
**MIDDLETON CITY PLANNING AND ZONING
SPECIAL MEETING
COMMISSION MINUTES
MARCH 25, 2024**

Pledge of Allegiance, Roll Call & Call to Order: The March 25, 2024, Planning and Zoning Commission Meeting was called to order by Chairmen Summers at 5:31 p.m. Commissioners Summers, Tremble, Watkins, Sparrow, Crofts, Waltemate, and Gregory were present. Planning & Zoning Official Ms. Stewart, City Attorney Mr. Waterman, and Planning Deputy Clerk Ms. Day were also present.

Action Items:

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving minutes for February 12, 2024, regular meeting.**
 - b. **Consider approving minutes for February 15, 2024, special meeting.**
 - c. **Consider approving the FCO for the Zamco Variance Application.**
 - d. **Consider approving the FCR for the River Walk Crossing Development Agreement Modification Application.**

Motion: Motion by Commissioner Watkins to approve the consent agenda items 1a, 1b, 1c and 1d. Motion seconded by Commissioner Sparrow and approved unanimously.

2. **Public Hearing: Consider recommending approval of Ordinance 693: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 5, CHAPTER 4, SECTION 05-04-04, MIDDLETON CITY CODE, PERTAINING TO REQUIREMENTS FOR THE SUBMISSION OF A PRELIMINARY PLAT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.**

Chairmen Summers opened the public hearing at 5:34 p.m.

Ms. Stewart advised that Dave Murray is presenting.

Ms. Stewart advised that there were no comments received from the community or agencies. She also stated that the proposed ordinance is in harmony with the Comprehensive Plan.

Mr. Murray presented a PowerPoint.

Discussion among Commissioners and Mr. Murray.

Chairmen Summers opened public testimony at 6:09 p.m.

David Luiz – in favor.

Tom & Kate Rice – in favor.

Mikell Galloway – in favor.

Mike Graefe – testified in favor.

Patty Crawford – testified in favor.

Ken Burgess – testified opposed.

Diana Hoffman – testified in favor.
Janet Gibson – testified in favor.
Anne Schumacher – In favor.
Howard Roukiu – testified in favor.
Deidre Templeton – unmarked.
Don Reynolds – testified in favor.
Mike McDougal - testified in favor.
Cindee Powell – testified in favor.

Chairman Summers called for a brief break at 6:40 p.m.
Chairman Summers called meeting back at 6:48 p.m.

Superintendent Marc Gee – testified about Legislative changes, capacity, and school funding.

Brief discussion between commissioners and Mr. Murray.

Chairmen Summers closed public testimony at 7:08 p.m.

Brief discussion among Commissioners

Motion: Motion by Commissioner Sparrow to recommend approval of Ordinance 693.
Motion seconded by Commissioner Watkins. Chairmen Summers called for a vote:
Commissioner Summers - Yes, Commissioner Crofts - Yes, Commissioner Tremble – Yes,
Commissioner Watkins – Yes, Commissioner Sparrow – Yes, Commissioner Waltemate –
Yes, and Commissioner Gregory – Yes approved unanimously.

Chairmen Summers called for a break at 7:25 p.m.

Chairmen Summers called meeting back at 7:33 p.m.

Chairmen Summers introduced new Commissioners Waltemate and Gregory.

Public Comments

Mike McDougal – Said thanks for the discussion.

Commission and Staff Comments

Commissioner Sparrow thanked the other Commissioners and City staff for all they do, also thanked the public for providing comments.

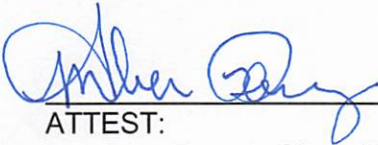
Ms. Day reminded Commissioners that the next Planning & Zoning Meeting will be April 8, 2024, at the Trolley Station.

Motion: Motion by Commissioner Sparrow to adjourn the meeting. Motions seconded by Commissioner Tremble.

Adjourn: 7:38 p.m.



Heidal Summers, Chairwomen



ATTEST:
Deputy Clerk, Planning

Approved: April 8, 2024

ARTICLE IX – EDUCATION AND SCHOOL LANDS

SECTION 1. LEGISLATURE TO ESTABLISH SYSTEM OF FREE SCHOOLS. The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.

In 2003, the Legislature passed HB 403, which imposed various restrictions on lawsuits related to school funding. In *ISEEO IV*, this Court affirmed the district court's determination that HB 403 was unconstitutional. *See Idaho Schs. For Equal Educ. Opportunity v. State*, 140 Idaho 586, 97 P.3d 453 (2004) (*ISEEO IV*). All other issues having been resolved, this appeal finally addresses the district court's 2001 Findings and the court's final determination that the current state "system based upon loans alone is not adequate to meet the constitutional mandate to establish and maintain a general, uniform, and thorough system of public, free common schools in a 'safe environment conducive to learning' for Idaho's poorest school districts." We agree with this conclusion.

Dist. No. 66 v. Bishop, 877 P.2d 806, 816 (1994). Nevertheless, we observe that legislatures of other states grappling with this same issue have come up with a number of alternatives to assist school districts in providing a safe environment conducive to learning. These alternatives simply demonstrate that there are options available to assist school districts, and are no way intended as this Court's direction to the Legislature on its further responsibilities. Reducing the majority necessary to pass a bond; allowing taxpayers to designate a portion of their income tax refund to cover repairs of school facilities (*see* Haw. Rev. Stat. § 235-102.5); funding school facilities out

A growing Treasure Valley school district is pushing a familiar approach to address enrollment increases: impact fees.

The Kuna School District wants the authority to impose impact fees to pay for new schools, [the Idaho Press reported Sunday](#). Other government entities can collect fees on new residential development, but schools are not allowed to do so.

“Currently, we do not have a mechanism for growth to pay for growth,” district budget and finance manager Adam Bell told Jordan Erb of the Idaho Press. “This allows for housing coming into the community – that’s impacting our community and adding to our school numbers – to pay a portion of their fair share without it financially overburdening the current taxpayers.”



Overcrowded Middleton school using hallways and teachers' lounge for instruction

Sadie Dittenber | 07/28/2022

Growth impacts the district, and it isn't expected to slow down soon

Middleton's most recent elementary school, Purple Sage, opened in 2003. Since then, the district has gained 514 elementary students for a total of 1,638 last school year.

Middleton is not expecting growth to slow.

The district contracted with Davis Demographics in 2021 to analyze Middleton's demographic data in preparation for future plans. The Davis study projects an added 250 elementary students will join the district by fall 2028 – a 15.5% increase from 2022.

The growth isn't just affecting Mill Creek. Heights, the second of three Middleton elementary schools, hit 127% capacity last spring, according to the study. Heights uses two portables, but cannot currently put any more on the property.



TITLE 67
STATE GOVERNMENT AND STATE AFFAIRS

CHAPTER 65
LOCAL LAND USE PLANNING

67-6513. SUBDIVISION ORDINANCE. Each governing board shall provide, by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under section 67-6509, Idaho Code, for standards and for the processing of applications for subdivision permits under sections 50-1301 through 50-1329, Idaho Code. Each such ordinance may provide for mitigation of the effects of subdivision development on the ability of political subdivisions of the state, including school districts, to deliver services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision. Fees established for purposes of mitigating the financial impacts of development must comply with the

3. Proposed Utility Methods:

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e. School Capacity: A signed statement from any school district in which the subdivision is located verifying that the proposed subdivision, upon completion, shall not cause or contribute to the Total Service Obligation of any public school that will be serving the subdivision to exceed one hundred and ten percent (110%) Capacity of such school, except as follows:

i. Small Developments: The foregoing capacity verification shall not be required for subdivisions where the total number of lots is fewer than five (5). A developer

shall not be permitted to avoid the obligations of this Subsection (e) by artificially partitioning a large development into smaller developments.

ii. Infill Developments: The foregoing capacity verification shall not be required for subdivision where the total number of lots is fewer than ten (10), and such subdivision is an infill subdivision, which shall mean any proposed subdivision that is immediately adjacent, on at least three sides, to the municipal boundaries of the City of Middleton, and which is also entirely within the municipal boundary of the City of Middleton.

As used in this subsection (e), each school's "Capacity" shall be determined based upon the total of the actual capacity of such primary school facility added to the actual capacity of any permanent structures used to house students at said school facility. Actual capacity of common areas (restrooms, lunchrooms, libraries, and similar spaces) shall be taken into account when determining the actual capacity of additional permanent structures used to house students at a school facility.

As used in this subsection (e), Total Service Obligation shall be calculated by adding the total number of built and buildable lots (including lots in all phases of any subdivision that has obtained preliminary plat approval) within the area served by such school together with the total number of buildable lots located within the proposed subdivision, and multiplying said number by the Student-Per-EDU-Number.

As used in this subsection (e), Student-Per-EDU-Number means that number, calculated annually by the school districts and acknowledged by the City Council, which is the average number of students expected from each residential dwelling unit built or existing within said school district. There shall be a Student-Per-EDU-Number calculated for each category of students (elementary students, middle school students, and high school students). School districts shall use a reasonable and substantiated method for determining the Student-Per-EDU-Number.

ORDINANCE NO. 693

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 5, CHAPTER 4, SECTION 05-04-04, MIDDLETON CITY CODE, PERTAINING TO REQUIREMENTS FOR THE SUBMISSION OF A PRELIMINARY PLAT; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Middleton, County of Canyon, State of Idaho:

Section 1. That Title 5, Chapter 4, Section 05-04-04, of the Middleton City Code is hereby amended, as follows:

5-4-4: PRELIMINARY PLAT:

A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, one (1) electronic full-size PDF copy, and three full-sized copies of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public meeting, shall mail to landowners within five hundred feet (500') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public meeting about the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.

...

3. Proposed Utility Methods:

...

e. School Capacity: A signed statement from any school district in which the subdivision is located verifying that the proposed subdivision, upon completion, shall not cause or contribute to the Total Service Obligation of any public school that will be serving the subdivision to exceed one hundred and ten percent (110%) Capacity of such school, except as follows:

i. Small Developments: The foregoing capacity verification shall not be required for subdivisions where the total number of lots is fewer than five (5). A developer

shall not be permitted to avoid the obligations of this Subsection (e) by artificially partitioning a large development into smaller developments.

ii. Infill Developments: The foregoing capacity verification shall not be required for subdivision where the total number of lots is fewer than ten (10), and such subdivision is an infill subdivision, which shall mean any proposed subdivision that is immediately adjacent, on at least three sides, to the municipal boundaries of the City of Middleton, and which is also entirely within the municipal boundary of the City of Middleton.

As used in this subsection (e), each school’s “Capacity” shall be determined based upon the total of the actual capacity of such primary school facility added to the actual capacity of any permanent structures used to house students at said school facility. Actual capacity of common areas (restrooms, lunchrooms, libraries, and similar spaces) shall be taken into account when determining the actual capacity of additional permanent structures used to house students at a school facility.

As used in this subsection (e), Total Service Obligation shall be calculated by adding the total number of built and buildable lots (including lots in all phases of any subdivision that has obtained preliminary plat approval) within the area served by such school together with the total number of buildable lots located within the proposed subdivision, and multiplying said number by the Student-Per-EDU-Number.

As used in this subsection (e), Student-Per-EDU-Number means that number, calculated annually by the school districts and acknowledged by the City Council, which is the average number of students expected from each residential dwelling unit built or existing within said school district. There shall be a Student-Per-EDU-Number calculated for each category of students (elementary students, middle school students, and high school students). School districts shall use a reasonable and substantiated method for determining the Student-Per-EDU-Number.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2024.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this
____ day of _____, 2024.

ATTEST:

Jackie Hutchinson, Mayor

City Clerk (or Deputy)

City of Middleton
MIDDLETON
 ISLAND
 Established 1910

Commending approval of Ordinance 693: AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 5, CHAPTER 4, SECTION 05-04-04,

March 25, 2024 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
DAVID LUIZ	1594 LOCH NESS AVE	2REGRATEFUL@PROTONMAIL.COM	X			
Tom & Kate Rice	12917 Okie Ridge Caldwell, ID 83607	lconnast@gci.net	X			
Mikell Galloway	8425 Spring Creek Middleton,	208-891 5018	X			
MIKE & RAEFE	1889 RIDGE WAY	208-527-6227	X			X
Patty Crawford	8359 Spring Creek Way	206.276.6779	X			X
KEN BURGESS	7200 McMullens Dr	208-861-2052			X	X
Diana Hoffman	27990 Gray Sage	208-703-9630	X			X
Janet Gibson	on file		X			X
Anne Schmacher	1620 Loch Ness Ave	262 308 5540	X			
Howard Roukin	551 7th St.	425-422-6844	✓			X
Debra Templeton	20 E 2nd St					
DON REYNOLDS	452 E Wilcox Lake Ct	208-965-5225	X			X

MAKE McDONALD
Cindee Powell
Mare Gee

13037 GREENWICH LANE
23511 Old Middleton Rd
18213 N. Orchid Way

208 606 2273 IN FAVOR
208, 201, 1443

FESTIVAL
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Public Comment

March 25, 2024 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
Don Reynolds Don Reynolds	152 E. WALTON AVE. CI. #	208 945 5225	INFAVA
Cassidy	14371 Salmon River Rd	Caldwell	
Cinder Powell	P.O. BOX 533 Middleton, Id. 83644		
Mike McDowell	13037 GREENWICH	208 606 2273	GENERAL