
**MIDDLETON CITY COUNCIL
FEBRUARY 1, 2023**

The Middleton City Council Meeting was called to order on February 1, 2023, at 5:31 p.m. by Mayor Steve Rule.

Roll Call:

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

Mayor Rule, City Attorney Douglas Waterman, City Administrator Ms. Crofts, Planning & Zoning Official Ms. Stewart and Deputy Clerk Ms. Reynolds were present.

Pledge of Allegiance, Invocation: Jim Taylor

Action Items

A. Approve Amended Agenda

Motion: Motion by Council President Kiser to approve Amended Agenda posted January 30, 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 18, 2023, meeting.**
 - b. **Consider ratifying payroll for January 27, 2023, in the amount of \$ 130,213.13.**
 - c. **Consider approving accounts payable through January 27, 2023, in the amount of \$153,489.37.**
 - d. **Consider approving FCO for Reed's Landing Subdivision approval.**
 - e. **Consider authorizing the Mayor, or his designee, to execute a contract with Integrity Inspection Solutions, Inc. for cleaning and CCTV inspection of sanitary sewer pipelines within the City for an amount not to exceed \$49,500.**

Mayor Rule called items and Council President Kiser asked Council if they had a questions regarding the accounts payable. None.

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

2. **Consider approving Mayor's recommendation to re-appoint Marisela Shumway to serve on the Middleton Library Board. - Mayor Rule**

Mayor Rule called the item and explained Marisela Shumway has been serving on the Library Board, but her term is expired so for her to continue serving on the Board she needs to be reappointed. He said the Library Board and Library Director are doing good work.

Motion: Motion by Council President Kiser to approve Mayor's recommendation to re-appoint Marisela Shumway to serve on the Middleton Library Board. Motion seconded by Council Member O'Meara and approved unanimously.

3. **Consider approving Mayor's recommendation to appoint April Wilke, to the Impact Fee Committee. - Mayor Rule**

Mayor Rule called the item and City Administrator, Ms. Crofts explained the state requirements of those asked to serve on the Impact Fee Committee. Ms. Crofts said that Ms. Wilke would fill the “real estate/developer” position on the board. Mayor Rule then invited April Wilke to give a brief introduction of herself.

Motion: Motion by Council President Kiser to approve Mayor's recommendation to appoint April Wilke, to the Impact Fee Committee. Motion seconded by Council Member O'Meara and approved unanimously.

Council Member Huggins stated that Council Member David Murray had contacted her and is in full agreement to April's appointment to the Impact Fee Committee.

- 4. Consider approving a final payment of \$46,915 for the S. Cemetery Road Phase I extension to Idaho Transportation Department for the outstanding non-participation amount for estimate 12 of \$41,715 and additional participation match \$5,200. – Ms. Crofts**

Mayor Rule called the item and City Administrator, Ms. Crofts explained this the final payment for the S. Cemetery Road, Phase 1 extension. Middleton's contribution was \$551,000 of the total 4.7 million cost of the project. The amount of the final payment is \$46,915.00.

Motion: Motion by Council President Kiser approving a final payment in an amount not to exceed \$46,915 for the S. Cemetery Road Phase I extension to Idaho Transportation Department. Motion seconded by Council Member O'Meara and approved unanimously.

- 5. Consider approving Deed of Easement Agreement- Non Exclusive Easement Agreement and Road Maintenance Agreement between the City of Middleton the following parties; Holbrook and Evelyn Mason, Richard and Joyce Smith, Cosgrove Living Trust, Ripley Stevens Living Trust, Bruce and Becky Hubler, William and Betty Hubler. Ms. Crofts**

Mayor Rule called the item and City Administrator, Ms. Crofts explained the purpose of the Easement Agreement. City Attorney Douglas Waterman said that the easement goes away at the point that the City converts to ROW. But in the meantime, the easement accomplishes the purpose that the property owners need, and keeps the City safe as well.

Motion: Motion by Council President Kiser to approve the Deed of Easement Agreement- Non Exclusive Easement Agreement and Road Maintenance Agreement between the City of Middleton the following parties; Holbrook and Evelyn Mason, Richard and Joyce Smith, Cosgrove Living Trust, Ripley Stevens Living Trust, Bruce and Becky Hubler, William and Betty Hubler. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call vote.

- 6. Consider approving final plat for the Piccadilly Square Subdivision. Ms. Stewart**

Mayor Rule called the item and Planning & Zoning Official, Ms. Stewart presented the final plat.

Motion: Motion by Council President Kiser approve the final plat for the Piccadilly Square Subdivision. Motion seconded by Council Member Huggins and approved unanimously.

7. **Consider approving Ordinance 669 which is AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS 2.35 ACRES TO C-2 (LIGHT COMMERCIAL), 2.98 ACRES TO M-F (MULTI-FAMILY) AND 4.09 ACRES TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (Reed's Landing Subdivision – carry over from last Council meeting – Ms. Stewart)**

Mayor Ruled called the item and Ms. Stewart explained this Ordinance is the clean-up for the annexation of Reed's Landing.

Motion: Motion by Council President Kiser to read Ordinance 669 by title only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Council President then read Ordinance 669 by title only.

Motion: Motion by Council President Kiser to waive the 3-reading rule and pass Ordinance 669. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

8. **Public Hearing: Application by Rowe Sanderson/Crown Capital Holdings, LLC and Matrix Engineering for annexation/rezone and development agreement with respect to a parcel located at 24625 Middleton Road, Middleton, Idaho (tax parcel no., R375640). The annexation involves approximately 6 acres of land with an existing home currently zoned Canyon County Agricultural. Applicants are requesting a rezone to R-3 (single family residential). – Ms. Stewart**

Mayor Rule opened the public hearing at 5:51 p.m.

Planning & Zoning Official, Ms. Stewart presented a PowerPoint of the application (Exhibit 1). She entered into the record a late exhibit (Exhibit E).

Applicant Representative: Ben Semple of Matrix Engineering discussed the project and referred to Ms. Stewart's PowerPoint. He said in response to the recommendation from the Planning & Zoning Commission, that an R-2 zoning designation will not work for his client. It becomes cost prohibitive.

Mayor Rule opened the public testimony at 6:08 p.m.

Kim Holden: Opposed. Concerned about density, traffic, overcrowding of schools.

Janet Melligh: Opposed. Question about how other properties zoned R-3 were actually developed?

Steven Radke: Opposed. Question – If R-3 zoning is approved, at what point do we get to see the Pre-plat, and why isn't a pre-plat required now?

Ms. Stewart: If the R-3 zoning is approved tonight, the Council is basically saying the developer can anticipate approval of the pre-plat if it meets R-3 city code.

Mike Graefe: Neutral – Concern with density.

Rebuttal: Ben Semple

- Small impact to school as stated by school district.
- Streets all set up to meet access code.
- Middleton Rd will be widened at the cost of the developer.
- Development in the area is R-3.
- Not required to submit a pre-plat with this application.
- Administrative lot line will retain the ¾ acre at the existing home site.
- The Development Agreement allows up to 15 lots.
- Reached out to Fire Department, they did not respond.
- In response to Janet Melligh, they reviewed the Comprehensive Plan and felt that R-3 was appropriate.

Additional question allowed by Mayor Rule

Janet Melligh: Does the Council take into consideration what has been built, not just what surrounding properties are zoned.

Rebuttal: Ben Semple: They did look at R-3 and what was built, but they also looked at what was coming into the east and what could be built in R-3.

Mayor Rule closed the public testimony at 6:28 p.m.

Council Discussion:

O'Meara: Lots that abut Valhalla are larger lots than 8,000 sf. As a result, he doesn't see a huge impact to the current residents' property values.

Huggins: Asked for clarification that 6 ft fencing will separate developments. Code for R-3, we have a Comprehensive Plan. (Ms. Stewart confirmed the perimeter fencing requirements and clarified R-2 is half acre 21,780 sf lots). If all lots in an R-3 or R-2. If this is zoned R-3, and if when the preliminary plat is submitted, the code for R-3 has changed, the developer will be held to the current code in place at the time the preliminary plat is submitted.

Kiser: In terms of transition, R-3 smaller lots will be towards Middleton Rd and larger lots will abut Valhalla. It is zoned R-3 around it. It seems to be a natural fit.

Huggins: City maps support R-3 from Purple Sage to Cemetery.

Kiser: Valhalla is a unique development. The developer chose to develop larger lots.

Huggins: When we voted for the Comprehensive Plan maps, this is what we are telling people they can count on. If we do not stick to the maps we have put out, we are devaluing the land of the people who live here.

O'Meara: Fire District, he thinks the reason Victor has not commented about it, is because there is no concrete preliminary plat.

Motion: Motion by Council President Kiser to approve Application by Rowe Sanderson/Crown Capital Holdings, LLC and Matrix Engineering for annexation/rezone and development agreement with respect to a parcel located at 24625 Middleton Road. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Motion: Accept findings of Facts as presented by Staff and approve the Development Agreement subject to the conditions set forth in the Staff Report. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Mayor Rule closed the public hearing at 6:45 p.m.

9. **Consider approving Ordinance 675, which is AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO R-3 (SINGLE-FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. (Rowe Station Project – Ms. Stewart)**

Mayor Rule called the item and Ms. Stewart stated this is the Ordinance required by the State to approve the Annexation.

Motion: Motion by Council President Kiser to read Ordinance 675 by title only. Motion seconded by Council Member Huggins and approved unanimously by Roll Call Vote.

Council President then read Ordinance 675 by title only.

Motion: Motion by Council President Kiser to waive the 3-reading rule and pass Ordinance 675. Motion seconded by Council Member O'Meara and approved unanimously by Roll Call Vote.

Public Comments:

Mike Graefe: Asked that the Council hold a public forum on Zoning, to clarify perception of what R-3 zoning.

Mayor Rule asked if the titles for the zoning designations were changed to be R-A, R-B, or R-C would clear up the misconception?

Asked Ms. Stewart if the City had held a workshop? Ms. Stewart said yes, "we have brought this up twice and it has been discussed in 2 public meetings."

Discussion about zoning and infrastructure in developments.

Ben Semple: He thinks the confusion is because of the R-1, R-2 states the lot sizes which are one acre, and 2 acres, independent of the roads.

Mayor and Council Comments

O'Meara: approached by a resident regarding possible artwork/sculpture for the Sawtooth Roundabout. Is the city interested in such a project?

Mayor Rule: The answer is yes, and the City is putting together a committee to discuss what it might look like, if this resident will get ahold of Ms. Crofts or himself.

Mayor Rule: On Comprehensive Plan update the City now has 3 names of qualified individuals and are working on getting that counselor/director of New Comprehensive Plan in place.

Ms. Stewart: Reporting back on consultant to help write the new ordinance for the Landscape Buffer code. The estimate came in at around \$3,200-\$3,700 for a landscape architecture/planner, so she can start moving forward with that.

Ms. Crofts: Report to O'Meara. The City has been looking at a Pathways agreement with the irrigation district.


Ms. Crofts: Met with new Director of Idaho Youth Ranch located just north and west of Middleton at the old Simplot property. Idaho Youth Ranch is bringing 120 jobs to the area. The employees wage ranges will not be able to afford ½ acre lots maybe not even 8,000 sf lots. In order to get into an "affordable" house of \$250,000 the individual needs to make an income from \$70,000-\$80,000. That doesn't exist today. As Council is considering the new Comprehensive Plan and zoning: R-1, R-2, R-3, remember lots of people want to live in Middleton, and not everyone can afford even the zoning that Middleton has today. It is very important to plan a city that is available for lots of varieties of people who want to live here. The way to bring down property taxes is to bring in Commercial. If we want to bring in commercial, we have to bring an available city and housing for those commercial uses. As the Council considers the Comprehensive Plan, consider the larger Middleton needs.

Mayor: There are about 700 apartments and townhomes that are approved right now. It costs \$10-\$20 per sf more to build apartments than an R-3 lower scale home. This is an economic issue now.

Police Chief is doing a wonderful job with the police department. And Mayor wanted to report that to Council.

Adjourn: Mayor adjourned the meeting at 7:12 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk
Minutes Approved: February 15, 2023

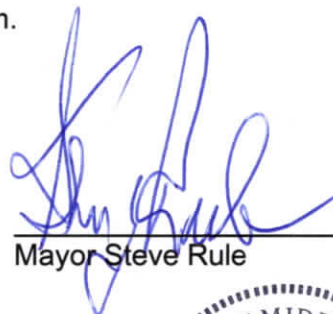
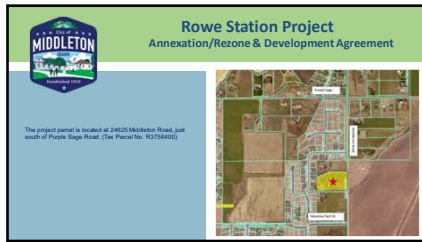
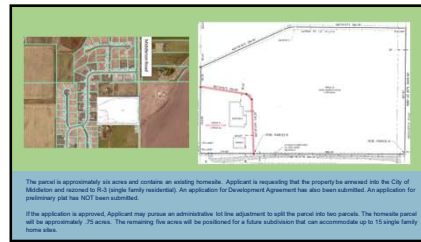

Mayor Steve Rule



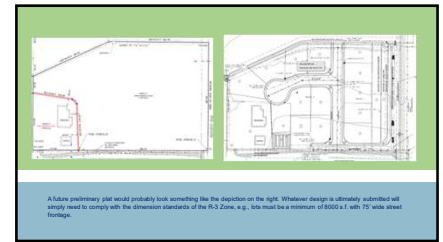
Exhibit 1



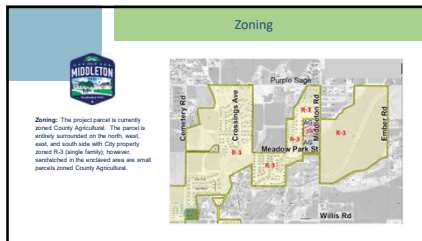
1



2



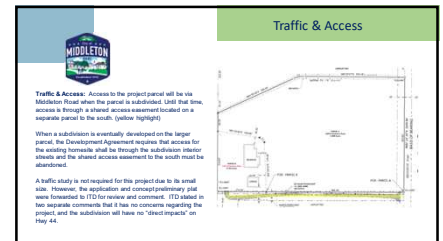
3



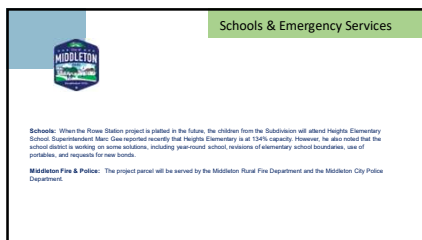
4



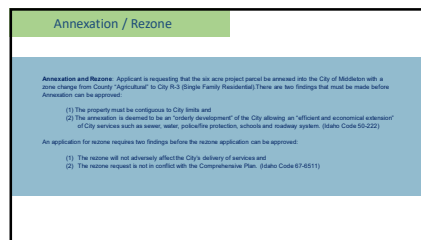
5



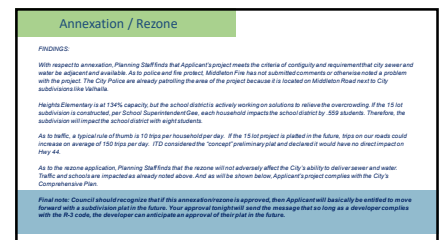
6



7



8



9

Development Agreement

Applicant has submitted an application for development agreement, which is generally required with a rezone application. Applicant has used the City D4 form and is requesting the following provisions:


- Owner shall have the right to split the project parcel into two homesteads per an administrative lot line adjustment application. The larger of the two lots may be the subject of a single-family subdivision project, and Developer will be allowed to plat up to 15 single-family homesteads on the property as long as they meet the criteria of the R-3 Zone, except for the 5% open space requirement. (Para. 3.1)
- When Owner pursues a subdivision plat, the existing homestead must abandon the access easement to the south of the parcel and take access through the subdivision local roads. (Para 3.2)
- All homesteads in a future subdivision must connect to City sewer and water. Even if the existing homestead is not included in the future subdivision, it must connect to City sewer and water and abandon its well and septic prior to final plat approval. (Para. 3.3)
- The existing home must be connected to the subdivision pressurized irrigation system or other surface water irrigation system prior to final plat approval. (Para. 3.4)
- If Developer/owner does not successfully subdivide the property within 10 years, then the City will have the right to rezone the DA. The property will remain R-3 zoning.

[A copy of the proposed DA was attached to the Staff Report and Agenda for Public review and City Council consideration.]

10

Comprehensive Plan

Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed R-3 zone complies with the "Residential Use" shown on the Future Land Use Map.



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

- Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole.
- Goal 6: Water, sewer, and ~~sewer~~ and systems have been expanded in an orderly manner consistent with population growth.
- Goal 11: The housing type matches the residents flexible in the area the project is located.

If Applicant pursues a 15 lot preliminary plat in the future, it may be in conflict with Goals #1 and #3 to provide an adequate delivery of services, including adequate schools and transportation system.

11

Comments Received from Surrounding Landowners: Attached as Exhibit "B" to Staff Report.

Comments from Agencies: Attached as Exhibit "C". **Law comment received from CHC4 (Exhibit "E")**

Comments from City Engineer and Planning Staff: Exhibit "D".

Application Information: Applicants are Rowe Sanderson/Crown Capital Holdings, LLC & Main Engineering, 1020 W. Main St., Boise ID 83702. Application was accepted on 1/10/2023.

Notices & Neighborhood Meeting:	Dates:
Neighborhood Notification	1/11/2023
Radius notice to adjacent landowners	1/13/2023
Consultation to Agencies	1/13/2023
Sign Posting property	1/13/2023
Neighborhood Meeting	2/01/2023


Applicable Codes and Standards: Idaho Standards for Public Works Construction, the Midvale Supplement to the Idaho Standards for Public Works Construction, Midvale City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 65 & Title 50, Chapter 2 and 13.

12

Planning & Zoning Commission

The Planning & Zoning Commission considered Developer's application in a public hearing held on January 9, 2023. The Commission noted that the project parcel was near large County parcels and noted that although Valinda Estates was a City R-3 subdivision, some of its parcels were larger than the minimum 8000 S.F. required in the R-3 Zone. As a result of this, the Commission recommended approval of the annexation/rezone and development agreement application; however, they recommended that the proposed zoning be changed from R-3 to R-2 in order to blend with the larger lots in the County.

Staff, however, notes that although the County lots are larger in that area, all of the city zoning on all four sides of the project parcel is R-3 zoning. Therefore, Developer's request for R-3 zoning is commensurate with the City zoning already established in the area. Here zoning map.



13

Conclusions and Recommended Conditions of Approval:

Per State law and the Midvale City Code, any recommendation or decision must be based upon findings of facts and conclusions of law.

As to Findings of Facts: Planning Staff has set forth findings of facts above in parentheses. They were also set forth in the Staff Report.

As to Conclusions of Law: Planning Staff finds that the Council has the authority to hear these applications and to approve or deny the applications, with or without conditions. Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Midvale City Code to be considered in making a decision and order on the applications.

14

Conclusions and Recommended Conditions of Approval:

Annexation/Rezone and Development Agreement Applications: If the Council is inclined to approve the annexation/rezone and development agreement applications, then Planning Staff recommends that any approval be subject to the following conditions:

- City municipal domestic water, gas, flood and sanitary sewer services are to be extended to serve the project site, including the existing homestead, if the project parcel is platted in the future.
- Developer to comply with all terms of the Development Agreement approved for the project.
- All City Engineer and Planner review comments are to be completed and approved.

Finally, if the Council denies applications, then Council should state on the record what the applicant could do, if anything, to obtain an approval. (Midvale City Code 1-14E(3)(f)).

Prepared by: Roberts Stewart
Planning & Zoning Office

Dated: 2/1/2023

15



Exhibit "E"

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

January 9, 2023

City of Middleton
P.O. Box 487
1103 W. Main St.
Middleton, Id. 83644
Attn: Roberta Stewart

**RE: (Rowe Station Project) Rezone from Ag to R3
Parcel R375640 aka 24625 Middleton Rd. Middleton Id.**

In the matters above Canyon Highway District No. 4 (CHD4) has reviewed the application for annexation, rezone and development agreement for 24625 Middleton Road Middleton, Idaho (tax parcel no. R375640) consisting of approximately 6 acres. CHD4 provides the following comments on the proposed use:

Per 2018 exchange maintenance agreement with Middleton City, CHD4 maintains and operates Middleton Road from City limits to Purple Sage Road. CHD4 is responsible for access and utility permitting along the corridor and is provided opportunity to review and comment on development plans as they may impact the operation and maintenance of the highway.

General:

- Canyon County, Idaho Functional Classification Map lists Middleton Rd. as a Collector.
- Subject property is within a mile of city limits, considered urban for purposes of development.

Access:

- CHD4 recommends access at south property line of parcel R375640, to consolidate access for possible future development on 24623 Middleton Rd (R37565). Approximately 1980 feet south of Purple Sage Rd.
- No direct lot access to Middleton Road.

Right-of-way

- A 50-foot right-of-way along the west boundary of Middleton Road.
- Note to remove any encroachment within the right-of-way.

Traffic Impacts

- The proposed development density does not warrant a Traffic Impact Study under current CHD4 development policy. Traffic impacts from the development will be mitigated through dedication of public right-of-way, public roadway improvements, development impact fees, or a combination of these requirements.

Current CHD4 access and development related policy is found in the latest edition of the Highway Standards and Development Procedures Manual (HSDP Manual) available on the CHD4 website at www.canyonhd4.org/planning. These comments are intended to highlight those portions of CHD4 policy relevant to the proposed land use described in the materials submitted for review. For additional

information on highway district policies for specific development proposals, please see the HSDP manual, or feel free to contact me with questions.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a long horizontal flourish extending to the right.

Chris Hopper, P.E.
District Engineer

File: Middleton Road, (Rowe Station Project)



Application by Rowe Sanderson/Crown Capital Holdings, LLC and Matrix Engineering for annexation/rezone and development agreement with respect to a parcel located at 24625 Middleton Road

February 1, 2023 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	<div><div>In Favor</div><div>Neutral</div><div>Opposed</div><div>Testify</div></div>			
1	Kim Holden	367 Bern Ave	2089360317			X	
2	Pat & Patsy Phelan	2028 Ragnar Ct.	661 910-6287			X	
3	Janet & John Melligh	143 E Willow Creek	jm.melligh@comcast.net			X	
4	Steven Radke	2176 Nordic Ave.	208-859-5825			X	
5	Ben Semple	1450 W. Pennock St. Boise	(208) 514-3300				X
6	MIKE GRAEFE	1889 RIDGE WAY	208-577-6777		X		
7							
8							
9							



Public Comment Sign In

City Council - February 1, 2023

	Name	Address	Phone or Email	Topic/Agenda Item #
1	MIKE GRATE	1889 RIVERVIEW	527-6277	
2				
3				
4				
5				
6				
7				
8				
9				
10				