

RECORD OF PROCEEDINGS

MIDDLETON CITY COUNCIL DECEMBER 20, 2017

The regular meeting of the Middleton City Council on December 20, 2017 was called to order by Mayor Darin Taylor at 6:32 p.m.

Roll Call: Council President Riccio and Council Members Carrie Huggins, Rob Kiser, and Beverlee Furner were present.

Mayor Taylor introduced the following City officials in attendance: City Attorney Chris Yorgason, Deputy City Clerk Dawn Dalton, and Planning and Zoning Official Randall Falkner.

Motion: Motion by Council President Riccio to accept the amended agenda as posted was seconded by Council Member Kiser and carried unanimously.

Administrative Action/Consent Agenda:

Consider ratifying payroll related expenses for Dec. 1, 2017 in the amount of \$65,647.03 and accounts payable for Dec. 9, 2017 in the amount of \$110,121.

Motion: Motion by Council President Ricco to approve the consent agenda was seconded by Council Member Furner and carried unanimously.

New Business:

Consider consenting to Canyon Highway District No. 4 vacating a 15-foot right-of-way along the east boundary of Lot 37 of Lemp Park Urban Tracts Subdivision (1913), also described as the easterly 15-feet of the NW1/4 Section 10 T4N R2W lying north of Highway 44, except the north 50 feet to be retained for future Cornell St. south half-road right-of-way pursuant to Middleton City Code 6-3-2(D)(1).

Motion: Motion by Council President Riccio to consent to Canyon Highway District No. 4 vacating a 15-foot right-of-way along the east boundary of Lot 37 of Lemp Park Urban Tracts Subdivision (1913), also described as the easterly 15-feet of the NW1/4 Section 10 T4N R2W lying north of Highway 44, except the north 50 feet to be retained for future Cornell St. south half-road right-of-way pursuant to Middleton City Code 6-3-2(D)(1) was seconded by Council Member Kiser and carried unanimously.

Consider approving Ord. 601, a request by Paul and Janet Okamura to annex and zone approximately five acres of real property abutting State Highway 44 approximately 1,000 feet west of Hartley Lane.

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Mayor Taylor presented the item and turned the floor over to City Planner Randall Falkner who gave the staff report. Mayor Taylor then declared the public hearing open.

Penelope Riley from Riley Planning Services addressed the council. Ms. Riley expressed that the project team and applicants have reviewed the presented staff report and agree with the findings as presented to council regarding the applications presented before them. The recommendations present a C-3 zone where the original proposal was a C-2 zone, but the applicants do agree with the zoning change recommended by the staff. The reasoning behind only using 5 acres is that the applicant and underlying users agree that this is all that is needed for the Tractor Supply store and that by annexing only this amount of the parcel, that allows that remaining land to be farmed until further expansion is needed.

Resident Shawn Mayben addressed the council and stated that he felt the zoning did not need to be a C-3 zone if the applicant was originally asking for it to be classified as a C-2 zone. Mayor Taylor declared the public hearing portion of the meeting closed.

Motion: Motion by Council President Riccio to read Ordinance 601 by title only with C-2 zoning was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read Ordinance 601 by title only. Motion by Council President Ricco to waive the three-reading rule and approve Ordinance 601 was seconded by Council Member Kiser and carried unanimously by roll call vote.

Consider approving the Sawtooth Lake Subdivision preliminary plat on approximately 23 acres of real property zoned mixed use and located on the north side of Sawtooth Lake Dr. on the west side of Middleton Road.

Mayor Taylor declared the public hearing open for this item. Council President Ricco disclosed that the applicant donated to his 2017 re-election campaign, and that he was unbiased and able to consider this application in a fair manner. Council concurred that President Ricco would be unbiased.

Mayor Taylor turned the floor over to Planning and Zoning Official Randall Falkner who gave the staff report. Mayor Taylor called for a brief break at 7:29 p.m. and resumed the meeting at 7:35 p.m.

Applicant-representative David Sterling of T-O Engineers gave a brief history about the developer and development of the subject property. He brought to the council's attention three issues that need addressed for the project to move forward: first, that the roadway widths be reduced from 39 feet to 33 feet from back to curb to back to curb; second, that the road radius be reduced from 125 feet to 50 feet; and third, side yard setbacks be reduced from 12 feet to 5 feet.

Tim Mokwa of Hayden Homes described the company and its past and pending construction history in the valley. He spoke in favor of the 5-foot side setbacks.

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Mayor Taylor described the proposed plat in relation to future development of land north and south of the plat, and in relation to future Middleton Rd. re-alignment and River St. construction.

Middleton Lakes Subdivision resident Don Reynolds stated that he is excited for this project, thinks that it is good for the community, does not have any problems with the request for 5-foot side setbacks. He also voiced concerns that there are no recreational spaces in the subdivision and that three straight streets of roof lines turns it into a tract-housing feeling instead of a neighborhood feeling. Mr. Reynolds was concerned regarding traffic onto Middleton Road with 200 plus new homes and residents.

Middleton Lakes Subdivision resident Wes Spears said he liked the proposed plat and did not have a problem with the request for 5-foot side setbacks. He said he would much rather have the proposed subdivision of quality-construction, single-family dwellings than have apartments or four-plexus. He also addressed concerns regarding turning left from Middleton Road onto Sawtooth Lake Dr. and that it needs to be addressed as a safety issue by the builders.

Middleton Lakes Subdivision resident Russell Morgan voiced his concerns about the possibility of non-single-family homes, and preferred the proposed subdivision to apartments. He stated that the subject property is the first thing people see when heading into Middleton after crossing the bridge and mixed-use or larger buildings concern him, as does the resale value of homes with smaller setbacks.

Middleton Lakes Subdivision resident Mark White stated a higher density does not give Middleton the small-town-feel that everyone including the council wants to keep in the city. He also voiced support for a left-hand turn lane from Middleton Rd. onto Sawtooth Lake Dr. to help with already dense traffic issues in that area.

Middleton Lakes Subdivision resident Jaqueline Gunerson said she was in favor of a left- turn lane to help control traffic issues at the Middleton Rd./Sawtooth Lake Dr. intersection.

Applicant-representative David Sterling addressed resident concerns and answered council's questions. Mayor Taylor asked Mr. Sterling how the applicant felt about each of the following potential conditions of approval, and Mr. Sterling responded that they were all acceptable to the applicant: minimum lot widths be adjusted from city code to match proposed plat; road widths and radii be adjusted from city standards to match the proposed plat; compliance with items listed in the city engineer's December 20, 2017 letter; the applicant pay its four percent proportionate share to design and construct a left-turn lane from Middleton Road onto Sawtooth Lake Dr.; a fence around the perimeter of the subdivision rather than around each phase; two monument signs, one at the entrance from Crane Cr. Way and one from Sawtooth Lake Dr.; and take over and maintain the irrigation and landscaping along Sawtooth Lake Drive east of Crane Cr. Way.

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Mayor Taylor closed the public-comment portion of the public hearing, declared a recess at 9:27 p.m., and resumed the meeting at 9:31 p.m.

Motion: Motion by Council President Riccio, seconded by Council Member Kiser and carried unanimously, to approve the Sawtooth Lake Subdivision preliminary plat with the following conditions of approval:

1. Planning and Zoning Commission's recommended conditions described in its Decision dated December 11, 2017, except the buffer between residential and commercial, mixed-use and transit-oriented land uses;
2. Revise the preliminary plat and provide information described in the City Engineer Civil Dynamics' December 20, 2017 Memorandum;
3. Houses in the subdivision go through design review;
4. Pay to the city the applicant's proportionate share of costs to design and construct a left-turn lane from Middleton Road onto Sawtooth Lake Dr. (the traffic impact study identifies the applicant's proportionate share is four percent (4%));
5. Construct one monument sign at the subdivision entrance from Crane Cr. Way and one monument sign at the subdivision entrance from Sawtooth Lake Dr.;
6. Construct a fence at the perimeter of the subdivision;
7. Take over and maintain irrigation and landscaping along Sawtooth Lake Drive east of Crane Cr. Way to Middleton Road; and
8. Reduced street widths, radii, lot widths as shown on the preliminary plat;
9. Side setbacks reduced to five feet; and
10. Construct a pathway to city standards from Phase 3 to Middleton Rd.

Motion: Motion by Council President Riccio to clarify to all side setbacks are reduced to a five-foot minimum was seconded by Council member Furner and carried unanimously by roll-call vote. Mayor Taylor closed the public hearing (see attachments).

Consider approving Resolution No. 407-17, an amendment to the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) areas.

Mayor Taylor introduced the item, declared the public hearing open, described the proposed map changes and read the proposed text changes. No-one in the audience

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wanted to comment on this item, and Mayor Taylor closed the public-comment portion of the hearing.

Motion: Motion by Council President Riccio to approve resolution No. 407-17, an amendment to the comprehensive plan text and maps to include a River District and restaurant, retail and recreation (RRR) area was seconded by Council Member Kiser and carried unanimously. Mayor Taylor closed the public hearing.

Consider approving Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) from allowed to conditional use permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes.

Mayor Taylor introduced the item, declared the public hearing open, and described proposed text changes. Council's questions and concerns followed.

Resident Jennica Reynolds voiced her agreement with Council Member Furner on not excluding all medical practices. No-one else in the audience wanted to comment on this item, and Mayor Taylor closed the public-comment portion of the hearing.

Motion: Motion by Council President Ricco to read Ordained 600 by title only was seconded by Council Member Kiser and carried unanimously. Mayor Taylor read Ordinance 600 by title only. Motion by Council President Ricco to waive the three reading rule and approve Ord. 600 amending Titles 5 and 6 of the Middleton City Code to remove the R-4 and R-4T zones; add a restaurants, retail and recreation (RRR) zone; modify the land use schedule (Table 1) and the height, setback and coverage schedule (Table 2) to add RRR zone allowed and permitted uses and standards while removing those for the R-4 and R-4T zones; change wireless telecommunication facility (cell tower) from allowed to conditional use permitted in all zones; delete the requirement to install dry sewer and water lines in subdivisions not contiguous to city limits; delete the requirement to submit a grading and drainage plan as part of design review; and other minor changes was seconded by Council Member Kiser and carried unanimously by roll call vote. Mayor Taylor closed the public hearing.

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Council Comments: Council President Ricco wanted to thank Mayor Taylor for his council memo.


Public Comments: none.

Department Comments: none.


Adjourn:

Motion: Motion to adjourn by Council President Riccio was seconded by Council Member Furner and carried unanimously. Meeting adjourned at 10:25 p.m.

ATTEST:



Mayor Darin Taylor



Dawn M. Dalton, Deputy City Clerk
Approved: January 3, 2018





December 20, 2017

TO: Randall Faulkner, Zoning Official

FROM: Civil Dynamics PC, Amy Woodruff, PE,
City Engineer

A handwritten signature in black ink, appearing to read "Amy Woodruff", is written over the typed name in the "FROM" field.

RE: **Sawtooth Lake Subdivision - Preliminary Plat**

Thank you for the opportunity to review the second submittal for the above referenced preliminary plat submittal. Below is a summary of items noted during the review:

MCC 6-2-2:A.2.1 The boundary isn't labeled in places or doesn't match the legal description submitted.

MCC 6-2-2:A.2.p. Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and the person or entity responsible to maintain the property.

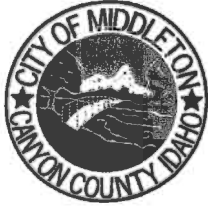
MCC 6-3-2:J.2. Coordinate with City to correct road names.

MCC 6-3-5:B.5. Side lot line easement of 5 ft required or confirmed with the City it is not required. Please add note.

MCC 6-3-7.A. Pathway lots to be dedicated to the City. Please confirm with the City whether pathway connection needs to be made to Middleton Road.

General comments:

1. MCC 6-3-2:H. and the requested centerline variance/proposed centerline radius of 50': Please provide the maximum radius of vehicle path and verify the maximum size of vehicle/truck that can navigate the 90 degree/50 ft radius corner with cars parked on both sides and a car traveling in opposite lane.
2. **Please revise the street** structural section to be in conformance with Middleton Supplemental Standard 3/6/15.
3. Please confirm with a note on the plat or other that Sawtooth Lakes/Baserri can construct/dedicate as needed to extend Alpine Lake Drive to Crane Creek.



CITY OF MIDDLETON Planning and Zoning Commission

In Re:

Sawtooth Subdivision
November 13, 2017 Application
December 11, 2017 Hearing

**Findings of Fact,
Conclusions of Law,
Decision and Order**

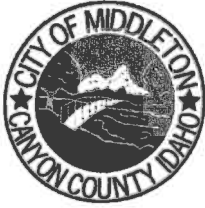
SUMMARY OF THE REQUEST

A request to approve a preliminary plat consisting of 102 residential lots on approximately 23 acres of vacant land in a mixed-use zone. The property is located west of Middleton Road, east of Crane Creek Way, and north of Sawtooth Lake Drive.

FINDINGS OF FACT

1. **APPLICANT:** The applicant is Premier Industrial, LLC and Baserri, LLC.
2. **APPLICATION:** The application was received and accepted by the City on November 13, 2017.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	November 24, 2017
Letters mailed to property owners within 300':	November 27, 2017
Letters mailed to agencies providing services:	November 27, 2017
Property posted in four locations:	December 1, 2017
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
 - Idaho Code Title 67, Chapter 65
 - Middleton City Code, Title 6, Chapter 2, 3 and 4
 - Idaho Standards for Public Works Construction (ISPWC)
 - Middleton Supplement to the ISPWC

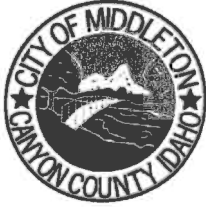


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5. A neighborhood meeting was held on site along Sawtooth Lake Drive, halfway between Middleton Road and Crane Creek Way on November 17, 2017 at 6:00 p.m. There was no opposition to the project, according to the representative for the project.

6. The request is consistent with the following policies in the Comprehensive Plan: Transportation Goal 2: Provide a variety of safe transportation services and facilities throughout the City for vehicles, pedestrians, bicycles and transit. Objective A: Plan and develop a safe system of roads, bike lanes, sidewalks and pathways; Objective B: Reduce vehicle congestion and encourage walking and bicycling; Strategy 3: Establish sidewalks in subdivisions and provide pedestrian crossings at intersections; Parks and Recreation Goal 9: Locate and design parks, open spaces, recreational facilities and public facilities that encourage physical activity. Objective A: Improve and expand the recreational opportunities of all citizens; Housing Goal 10: Allow dwelling types that match residents' lifestyles; Objective A: Provide a variety of housing types and lot sizes for residents; Strategy 2: Encourage multifamily and higher density housing near schools, transit stations and commercial areas; Goal 21: Establish interesting gathering places that encourage walkability and promote good health and positive social interaction: Strategy 5: Locate places of residence near destinations such as parks, walking paths, trails and waterfront recreation areas to foster physical activity. The request is consistent with these policies because it provides a variety of transportation options, including roads, sidewalks, pathways, a pedestrian crossing, and connections to open spaces (shown as common lots) and waterfront recreation areas (the city plans to build a river district recreation area just north of the Boise river in the near future). The request also provides a variety of lot sizes and encourages higher density housing near commercial areas and transit stations. A future transit station and line is proposed in the area north of the subject site.

7. The applicant is requesting that side setbacks be reduced from 12 to 10 feet along the north boundary and along all pathways. Ten feet setbacks are currently what are required in the R-3 (Single Family Residential) zone. Middleton Lakes subdivision to the west is zoned R-3. In addition, the applicant is proposing all other internal side setbacks be reduced from 12 to 5 feet. The



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request for 5 foot side setbacks are not entirely consistent with the following policies in the Comprehensive Plan: Land Use Goal 3: Promote a quality of life based on the health, safety and general welfare of residents with minimal nuisances; Population Goal 13: Preserve a high quality of life and livability in Middleton; and Community Design Goal 19: Preserve and enhance the unique small-town character of Middleton. The request for a reduction to 5 foot setbacks is problematic because it put homes very close together and reduces privacy. Noise, odor, light, and vibrations are more intense when homes are closer together. In addition, the lot width of the majority of the lots is only 50 feet. The recommendation to reduce internal side setbacks from 12 to 5 feet could disturb the peace, quiet, comfort and well-being of future residents in this subdivision. City staff recommends internal side setbacks be reduced from 12 to 10 feet, instead of the requested 5 feet.

8. No comments from adjacent property owners have been received.

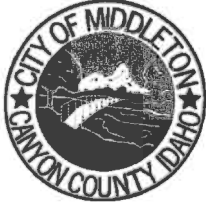
CONCLUSIONS OF LAW

Notice of the application and public hearing was given according to law. The Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.

DECISION

The Planning & Zoning Commission recommends that the City Council approve the preliminary plat with the following conditions:

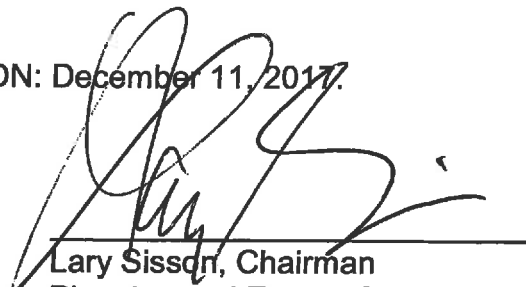
1. Identify and label pedestrian pathway throughout the subdivision.
2. Insert the word "micro" before the words "fiber mesh", so it reads "concrete sidewalk w/micro fiber mesh" on both the Local Roadway Typical Section – 44' ROW and City of Middleton Local Roadway Typical Section – 50' ROW.



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- The portion of Barron Lakes Way that is not 44 foot right-of-way should be identified and labeled with proposed right-of-way.
- Add the word "Lake" in between the words "Sawtooth" and "Drive" for Note number 6.
- ✓ ● Rename the street labeled "Alturus Lake Way" since there is already a street in the city named "S. Alturus Lake Place".
- ✓ ● Identify and label existing and proposed fire hydrants throughout the site.
- ● Ensure that a buffer is provided between residential and commercial land uses when the commercial lot along Middleton Road is developed in the future. The buffer can be a combination of the following: solid fence or wall, berm, and landscaping.
- Make changes as shown in letter from City Engineer, see attached letter.

WRITTEN DECISION APPROVED ON: December 11, 2017.



Lary Sisson, Chairman
Planning and Zoning Commission

Attest:



Randall Falkner
Planning and Zoning Official