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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
JANUARY 11, 2021**

The January 11, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:36 p.m.

***The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. This Meeting will be streamed live via Facebook. Persons desiring to testify at the Public Hearings will be welcomed in a few people at a time. Written comments are accepted by email to [citmid@middletoncity.com](mailto:citmid@middletoncity.com); mailed or dropped off at 1103 W Main Street, Middleton ID 83644 prior to 3:00 p.m. the day of the meeting.***

**1. Call to Order - Pledge of Allegiance**

**Roll Call:** Chairman Ray Waltemate, Vice Chair Jackie Hutchison and Commissioners Janet Gregory, Whitney Springston and Bill Deaver were present.

**2. Information Items**

Bruce introduced the City Staff Engineer Rachel Speer.

**A. Public Hearing procedures – Bruce Bayne**

Bruce reviewed the Public Hearing procedures with the commissioners

**B. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles**

Planning and Zoning Official Bruce Bayne explained that after the last meeting this was taken to City Council, and was also reviewed by Chris Grooms, the City Building Official, and Shane Vigil and Jeff Fitzlof whose comments are related to the cost. There are 4 possible sizes of outlets ranging from 120 volt/20-amp standard plug to 220 volt/110 amp. It is not just one size outlet as was previously thought. The cost to add an outlet during construction is between \$800-\$1200. If retro fitted it is about \$1500. It also requires a larger 200-amp breaker panel installed at initial construction, which is double the size amperage usually installed by builders. It doesn't make sense to require this in all buildings. In Mr. Vigil's 8 plus years of inspection in Boise Valley at approximately 1500 residences per year he has inspected 12 or fewer Electrical Vehicle installations. The Boise mayor has proposed EV plugins for all new residences in the city, however the Boise Contractors Association is not in favor of this. Most builders do offer a package as an upgrade for EV installation during construction.

Commissioners decided to postpone a decision and will bring this up in the future. They would like to know the actual cost and also about tax incentives for "green upgrades" to homes. Why is Boise Contractors Association not in agreement with this?

Chairman Waltemate asked that this be added to the August P&Z Meeting.

**C. Public Meeting Schedule 2021 – Bruce Bayne**

The Commission reviewed the meeting schedule for 2021.

**3. Action Items**

**A. Consent Agenda**

- 1. Consider approving December 7, 2020 regular meeting minutes.**

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Chairman Waltemate called the agenda items and asked if any of the commissioners saw anything, they wanted corrected: None.

**Motion:** Motion by Commissioner Springston to approve the consent agenda items 1. Motion seconded by Commissioner Hutchison and approved unanimously.

**B. Public Hearing: A request from Intermountain Specialty Gases for a special use permit approval allowing manufacturing specialty gases for the purpose of calibrating and function testing of gas monitors to be located at 21913 Cobalt Ave, Middleton Industrial Park. – Bruce Bayne**

Chairman Waltemate opened the public hearing at 5:57 p.m.

Planning and Zoning Official Bruce Bayne read the staff report.

Commissioner Hutchison asked if Middleton Fire can comment? Bruce said no, because it is in Caldwell Fire's jurisdiction. She asked when Caldwell Fire had received the notice? Bruce said it was sent on December 18, 2020. She would like to receive comment from Caldwell Fire.

Commissioner Springston asked what about this violates the terms of the current coding such that a special use permit is required? Bruce said it doesn't violate anything, a SUP is required for chemical storage and manufacturing in M-1 zoning.

Commissioner Deaver said he would like to receive comment from Caldwell Fire since they are the governing fire department for this property.

Applicant: Lyle Feely: He is 50% owner of this company. He has been working in this business since 1975. His business was founded in 1992. In 1988 he set up Norco with the similar as what is being proposed. His company blends gasses in order to mathematically calculate how many grams of each component that has been put in the cylinder. All of the gasses with very few exceptions are below the TLV (Threshold Limit Value) which is the concentration a person can be exposed to for 8 hours a day and be safe. The final mix is not flammable, so that if the gas leaked out, there would be no consequences. They blend components at a certain sequence that are designed to calibrate instruments that quantify if the environment it is going into is safe. His company furnishes the gas that is used to calibrate these instruments that emergency response personnel, or companies that measure gases in the environment personnel would be exposed to. He discussed the type of mixtures that they create. He described it like taking a coffee pot and pouring 8 cups of coffee. He emphasized this is very safe and he wouldn't be doing this with his son if it were not.

Commissioner Springston paraphrased by saying his company takes specialty gases and blend them in a certain sequence and mixing gases into smaller, more compressed cylinders that are then used by calibration by everyone from fire departments to Micron and companies all over the world. The gases that are worked with are in such small quantities that when the hazardous gases are present, were there a leak in any of these cylinders there is not a danger to any people. She asked if there are other facilities like the one he is proposing aside from NORCO that they could look to as an example.

Lyle said because it is such a niche with what they do, the only company like this is NORCO

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which he set up to do. All other specialty gas companies are out of state.

Commissioner Springston said that what he is saying is that this facility would be very safe and that the citizens of Middleton would have nothing to worry about whatsoever. Lyle confirmed this and said he is there 8 hours a day and wouldn't submit his son and workers to it if it wasn't a safe practice.

Chairman Waltemate asked three questions:

-The intent of the product is to test and calibrate safety equipment for multiple agencies and other people around the world? Correct.

-You have an abundance of state and federal safety laws that you have to comply with for safety laws that are already in place, correct? Correct.

-Neighborhood meeting was completed; what was the outcome of the neighborhood meeting? Nobody showed up.

Commissioner Hutchison emphasized that no one showed up to the neighborhood meeting. She asked about the construction of the building and containment of the material housed in tanks outside of the building?

Lyle said the building is a metal structure that was built by Rule Steel.

Commissioner Hutchison confirmed that there is no need for a decontamination center. Correct.

Commissioner Springston asked how often are they subject to inspection by a safety inspector? She paraphrased what Lyle said in that they are inspected by multiple agencies from both state and federal officials to ensure that all safety precautions are taken.

Chairman Waltemate opened the public comment portion at 6:27 p.m.

Public comment: There was no comment from Facebook regarding this application.

Chairman Waltemate closed the public comment portion at 6:30 p.m.

Comments and discussion by Commission:

Commissioner Hutchison said she has no problem with this, she thinks the applicant has addressed every requirement that they would have. The fact that this gentleman has done this before, and he is an expert in his field. All precautions have been taken. We are welcoming businesses of this magnitude. In every way they are hitting the goal post.

Commissioner Springston said she agrees, and she can't see anything of particular risk, knowing that this is the same type of facility as we see in NORCO, and NORCO takes the highest safety standards. And the applicant has assured us that they are subject to regular and routine inspection by multiple agencies, for detection of noxious gases and there is no danger to the public or to residents nearby.

Commissioner Deaver said he believes it will be a safe operation, but he believes we have to hear from the Fire Department before we approve. He suggests that it be conditionally approved based on Caldwell Fire comments.

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Commissioner Hutchison asked for a condition that the Caldwell Fire department be contacted once again. If they choose not to respond within whatever week period that the Commission agrees upon that the applicant be allowed to move forward.

Commissioner Springston asked if Middleton Fire for questions on the subject matter could give an expert opinion?

Bruce Bayne said the City can reach out to Middleton Fire for an expert opinion, but whatever comments are given, they are not the governing body and it would be for information only. He would not recommend using Middleton Fire to approve or disprove the permit. The City needs an answer from Caldwell Fire on their response.

Commissioner Springston said she would like to set a deadline to receive a response from Caldwell Fire. All commissioners agreed there needs to be comment received from Caldwell Fire.

**Motion:** Motion by Commissioner Springston to conditionally approve a request from Intermountain Specialty Gases for a special use permit approval allowing manufacturing specialty gases for the purpose of calibrating and function testing of gas monitors to be located at 21913 Cobalt Ave, Middleton Industrial Park with the condition that we hear approval from the Caldwell Fire Department by no later than January 31, 2021. Motion seconded by Commissioner Deaver and approved unanimously.

Chairman Waltemate closed the public hearing at 6:40 p.m.

**C. Public Hearing: An application from Skyline Homes and Development, LLC., for a special use permit to allow for a mineral extraction permit to create a 4.5-acre pond/water feature amenity for the Lakes of Telaga 2 subdivision. The site is approximately 14.8 acres, zoned "R-3" single-family residential and located near the southwest corner of Kingsbury Road and Telaga Way, parcel number R3383314300. – Bruce Bayne**

Chairman Waltemate called the item and opened the public hearing at 6:41 p.m.

Planning and Zoning Official Bruce Bayne read the staff report. He showed on the plans where the proposed amenity would be located, and that it is in correlation with other amenities in the surrounding subdivision. Bruce referred to a letter (See Attached) from resident Brett Bishop requesting the hours of operation be limited, and that the hauling route be changed to avoid using the Telaga Way as that is a residential road and where the where the school bus route goes.

Commissioner Springston asked if the City has the authority to limit the hauling of heavy material through a main thoroughfare through town during bussing hours.

Bruce said yes, the commission can request that hours of operation be different than what is allowed in City Code. This is a special use permit so the commission can recommend that in the approval if desired.

Commissioner Springston said having been stuck behind a very large tractor recently in high traffic she would be very amenable to such a condition, particularly as is goes through a bus stop. Frustrated drivers are dangerous drivers, and this time of year driving into the sun or

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into the dark. She asked how long excavation would take place?

Commissioner Hutchison said she thought she read that the excavation would take 12 weeks. Her question is can there be a condition that the 12 weeks be consecutive weeks and that they end by May 15<sup>th</sup>, before the dry season? Bruce said yes, they can regulate the time, however it is construction, and no one can predicate what the weather will do going forward. The commission can place a time frame on it and if it gets close, they could choose to extend it. He is not in favor of that.

Commissioner Deaver said the recommendation from Mr. Bishop about school kids, busses, etc. does make a lot of sense. If we could get the trucks to exit and go through Crescent Lakes, which hasn't started construction of homes and the civil works have been completed. That is a very good idea because the kids walking along that road, one never knows.

Applicant: Elwin Butler-Engineer working with Skyline Homes: The applicant is desirable to create a subdivision similar to those adjacent to Lakes of Telaga 2. Each of those have a lake as an amenity in the back yard. They are expecting to pull approximately 80,000-120,000 cubic yards of material out of the pond area. His calculations are around 90,000 cubic yards. They would like to be out of there by spring when the water table starts coming up. Which is why it is pertinent that we get moving sooner than later. The material that comes out of there will be used for other projects that is owned by the owners of the development. There is a current SWPPP in place which accompanies a NOI that is filed with the State of Idaho. That SWPPP has been in place since last spring. Those are Live documents so as conditions change, that condition changes and the SWPPP is updated. Those who have been out there will see the SWPPP board posted on the side of the property and if there are any complaints about dust, water or other things they can call in and get a response. He did not anticipate a traffic plan because traffic has been exiting out onto Telaga Way. It is 200 feet to Kingsbury Rd down Telaga Way. That is where they would like to haul, as it is the shortest distance on a public road. He understands the concern, and he would encourage the commission if they are going to limit it, there is a school time, so if there is a certain time of the day that trucks could go out the shorter distance that would be beneficial, but if it is a requirement to go the other way they will do that. It is more important to the owner to get moving forward with the excavation. No additional permit is required for from the Department of Lands.

Commissioner Springston asked what the anticipated times for the workday would be?

Applicant: Elwin Butler said in the application they said 8:00 a.m.-5:00 p.m. They would like to follow City Code which is 7:00 a.m.-7:00 p.m. if that is allowed. There is not use of jack hammers or that type of equipment, but there will be use of an excavator and trucks pulling in and out. There will be some noise.

Chairman Waltemate opened the public comment portion at 6:56 p.m.

No Public comment from Facebook Live

Chairman Waltemate closed the public comment portion at 6:58 p.m.

Discussion by the commission:

Commissioner Hutchison asked how do we monitor between 8-9 a.m. and 2-3:30 p.m. that

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they use Crescent Lake and Cornell exit? Chairman Waltemate said it is called the honor system, we ask them to do it and hope they do. Commissioner Springston said most of the builders and contractors the City works with have integrity and they will do what they say. But by that logic we don't have any power to enforce people to use roundabouts correctly either. She said she thinks it is appropriate to say that work cannot begin until 8:00 a.m. and they can work until 7:00 p.m. and then they need to use the alternative route from 3:00-5:00 p.m.

Commissioner Deaver said it is difficult to regulate the drivers of the dirt trucks, whereas they make their living by the trip, not by the hour, they will do whatever they can to expedite their journey. He like Commissioner Hutchison lives in this area. There are so many subcontractors that are cutting around the roundabouts, it is not safe. He worries about the big trucks cutting around the roundabouts. If they go out the alternative route as proposed by Mr. Bishop, they can go straight out into Crescent Lakes and avoid the residential roundabouts. He would like the haul route to be changed to the alternative route.

Discussion about changing the time of operation from 8:00 a.m.-5:00 p.m. to 8:00 a.m.-7:00 p.m. using the alternate route.

**Motion:** Motion by Commissioner Gregory to approve the application from Skyline Homes and Development, LLC., for a special use permit to allow for a mineral extraction permit to create a 4.5-acre pond/water feature amenity for the Lakes of Telaga 2 subdivision. The site is approximately 14.8 acres, zoned "R-3" single-family residential and located near the southwest corner of Kingsbury Road and Telaga Way, parcel number R3383314300 with the City's conditions in the staff report A-E and also a condition of the time frame for work being from 8:00 a.m.-7:00 p.m. using the alternate route of Crescent Lakes as the in and out. Motion seconded by Commissioner Hutchison and approved unanimously.

Chairman Waltemate closed the public hearing at 7:10 p.m.

Chairman Waltemate called a 5-minute recess at 7:10 p.m.

Chairman Waltemate called the meeting back in session at 7:17 p.m.

**D. Public Hearing: An application from Middleton Industrial Park, LLC for preliminary plat and special use permit with respect to the Middleton Industrial Park Subdivision No. 2 located at 0 S Middleton Road, Tax Parcel No., R34075014A0. The proposed preliminary plat is zoned M-1 ("light industrial") and consists of seven industrial lots on 16.36 acres. The special use permit requests decreased road width, elimination of pressurized irrigation, elimination of sidewalks on interior lots, elimination of 5% open space requirement, and reduction of right-of-way triangle at Bass Lane and Middleton Road. – Roberta Stewart**

Chairman Waltemate opened the public hearing at 7:17 p.m.

City Planner Roberta Stewart gave a brief explanation of the project and the staff report. City services: Water and sewer will be extended to the project (is already there). Water and sewer will go down Bass Lane and will also be extended down Middleton Road. All lots will be served off of Bass Lane.

Traffic access and streets: Access to the park will be through Bass lane and the developer will be improving the south half of Bass Lane along the northern frontage of the project per

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the Middleton Supplement to the ISPWC Bass Lane is required to have a ½ road width of 40 ft. The applicant is requesting that reduced to 35 ft. which is similar to what was requested for Middleton Industrial Park No. 1. Staff is recommending that be approved so that the two road sections match and tie into each other. The Developer will also have to do ½ road improvements on Middleton Road. In 2016 there was a Corridor Study with Caldwell and Canyon Highway District 4 and the City of Middleton. The City Engineer and CHD4 have recommended that the developer improve the road to the degree in the Corridor Study with one exception. The 10 ft median in the middle needs to be widened to 11 ft so a left turn lane can be added for traffic headed north on Middleton turning left on Bass Lane. Staff recommends this be approved. City Engineer and the developer recommend that there be a right turn lane from Bass Lane onto S. Middleton Rd, there needs to be an acceleration lane on S. Middleton Rd. The traffic study had been commissioned but not completed. The TIS will detail what is needed. The third thing staff thinks will be needed is when coming south on Middleton Rd up to Bass Lane, there will need to be a deceleration lane. The intersection will eventually have to have some kind of traffic control (recommended by staff and CHD4 to not be a roundabout) because it is a principle arterial road. The TIS will reveal what should be put there. The developer will pay their proportionate share of the intersection and any other intersections or roadways that are affected by the project. The only problem staff has with the application is the 5<sup>th</sup> request on the special use permit for the Right-of-Way triangle. City Code says it needs to be 150 ft for a roundabout, staff thinks it reasonable to lower that to 75 ft, which would still allow for a traffic light. The applicant is requesting only 25 ft. which is not recommended by the City Engineer.

Pathways and sidewalks: 8 ft wide path along Bass Lane and 8ft wide path along Middleton Rd. The special use permit request is to get rid of the sidewalks on the interior roads. No one is walking around in this industrial park and this would make it commensurate to what was approved with Middleton Industrial Park No. 1.

Pressurized Irrigation and open space: Applicant is requesting that even though the City code requires it, that it be omitted for this project. It was omitted in Middleton Industrial Park No 1 because there is not green scrape. Staff recommends this be approved.

Caldwell Rural Fire Protection District has not submitted comments on this project. No comments from adjacent landowners.

Chairman Waltemate asked for clarification on the map where the left turn lane and right turn lane deceleration lane. What is the purpose of that and where will the light go?

Commissioner Springston asked if there will be additional traffic of heavy trucks and vehicles going in and out?

Roberta said the intersection and road improvements are to also accommodate additional development coming into the south of the project. Once the TIS is completed the City will have a more complete understanding of what needs to happen as far as improvements to traffic intersections and roadways and the proportionate share from the developer.

Discussion from commissioners clarifying location and images from maps submitted.

Commissioner Springston said for the record there are many other places in Middleton that need a traffic light. This is not one high on her priority list. She understands it being a part of the TIS. She is not arguing that the road doesn't need improvements, the timing of the light is what she is referring to.

Applicant: David Sterling – T-O Engineers representing Middleton Industrial Park No 2.

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Middleton Industrial Park No 1 was preplatted in 2018 and construction began in 2019. Since then all the lots have been built out or are in the process of being built out. Now they are moving onto the next phase. This phase will add 7 more lots. This is what is being proposed at preplat, at final plat, they may end up subtracting a lot line and combining a lot, dependent on what the buyer wants the closer to construction.

Bass Lane: The Right-of-Way was already dedicated back in 2018 for the entire road with 35 ft from the centerline. At the intersection they are planning on adding a right turn lane, and they are currently widening that out. That is why it varies from 35 to 45 ft which is for the taper for the turn lane.

Middleton Road: The Corridor study calls out two lanes in each direction with a 10 ft median. They are proposing a 12 ft center turn lane, an 11 ft through lane and then an 11 ft through lane that would be striped as an acceleration lane. Then there would be a 6 ft bike lane, a curb, a drainage swale and then an 8 ft pathway. The City standard is 11 ft turning lane and 11 ft through lanes, a 6 ft shoulder and an attached sidewalk. The reason he added a bike lane and the curb is because he thought this was being built out as an urban section. If the City wants us to remove the curb he can. The reason they detached the pathway from curb or from the pavement is because they need room for storm drainage. In this area down by the river ground water is only a few feet deep. If he attaches the sidewalk to the pavement he has to put in curb, gutter and catch inlets which drops down a couple feet and there is no separation from groundwater to pipe that some place. That is why he put in a different cross section than what is found in the City Standard, because he needs a swale. That is consistent with the construction of the first phase and Bass Lane construction and the interior lots are constructed with roadside swale. He would like to keep it consistent. He would like the City to approve his section (either changed to bike lane or shoulder) but with a swale for constructability.

Traffic triangle at Intersection at Bass Lane and S. Middleton Rd: He pulled an intersection at Ustick and Linder in Meridian. For comparison the traffic triangle is between 25-35 ft. on either side. Middleton's standard is 150 ft which is huge. And since they know a roundabout is not going in, they think that 35 ft is still going to give room and allow for the sidewalk. But they are sill waiting for the TIS to be completed, it may be something that can be finalized at that time.

Commissioners asked clarifying questions.

Chairman Waltemate asked if the TIS comes back requiring additional turn or deceleration/acceleration lanes in front of the individuals business, if it is required the City will do it. Roberta said yes, it would be done and the TIS will provide the answers that are needed.

Chairman Waltemate opened the Public Comment portion at 7:47 p.m.

No Public Comment but lots of "thumbs up"

Chairman Waltemate closed the Public Comment portion at 7:49 p.m.

Discussion by Commission:

Commissioner Hutchison said she would like to see pressurized irrigation and landscaping along S. Middleton Rd. This is the entry into Middleton. Commissioner Springston agrees that along Middleton Rd it looks to nice. She is fine with removing the greenscapes on the interior lots. Commission is not comfortable making a recommendation or approval on



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anything regarding the Traffic Study without the completed TIS. The items on the Special Use Permit that do not deal with the TIS the commission is comfortable making decisions. There are too many variables regarding the traffic study.

Bruce Bayne said previously on other projects the City has allowed projects to be approved without the TIS being approved because of the time frame with traffic studies currently in the whole valley. Any conditions that will be placed on this project, City Council will not approve those until a TIS is approved and until the pro-rata share is known and the improvements are known. The City has allowed this on other projects. He doesn't see this being different than other projects and asks that the Commission puts that condition in rather than having another meeting. If something comes out of the TIS that has not been discussed, then it makes sense to have another meeting. But the TIS will tell what needs to be done and that will be done prior to approval of City Council.

Applicant: David Sterling: The developer plans on adding the right turn lane from Bass Lane onto Middleton Rd regardless of what the TIS says and regardless of what the TIS says they want to add the left turn lane from Middleton Rd onto Bass Lane. Both of these additions make the development more appealing. Further improvements in the TIS will have to be addressed at the appropriate time.

Roberta Stewart said the City and the applicant is on the same page as far as what needs to be done, it is just the fine tuning of it that has to be done before approved by City Council. CHD4 and Caldwell does not agree with the swale recommendation, the Corridor Study design is going to go all the way down Middleton Road and into Caldwell. The City at this time does not want the swale design, but rather would like to keep with the Corridor design to keep uniformity.

Regarding pressurized irrigation, the commission would like to see the greenscape along S. Middleton Rd.

**Motion:** Motion by Chairman Waltemate to approve an application from Middleton Industrial Park, LLC under the conditions put forth by the City and recommendations for Middleton Industrial Park, LLC for preliminary plat and special use permit with respect to the Middleton Industrial Park Subdivision No. 2 located at 0 S Middleton Road, Tax Parcel No., R34075014A0. The proposed preliminary plat is zoned M-1 ("light industrial") and consists of seven industrial lots on 16.36 acres. The special use permit requests decreased road width, elimination of pressurized irrigation with the exception of along Middleton Rd for a greenscape of 20 ft, the elimination of sidewalks on interior lots, the elimination of 5% open space requirement, and reduction of right-of-way triangle at Bass Lane and Middleton Road dependent on the Traffic Impact Study. Motion seconded by Commissioner Springston and approved unanimously.

Chairman Waltemate closed the public hearing at 8:08 p.m.

**E. Public Hearing: An application from Drake Investments, LLC for preliminary plat, development agreement modification and comprehensive plan map amendment for approval of the River Pointe Subdivision. The proposed preliminary plat consists of Mixed Use (M-U) development of 188 commercial, residential, and common lots on approximately 75 acres of vacant land. The address of the project is 10481 Highway 44 and 0 Highway 44, (south of Highway 44), parcel numbers R33920 and R3392001. – Roberta Stewart**

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Chairman Waltemate called the item. Roberta Steward said it needs to be tabled to a date certain of February 8, 2021.

**Motion:** Motion by Chairman Waltemate to table item 3E to a date certain of February 8, 2021. Motion seconded by Commissioner Springston and approved unanimously.


**Public/Commission/Staff Comments:**

No public comments on Facebook.

**Adjourn:** Chairman Waltemate adjourned the meeting at 8:12 p.m.

  
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Ray Waltemate, Chairman

ATTEST:

  
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Jennica Reynolds, Deputy Clerk  
Approved: February 8, 2021









