment opportunities for residents. (Goals 7 and 8 in the 2019 Comprehensive Plan). Additionally, City Council may find that keeping the parcel at C-1 instead of M-F will manage the intensity of development and stabilize property values and tax rates. (Goal 4.) Adding C-1 neighborhood commercial also promotes a “small town feel.” (Goal 4). In light of these goals, the rezone/DA Mod application may be in “conflict” with the Comprehensive Plan because it is substituting townhomes for commercial uses.

However, the Comprehensive Plan also calls for (1) a variety of housing types and lot sizes, (2) multifamily and higher density housing near schools, transit stations and commercial areas, and (3) buffers between commercial and residential uses. (Goals 4 and 11 of the 2019 Comprehensive Plan). In this instance, the Rezone/DA Modification would appear to be “in harmony” with the Comprehensive Plan.

Again, the decision may come down to how much weight Council gives to one “Goal” over another “Goal.”





Comments Received from Surrounding Landowners: One written comment came in today, so it was not in the Council Packet uploaded last Monday. Ex. "A" is the June 16, 2021 opposition letter from Shawn Maybon. Mr. Maybon emailed the letter to every Council Member today, so you had early access to the letter and the ability to read the letter prior to this hearing.

Also, at the P&Z hearing on the application, there were public participants who made comments. They stated concerns over the effect of high density townhomes on traffic and city services. Crowded roads appeared to be the main concern.

Comments from Agencies: As to agency comments, COMPASS made the following conclusion: "The proposal provides a mix of residential and commercial, which can mitigate the impact of increased traffic. There are no plans for public transportation to this location.

A July 8, 2021, email from Black Canyon Irrigation stated that the District requires an easement for their ditches, and proper irrigation and drainage must be provided.

A June 6, 2021, analysis from ITD found that the proposed subdivision of 82 townhomes will impact the intersection of Hartley Road and Highway 44, which is already deemed a "failing" intersection and in need of a signal control. ITD estimates the cost of the signalized intersection of Highway 44 and Hartley Lane is \$1,181,233.



Applicant Information: Application was received and accepted on April 5, 2021. The Applicants are Todd Campbell/Jay Walker P.O. Box 140298, Boise ID 83714.

Notices & Neighborhood Meeting:

Dates:

Newspaper Notification	05/30/2021
Radius notification mailed to adjacent landowners within 300'	05/28/2021
Circulation to Agencies	05/28/2021
Sign Posting property	05/28/2021
Neighborhood Meeting	03/16/2021

Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.



Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission considered the Rezone and DA Modification application at a May 10, 2021 public hearing on the matter. The Planning & Zoning Commission denied the applications, stating that the high density townhomes were not appropriate for that location.

Now, the City Council is tasked with issuing a reasoned statement for its approval or denial of Applicant's Rezone & DA Modification applications. Specifically, City Council must determine whether the application requests are "in harmony" or "in conflict" with the Middleton Comprehensive Plan.

If the Council decides to deny the applications, State law requires the Council to identify what measures, if any, Applicant can take to gain approval.

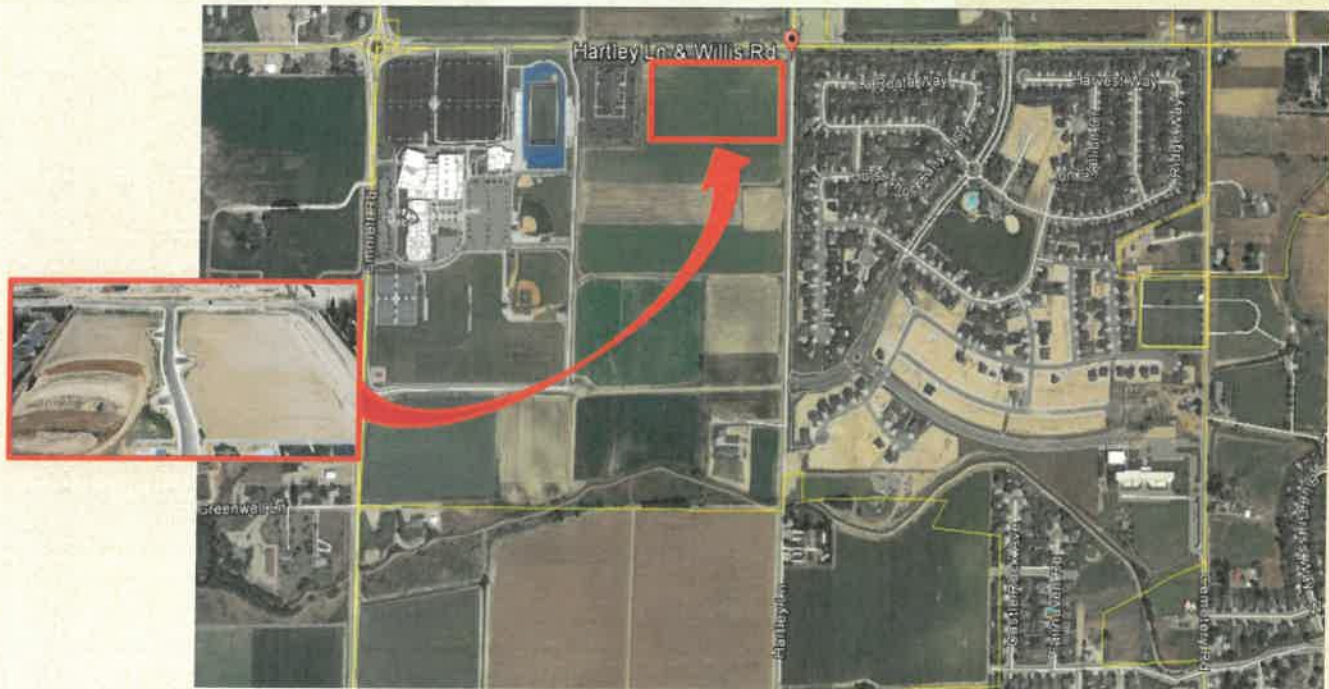
If Council is inclined to approve the applications, Planning Staff does not recommend any conditions of approval because any provisions that are necessary for future development are contained in the DA and/or handled by City Codes and Standards.

Prepared by Roberta Stewart – City Planner 6/16/2021

STONEHAVEN 12.5ac C-1/M-F SUBDIVISION

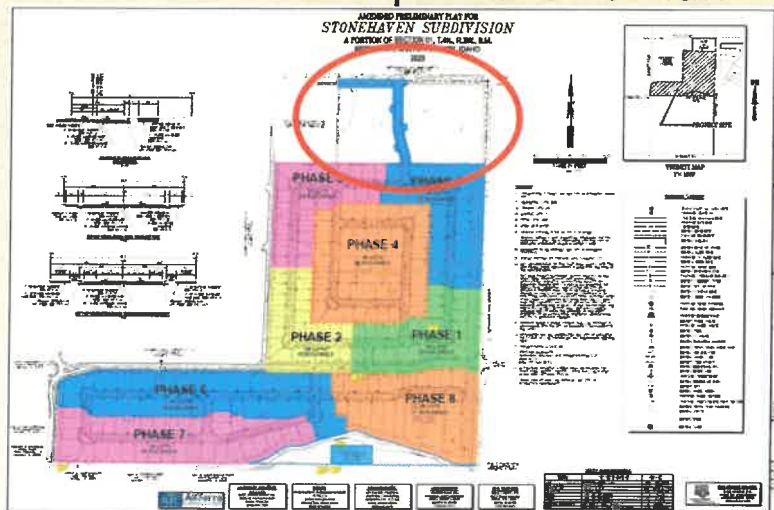
City Council Hearing

June 16th, 2021



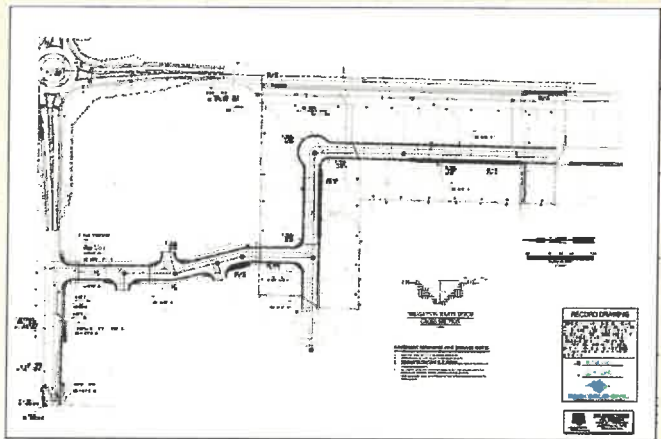
Stonehaven 12.5ac - Overview

Representing Paul Watson (Falkirk Holdings, LLC) & Todd Campbell Construction (TCCH, Inc), AllTerra Consulting is seeking to Rezone a portion of the existing commercial (C-1) zoned parcel R3444301300 in the northeast corner of the Stonehaven Subdivision southwest of Hartley Ln/Willis intersection to multi-family (M-F). Also, we are proposing the amendment of the current Development Agreement consistent with this partial residential use. This rezone & development agreement modification complies with Middleton's Comprehensive Plan and Land Use Map. The request also meets City codes and specifications.



SH 12.5ac - Request Summary

- Stonehaven 12.5ac is currently zoned entirely C-1 but we heard in meeting that Neighbors/Community Members unanimously want a transitional use to blend the R-3 with C-1 (neighborhood commercial) uses along Willis & Hartley.
- SH12.5 meets the desired transitional use for the surrounding R-3 uses to the north, east & south
- Complies with Middleton's Comprehensive Plan and Land Use Map which shows "residential use" for this area.
- Owners' proposal retains approx. 4 acres in the existing neighborhood commercial (C-1) zone along Willis & Hartley Ln arterials but rezones the southern portion approx. 8 acres to multi-family (M-F) townhomes single- family/owned dwelling units providing a transition to the existing R-3 surrounding single family residential subdivisions.
- All City Services stubbed to property
- Access exists on Willis/Edzell Roads
- Complete streets including sidewalks along Willis & Hartley for our kids – MHS happy
- Black Canyon Irrigation resolved - easements



SH 12.5ac – P&Z Summary

Planning & Zoning Commissioners made the following comments regarding Stonehaven Subdivision & the development team:

- This developer and consultant team creates some of the nicest subdivision/homes in Middleton,
-has bent over backwards to support and comply with the City, and
-developer's and consultant team's similar townhomes projects in Star/Eagle are beautiful and high quality.

Planning & Zoning acknowledgements:

- With SH12.5ac M-F addition, residential **transition** is assured
-, expensive land would be **donated** to the City to improve Willis and Hartley (incl. intersection); Will contribute to **improving** Hartley & SH 44 intersection
- ...Traffic will be **minimized** with zoning of M-F and C-1 versus ALL C-1 commercial
- ...Sidewalks along Willis and Hartley will be connected improving the **safety** of pedestrian traffic (especially kids to and from church and school)
- The market **will support** this build providing more options for families

SH 12.5ac – P&Z Summary

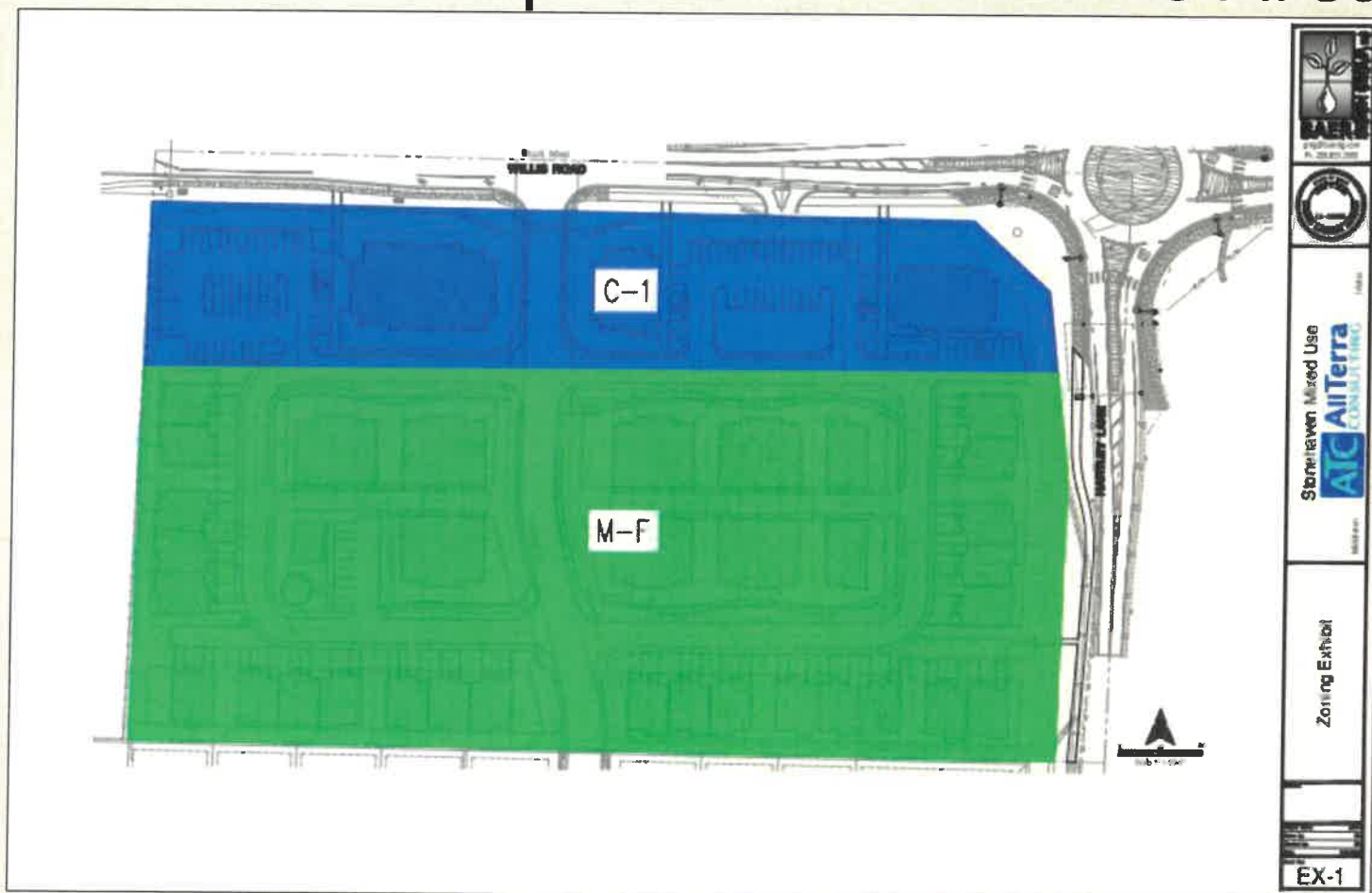
Planning & Zoning denied the application making comments like:

- We should just kick this down the road for now...
- It just isn't the "right time"...
- We really want more commercial in this area
- We can't let the market determine what we do
- I don't like townhomes...

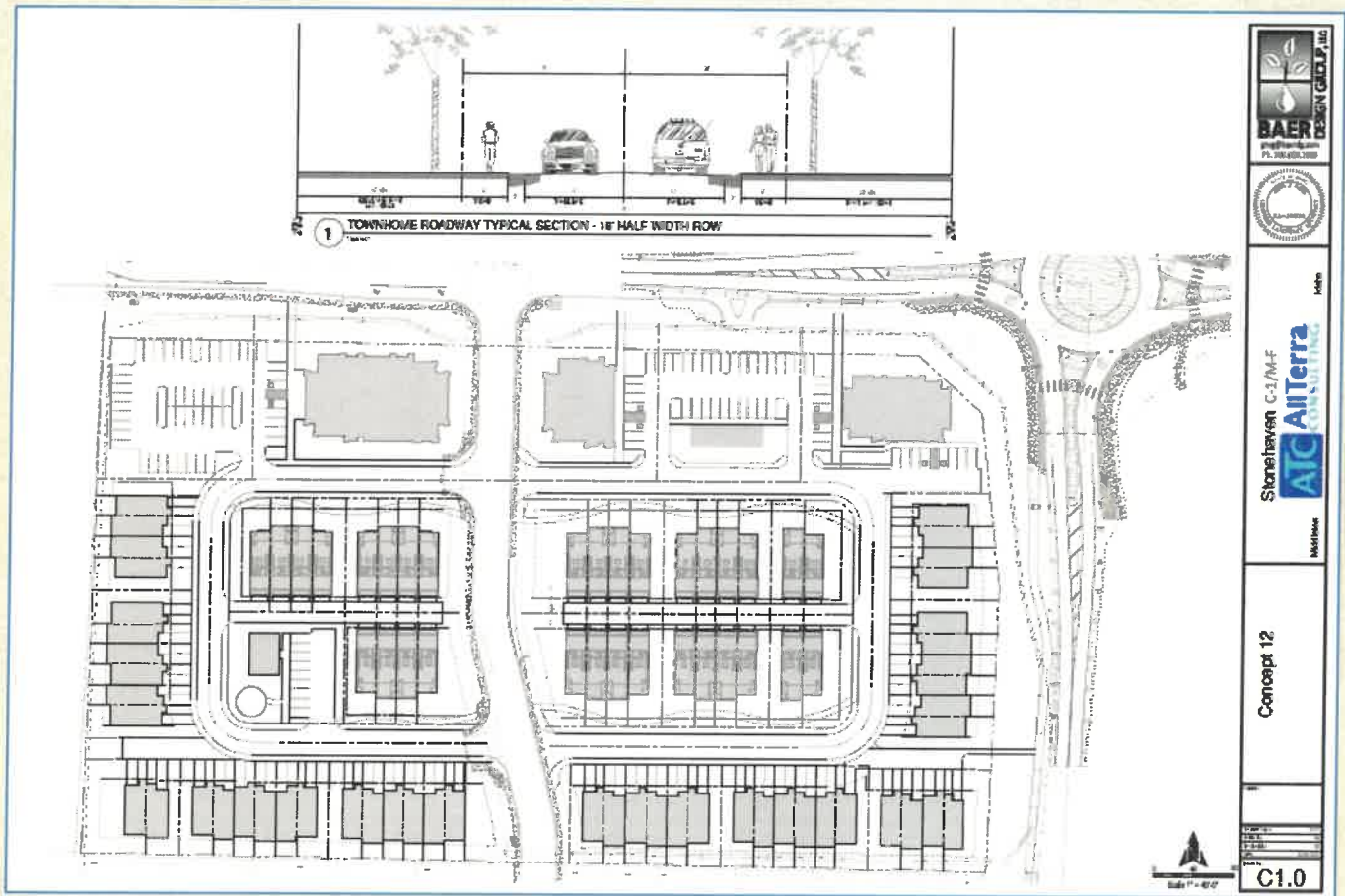
Without Stonehaven 12.5ac Development:

- C-1 commercial zone will push for commercial and less residential, if any
- Traffic more likely to increase with commercial development
- Expansion of Willis and Hartley including the needed ROW for an intersection improvement will not be donated (or sold to the City) leaving a dangerous, congested intersection uncontrolled.
- Additional funds useful to improve the Hartley and SH44 intersection will not be provided
- Sidewalk connectivity to the local church and school will not be provided
- High quality, more reasonable housing will turn into more commercial & industrial areas – judging townhome buyers as undeserving of living in "nicer areas"
- Land will become even more valuable as commercial ground is sold to possible aggressive commercial developers – commercial development timelines are uncertain & market driven

SH 12.5ac - Proposed M-F Rezone Area



SH 12.5ac - Final Design Concept Layout



SH 12.5ac - Final Concept Layout



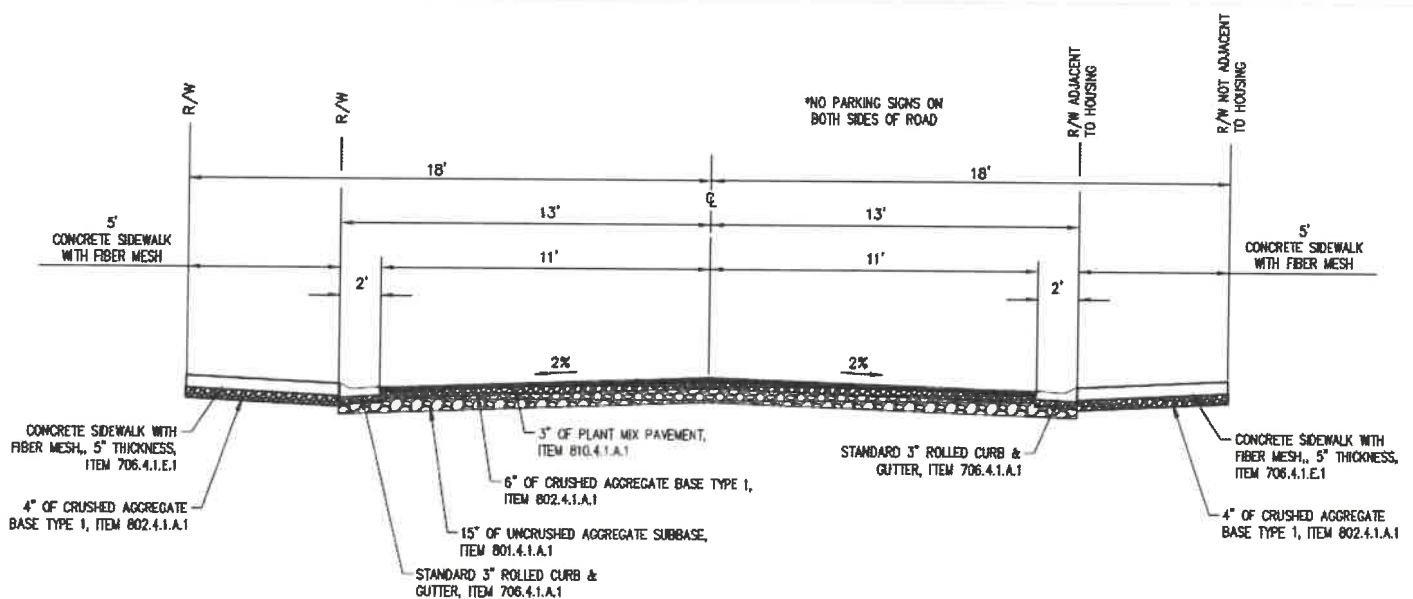
Stonehaven C1/A-F



Color Plan

C1.0

Townhome Roadway Typical Section - 18' Half Width ROW

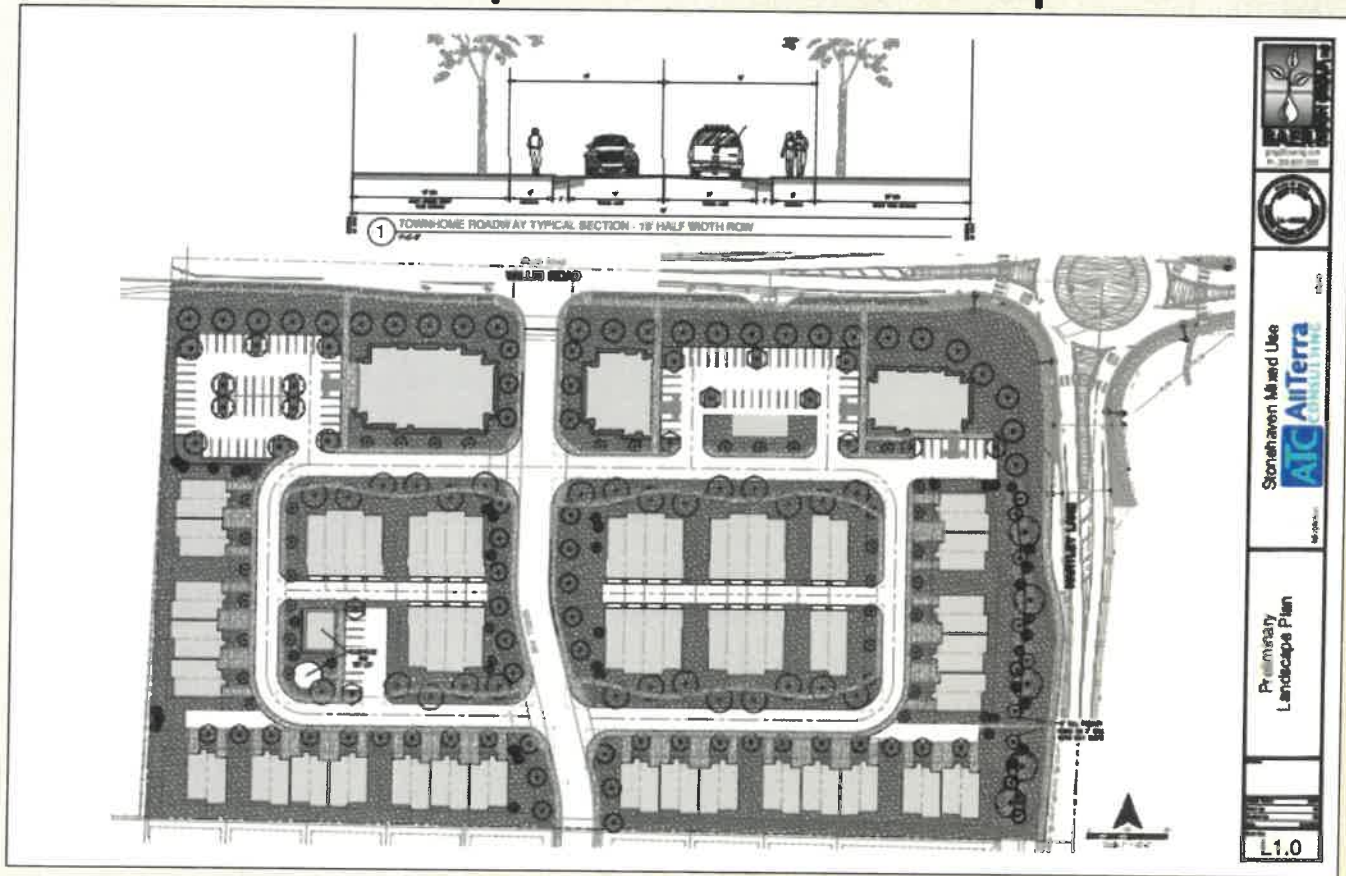


City of Middleton
Townhome Roadway Typical Section - 13' or 18' Half Width ROW

NOT TO SCALE

Public roads for internal circulation based on the City's above typical section.

SH 12.5ac - Proposed Landscape Concept



- Proposed amenities include community center, tot lot, walking paths and green space

Neighborhood Meeting

Neighborhood Meeting Notice

March 16, 2021

Subject: Stonehaven 12.5 - Commercial and Residential Development in Middleton, Idaho

The Rezone, Development Agreement Modification, and Preliminary Plat applications will soon be submitted to Middleton City Planning & Zoning for parcel No. R3444301300 located at the Southwest corner of Willis Rd and Hartley Ln in Middleton, Idaho. The owner desires to apply for entitlement on the approx. 12.5-acres for residential and commercial development purposes. The exhibit below depicts the "project area" in yellow. The meeting will be held on-site located at 0 Hartley Ln, Middleton, ID 83644.



A meeting has been scheduled to provide the opportunity for you to meet with project representatives, to review this proposal in greater detail, and ask questions.

Date: Tuesday, March 16, 2021
Time: 6:00-7:00 P.M.
Location: Project Site
Address: 0 Hartley Ln, Middleton, Idaho 83644

If you have questions prior to the meeting, please contact Jay Walker.

ANTerra Consulting 208-434-4470 or jwalker@anterraconsulting.com

ANTerra Consulting
www.anterraconsulting.com

849 E. State St., #104, Eagle, Idaho 83616
Tel. (208) 404-4479

Date and Time: March 16th, 2021 from
6:00PM – 7:00PM

Location: On site at Access Point

Attendees: 18 people from surrounding
Stonehaven and West
Highlands Subdivisions

Comments/Notes: interested in more
residential & transitional
use. Build nice product
that will help appreciate
home values in the
area.

Stonehaven 12.5ac C-1/M-F: aerial photo of existing conditions



Stonehaven 12.5ac – flyover of existing conditions on site today



SH12.5ac Proposed DA Modification

Recording Requested By and
When Recorded Return to:

Planning and Zoning Administrator
City of Middleton
P.O. Box 447
1103 W. Main St.
Middleton, Idaho 83644

For Recording Purpose Do
Not Write Above This Line

SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT

This Amended and Restated Development Agreement (this "Development Agreement"), made and entered into on the date as indicated herein, by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho ("Middleton"), and FALTRICK HOLDINGS, LLC an Idaho limited liability company ("Applicant") are sometimes referred to herein, as the common decedents, as ("Applicant"). Upon recordation of this Development Agreement, this certain Development Agreement recorded in the real property records of Canyon County, Idaho, on March 16th 2015, as instrument number 2015-010809 (the "First Restated Development Agreement") was amended and of no further force or effect. Then a First Amended and Restated Development Agreement replaced the Original Development Agreement recorded in the real property records of Canyon County, Idaho, on October 24, 2012, as instrument number 2012-041137 (the "Original Development Agreement") which shall be amended and of no further force or effect.

RECITALS

WHEREAS, Applicant is the owner of record of certain real estate consisting of approximately 12.5 acres (minus any all public ROW dedications) located on the southwest corner of Wilbur and Hartley Road near the address of 23561 Hartley Lane, Middleton, Idaho, 83644 (the "Property"), as specifically described in the attached legal description (Exhibit A) recorded in Canyon County Assessor's records as Parcel No. R34443, and as shown on the "Concept Plan" ("Exhibit B"); and

WHEREAS, Applicant has applied to the City by application to amend a portion of the Property from C-1 (Neighborhood Commercial) to single owned MF (Multi-Family) that portion being the property legally described in Exhibit C (the "MF Property"), identified as Middleton Razona Application No. _____ and which is subject to an application for modification of development agreement (DA Mod) identified as Middleton Development Agreement Modification, and

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ARTICLE III CONDITIONS ON DEVELOPMENT

- 3.1 Applicant will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Applicant will submit such applications regarding design review, preliminary and final plat reviews, and/or any conditional use permits, if applicable, and any other applicable applications as may be required by the Middleton City Code, which shall comply with the Middleton City Code, as it exists at the time such applications are made except as otherwise provided within this Agreement. Should the Middleton City Code be changed between the time of the approval of this Development Agreement and the applications referenced in this section 3.1, no such changes shall prevent the Applicant from developing the type and number of units as shown on the Concept Plan.
- 3.2 Applicant will develop substantially as shown in The Concept Plan (Exhibit A). As the Concept Plan evolves, the City understands and agrees that certain non-material changes in that concept may occur or be required through the remaining entitlement and design details for final approval.
- 3.3 The Commercial area is to be developed with a combination of product uses per City Code "Official Schedule of District Regulations" under the C-1 zoning designation except as limited in Section 3.4, below:
- 3.4 Except for the limitations and allowances expressly set forth above and the other terms of this Agreement, the portion of the Property remaining zoned as C-1 can be developed and used consistent with the C-1 District land uses allowed by the City Code "Official Schedule of District Regulations", existing at the time a design review application or conditional use permit application (whichever the case may be) is made for individual building use. All uses shown as "A" allowed under the C-1 zoning designation within Middleton City Code Section 5-4-1 "Official Schedule of District Regulations," shall be considered permitted uses and all uses shown as "S" special uses under the C-1 zoning designation shall require a special use permit.
- 3.5 The MF Property is to be developed with not more than eighty-four (84) individually planned Townhome products as shown on the Concept Plan.
- 3.6 City agrees and affirms that the use "Townhome" shall be allowed without further application. Any other use of the MF Property shall require an application for modification of this Development Agreement and whenever additional use permit applications are required by Middleton City Code Section 5-4-1 "Official Schedule of District Regulations"
- 3.6 Along with the application for Preliminary Plat approval, Applicant will provide a Traffic Impact Study (the "TIS") which will show the impact on the intersection of Wilbur and Hartley, and Hartley and SR44. A condition of approval of said Preliminary Plat will be

Page 1 of 9

that the Applicant shall pay for the reasonably proportional share of actual development improvement costs for said impact areas, the timing of which payments to be negotiated as part of the application for Preliminary Plat but fees shall not be payable later than after 50% of the permits being issued for the Property.

- 3.7 Applicant, as part of an approved Preliminary Plat, will include improvements to street frontages and right of way dedications to the City as shown on any Preliminary Plat application or modifications thereto as a condition of development.

SH 12.5ac – DA Mod Summary

- Application will develop the property subject to the conditions and limitations set forth in this Development Agreement for types and number of units as shown on the Concept Plan presented with this application – 4 C-1 Neighborhood Commercial & 84 M-F Multi Family Residential Townhome units
- Applicant will develop substantially as shown in the “Concept Plan – Exhibit “A” submitted as a part of this application and provided with this presentation.
- Commercial area is to be developed with a combination of product uses per City Code “official Schedule of District Regulations” under the C-1 zoning designation except as limited in Section 3.4
- All uses shown as “A: allowed under the C-1 zoning designation within Middleton City Code Section 5-4-1 “official Schedule of District Regulations” shall be considered permitted uses and all uses shown as “S” special uses under the C-1 zoning designation shall require a special use permit.
- M-F zoned property is to be developed with not more than eighty-four individually platted townhome products as shown on the concept plan.
- City agrees and affirms that the use “Townhome” shall be allowed without further application.
- Along with the preliminary plat approval, applicant will provide a TIS for scoped area immediately impacted by SH12.5ac including Willis/Hartley and Hartley/SH44 intersections.
- Applicant, as part of an approved Prelim Plat, will include improvements to street frontages and ROPW dedications to the City as shown on the final “Concept Plan” or Preliminary plat or modifications thereto as a contrition of development.

Similar Townhome Development of the Owner/Development Team (Pinewood Lakes – Star, Idaho)



Similar Townhome Development of the Owner/Development Team (Pinewood Lakes – Star, Idaho)



SH12.5ac Townhome and Layout - concept product (similar)



SH12.5ac Townhome and Layout - concept product (similar 2)



SH12.5ac Townhome and Layout - concept product (similar 3)



SH12.5ac Townhome and Layout - concept product (similar 4)



SH12.5ac Townhome and Layout - concept product (similar 4)



SH 12.5ac C-1/M-F Summary

STONEHAVEN 12.5ac SUBDIVISION will:

- **Infill a prominent corner of Middleton City next to public services**
- **Meet desires of both Neighbors and Owners to be transitional & consistent with residential surrounding area uses**
- **Provide improvements to infrastructure – sidewalk connectivity to adjacent church & school, widen streets, complete utility connections and provide landscape buffers to Willis & Hartley tying into surrounding buffers to west and south**
- **Connect to utilities stubbed to the property providing additional revenue to the City**
- **Provide upscale, variety townhome product as well as advance possible Neighborhood Commercial uses for community options**
- **Be compliant with all City and agency requirements**
- **Generate revenue for the local economy**

*****We ask for your recommendation of approval!**

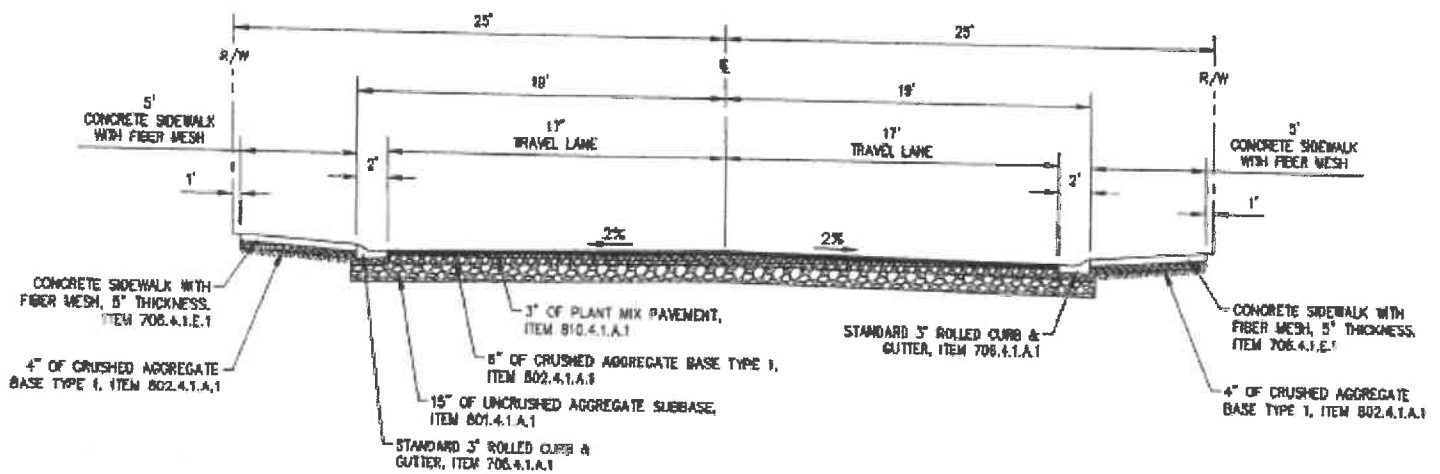
Questions?



Stonehaven 12.5ac

- Extra Slides

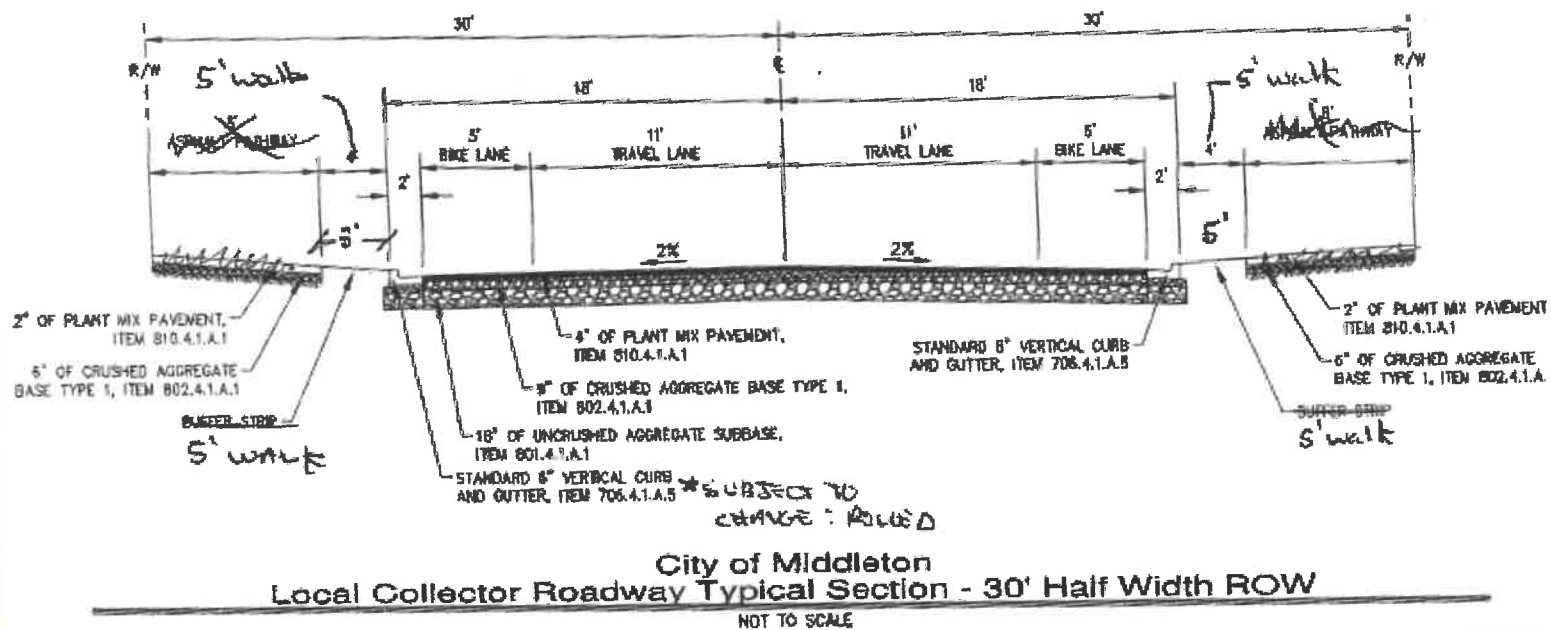
City Local Roadway Typical Section - 25' Half Width ROW



City of Middleton
Local Roadway Typical Section - 25' Half Width ROW

NOT TO SCALE

City Local Collector Roadway Typical Section - 30' Half Width ROW





Stonehaven: Falkirk Holdings LLC & Todd Campbell--Rezone & Development Agreement

June 16 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	JAY WALKER, ATC	849 E. STATE ST.	(208) 484-4479	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Shawn Maybon	1382 Larenta	(208) 989-6146	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	MIKE GRAEFE	1889 RIDGE WAY	208-529-6237	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Sandra Sanchez	1871 Ridge Way	208-585-6419	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Suzanne Leggett	12576 Cowboy	208-258-3459	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Stonehaven: Falkirk Holdings LLC & Todd Campbell--Rezone & Development Agreement

June 16, 2021 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
10	Dana Furrow	1679 Mustang Moss	208-989-5046			X	
11	Todd Campbell	13057 Meadowdale	941-9607	X			
12	Renee Watson	23565 Hartley	907-0067	X			
13	DAVID CLICHE	1574 FORT WILLIAMS ST	707-365-7328	X			
14	Kelsee Thompson	1400 N. Sea St.	208-949-8269	X			
15	Kent Thompson	1400 N. Sea St	385-251-2193	X			
16	Diane Cummings	1278 Stallions Springs Way	Kokiboo4499@gmail		X		
17	Andrea Archer	1871 Ridge Way	2085856119			X	
18	Mike Grabe	1889 RIDGE WAY	208-529-6887			X	

2



Stonehaven: Falkirk Holdings LLC & Todd Campbell--Rezone & Development Agreement

June 16, 2021 - City Council - Public Hearing

Please check

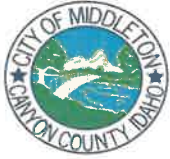
	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Tina Upton	1646 Fort Williams St	208-514-5208	X			
2	Dean Waite	4283 Nyxton Way	208-631-5052	✓			
3	Julie Essig	1592 Fort Williams	631-22 406-209-1024	✓			
4	Carlene Kuo	1031 Overland Trail	208-697-0863			✓	
5							
6							
7							
8							
9							



Public Comment Sign In

June 16, 2021 - City Council

	Name	Address	Phone or Email	Topic/Agenda Item #
11	James Taylor	1052 Triumph Dr	208602 8894	LEADWAY
12	Kent Thompson	1480 N. Sea St.	305-251-2413	
13	Amber Sanford	1871 Ridge Way	208585 6419	
14	Julia Toney			
15	DAVID CLICHE	1574 FORT WILLIAMS ST.	707-365-7328	# 3
16	Dean Waite	4283 Nyskam Way	208-631-5052	#3 Rezone
17	Carlene Thie	1031 Overland Trail	616 76	
18				
19				
20				



Public Comment Sign In

June 16, 2021 - City Council

	Name	Address	Phone or Email	Topic/Agenda Item #
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