
**MIDDLETON CITY COUNCIL
JANUARY 18, 2023**

The Middleton City Council Meeting was called to order on January 18, 2023, at 5:35 p.m. by Mayor Steve Rule.

Roll Call:

City Council: Council President Kiser, Council Members Huggins, Murray and O'Meara were present.

Mayor Rule, City Attorney Mark Hilty, City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart, Public Works Director Mr. VanGilder and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Mark Christiansen

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve Amended Agenda posted January 17, 2023. Motion seconded by Council Member O'Meara and approved Unanimously.

Action Item:

1. **Consent Agenda (items of routine administrative business) (Action Items)**
 - a. **Consider approving minutes for City Council January 4, 2023, meeting.**
 - b. **Consider ratifying payroll for January 13, 2023, in the amount of \$ 113,205.07.**
 - c. **Consider approving accounts payable through January 13, 2023, in the amount of \$778,960.82.**

Mayor Rule called items and Council President Kiser stated he had reviewed the accounts payable.

Motion: Motioned by Council President Kiser to approve Consent Agenda Items 1 a-c. Motion seconded by Council Member O'Meara and approved unanimously.

2. **Consider approving Mayor's recommendation to appoint Matthew Watkins as a Planning and Zoning Commissioner. - Mayor Rule**

Mayor Rule called the item and explained that Ray Waltemate has served well on the P&Z Commission for over 5 years. He had asked Ray to stay on even past his term until a replacement could be found. He believes Matthew Watkins will fill that position well.

Matthew Watkins gave a brief introduction and background of himself.

Motion: Motion by Council President Kiser to approve Mayor's recommendation to appoint Matthew Watkins as a Planning and Zoning Commissioner. Motion seconded by Council Member O'Meara and approved Unanimously.

3. **Consider authorizing the Mayor to sign a grant application a Idaho Department of Parks and Recreation grant application committing a 20% match in the amount of \$20,557.00 for a 10" wide asphalt pathway in River Walk Park. - Ms. Crofts**

Mayor Rule called the item and City Administrator Ms. Crofts explained the grant

application in regards to the 10' wide asphalt pathway in River Walk Park. She said the city has been successful with this type of grant funding 6 years ago. They build sections at a time so that it becomes affordable to the program and the request is not shut down because too much was asked for.

Discussion about timing ensued.

Motion: Motion by Council President Kiser authorizing the Mayor to sign a grant application a Idaho Department of Parks and Recreation grant application committing a 20% match in the amount of \$20,557.00 for a 10" wide asphalt pathway in River Walk Park. Motion seconded by Council Member O'Meara and approved Unanimously.

4. Consider approving the scope of work from T-O Engineers in the amount of \$19,250 to provide preliminary design and flood plain permitting for the River Walk Phase 1 pathway and parking lot. - Ms. Crofts

Mayor Rule called the item and City Administrator Ms. Crofts explained this is to design a parking lot and outline the design of the pathway. This study is also needed because River Walk Park is in the floodplain and will require 404 permitting, a conceptual utility plan, and Floodplain Development Permit.

Motion: Motion by Council President Kiser approving the scope of work from T-O Engineers in the amount of \$19,250 to provide preliminary design and flood plain permitting for the River Walk Phase 1 pathway and parking lot. Motion seconded by Council Member O'Meara and approved Unanimously.

5. Consider adopting the Water System Master Plan dated December 2022 as prepared by HDR|SPF as the official facility plan for the City's drinking water utility. The plan was approved by the Idaho Department of Environmental Quality as described in their letter dated December 29, 2022. - Mr. VanGilder

Mayor Rule called the item and Public Works Director Mr. VanGilder explained the City's Water System Master Plan is complete and needs to be adopted by the City as the official plan. It has already been approved by IDEQ.

Motion: Motion by Council President Kiser to adopt the Water System Master Plan dated December 2022 as prepared by HDR|SPF as the official facility plan for the City's drinking water utility. The plan was approved by the Idaho Department of Environmental Quality as described in their letter dated December 29, 2022. Motion seconded by Council Member O'Meara and approved Unanimously.

6. Consider Approving Resolution 480-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING THE CITY OF MIDDLETON 2022 WATER SYSTEM MASTER PLAN AS THE FACILITY PLAN FOR THE DOMESTIC WATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE.

Mayor Rule called the item and Public Works Director Mr. VanGilder explained this was the formal Resolution to approve the Water Master Plan.

Motion: Motion by Council President Kiser to read Resolution 480-23 by Title Only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call

Vote.

Motion: Motion by Council President Kiser to approve Resolution 480-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADOPTING THE CITY OF MIDDLETON 2022 WATER SYSTEM MASTER PLAN AS THE FACILITY PLAN FOR THE DOMESTIC WATER SYSTEM; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

7. **Public Hearing: Consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023. The fee increases or new fees are necessary to cover increased costs associated with these programs/services. Thumb Drive \$2.00 per drive, Background Check was \$40 approve \$65 and Floodplain Development Requiring Technical Review \$480.00. - Ms. Crofts**

Mayor Rule opened the public hearing at 6:10 p.m.
Ms. Crofts presented the proposed fees. (Exhibit 1)

Mayor Rule opened Public Comment at 6:12 p.m.
None
Mayor Rule closed Public Comment at 6:12 p.m.
Mayor Rule closed the Public Hearing at 6:13 p.m.

8. **Consider Approving Resolution 479-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW ADDITIONAL ADMINISTRATIVE FEE FOR THUMB DRIVE, INCREASING BACKGROUND CHECK PERMIT FEE, AND ADDING NEW FLOODPLAIN DEVELOPMENT REQUIRING TECHNICAL REVIEW TO THE CITY'S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE.**

Motion: Motion by Council President Kiser to read Resolution 479-23 by Title Only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve Resolution 479-23: A RESOLUTION OF THE MIDDLETON CITY COUNCIL, MIDDLETON, CANYON COUNTY, IDAHO, ADDING NEW ADDITIONAL ADMINISTRATIVE FEE FOR THUMB DRIVE, INCREASING BACKGROUND CHECK PERMIT FEE, AND ADDING NEW FLOODPLAIN DEVELOPMENT REQUIRING TECHNICAL REVIEW TO THE CITY'S FEE SCHEDULE; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

9. **Public Hearing: (Continued from August 3, 2022) Applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street and 0 Hwy 44 (Tax Parcel Nos. R17900010 and 17900011). The proposed preliminary plat consists of 12 single family residential lots, 25 townhome lots, three commercial lots, and six common lots on approximately 9.5 acres of land zoned Canyon County Agricultural. Applicant is requesting zone changes to City**

of Middleton C-3 (2.54 acres “Heavy Commercial”), M-F (3.04 acres “Multi-Family”) and R-3 (4.09 acres Single Family Residential). - Ms. Stewart

Mayor Rule opened the Public Hearing at 6:14 p.m.

Planning & Zoning Official Ms. Stewart gave a PowerPoint presentation of the staff report for the applications (Exhibit 2). She also added a late exhibit into the record, Exhibit G.

Mayor Rule stated an Auto Repair shop has asked about a C-3 location, and perhaps even that commercial lot.

Council Member Murray asked Ms. Stewart if an Auto-Repair shop is an allowed use in C-3 zoning?

Ms. Stewart replied it is.

Applicant: Hethe Clark gave a presentation of the project (Exhibit 3).

Mayor Rule opened Public Comment at 6:39 p.m.

William Vehnekamp: Opposed. Proposed housing is too dense, and he is concerned about the commercial zoning of C-3, especially chemicals that the neighborhood could be exposed to.

Susie Huter: Opposed. Concerns about housing density, C-3 zoning and traffic.

Mayor Rule: Asked when she bought her house, did she see that the street was stubbed out for future development?

Susie Huter: She did know it eventually was happening, but she is not happy about it.

Mike McDougall: Opposed. Townhomes are not consistent with surrounding area.

Landon Helgeson: Neutral. Doesn't have an issue with the planned development. He wants to know where the irrigation water pumphouse will be located. Is there a plan for mitigating dust and noise in the early morning and late-night hours?

Rebuttal: Applicant: Hethe Clark

- The property is for sale, however his client is doing the development of the Residential. Commercial will be developed by the commercial developer.
- Pumphouse is located in the northwest corner.
Mayor Rule: How do you mitigate noise from pumphouses?
Hethe Clark: He is not an expert on that, so would need to talk to the engineer. They are willing to work with Mr. Helgeson to find a solution if needed.
- Regarding the dust and noise mitigation, they will follow best practices and adhere to all Middleton City Code requirements.
- They are paying \$250,000 as required by the TIS and Mid-Start Traffic Impact Fee.
- Connectivity is a good thing, and roads need to connect.
- There is no interface between the Commercial and Residential.
- They are open to discussing C-2. The city had suggested C-3 there.
- They have agreed to no windows on the backside of the second story townhomes against the Westwood Subdivision.
- Jurisdictions go through the process of planning. The future land use map shows this area as Mixed-Use and Commercial.

Mayor closed Public Comment at 7:00 p.m.
Mayor called brief recess at 7:00 p.m. Meeting resumed at 7:09 p.m.

Discussion by Council about zoning.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for annexation and rezone of the Reed's Landing project parcel subject to C-3 zoning being changed to C-2, and subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for development agreement subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Motion: Motion by Council President Kiser to approve, based upon the facts and law presented, the application of Taylor Schmidt/BST DEV for preliminary plat subject to the conditions of approval set forth in the Staff Report for the public hearing. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Mayor Closed the Public Hearing Closed: 7:17 p.m.

10. Consider authorizing the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in the design and construction of Interim Operational Improvements to SH44.- Mr. VanGilder

Mayor Rule called the item and Public Works Director explained this application is part of a ten-year planning horizon.

Motion: Motion by Council President Kiser to authorize the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in the design and construction of Interim Operational Improvements to SH44. Motion seconded by Council Member O'Meara and approved unanimously.

11. Consider authorizing the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in constructing the Middleton Riverwalk Park – Phase 1 Trail. - Mr. VanGilder

Mayor Rule called the item and Public Works Director explained this application is part of the grant to fund the pathway along River Walk Park.

Motion: Motion by Council President Kiser to authorize the Mayor or his designee, to sign a COMPASS funding application on behalf of the City for funding financial assistance in constructing the Middleton Riverwalk Park – Phase 1 Trail. Motion seconded by Council Member O'Meara and approved unanimously.

Public Comments:

Cindy Powell: Questions regarding private property, Comprehensive Plan update, ITD Bypass and trees planted by Urban Renewal Agency on corner of SH44 and N. Dewey.

Mayor Rule: ITD is currently weighing other options for the area of Bypass.

Jason VanGilder: ITD has published and RFQ for study assessing the corridor.

Mayor and Council Comments

Murray: Received complaints about gravel trucks on Sawtooth Lake Dr.

Mayor: Knife River is not using Sawtooth Lake Dr. He will put out a reminder to Knife River to inform the other companies that use the gravel pit to go around. And they can put up some simple signage to direct the trucks to go up S. Cemetery Rd and then around.

Huggins: Comprehensive Plan Update? Where are we with that?

Mayor Rule: We are looking to hire someone to do the Comprehensive Plan Update.


Mayor: Building permits are way down the last 3 months. The treasurer is watching the budget very closely.

The city has been saving and budgeting for Vac/Excavation Truck. It was finally delivered today.

Becky Crofts: 310 Murphy Street house has been torn down. The city public works department did a great job getting that done.

Adjourn: Mayor adjourned the meeting at 7:37 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: February 1, 2023


Mayor Steve Rule



LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Middleton City Council is scheduled to hold a public hearing at 5:30 p.m. Wednesday, January 18, 2023, at City Hall, 1103 W Main Street, Middleton Idaho to receive public comments and consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023. The fee increases or new fees are necessary to cover increased costs associated with these programs/services.

<u>Current Fee</u>	<u>PROPOSED FEE</u>
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ADMINISTRATIVE

Thumb Drive	\$2.00 per drive
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PERMIT

Background Check	\$40	\$65
Floodplain Development Requiring Technical Review	\$480	

January 10, 17, 2023	320284
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Reed's Landing Subdivision
Annexation/Rezone, Preliminary Plat & Development Agreement
Middleton City Council
Public Hearing January 18, 2023



VICINITY

1

Project Description & Applications: This is a continued hearing on an ITO project involving three commercial lots, 12 single family residential lots, and 20 townhome lots on 8.7 acres of land currently zoned Cargen County "Agricultural".

Applicant, Taylor SchmittDEV LLC, is requesting annexation and zone changes to City of Middleton C-3 "Heavy Commercial" (2.35 acres), M-F "Multi-Family" (2.58 acres) and R-3 "Single Family Residential" (4.05 acres). Applicant has also submitted applications for preliminary plat and development agreement.




2

City Council considered the three applications in a public hearing on August 3, 2022. After presentations by Staff and the Applicant, and after the public comment period, City Council closed the public hearing, and Council began considering the facts and law before it. City Council noted that the Applicant had not obtained a permit from ITD to access the commercial portion of the subdivision off of Highway 44. The consequences could result in commercial access being taken through the residential portion of the subdivision to the north. City Council did not want to approve the subdivision without proof of adequate access on Hwy 44, so Council moved to continue the applications to a date after Applicant obtains such proof.


On December 14, 2022, Vince Trivelpiece, who is the "Strategic Planner & Communication Manager" for ITD, contacted an email to the City stating the ITD will approve an approach permit to serve the commercial portions of the Reed's Landing Subdivision as long as the developer constructs a westbound right turn lane. The email was attached as Exhibit "A.1" to the Staff Report. Thereafter, Applicant revised its preliminary plat to add the right turn lane in compliance with the ITD conditions, and that is the preliminary plat before Council tonight. (Exhibit "A.2" to Staff Report).

Applicant is now returning to City Council for further consideration of its applications for annexation, development agreement, and preliminary plat in light of the change of circumstances with the ITD approach permit.

The rest of the presentation will be a quick translated version of the previous presentation for the hearing that was continued last August.



3




City Services: City water and sewer are adjacent to the project site and easily accessible to the project. This is typical of an ITO project.

4

Traffic, Access & Streets: For the commercial portion of the project, access will be off of Hwy 44. The access will be lined up with the access for Viking Storage to prevent any traffic conflicts.

The residential portion will take access off of local streets Lombard and Hickbury.


Developer will build local roads and improve drainage along Hwy 44, including the right turn lane required by ITD. Developer/Builder will also pay over \$200,000 in Mid-Size Transportation impact fees and provide traffic fees.



5

Open Space & Amenities: Developer has provided over 13% open space.

Amenities include three large common lots for social gathering. One of the large common lots contains a pathway, playground, benches and shade structure with multiple picnic tables.



6

Annexation and Rezone: Applicant is requesting that the nine acre ITO project be annexed into the City of Middleton with a zone change to C-3 "Heavy Commercial" (approx. 2.35 acres), M-F "Multi-Family" (approx. 2.58 acres) and R-3 "Single Family Residential" (approx. 4 acres).


Planning Staff stated in the previous portion of the hearing that Applicant has met the 2 requirements for annexation:

- 1) The property is contiguous to City limits.
- 2) City services can be extended to the site in an orderly, efficient and economical manner. Again, this is typical of an ITO site where the infrastructure is already built up around the project.

Planning Staff also found, in the earlier portion of the hearing, that Developer met the requirements for a rezone:

- 1) The rezone will not adversely affect the City's delivery of services.
- 2) The rezone request is not in conflict with the Comprehensive Plan. (Update Code 97.0511)

If this project is approved tonight, Staff will bring an annexation ordinance to council at the next appointed meeting.



7

Preliminary Plat Application: The preliminary plat shows two phases for development: The Multi-Family and R-3 zones comprise Phase 1. The three commercial lots comprise Phase 2.

City Engineer Amy Woodruff reviewed the newly revised plat with the right turn added on Hwy 44, and she stated in her recommendation letter that the plat complied with all pertinent codes and standards.


Planning Staff also finds that the preliminary plat complies with all Middleton codes and standards other than the variance request to allow a portion of the "detritus" Areas to be set back to allow access to the ditch easement.



8

Development Agreement: A Development Agreement (DA) Application is required for any request to rezone property. The conditions of development set forth in the proposed DA are:

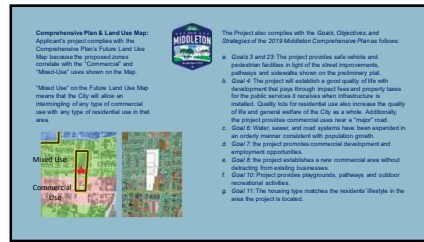
1. Developer will develop the community and townhomes generally consistent with the concept plans attached to the DA.
2. The existing styles of townhomes shall undergo design review pursuant to MCC 15.0-8.
3. Developer shall construct the following amenities: park with benches and playground, and shade structure with at least 2 picnic tables.
4. Developer/Owner shall create the entire 24 acre parcel fronting Hwy 44 to be dedicated to ITD for right of way when Phase 2 develops.
5. The Reed's currently has on the project site in the portion of the project that will be zoned commercial if this project is approved. The DA provides that the Reed's home-site will be deemed an allowable non-conforming use. They may remain on site and use the commercial parcels for residential purposes, but they may not apply to the City for any improvement permits that would increase the non-conforming residential use. Once the Reed's vacates the site, the parcels may be used, rented, or sold only for commercial purposes in compliance with uses set forth in the C-3 zone.



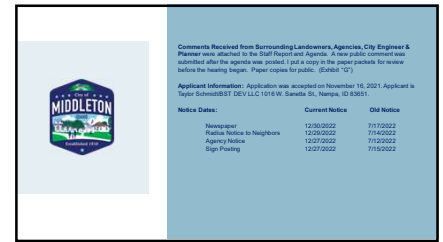
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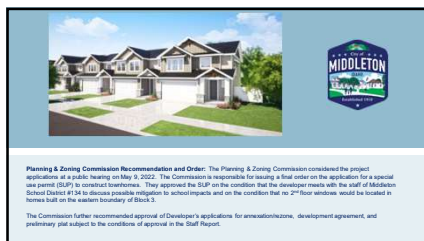
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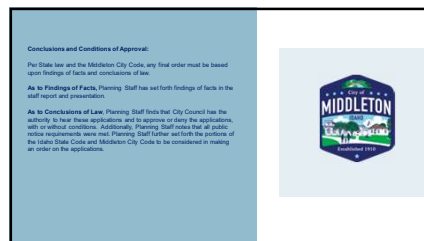
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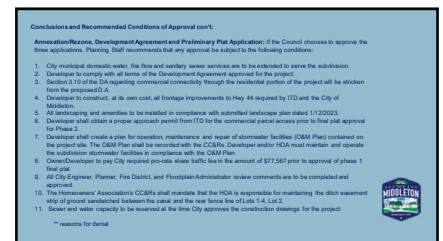
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15

Reed's Landing EXHIBIT "G"

From: S. Lestelle
To: Roberta Stewart
Subject: Re: Comments on Reed's Landing Subdivision for Public Hearing at 5:30pm Wednesday, January 18, 2022
Date: Tuesday, January 17, 2023 9:46:32 AM

To Whom It May Concern,

My family would like to submit the below comments concerning the Annexation/Rezone, Preliminary Plat, and Development Agreement (Reed's Landing Subdivision). We feel these points warrant enough concern to not build the proposed development, and provide additional rationale about decreasing the requested density of homes.

Point #1 – The concern remains that building this many homes increases traffic through the neighborhoods, which we don't feel has been properly accounted for. This development is not similar to neighboring ones – for example, the bordering Westwood neighborhood has 16 single family homes, some on more than 0.25 acres (including our own home). Developers want to put in 37 homes, which is more than double, and none of them have the spacing/acreage we have. Additionally, there has been zero discussion about putting up stop signs, speed limit signs, pedestrian caution signs, etc. Additionally, if IDT advises not to build an entryway from Highway 44, then the only way to get through to the commercial properties is through the residential roadways, that creates immense noise and light pollution and congestion.

Point #2 - The bond for schools did not pass, which means this community does not want to put forth the funds to build new schools. The school boards have already spoken that they are over capacity and are using hallways and bungalows to accommodate the current student bodies. By approving this development to allow such a density of homes (37) will be ignoring that fact at the detriment of the education of Middleton children and the new students who will inevitably have to enroll and contribute further to overcrowding. We are putting developments over our children's education and safety.

Point #3 – If this development does pass, I have concerns about the quality of separation between the commercial and residential properties. A small, thin vinyl fence will not be enough to cut down on the noise and light pollution. I propose a concrete wall be built between the commercial and residential properties like the Eagle and Star developments that have the walls built between their properties and Highway 44.

Please let me know if you have any further questions or need clarification. We look forward to the meeting on Wednesday to discuss this development.

Thank you,

The Vehnekamp Family
Westwood Neighborhood

REED'S LANDING

Middleton City Council
January 18, 2023

CLARK
WARDLE

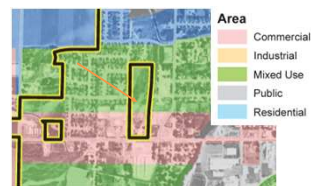
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PROJECT LOCATION



2

FUTURE LAND USE MAP



3

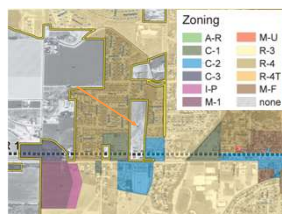
Mixed-Use Comp Plan Designation

Mixed-Use

This land use designation is a combination of residential and commercial. The appropriateness of specific projects and developments will be evaluated on location, orientation, and design. This designation is intended to deliberately and creatively mix uses for the betterment of the project as a whole. Developments might include business parks, mixed density residential and mixtures of commercial and residential.

4

AREA ZONING



5

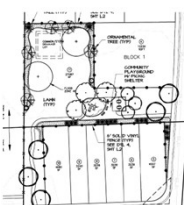
SITE LAYOUT



- 3 commercial lots
- 12 single-family residential lots
- 25 townhome lots
- Zones:
 - R-3 (single-family)
 - M-F (multi-family)
 - C-3 (commercial)

6

AMENITIES



- 13% open space
- Three common lots
- Playground, shade ramada, picnic tables, benches
- Trail connections

7

P&Z Recommendation

- Recommend approval with request to meet with school district



8

CITY COUNCIL – PRIOR HEARING

- City Council requested ITD confirmation of access onto SH44
- ITD finally approved in December 2022

9

SUMMARY

- Infill project
- Consistent with planning
- Agencies have all approved
- In agreement with Staff Report and Development Agreement language

10

QUESTIONS?

11

RESIDENTIAL TRANSITION



12

Commercial Comp Plan Designation

Commercial

This land use primarily serves to provide local commercial services and daily needs. As development becomes more automobile dependent, this type of development should be located on major arterials. While extremely important to the

13

PROJECT ELEVATIONS



14



7): Consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning January 19, 2023

January 18, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	Trent Saxton	7062 W. Six Shooter	530-417-0962		✓		
2							
3							
4							
5							
6							
7							
8							
9							



Application for annex/rezone, preliminary plat, and development agreement with respect to Reed's Landing Subdivision

January 18, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
1	William B. Whitman	Westwood Sub 83644				X	
2	Landon Helgeson	405 GARDEN COURT	208 901 4501		X		
3	Susie Huter	Westwood Subdivision				X	
4	MIKE GORNEFE	1489 RIDGE WAY	208-527-6277				
5	Mine McDowell	13037 GREY				X	
6							
7							
8							
9							



Public Comment Sign In

City Council - January 18, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Landon Helgeson	405 GARDEN COURT	208 901 4501	REED'S LANDING QUESTION
2	Minae McDougall	13037 GREENWELL	208 606 2273	REEDS LANDING GREENWELL
3	Cindee Powell	P.O. BOX 533	208.340.0795	General Questions
4				
5				
6	William V. Vinters	Westwood Sub		Reeds Landing
7				
8				
9				
10				