
**MIDDLETON CITY COUNCIL
JANUARY 19, 2022**

The Middleton City Council meeting on January 19, 2022, was called-to-order at 5:30 p.m. by Council President Kiser.

Roll Call: Council President Kiser, Council Members O'Meara, Murray, and Huggins were present. Mayor Rule was out ill. City Attorney Douglas Waterman, Deputy Clerk Dawn Goodwin City Planner Roberta Stewart and Public Works Director Jason VanGilder were present.

Pledge of Allegiance, Invocation: Rob Kiser

Action Items

A. Approve Agenda

Motion: Motion by Council Member Huggins to approve the amended agenda as posted January 18, 2022, at 3:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items:

- None

Action Items:

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council January 5, 2022, regular meeting.
 - b. Consider ratifying payroll for January 14, 2022, in the amount of \$94,998.34.
 - c. Consider approving accounts payable thru January 14, 2022, in the amount of \$187,577.69.
 - d. Consider approving the Findings of Facts, Conclusions of Law & Order (FCO) for the Carter John Mixed-Use Subdivision. **(Exhibit A)**

Council President Kiser called the items. Council President Kiser stated he had gone through the accounts payable, and nothing had changed since the check registers had been uploaded to the council drobox. There were no concerns.

Motion: Motion by Council Member Huggins to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member O'Meara and approved unanimously.

2. Consider the un-appointment of Rachel Sontag from the City of Middleton Library Board.

Council President Kiser called the item and explained that due to State of Idaho Code Mrs. Sontag could not serve on the Library Board as she did not live within Middleton City limits.

Motion: Motion by Council Member O'Meara to un-appoint Rachel Sontag from the Middleton Library Board. Motion seconded by Council Member Huggins and approved unanimously.

3. Consider the appointment of Logan Green to the City of Middleton Library Board.

Council President Kiser called the item.

Motion: Motion by Council Member O'Meara to appoint Logan Green to the City of Middleton Library Board. Motion seconded by Council Member Huggins and approved unanimously.

4. Consider approving a beer and wine license for Co-Op 21, LLC doing business as Chaparral Tavern until May 31, 2022.

Council President Kiser called the item. Dave Cox, operator of the Chaparral Tavern briefly addressed the council stating that the State of Idaho transferred the previous owners existing license over to their company Co-Op 21, LLC but the city required a new license to be pulled.

Motion: Motion by Council Member O'Meara to approve a beer and wine license for Co-Op 21, LLC doing business as Chaparral Tavern until May 31, 2022. Motion was seconded by Council Member Huggins and approved unanimously.

5. **Public Hearing (continued):** Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2.

Council President Kiser called the continuation of the public hearing from the January 5, 2022, City Council meeting open at 5:44 p.m. City Planner Roberta Stewart briefly refreshed the council's memory of what changes to the city code were being changed with the proposed ordinance.

Public Comment:

Mike Graffe – 1889 Ridge Way – Middleton – Mr. Graffe asked for clarification on 5-4-1 Table 2 pertaining the number of units that can be attached together as it was his understanding that the new Carte John project was not meeting the table standards. City Planner Roberta Stewart stated that the table in which Mr. Graffe was referring to was not in use for the Carte John project as it had not been adopted by City Council at the time of approval for that project.

Mark Christiansen – 8095 Goldstream Ct – Middleton – Mr. Christiansen wanted clarification on if a playground could be added to a plat per approval by City Council or it had to be defined by the City Code. President Kiser explained that the plat had to be brought before City Council for approval and that the Council could at that time make the developer adjust the "playground" before final approval.

Janet Gibson – 945 Harvest Way – Middleton – Mrs. Gibson expressed that a clubhouse would be preferable over a playground as a clubhouse gives a sense of community in the subdivision with a central place to meet and hold events. The lack of this type of amenity deprives the subdivision and residents of that sense of a community atmosphere.

A brief Council discussion occurred regarding the requirement of 500-foot notice for all public hearings. Council agreed that this provision in the city code was a well needed change.

Motion: Motion by Council President Kiser to close the public hearing at 6:07 p.m. Motion was seconded by Council Member Huggins and approved unanimously.

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6. Consider adopting Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. **(Exhibit B)**

President Kiser called the item.

Motion: Motion by Council President Kiser to waive the three-reading rule and read Ordinance No. 695 by title only. Motion seconded by Council Member Huggins and approved unanimously. Council president Kiser read Ordinance No. 659 by title only.

Motion: Motion by Council President Kiser to adopt Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. Motion seconded by Council Member Huggins and approved unanimously by roll call vote.

8. Consider approving the Summary of Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. (For newspaper publication purposes.) **(Exhibit C)**

President Kiser called the item City Attorney, Douglas Waterman explained that this allows the city to publish a summary of the adopted ordinance in the paper in place of the full ordinance. This summary also gives proof by the attorney signature block that it has been reviewed by legal counsel.

Motion: Motion by Council President Kiser to approve the Summary of Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. Motion was seconded by Council Member Huggins and approved unanimously.

9. Consider approving the *Consent to Annexation and Utility Corridor Agreement* for the County Subdivision known as "Quail Haven" **(Exhibit D)**

Council President Kiser called the item. City Planner Robert Stewart explained that the county has several subdivisions that are being developed surrounding the city. These subdivisions typically do not preplan to later annex into the city when and if the opportunity arises, meaning they do not leave space to later run water and sewer lines through the subdivision. Annexation and Utility Corridor Agreements grant preservation of a 10-foot sewer and water easement for later development so that once the subdivision or subsequent property becomes contiguous to the city annexation may occur allowing the city to not become boxed in by county developments.

Motion: Motion by Council President Kiser to approve the *Consent to Annexation and Utility Corridor Agreement* for the County Subdivision known as "Quail Haven". Motion was seconded by Council Member Huggins and approved unanimously by roll call vote.

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10. Consider approving T-O Engineers, Keller Associates, and Civil Survey Consultants as the City of Middleton QLPE plan reviewers.

Council President Kiser called the item, City Public Works Director Jason VanGilder explained that having additional resource to utilize for plat reviews and other such project would take some of the load off the current city engineer firm Civil Dynamics allowing for the fast progression of different city projects.

Motion: Motion by Council President Kiser to approve -O Engineers, Keller Associates, and Civil Survey Consultants as the City of Middleton QLPE plan reviewers. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.


Public Comments, Mayor and Council Comments:

- Mike Graffe—1889 Ridgeway- Asked if rumors of a Wal-Mart west of the Tractor Supply store were true. Council President Kiser responded that he knew of no plans with the city for a Wal-Mart. Mr. Graffe also wanted the council to know that pre-annexation agreements sounded like a good idea for future growth, however, this then increases the density of the city which is not such a great plan.
- Mike McDougal – 13032 Green Well Ln – Middleton – Mr. McDougal stated that he feels that Planning and Zoning and City Council meetings are all just a show and that they aren't worth coming to for residents, as the Planning and Zoning Commission and City Council just do as they please and not what the residents or those in attendance request that they do as governing boards. He feels as a resident that this is very frustrating and discouraging.
- Janet Gibson – 945 Harvest Way – Middleton – Mrs. Gibson stated she too agrees with everything has been previously stated. She also wanted to say that she understands the need to learn from past mistakes but instead of continually learning from past mistakes there needs to be a proactive response as well such as reaching out to cities that have done development and expansion the correct way.
- Tony Bastians – 945 Harvest Way – Middleton – Mr. Bastians stated that he agreed with everything that both Mr. Graffe and Mr. McDougal stated prior. He also asked for additional clarification on R-3 zoning regarding the 3 house per acre and the difference with the 8,000 square feet.
- Todd Ognibene—1973 Scotch Pine Mr. Ognibene stated that the city needs to have a well thought out plan for growth that includes a plan on where building such as schools, fire station etc. need to be placed.
- Council Member O'Meara— stated that he understands the frustrations of all the residents who spoke. Council Member O'Meara wanted them to know their concerns have been heard but the issues were a larger problem that needed to be pushed with the legislators not with the council to impact that change they were requesting.
- Council Member Murray – requested that the meeting start being broadcasted again for those who were unable to attend due to work schedules or health issues.
- Council Member Huggins – sated that exponential growth is going to happen for Mountain Home to Ontario and that there just wasn't enough tax revenue to keep up with the infrastructure demands that come with the growth.
- Council President Kiser – sated that he sees the growth and it's exciting because with growth comes business and jobs for residents that are closer to their homes.

He stated that he can appreciate the residents' concerns and their passion to participate in meeting and have discussions, but the last thing he wants as a resident or as a Council Member is to get the city tied up in a lawsuit.

Adjourn: Council President Kiser adjourned the city council meeting at 7:16 PM.

ATTEST:


Dawn Goodwin, Deputy Clerk
Minutes Approved: February 2, 2022


Steven J. Rule, Mayor



EXHIBIT “B”



January 3, 2022

TO: City of Middleton
Roberta Stewart, Planner

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

A handwritten signature in blue ink, appearing to read "Amy Woodruff", is written over the "FROM" line.

RE: CARTER JOHN SUBDIVISION - PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat. It is recommended Mayor Rule and City Council approve the preliminary plat.

EXHIBIT "F"

Engineering Recommendation Letter

attached Staff Report for the hearing date of October 18, 2021, Exhibit "A".

C. Decision and Order:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby recommended that:

City Council approve the application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision subject to the conditions of approval set forth in the Staff Report for the October 18, 2021, public hearing on the matter.

WRITTEN RECOMMENDATION APPROVED ON: October 18, 2021.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest: 
Roberta Stewart
Planning and Zoning Department

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Decision & Order



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 18, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That 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.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329 and 50-222.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the

Exhibit "E"

P&Z Commission Recommendation



CITY OF MIDDLETON

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December 23, 2021

**Fourth Round of Planner Comments (Pre-Plat dated 12/21/2021)
Carter John Mixed-Use Subdivision**

1. Revise Note 8 regarding setbacks to state only the following: *"Minimum building setback lines shall be in accordance with the Middleton City zoning ordinance at the time of issuance of a building permit. Please Remove the "...or as specifically approved...." The 3rd page of your pre-plat shows the building footprints. The city considers that ONLY conceptual and is not approving any setbacks on the pre-plat. Instead, you will be subject to the M-U setbacks regardless of the footprints shown on page 3.*
2. Change "Overall Lot Data" to state that there are 7 common lots and 1 commercial lot.
3. Add note that project requested variance for minimum flag lot frontage of 12'.
4. Show mailbox location on plat.
5. Add Note regarding existence of a DA with Instrument #2020-037265 recorded in the records of Canyon County, Idaho.
6. Change note 13 to add a second sentence as follows: *"The fence on the rear boundary of Lots 19-25, Block 1 shall be wrought iron.*
7. Change Note 7 to put Lot 14 in Block 2, not Block 1
8. Add square footage to Lots 1, 37, and 38, Block 1.

Roberta L. Stewart, Middleton City Planner



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Additional Planner Comments per 9/20/2021 Meeting with Applicant Carter John Mixed-Use Subdivision

September 21, 2021

1. Please ensure the tot lot shown on Steve Martinez' concept drawing is on the revised pre-plat.
2. Add section diagram for Townhome Roadway found in Supplement to ISPWC.
3. Revise the Notes as follows:
 - a. Remove Note 4 now that roads are public.
 - b. Add a note that all streets are public and dedicated to the City.
 - c. Add note that sewer and water utilities are public and owned by the City, and sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton.
 - d. Revise Note 11 to insert the new Lot number for the Ditch lot currently designated as lot 63. This lot number may be changed once you renumber all the lots in consecutive order as required by the Code. Do not number all the common lots at the end and outside consecutive order.
 - e. Notes 11 and 7 are a little redundant and wonky. Both mention HOA ownership of common lots.
 - f. Call out every common lot by lot & block so there is no confusion as to what is and what is not a common lot.

Roberta L. Stewart

Middleton City Planner

- g. Add note: "All interior lots lines contain a 5' foot wide easement on each side of the lot line. Easements used for public and private utility, drainage, and irrigation facilities.
 - h. Add a note calling out the current DA and the instrument number.
14. You will need to add a landscaped berm as a buffer between commercial and residential uses per MCC 5-4-10-7. If you revise the DA, you can also add a provision for a different type of buffer, but you need to add a buffer of some kind ultimately.

Roberta L. Stewart

Middleton City Planner



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PLANNER COMMENTS – Carter John Mixed-Use Subdivision

September 14, 2021

1. Per the DA, you must show a commercial lot that is at least 1 acre. You will need to change Lot 65 so it can truly be used for commercial use. It is obviously being used in part to provide parking for the residential subdivision. That is not the intent of the DA. Please square up the 1 acre parcel and make it truly usable as a 1 acre commercial parcel. Do not show any parking on the commercial parcel.
2. The City would really like to see some type of amenity for the community. There will surely be young children in the subdivision. Show the amenity on the plat please. It can be a playground or picnic area...etc.
3. Add the words "Block 1" to the plat. I know it's a "given", but I think you should put the Block number for the purposes of legal descriptions. I could be wrong on this. It may be an Amy question.
4. Confirm that you are building only single family attached "townhomes" in the residential portion of the subdivision. If not, you will have to increase the lot sizes to 6000 s.f.
5. Please confirm that each townhome unit will have 3 parking spaces per code?
6. You will have to provide much more parking for the residential portion of the subdivision. The streets are narrow. You may not be able to park on the street per fire code. If someone has a birthday party, where do all the guests park? The commercial parcel on Hartley should not be a parking lot for residential guests.
7. Even though the DA allows private streets, the DA states that they still must be built to City Code. Your streets are not built to city code. You may build the smaller townhome road shown in the Supplement, but your road is not showing those specifications.
8. You need to add sidewalks
9. Please provide appropriate names for the Streets. Street A and B will not work
10. Please provide a landscape plan
11. You must show the mailbox clusters on the pre-plat
12. Renumber all your lots consecutively. You numbered the common lots out of order.
13. Revise the Notes as follows:
 - a. If you choose to modify the DA and make the streets public, remove Note 4.
 - b. If you choose to make streets public, please add a note that all streets are public and dedicated to the City.
 - c. If you continue with the private streets, you need to attach an easement to the sewer and water utilities for City use.
 - d. Add note: "Sanitary sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton."
 - e. Add a note calling out every common lot and note that they are owned and maintained by the HOA
 - f. Add note: "Sewer and water capacity shall be reserved at the time the City approves the Construction Drawings"

need to have 5' sidewalks all the way out to Hartley so people can walk out of the community safely. I think you will need to work with the ditch company for permission to add sidewalks in their easement area.

13. You need to show frontage improvements to Hartley

Roberta L. Stewart, Middleton City Planner



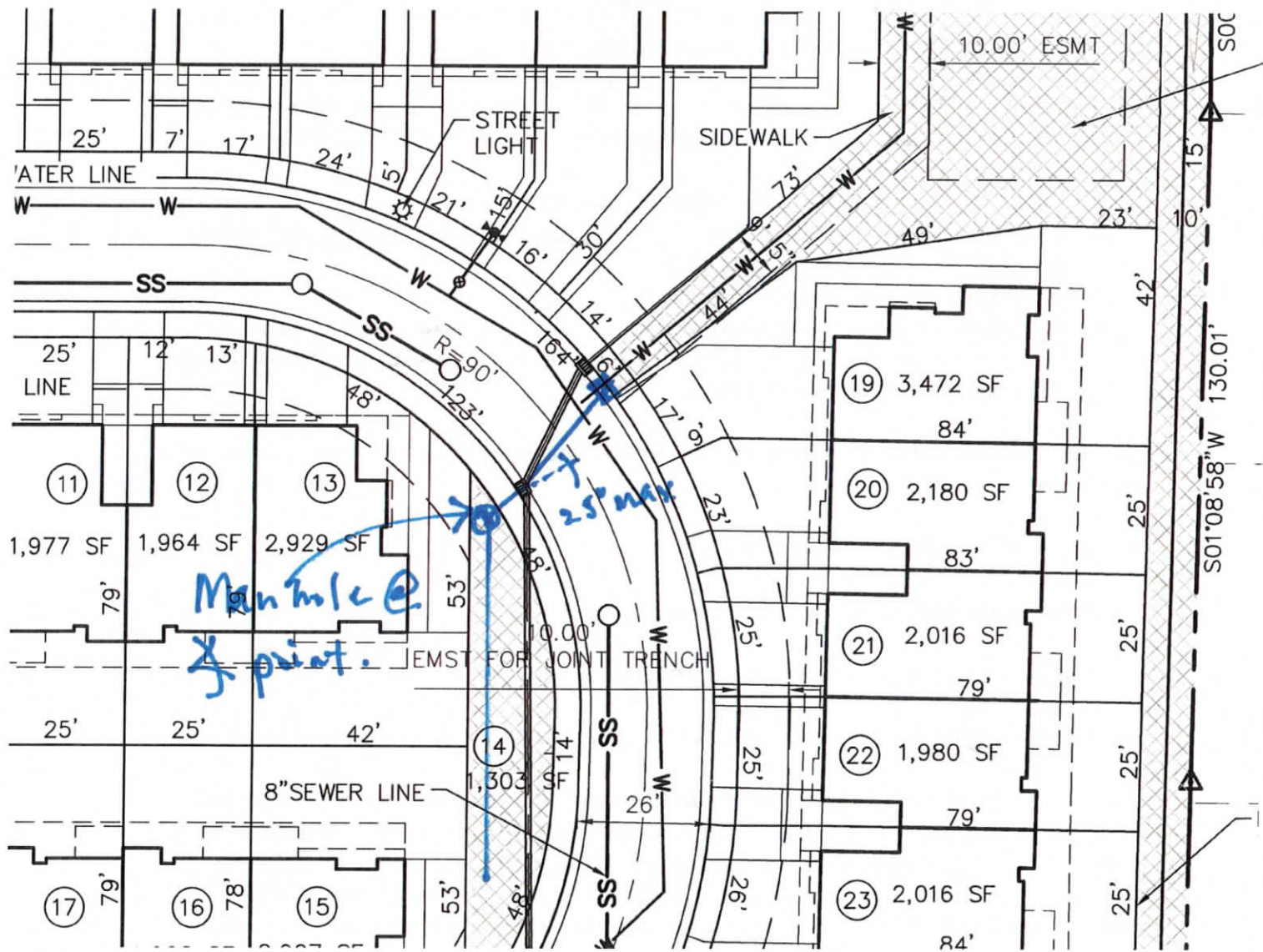
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October 5, 2021

Third Round of Planner Comments (Pre-Plat dated 10/1/2021) Carter John Mixed-Use Subdivision

1. Per email with Steve Martinez, change street notations from "private" to "public."
 - a. Add names for 2 "Streets" and a name for 1 "Avenue", e.g., "Main Street", "Main Avenue" "Street" designation are for roadways that go east/west. Avenue designation is for road that goes north/south.
 - b. Add language to note section that streets/right of way are public and dedicated to the City of Middleton.
 - c. Change Note 4 accordingly.
 - d. Change description of "private" on the typical street section diagrams
2. Please send a landscape plan. This is 3rd request.
3. Add language to Note section stating that there is a variance allowing 90' radius turns
4. Renumber lots 33. You have 2 "33s". One lot needs renumbered "32".
5. Revise Note 11 to note Lot 38, not lot 63
6. This is 3rd request to create a note that calls out every common lot. For example, write "Lots 27, 18, Block 1 are common lots." You can combine it with note 7 that indicates the HOA owns and maintains the lots
7. Fix Note 4. There is no lot 64
8. Add square footage to lot 40 with tot lot.
9. Code requires all flag lots to have a 20' width at the street. You have flag lots with only 11', 12', and 14' width. Also, it looks like access to common lots/storm detention lots 18 and 27 is thwarted or entirely missing. I think we may be ok with waiving the 20' flag lot width if you figure out a way to have cross access on those tight corner lots and detention pond lots. There will be issues with people wanting to put up fences. There are issues with the HOA getting back to the detention ponds for maintenance. The north east corner lots and south east corner lots need to work better for access and neighborly harmony.
10. I'm concerned that you may not be meeting the 5% open space requirement. I see only lot 40 and 37 as potential open space for gathering. Lot 38 could serve as open space if it was landscaped and if gathering places were set aside like benches or pathways. If you give better access to detention lots 18 and 27 so that residents could go back there and enjoy the grassy areas, then we could call that open space. Please tell me how you are getting to the 8.75% open space noted on sheet 1.
11. If you figure out how to give good access to the corner lots, add a note to the note section indicating there is a "waiver" of the 20' flag lot rule.
12. You are missing 5' sidewalks on the ROW out to Hartley. We can forego 5' sidewalks on the interior sides of the ROW across the commercial lot, but the exterior portions of the ROW



Street lights every 400 ft maximum, at intersections and cul-de-sacs.

1. Add street lights at the Hartley intersections.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate Hartley reconstruction and new street intersections developed for Carter John.

1. This requirement is consistent for every development in Middleton. This project will generate approximately 590 vehicle trips per day, with 80% (472 vehicles) turning left to SH44. The existing canal crossing and both street intersections need to be safe and constructed per City standards, including a pavement taper and transition.

Hartley is required to be improved per City specifications: 3 lane urban and 50 ft half right of way from the section line. From north project limits to south project limits. Include stormwater management.

1. The typical section needs to be reviewed and corrected.
2. The plan view needs to be corrected. Where is top back curb located in relationship to the west face of the power structures?
3. The plan view needs to match the typical section.
4. If the owner of the parcel located a power structure at 25ft from section line (per callout/not shown), Carter John team needs to put forward a solution. A gap in Hartley Lane improvements is not a solution.

Develop a crosswalk, including ped ramps, where the sidewalks terminate to one side only. Locate a streetlight at the crossing.

How do Lot 19 and Lot 20 service for sewer?

Dimension in foot and tenths – please don't use inches.

Water main separation needs to be met on Lot 18.

Water main easement and all utility easement width is MINIMUM 10 ft. No exception.

The city will not approve a strip between fences that grows weeds and becomes a dumping ground for clippings and yard debris. It is a fire hazard and attracts vectors, at the least. Either move the fence to the east limits of the easement (boundary fence location as required per code) or otherwise put forth a solution. If the ditch company will allow a fence at west easement boundary why can fence not be placed at the east easement boundary?

Pipes can't exit out of a drop inlet as shown. Come out face or back at 25° max or come out short side at 90° only. Also need manholes where pipe deflects or within 20ft +- of DI because DI's can't be used with jetter. See attached.

Show the irrigation system layout and point of diversion/pump station location.

November 24, 2021

TO: Roberta Stewart, Planner

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



RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

Review comments are summarized below. Many of the comments are carried over from prior reviews and some are new based on the reconfigured plat.

Reduce the plat to no more than two pages. Drafting and plat corrections:

1. The contours need labeled.
2. Page 2 of 3 is the only page with lot dimensions and it is very hard to read. Please erase every line that isn't required. For example, remove easement lines that are identified in notes, ie – front/side/back, etc. What is the dashed line 40ft from Hartley centerline? Label. Remove the buildings and driveways and dashed lines front and rear of the buildings and put all that linework on page 3 as an exhibit if you would like it shown. Only the existing easements and as required for the entitlement, per code, should be shown.
3. Where is the large overhead power main on the east side, and parallel to, Hartley? The callout on page 2 of 3 points to a survey monument at/near the 25 ft (prescriptive?) point. Why would the power structure at the north property boundary be installed out of alignment (and west of) the power structure near the south boundary?
4. Check linework on west end of Layla Jane – centerline to ROW, both sides. The streets are not access and utility easement – label as right of way or just dimension.

Stormwater. Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. The front half of the lot C value is 0.75, the rights of way/impervious (all) are 0.95. All stormwater management facilities require pretreatment. Stormwater facilities are owned by HOA and the provisions for maintenance required to be established in CCRs.

1. Why is a retention basin shown on the commercial lot as a stand alone area? Facilities for stormwater from rights of way are maintained by HOA and need to be in common areas for access and management.
2. Stormwater management basin at Lot 36 is too deep. MAX side slope is 3:1. 4:1 strongly preferred. Resubmit preliminary design per rational method calculations.
3. Stormwater piping requires manholes at deflection points. Eliminate angle on pipes or add a manhole.
4. Move sediment box on Lot 26 to near ROW for maintenance. All sediment boxes have to be accessible by vac truck to clean.
5. Review landscaping plan – trees cannot be planted in retention basin area.

September 16, 2021

TO: Roberta Stewart, Planner

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



RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat submittal.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS. The 2019 record of survey shows Carter John ownership in the northeast corner. Either add it to the plat or let us know the status if it not owned included in Carter John parcel.

Extend water at 90d east from existing. Label water main in Hartley as 12-in, label on-site as 8-in. Loop water in A to Hartley main. Terminate Hartley main with hydrant.

400 ft is maximum spacing between manholes.

Provide pedestrian access to W 3rd N through the common lot and easement. Show on page 2/3.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Develop sidewalks each side of the private road(s). Pedestrian facilities are required.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities.

There was no revision to the commercial area. The footprint for commercial, including parking, is less than ½ acre.

Add centerline radii and intersection radii. Middleton Rural Fire cannot traverse 40ft centerline radii.

Delete duplicate line on east boundary area.

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Add note regarding City water, City sewer and stormwater management in retention areas.

October 7, 2021

TO: Roberta Stewart, Planner

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

A handwritten signature in blue ink, likely belonging to Amy Woodruff, is written over the 'FROM' line.

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat submittal.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS. Does the Idaho Board recognize the seal that is presented?

Extend water at 90d east from existing. Terminate Hartley main with hydrant.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities – including ramps at street crossings. Extend improvements to the north boundary and the south boundary. Include a typical section of Hartley.

Delete duplicate line on east boundary area. What is happening in the area from back of lots to the east boundary?

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Please add note regarding stormwater management in retention areas. Add HOA will be responsible for maintenance of stormwater management areas.

Exhibit "D"

Comments from City Engineer and City Planner

Boise Office
1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office
1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office
236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559

Roberta Stewart
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Re: Hartley Lanes Townhomes Subdivision

Dear Ms. Stewart:

The Canyon County Ditch Company, Middleton Mill Ditch Company and Middleton Irrigation Association (hereinafter collectively referred to as the "Ditch Companies") have ditches and easements that run through or abuts this property. The easement is 25 feet each side from the top of bank. The developer must contact the Ditch Companies' attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies' facilities occurs. The Ditch Companies must review irrigation and storm water drainage plans and construction plans prior to any approval.


The Ditch Companies generally require a License Agreement prior to any approval for the following reasons:

1. Relocation of a facility which would also require a new easement and relinquishment of the old easement once the relocation has been completed.
2. Piping of a facility.
3. Encroachment on a facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures.
4. Drainage discharges into any facilities.

Also, please be advised that the Ditch Companies do not approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Companies may make exceptions on a case by case basis, which requires the developers/owners to obtain written permission from the Ditch Companies for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,


S. Bryce Farris

cc: MM-MI and CCWC

www.sawtoothlaw.com



SAWTOOTH LAW OFFICES, PLLC

September 7, 2021



David P. Claiborne *

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera **

Brian A. Faria**

Patxi Larrocea-Phillips

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

Attorneys licensed in Idaho
** Also licensed in Washington*
*** Also licensed in Oregon*

SH-44 (State Street), SH-16 to Linder Road, Ada County

Regionally Significant: ☒ ☒ Inflated

Key #: 20266

Requesting Agency: ITD

Project Year: 2023

Total Previous Expenditures: \$463

Total Programmed Cost: \$8,670

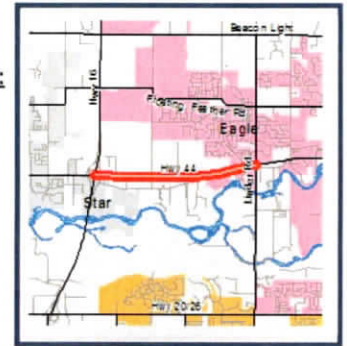
Total Cost (Prev. + Prog.): \$9,133

Project Description : Add an additional westbound and eastbound lane to improve congestion and reduce crashes along State Highway 44 (State Street) from State Highway 16 to Linder Road near the City of Eagle.

COMPASS PM:

Congestion Reduction/System Reliability
Freight Movement and Economic Vitality
Transportation Safety
Community Infrastructure

Federal PM:



Funding Source		Program State Hwy - Safety & Capacity (Capacity)						Local Match 100.00%	
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2023	0	0	0	0	765	7,905	8,670	0	8,670
Fund Totals:	\$0	\$0	\$0	\$0	\$765	\$7,905	\$8,670	\$0	\$8,670

SH-44 (State Street), Star Road to SH-16, Ada County

Regionally Significant: ☒ ☒ Inflated

Key #: 20574

Requesting Agency: ITD

Project Year: 2024

Total Previous Expenditures: \$1,400

Total Programmed Cost: \$11,836

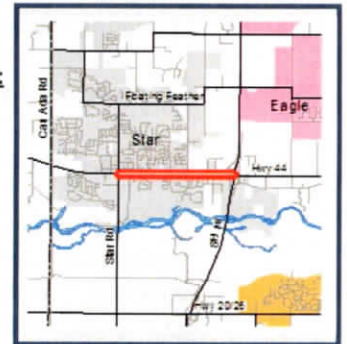
Total Cost (Prev. + Prog.): \$13,236

Project Description : Widen State Highway 44 (State Street) from Star Road to State Highway 16 in Ada County. An additional lane in both directions will alleviate congestion issues and improve safety.

COMPASS PM:

Congestion Reduction/System Reliability
Freight Movement and Economic Vitality
Transportation Safety
Community Infrastructure

Federal PM:



Funding Source		Program State Hwy - Safety & Capacity (Capacity)						Local Match 100.00%	
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2021	61	0	1,000	0	0	0	1,061	0	1,061
2024	0	0	0	0	704	10,071	10,775	0	10,775
Fund Totals:	\$61	\$0	\$1,000	\$0	\$704	\$10,071	\$11,836	\$0	\$11,836

Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 2.0* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: Hartley Lane Townhomes






Agency: Middleton

CIM Vision Category: Existing Neighborhoods

New households: 58

New jobs: ±10

Exceeds CIM forecast: No

	CIM Corridor: Highway 44 (Main St) Pedestrian level of stress: PG Bicycle level of stress: PG-13	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: 1,320 Jobs within 1 mile: 700 Jobs/Housing Ratio: 0.5	A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 0.4 miles Nearest fire station: 1.3 miles	Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
	Farmland consumed: Yes Farmland within 1 mile: 732 acres	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.9 miles Nearest public park: 0.8 miles Nearest grocery store: >4 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

Communities in Motion 2040 2.0 identifies State Highway 44, from Canyon Lane to Star Road, to be widened to four travel lanes. This project would include 10-foot paved multiuse shoulders along the new roadway in the City of Middleton. This project is the #3 unfunded state priority. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266). The site is not currently served by public transportation. ValleyConnect 2.0 proposes bus service from Canyon County to downtown Meridian, via Highway 44.

Consider a public, stub road to the north that would enable the West 3rd Street connection and reduce the travelled-distance to Ed Payne Park, Middleton Heights Elementary School, and future bus service in downtown Middleton.

More information about COMPASS and *Communities in Motion 2040 2.0*:

Web: www.compassidaho.org

Email info@compassidaho.org

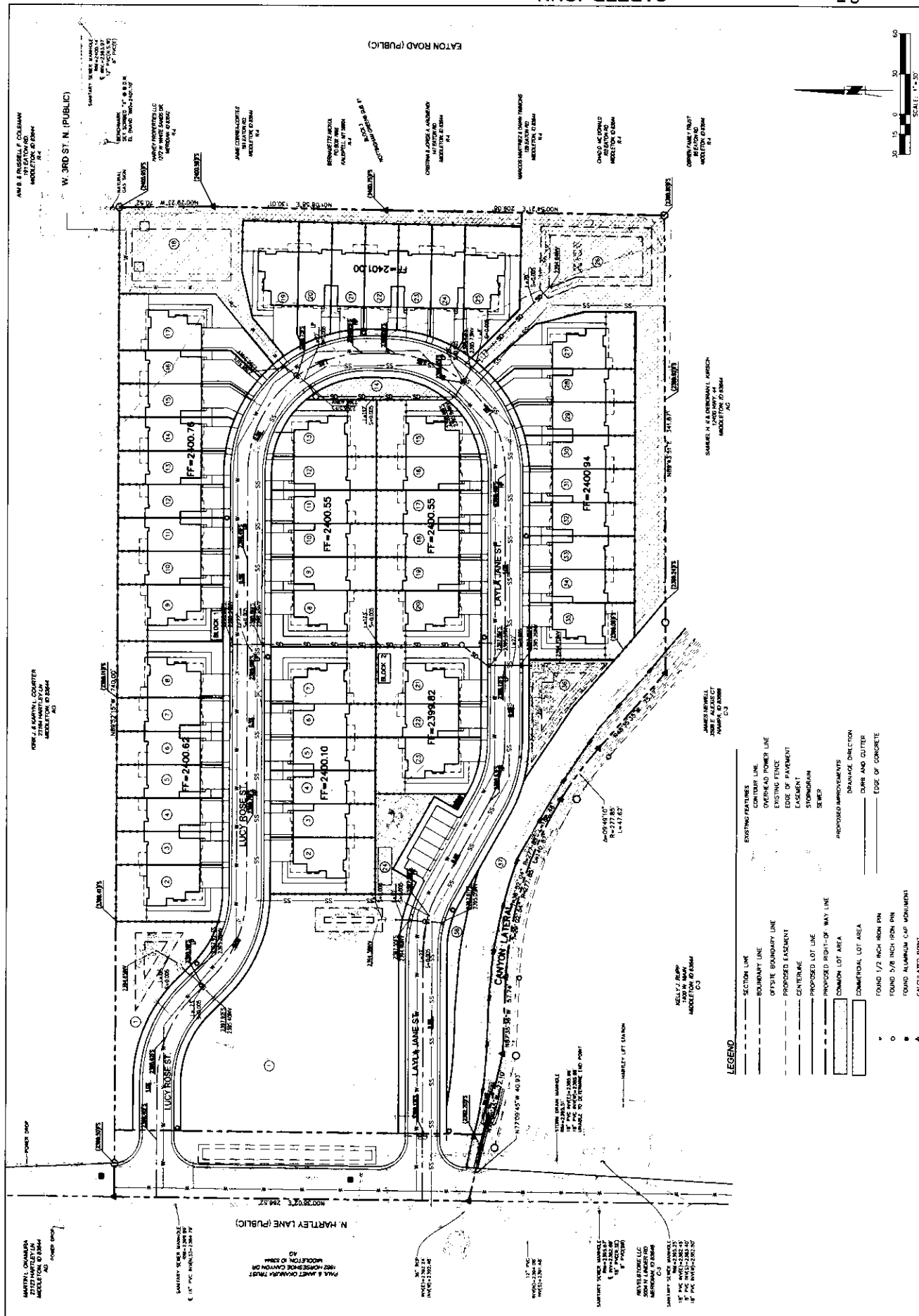
More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>



Exhibit "C"

Comments from Agencies



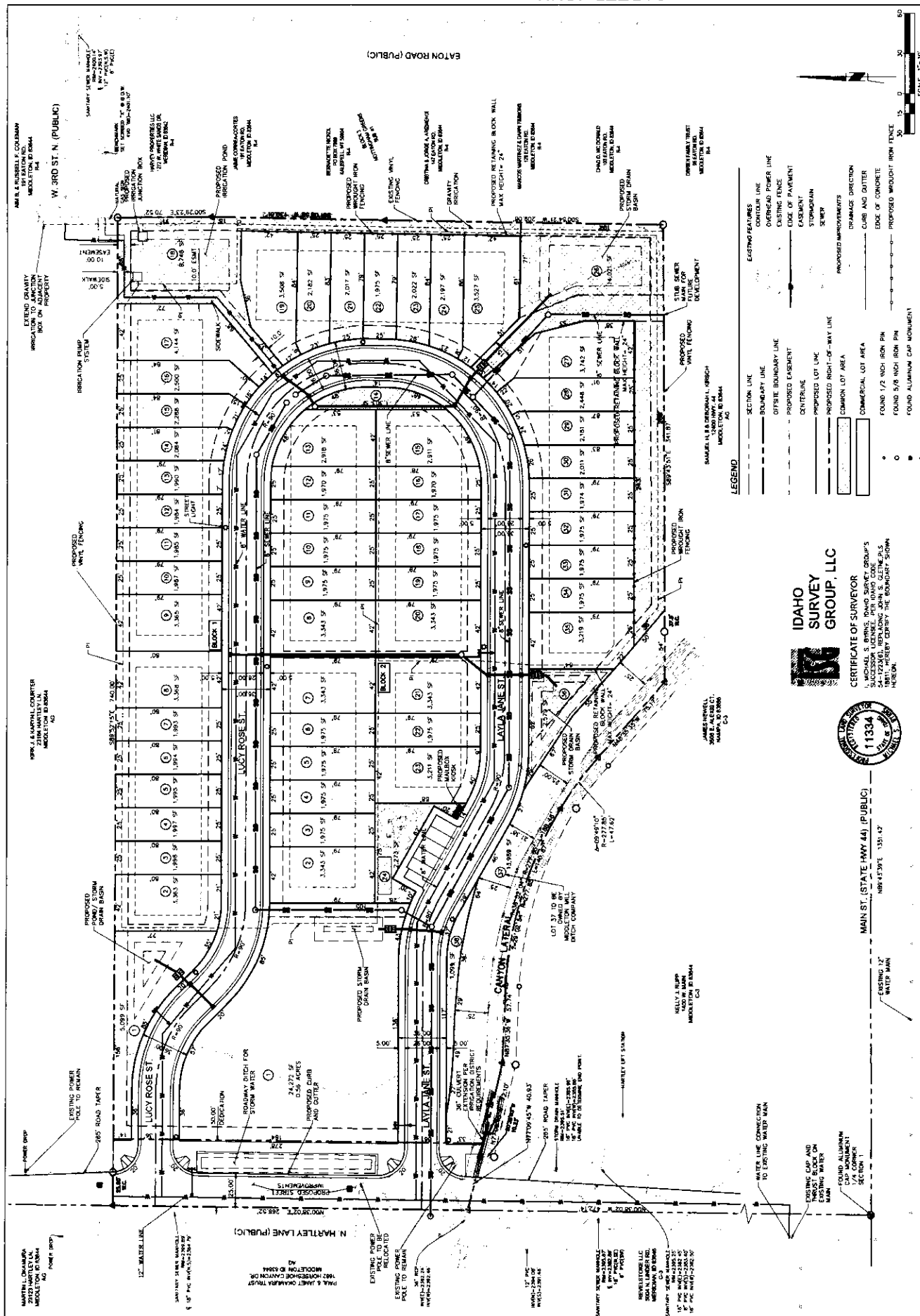
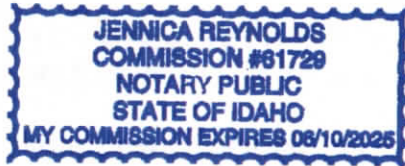


Exhibit "B"

Proposed Preliminary Plat

I, a notary public, do hereby certify that on this 1st day of July 2020, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.



Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

DEVELOPER:

[Signature]
Richard Davis

[Signature]
Amy Davis

State of Idaho)
County of Canyon) ss.

I, a notary public, do hereby certify that on this 7 day of July 2020, personally appeared before me Richard Davis and Amy Davis who, being first duly sworn, declared that they signed



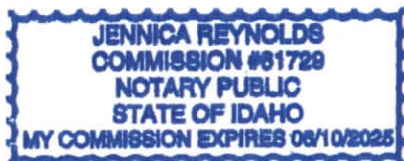
Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

REPRESENTATIVE:

[Signature]
Adam Hegstrom

State of Idaho)
County of Canyon) ss.

I, a notary public, do hereby certify that on this 7 day July 2020, personally appeared before me Adam Hegstrom who, being first duly sworn, declared that he signed.



Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

for the benefit of the Property, adjacent property and other residential land near the Property.

This Agreement shall be binding on the City and Developer, and their respective heirs, administrators, executors, agents, legal representatives, successors and assigns. Provided, however, that if all or any portion of the Property is divided, then each owner of a legal lot shall only be responsible for duties and obligations or breaches as to their owners' parcels or lots.

The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

5.7 The Property that is the subject of this Agreement is located in Canyon County, Idaho and the terms of this Agreement shall be construed according to the laws of the State of Idaho in effect at this time this Agreement is executed. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Canyon County, Idaho.

5.8 If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstance shall to any extent be held invalid or unenforceable, the remainder of this instrument shall remain in full force and effect.

5.9 Time is of the essence for performance of each obligation in this Agreement.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this 1st day of July 2020 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

By: _____


Steven J. Rule, Mayor

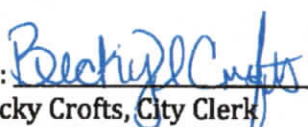
State of IDAHO)

County of Canyon)

ss.

ATTEST

By: _____


Becky Crofts, City Clerk

5.3 Any notice that a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same registered or certified mail with a return receipt requested, or by Federal Express or other reputable overnight delivery service. Notice shall be given to the parties at the following addresses or such other address and to such other persons as the parties may designate after giving notice. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

Middleton: City Clerk
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Developer: Richard and Amy Davis
24239 El Paso Rd
Caldwell, ID 83607

Adam Hegstrom
520 Waltman Ln
Meridian, ID 83642

5.4 If either party shall fail to perform under this Agreement and said failure is cured with the assistance of an attorney for the other party, as a part of curing said failure, the reasonable attorneys' fees incurred by the other party shall be reimbursed to the other party upon demand. In the event a suit or action is filed by either party against the other to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay to the prevailing party all costs and expenses, including reasonable attorneys' fees incurred therein, including the same with respect to an appeal.

5.5 The Agreement shall be effective after being fully executed. This Agreement shall become valid and binding only upon its approval by the City Council and execution of the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorder at the expense of the Developer.

5.6 Each commitment and restriction described in this Agreement shall be a burden on the Property and run with the land and shall be appurtenant to and

matching residential building plate above. This would allow the developer an addition four (4) residential units maximum over the 67 previously mentioned. Developer is required to construct all utilities, roads, driveways, and parking (per code) as private on-site facilities.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code.

If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this Agreement shall be amended and the Developer shall comply with the amended terms.

Any breach waived by the City shall apply solely to the breach waived and shall not bar any other rights or remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

4.2 Upon a breach of this Agreement, any of the parties in any court of competent jurisdiction, by action or proceeding at law or in equity, may secure the specific performance of the covenants and agreements herein contained, may be awarded damages for failure of performance of both, or may obtain rescission, disconnection, and damages for repudiation or material failure of performance.

4.3 **NOTICE OF FAILED PERFORMANCE.** Upon any failure of any party to this Agreement to perform its obligations under this Agreement, the party claiming such failure shall notify, in writing, the party alleged to have failed to perform of the alleged failure and shall demand performance. No breach of this Agreement may be found to have occurred if performance has commenced to the satisfaction of the complaining party with thirty (30) days of the receipt of such notice.

ARTICLE V GENERAL PROVISIONS

5.1 This Agreement contains the entire agreement of the parties respecting the Property and supersedes all prior discussions and written and verbal agreements between the parties respecting the Property.

5.2 Any amendment or addendum to this Agreement shall be in writing and made only after the City has complied with the notice and hearing provisions of Idaho Code §67-6509 and Middleton City Code Title 5, Chapter 7.

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and performances herein bargained for, relied on, and expected, the parties agree as follows:

ARTICLE I LEGAL AUTHORITY

This Agreement is made pursuant to and in accordance with the provisions of Idaho Code §67-6511A and Middleton City Code, Title 5, Chapter 2.

ARTICLE II ANNEXATION AND ZONING ORDINANCE

The City will adopt an ordinance to annex and rezone the Property from Canyon County Agricultural to City of Middleton M-U (Mixed-Use). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform at the city's expense and with the Developer's cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Developer will build no more than 67 residential units total on approximately 5.06 acres with no less than one (1.0) acre dedicated for commercial (abutting Hartley Lane) use with allowable uses as permissible in M-U zoning (as further described below). City requires two driveways to access from Hartley Ln into the development, one on the northern and one on the southern property lines. Developer intends to sub-divide the land, allowing each lot to be on its own tax parcel, however, all residential buildings would belong to one common homeowner's association.

The Developer will utilize no less than one (1.0) acre of property, not used for the 67 residential units, for any of the following allowed commercial uses in M-U zoning: assisted living, a professional style building, to hold one or more of the following allowable uses which are: medical/dental/, bank/credit union, clinic/pharmacy/optician/spa, daycare, espresso/pastry shop, or professional office, real estate sales/rental/ management office. The developer may also construct a building with commercial on the ground floor building plate with

2020-037265

RECORDED

07/08/2020 02:17 PM



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CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=6 HCRETAL

NO FEE

AGR

CITY OF MIDDLETON

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and Richard Davis and Amy Davis, husband and wife (**Davis**), individually and collectively referred to as Developer (**Developer**), and Adam Hegstrom (**Hegstrom**), individually and collectively referred to as Representative for Developer (**Representative**).

RECITALS

WHEREAS, Developer owns approximately 6.06 acres of vacant real property located North of Main Street (State Highway 44) North of and adjacent to Perfection Tire and East of Hartley Lane, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R1788901, and legally described in Exhibit A attached hereto and incorporated herein (**Property**); and

WHEREAS, Hegstrom represented Developer when annexing and rezoning the property from Canyon County Agricultural to City of Middleton M-U (**Mixed Use**), and the benefits, obligations, and restrictions contained in this development agreement were relied on by both parties and were an integral part of the city's approval of the annexation and rezone request; and

WHEREAS, Developer intends to improve the Property according to the Middleton City Code and the City's public works standards at the time(s) the Property is improved; and

WHEREAS, the City, pursuant to Idaho Code §67-6511A, has the authority to annex and rezone the property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development agreement to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate pursuant to the Idaho Code and Middleton City Code.

Exhibit "A"

2020 Development Agreement

APPENDIX

7. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
8. Owner/Developer shall obtain approval from the Design Review Committee for each style of townhome to be constructed.
9. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Council denies the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(8), the Council should state on the record what Applicant can do, if anything, to gain approval of the application

Prepared by Middleton City Planner, Robert Stewart

Dated: 12/27/2021

Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

Q. Planning & Zoning Recommendations: This application was considered in a public hearing before the Planning & Zoning Commission on October 18, 2021. The Commission recommended approval of the preliminary plat application subject to the conditions of approval set forth in the Staff Report for that hearing. A copy of the FCR from the P&Z hearing is attached hereto as Exhibit "E"

R. Conclusions and Recommended Conditions of Approval:

The decision to approve or deny a preliminary plat application must be based upon general facts and conclusions of law formally accepted by City Council.

As to General Facts, Planning staff has set forth in parentheses the general facts that are the basis for approving or denying this application. If the Council agrees with these general facts and agrees with the testimony and evidence presented at the public hearing, the Council need merely make a motion to accept the general facts set forth by Staff in the Staff Report and presentation.

As to Conclusions of Law, Planning Staff finds that the City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a decision on the application. If the January 5th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Council is inclined to approve the preliminary plat application based upon the above General Facts and Conclusions of Law, then Planning Staff recommends that any approval be subject to the following conditions:

1. All townhome footprints shown on the preliminary plat are deemed only conceptual and are not accurate. Applicant is subject to the setbacks for the M-U Zone set forth in the Middleton City Code at the time of building permit issuance.
2. All streets shown on the preliminary plat are public streets.
3. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
4. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
5. Owner/Developer to pay all City required pro-rata share traffic fees prior to final plat approval.
6. All City Engineer review comments are to be completed and approved.

Additionally, Applicant's project complies with the *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan* as follows:

- a. *Goals 3 and 23*: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *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 when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goal 11*: The project provides diverse housing and in-fill housing. It also provides a housing type that matches the residents' lifestyle in the area.

K. Comments Received from Surrounding Landowners: None.

L. Comments from Agencies: COMPASS submitted a 6/8/21 letter indicating that a stub road to the north may be desirable. A 9/7/21 letter from the Ditch Company set forth the typical comments on how to deal with the ditch easement on site. All agency comments are attached as Exhibit "C".

M. Comments from City Engineer and Planning Staff: See attached as Exhibit "D".

N. Applicant Information: Applicant is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2nd St., Meridian ID 83642 – Jim@neUdesignArch.com. 208.884.224. Application was accepted on March 19, 2021.

O. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	10/31/2021
Radius notification mailed to Adjacent landowners within 300'	10/28/2021
Circulation to Agencies	10/28/2021
Sign Posting property	10/28/2021
Neighborhood Meeting	03/18/2021

*The public hearing on the matter was tabled a number of times.

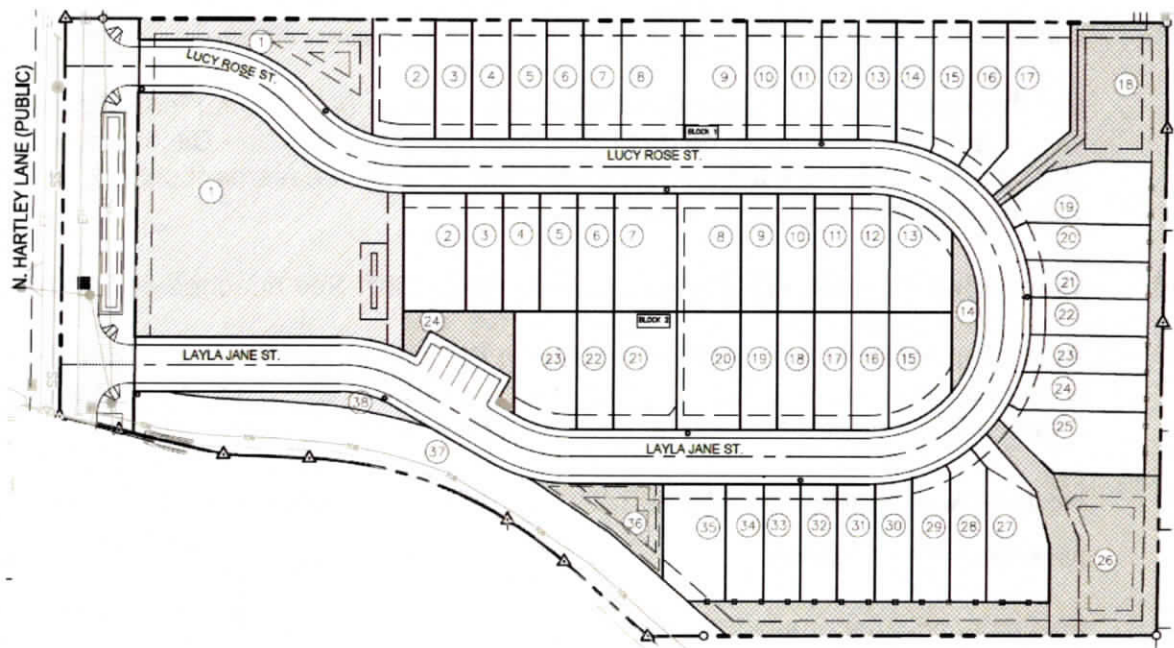
P. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto

Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the City Council is so inclined to approve these waivers.

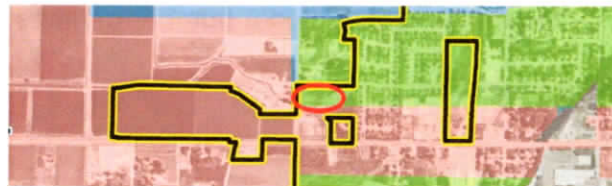
City Engineer has also reviewed the preliminary plat, and she has recommended approval of the preliminary plat. See Civil Dynamics "recommendation of approval" letter attached as Exhibit "F".

Planning Staff finds that the preliminary plat is not materially detrimental to the public health, safety and welfare, and the preliminary plat is also in harmony with the Middleton Comprehensive Plan (See more detail in Section J below.)



A copy of the preliminary plat under consideration is attached as Exhibit "B".

- J. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the project parcel is designated "Mixed Use" (green color) on the Land Use Map, which matches the Mixed Use planned for the site.



- F. **Traffic, Access & Streets:** the project provides two accesses off Hartley Lane. The Subdivision streets are public and will be dedicated to the City of Middleton. As part of its preliminary plat, Developer shall improve the 50 foot ½ road portion of Hartley Lane and dedicate the same to the City of Middleton.

Developer completed a traffic impact study ("TIS"). Developer will pay \$34,061 in pro-rata traffic impact fees, and this should be done as a condition of approval for final plat. Pursuant to the new Mid-Star CIP, Developer will also pay \$5,050 for each residential building permit, which amounts to \$267,650 paid towards improvement of Middleton intersections and roadways. Finally, Developer will pay between \$10,000 to \$20,000 in Mid-Star Traffic Impact Fee for the commercial lot, depending upon what type of neighborhood commercial is ultimately built on the lot.

In total, this Developer shall improve a portion of Hartley Lane at its own cost and pay over \$320,000 in traffic improvement fees.

- G. **Pathway, Sidewalks & Open Space:** Applicant has surpassed the 5% open space requirement by providing over 8% open space in the form of a common lot with tot lot and two large grassy detention areas that will also serve as open play areas or gathering spaces.

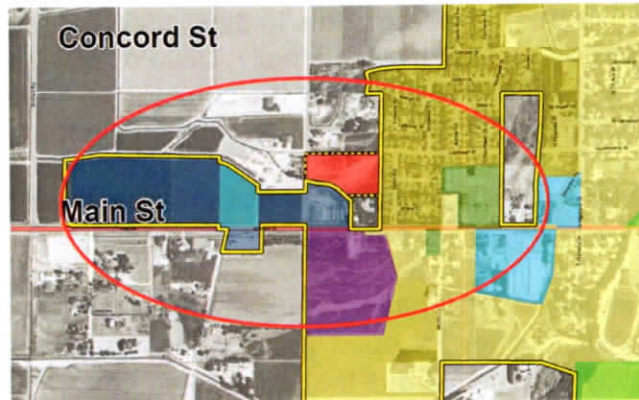
- H. **Middleton Rural Fire District:** Like many agencies, the Middleton Rural Fire District has a long queue of Middleton, County and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments on this preliminary plat yet.

City Council can still approve the preliminary plat, but it is critical that compliance with Middleton Fire District comments approved by the City be made a condition of approval. Once that is done, then City Engineer will work with Developer and the Fire District to make sure the future construction documents include all Fire District and City approved requirements.

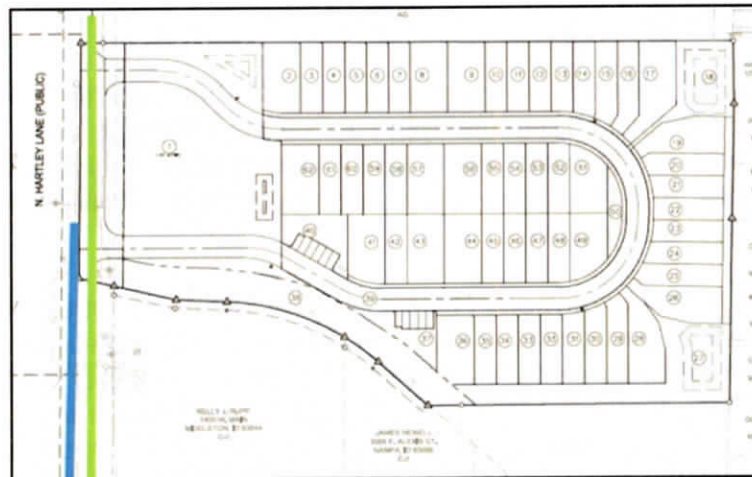
- I. **Preliminary Plat Application:** The preliminary plat does not show a phasing plan. The project will be brought to final plat in one phase. The preliminary plat also complies with all dimensional standards and codes of the City of Middleton except the waiver of density that is set forth in the Development Agreement. Additionally, the preliminary plat shows turning radius of 90' rather than the code required 125'. This has been approved by City Engineer and Middleton Rural Fire Department in the past. Finally, there is a request for a waiver of code requiring 20' frontage for flag lots. Townhome lots regular frontage is 20' per Middleton City Code. This would necessarily require flag lot frontage to be much less. On the plat, the lowest flag lot frontage is 12', which is reasonable under the circumstances.

- D. **Current Zoning & Property Condition:** The 6 acre parcel was annexed into the City in 2020. The property was rezoned from County "Agricultural" to Middleton City "Mixed-Use" at that time. The Development Agreement was executed at the same time as a part of the zone change application.

The project parcel is surrounded by County Agricultural zone, Middleton City C-3 zone, and Middleton R-4 Zone.



- E. **City Services:** Sewer service will be taken from existing lines running through Hartley Lane. Water service will be brought north from a location near the intersection of Hartley Lane and Hwy 44.



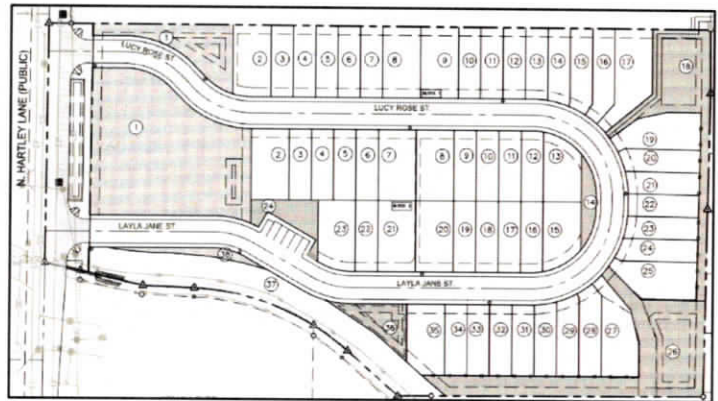
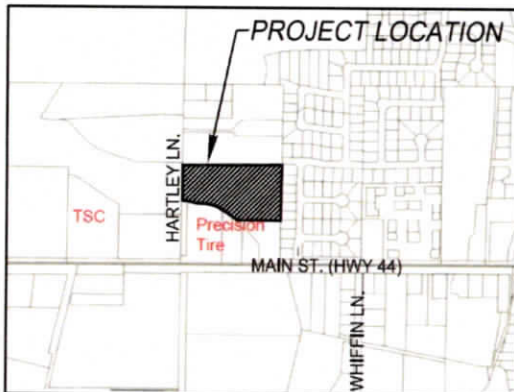
Planning Staff finds that City services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.



STAFF REVIEW AND REPORT Middleton City Council

Carter John Mixed Use Subdivision

Snapshot Summary



DESCRIPTION	DETAILS
Acreage	Approx. 6 acres
Current Zoning	M-U / Mixed Use
Proposed Zoning	to remain the same
Current Land Use	Mixed Use
Proposed Land Use	Mixed Use
Lots	53 Townhome lots, 1 commercial lot, and 8 common lots
Density	18 units per acre allowed by DA
Amenities	Tot Lot and large common lot green spaces.

- A. **City Council Public Hearing Date:** January 5, 2022
- B. **Project Description:** Subdivision with 53 townhome lots, one commercial lot that fronts Hartley Lane, and eight common lots. Amenities include a tot lot and two expansive common lots that provide open green space for recreation.

Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 67 townhomes. The DA also requires Developer to provide a commercial lot fronting Hartley Lane that will accommodate neighborhood commercial uses. (A copy of the Development Agreement is attached as Exhibit "A".)

- C. **Application Request:** Preliminary Plat

Report for the hearing date of January 5, 2022, Exhibit "A".

C. Decision and Order:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, it is hereby **decided and ordered**:

That the application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision is approved subject to the following conditions of approval:

1. Applicant/Developer to comply with all conditions of approval set forth in the Staff Report for the January 5, 2022, public hearing.
2. The two street names for the project shall be changed to one single street name that will apply to the entire "loop" road.

WRITTEN ORDER APPROVED ON: January ____, 2022.

Steven J. Rule
Mayor, City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Department

Middleton City Council

Findings of Facts, Conclusions of Law, and Decision & Order



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of January 5, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329 and 50-222.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this order is subject to the Conditions of Approval set forth in the attached Staff

EXHIBIT “A”

ORDINANCE NO. 659

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 5 SECTION 1-5-5 REGARDING PLANNING & ZONING COMMISSION MEMBERSHIP; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING NEIGHBORHOOD MEETING PROCEDURES; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-2 REGARDING PROCEDURES FOR PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-4 REGARDING WHICH LAND USE APPLICATIONS ARE SUBJECT TO PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-5 REGARDING PUBLIC MEETING PROCEDURES; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-4 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-5 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, CONTAINING THE ZONING TABLE AND TOWNHOME CRITERIA; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 2 REGARDING ZONES, LANDSCAPE BUFFERS, AND SWIMMING POOL SETBACKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-3 REGARDING TRAFFIC IMPACT ANALYSIS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING PRELIMINARY PLAT REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING ROAD TURNING RADIUS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-8 REGARDING PATHWAYS & PARKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-10 REGARDING OPEN SPACE REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-11-2 REGARDING SUBDIVISION MINIMUM IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Middleton, Idaho, seeks to update the provisions of its subdivision ordinance and zoning ordinance; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the Planning & Zoning Commission on December 6, 2021 and held a public hearing, noticed and conducted in accordance with Idaho law, before the City Council on January 5, 2022; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

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

1-5-5 PLANNING AND ZONING COMMISSION:

A. Commission Established: There is hereby created and established, under the provisions of Idaho Code section 67-6504, a commission to be known as the "Middleton planning and zoning commission".

B. Membership And Terms Of Office:

1. Residency:

a. The commission shall consist of a minimum of five (5) members to be appointed by the mayor, with the consent and approval of the council. At least three (3) of the five members shall have lived within City limits for two (2) years or more immediately prior to their appointment. Up to two (2) of the five members may live outside City limits but must have lived within the City's area of impact for at least two (2) years immediately prior to their appointment to the commission. All members must maintain their residency within City limits or within the City's area of impact in Canyon County for two (2) years to be eligible for appointment and must remain residents of the county during their service on the commission.

Section 2: That Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code is hereby amended as follows:

1-14-1 NEIGHBORHOOD MEETING:

A. Neighborhood Meeting Requirements: Prior to filing an application for a rezone, annexation, development agreement, comprehensive plan text and/or map amendments, preliminary plat, special use permit or variance, applicants shall conduct a neighborhood meeting. The purpose of the neighborhood meeting is to present the proposed application to neighbors, answer questions and receive comments.

B. Notice Of Meeting:

1. The applicant shall provide written notice of the neighborhood meeting to owners ~~and purchasers~~ of record of property within five hundred feet (500') of the exterior boundary of the subject property and to the City of Middleton.

2. Applicant's mailed notice must be postmarked at least ten days prior to the neighborhood meeting. Applicant shall give notice at least ten (10) days prior to the meeting.

3. ~~Notice for teleconference neighborhood meetings shall include all exhibits intended to be used as part of the presentation.~~

C. Meeting Standards:

1. Neighborhood meetings ~~shall~~ may be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 8 p.m., on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight

~~o'clock (8:00) P.M. and shall be a minimum of thirty minutes long. The meeting shall not be on a holiday, a holiday weekend, or on the day before a holiday or holiday weekend.~~

2. Neighborhood meetings shall be held at one of the following locations:

- a. On the subject property;
- b. At the nearest available public meeting place such as a fire station, library, school or community center; or
- c. At an office space with suitable meeting facilities if such facilities are within a one mile radius of the nearest public meeting place; or
- d. ~~By teleconference (video and/or telephone), if such conferencing technology is available to all attendees.~~

D. Time Of Meeting: The Neighborhood Meeting shall be held not more than 90 calendar days nor less than five calendar days prior to submission of the application. ~~The neighborhood meeting shall be conducted at least five (5) and not more than thirty (30) calendar days before filing the application.~~

E. Written Verification: The application shall include a list, signed by those who attended the neighborhood meeting, including the date and start time of the meeting and meeting notes, including comments of attendees and issues discussed.

F. Declared Health Emergency:

1. In the event of a declared health emergency affecting the City of Middleton, applicants shall hold an in-person neighborhood meeting so long as the applicant is able to make accommodations for the meeting that comply with all local, state, and federal health mandates. If an in-person neighborhood meeting is legally prohibited, a virtual meeting may be held.

2. Applicant shall also make reasonable accommodations to receive comments or questions via email, U.S. Mail, or video conferencing either at the neighborhood meeting or within five (5) business days following the neighborhood meeting. Copies of all written correspondence and emails received shall be submitted to the City with the application materials.

3. If applicant chooses video conferencing to receive comments and questions in addition to the in-person neighborhood meeting, the applicant shall record the meeting and submit a copy of the recording to the city as part of its application. Applicant shall record the names of all persons who participate in the video conference.

~~G. Teleconference Meeting: For teleconference meetings, the applicant shall record the meeting and submit a copy of the recording to the city as part of its application. Applicant shall record the names of all persons who participate in the teleconference. The teleconference shall meet all other requirements. Neighbors shall be entitled to submit written comments within five days of the neighborhood meeting and these written comments shall be submitted as part of the application.~~

Section 3: That Title 1, Chapter 14, Section 1-14-2 of the Middleton City Code is hereby amended as follows:

1-14-2 LAND USE APPLICATION AND PUBLIC HEARING PROCEDURES:

A. Application And Fee: Applications shall be on forms provided by the City and be accompanied by a fee as established by the City Council.

B. Notice ~~For And~~ Public Hearings:

1. For all legislative public hearings and quasi-judicial public hearings, and uUpon receipt of a complete application and fee, and if a public hearing is required, the City shall follow the notice and hearing procedures in Idaho Code section 67-6509, which notice includes publishing legal notice in the official newspaper of general circulation in Middleton and sending notice of the application and public hearing to all political subdivisions providing services in Middleton.
2. For all legislative public hearings, which are hearings brought pursuant to the Local Land Use Planning Act (Idaho State Code Title 67, Ch. 65) and require a decision that has a broad application, a draft of the legislative proposal should be prepared and made available for public inspection no later than the day the notice of public hearing is published in the newspaper of general circulation. Such applications include applications to amend the City zoning and subdivision ordinances or Comprehensive Plan text or map.
3. For all quasi-judicial public hearings, which are applications such as a rezone or preliminary plat that pertain to a specific site or parcel, City shall also provide the following notice at least fifteen (15) days prior to the public hearing:
 - a. City shall mail notice of the public hearing time, date, and place of hearing together with a summary of the application to all owners of record for property that is within five hundred (500) feet of the perimeter boundary of the parcel(s) that is the subject of the land use application. Applicant shall be responsible for obtaining an accurate list of mailing addresses from the Canyon County Assessor's Office or other County Department and shall be responsible for providing the City with printed mailing labels to complete the required notice.
 - b. When there are more than two hundred and fifty (250) property owners within five hundred (500) feet of the subject property, mailed notice shall not be required, and, instead, a second notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation within the City not less than ten days prior to the hearing.
 - c. City shall post the project site with a sign that gives notice of the time and place of the hearing and summary of the application(s). A sign shall be posted at all locations where a public road is adjacent to the subject property. The cost of the posting shall be included in the filing fee for the application.

C. General Public Hearing Procedure:

1. At the commencement of the public hearing, the Commission/Council or the Chairperson/Mayor may establish a time limit to be observed by speakers: applicant - not to exceed fifteen (15) minutes; planning and zoning official - not to exceed ten (10) minutes; individuals - not to exceed three (3) minutes per person or fifteen (15) minutes for spokesperson after the Chairperson/Mayor pre-authorizes a spokesperson; applicant rebuts testimony that proposal does not comply with plans, ordinances and standards - not to exceed ten (10) minutes.
2. No person shall be permitted to speak before the Commission/Council at a public hearing until such person is recognized by the Chairperson/Mayor.
3. Testimony should directly address the subject being considered during the hearing before the Commission/Council.
4. Testimony should not be repetitious with other entries in the record.
5. Testimony should not be derogatory to any person.
6. Testimony should comply with applicable time restrictions.
7. If oral testimony fails to comply with the aforementioned standards, the Chairperson/Mayor may declare such testimony out-of-order and require it to cease.
8. All public hearing proceedings shall be recorded electronically and all persons speaking shall speak before a microphone in such a manner as will assure that the recorded testimony is complete and audible. A transcribable, verbatim record of quasi-judicial hearings shall be made and kept for a period at least six (6) months after the date of the final decision.

~~D. Procedures for Legislative Public hearings: Public hearings on legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after the City has provided notice as required by law. Prior to publishing notice of a legislative public hearing, a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published.~~

~~DE. Order of Events for Procedures For Quasi-Judicial Public Hearings: Quasi-judicial hearings involve site specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a comprehensive plan or zoning ordinance, which does not necessarily affect a specific parcel of land). Quasi-judicial public hearings should follow the order of events set forth below.~~

1. Chairperson/Mayor or designee announces the item for Commission/Council consideration, and opens the public hearing. The Commission/Council shall not begin deliberations until all testimony and evidence has been presented. No person shall be

permitted to speak at a public hearing until such person has been recognized by the Chairperson/Mayor. If there is a question of "conflict of interest", as defined by Idaho Code section 67-6506, for any Commissioner/Councilmember, it shall be disclosed at the beginning of the hearing and, if the Commission/Council finds a conflict of interest exists, the disclosing Commissioner/Councilmember shall step away from the Commission/Council and not participate in deliberations or decisions for that item, and shall rejoin the Commission/Council after action on that item is concluded. Any information received by a Commissioner/Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing.

2. Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.
3. The planning and zoning official or designee reports why the application complies or does not comply with plans, ordinances and standards.
4. Individuals/spokespersons testify why an application complies or does not comply with plans, ordinances and standards. Speakers shall not be interrupted by the audience. Questions from the decision makers should be asked of the person testifying before that person leaves the podium whenever possible. Public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer questions asked. The question and answer period shall not be included in the speaker's time limit. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the Hearing Officer. Testimony should be in the following order:
 - a. Those testifying the application complies,
 - b. Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report,
 - c. Those testifying the application does not comply,
 - d. Rebuttal testimony from the applicant. Decision-makers should ask any final questions. Only information from the record can be rebutted. If the applicant testifies about new facts, then others testifying must be given an opportunity to respond to the new facts.
5. The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council motion.
6. Commission/Council deliberates toward a decision. Commission/Council may ask the planning and zoning official or designee questions during this time.
7. The Commission/Council may continue the matter for additional information or makes a verbal recommendation/decision by majority vote followed by a signed written decision that is legally considered a "final decision" that can be appealed by an affected person. The final decision or recommendation may be an approval, approval with conditions, or denial. The recommendation/decision should include a reasoned statement that explains

the criteria and standards considered relevant, the relevant contested facts relied on, the rationale for the decision based on the applicable criteria and provisions of plans, ordinances or standards, pertinent constitutional principles and factual information contained in the record.

~~8. The commission shall recommend, or the Council shall decide, an application is approved, approved with conditions, or denied. If denied, the Commission/Council shall identify what the applicant can modify in the application in order to be approved.~~

E. Final Decision. ~~9.~~ When a final decision has been made, the City shall send a copy of the final decision promptly by electronic mail or first class postage prepaid U.S. mail to the applicant and to any affected property owners who have requested notice of the final decision.

F. Reconsideration Request and Appeal. ~~10.~~ Applicants, or an affected property owner as defined in Idaho Code 67-6521, shall have fourteen (14) days after a written final decision is executed to request reconsideration by the final-decision maker. Such request ~~, and~~ must identify specific deficiencies in a final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to any affected property owners who have requested notice of the final decision.

Section 4: That Title 1, Chapter 14, Section 1-14-4 of the Middleton City Code is hereby amended as follows:

1-14-4 APPLICATIONS REQUIRING PUBLIC HEARINGS:

The following applications require a public hearing: adoption or revision of the comprehensive plan, adoption or revision of the zoning map; adoption or revision of the zoning and subdivision ordinance; annexation, development agreements; preliminary plats, special use permits, variances; adoption of a future acquisitions map, and any other application that Idaho Code requires to be considered at a public hearing.

Section 5: That Title 1, Chapter 14, Section 1-14-5 of the Middleton City Code is amended as follows:

1-14-5 APPLICATIONS NOT REQUIRING A PUBLIC HEARING:

Unless otherwise identified, an application to the City will not require a public hearing. The City Council may require a public hearing any time it determines that a public hearing would be in the best interest of the City.

A. Commission Action:

1. At a public meeting, not a public hearing, the commission shall consider an application's compliance with City plans, Code and standards, and recommend the Council approve, conditionally approve, or deny the application. The recommendation shall specify:
 - a. The ordinance and standards used in evaluating the application,

- b. The reasons for approval or denial, and
 - c. The actions, if any, that the applicant could take to gain approval.
- 2. The commission shall make a recommendation within thirty (30) days of the conclusion of the public meeting.
- 3. ~~The plat, together with the commission's findings and recommendation, shall be forwarded to the Council~~

B. Council Action:

- 1. At a public meeting, not a public hearing, and upon receipt of the commission's recommendation if required, the Council shall consider the application and approve, conditionally approve or deny it. The decision shall specify:
 - a. The ordinance and standards used in evaluating the application,
 - b. The reasons for approval or denial, and
 - c. The actions, if any, that the applicant could take to gain approval.
- 2. The Council shall make a decision within thirty (30) days of the conclusion of the public meeting.

~~C. — Approval: Preliminary plat approval constitutes authorization for the subdivider to prepare construction plans and specifications for public improvements.~~

~~D. — Validity: A preliminary plat is valid for twenty four (24) months from the date of Council's written approval.~~

~~E. — Phase Developments: Application for final plat approvals shall be submitted in consecutive order following the phases on the approved preliminary plat, if any, and in intervals of not more than two (2) years. The City shall not accept an application for a final plat until after the City has issued a notice of completion to the subdivider that infrastructure has been constructed for that phase. The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton supplement to the "Idaho Standards for Public Works Construction" in effect at the time the final plat application is accepted by the City. If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.~~

Section 6: That Title 5, Chapter 1, Section 5-1-4 of the Middleton City Code is amended as follows:

5-1-4 ZONING DISTRICTS ESTABLISHED:

A. Districts Established: For the purpose of promoting health, safety, and general welfare, the City hereby adopts the following zoning districts:

- A-R Agricultural Residential
- C-1 Neighborhood Commercial
- C-2 Light Commercial

C-3 Heavy Commercial
 M-1 Light Industrial
 M-2 Heavy Industrial
 R-1 Estate Residential
 R-2 Large Lot Residential
 R-3 Single-Family Residential
~~RRR Restaurant, Retail, and Recreation~~
~~TOD Transit Oriented Development~~
 M-F Multiple-Family Residential
 M-U Mixed Use

Section 7: That Title 5, Chapter 1, Section 5-1-5 of the Middleton City Code is amended as follows:

5-1-5 ZONING DISTRICTS:

The following zoning districts and related purpose statements are hereby established:

A-R (Agricultural Residential): The purpose of the A-R (Agricultural Residential) Zone is to accommodate land areas that are being used predominantly for agricultural uses, i.e., crops, livestock and related uses.

C-1 (Neighborhood Commercial): The purpose of the C-1 (Neighborhood Commercial) Zone is to accommodate local commercial service needs and to restrict incompatible uses which are better located in the community or service oriented shopping areas due to traffic, the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.

C-2 (Light Commercial): The purpose of the C-2 (Light Commercial) Zone is to accommodate general shopping retail needs.

C-3 (Heavy Commercial): The purpose of the C-3 (Heavy Commercial) Zone is to accommodate commerce which is more intensive in character (noise, odor, light, vibration, dust, traffic, etc.) than in other commercial zones and which may be semi-industrial in character.

M-1 (Light Industrial): The purpose of the M-1 (Light Industrial) Zone is to accommodate less intense industrial and manufacturing uses.

M-2 (Heavy Industrial): The purpose of the M-2 (Heavy Industrial) Zone is to accommodate more intense industrial and-manufacturing uses, mini-warehouse storage and recreational vehicle (RV) parks.

R-1 (Estate Residential): The purpose of the R-1 (Estate Residential) Zone is to accommodate larger, estate type lots.

R-2 (Large Lot Residential): The purpose of the R-2 (Large Lot Residential) Zone is to accommodate larger lots and big yards.

R-3 (Single-Family Residential): The purpose of the R-3 (Single-Family Residential) Zone is to accommodate single- family lots.

~~RRR (Restaurant, Retail and Recreation): The purpose of the RRR (Restaurant, Retail and Recreation) Zone is to consolidate land uses most likely used by pedestrians. The intent is to encourage development that increases walkability, reduces vehicular congestion and allows consumers to visit multiple use types without having to use their vehicles.~~

~~TOD (Transit-Oriented Development): The purpose of the TOD (Transit-Oriented Development) Zone is to encourage higher density residential and light commercial uses in close proximity to a high capacity public transportation network, system or stop/station.~~

M-F (Multiple-Family Residential): The purpose of the M-F (Multiple- Family Residential) Zone is to accommodate multi-family residential (apartment) development. This type of zoning pattern is intended to provide transition or buffer areas between residential zones and commercial/industrial uses.

M-U (Mixed Use): The purpose of the M-U (Mixed Use) Zone is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018; Ord. 633, 9-16-2020; Ord. 644, 1-6-2021

Section 8: That Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code is amended as follows:

5-4-1, LAND USE, SETBACK AND AREA TABLES:

TABLE 1, LAND USE SCHEDULE

A = Allowed uses													S = Special uses		
Use 1,2	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	TOD	M-F	M-U		
Tattoo and/or piercing parlor						A									
Taxidermy				A	A	A									
Terminal yard, trucking					A	A									
Tire shop			A	A	A	A								S	
Tobacco, smoke and vaping (electronic cigarettes)						A									
Townhouse, condominium												A	A		
Utility line (buried)	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Utility substation or service facility				A	A	A								S	
Veterinary hospital or clinic		A	A	A	A	A								A	
Veterinary (small animal only)											A				
Warehouse, wholesaling				A	A	A									

[Table 1, Land Use Table continued]

A = Allowed uses S = Special uses C

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	R-R	TOO	M-F	M-U
Security residence (manufactured home)				S	S	S							S
Sexually oriented business						S							
Sign shop		S	A	A	A	A					A		A
Single-family dwelling, attached ⁸												S	S
Single-family dwelling/group residence per Idaho Code 67-6532	A						A	A	A			A	A
Staging area		S	A	A	A	A							S
Studio, dance, music, voice (indoor)		A	A	A	A	A	S	S	S		A	S	A
Tattoo and/or piercing parlor						A							
Taxidermy				A	A	A							
Terminal yard, trucking					A	A							

Notes:

- Accessory uses are permitted if constructed either at the same time or subsequent to the main building; they are prohibited from being constructed before the main building.
- If a specific use is not found in this table, the Planning and Zoning Administrator may determine a similar use that is listed and those appropriate district regulations shall apply.
- Agriculture or horticulture, including the raising of fowl, poultry and animals, except hogs, billygoats and roosters, not exceeding a total of 4 on any lot or acre. Further provided that no horse, cow, emu or usual large farm animal shall be maintained on any lot less than one-half (1/2) acre in size; and providing that buildings and enclosures housing such large farm animals shall be not less than 30 feet from any property line; and at least 50 feet from all residential structures.
- Residences constructed on a two-acre or larger lot may use individual domestic well and septic systems unless the public water and/or sanitary system is within 1,000 feet of the property. Residences on a lot less than two acres are required to connect to the City's domestic water and sanitary sewer systems.
- Second dwelling units are allowed on lots having a minimum 14,000 square feet and where utilities are connected through the primary residence, the second unit is detached from the main dwelling unit, and uses the same driveway approach and address as the main dwelling unit and does not exceed 1,000 square feet.
- See Section 5-4-11-2 A. of this Code.
- Allowed only if solely agricultural products or services.

8. Each single family dwelling, attached structure ("Townhome/Condominium" structure) may not contain more than six (6) individual dwelling units.

Section 9: That Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code is hereby amended as follows:

5-4-1, Table 2

TABLE 2
HEIGHT, SETBACK AND COVERAGE SCHEDULE

District	Maximum Density (Units/Gross Acre)	Maximum Height ⁸	Minimum Front Setback ^{3, 4, 5, 6, 7}	Minimum Rear Setback ^{4, 5, 7} 12	Minimum Interior Side Setback ^{4, 6, 7}	Minimum Side Street Setback ^{3, 4, 6, 7}	Minimum Interior Lot Area (Sq. Ft.)	Minimum Lot Width ¹	Maximum Lot Coverage ²
A-R	0.5	40'	30'	30'	30'	30'	87,120 (2 acres)	150'	50%
C-3		55'	10'	0'	0'	10'	0		90%
M-1		75'	10'	0'	0'	10'	0		90%
M-2		75'	10'	0'	0'	10'	0		90%
R-1 ⁹	1.0	40'	30'	30'	30'	30'	43,560	100'	50%
R-2 ⁹	2.0	35'	25'	25'	25'	25'	21,780	90'	50%
R-3 ⁹	3.0	30'	25'	20'	10'	20'	8,000	75'	60%
RRR		55'	0'	0'	0'	0'	0	0	90%
IOO		55'	0'	0'	0'	0'	0	0	90%
MLF ^{10, 11}	12.0	35'	20'	20'	12'	20'	10,000	75'	75%
MLU ^{8, 10}	12.0	55'	20'	20'	12'	20'	6,000	50'	75%

Notes:

- Minimum lot width is measured at the building setback line.
- Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
- Minimum front and side street setbacks are 0 feet for commercial zones in the "downtown district", which is the land abutting State Highway 44 from S. Middleton Road to Hartley Ln.
- ~~The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet. See Section 5-4-10-7 regarding landscape buffers required between commercial/industrial uses and residential uses.~~
- The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
- Cornices, canopies, eaves or other similar items that do not increase the enclosed building area shall not project into any required setback more than 2 feet. Unenclosed exterior stairs shall not project into any required setback more than 3 feet. Unenclosed covered patios and porches shall not project into any required setback more than 10 feet.

7. All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.
9. See section 5-4-11-2 of this code.
10. Single-family dwelling, attached.

Front:	20'
	10' if alley-loaded
Rear:	15'
	5' if alley-loaded
Interior Side:	12'
Minimum Lot Size:	1 600 SF
Maximum Coverage:	N/a
Minimum Lot Width:	20'

11. Minimum 1,000 square feet per dwelling unit.
12. An in-ground swimming pool may be located in only the rear and side yards of any residential lot. The in-ground pool may also be located within the rear setback up to thirteen feet (13') from the rear boundary line.

Section 10: That Title 5, Chapter 4, Section 5-4-3 of the Middleton City Code is amended as follows:

5-4-3 TRAFFIC IMPACT ANALYSIS:

A. All subdivisions containing more than twenty five (25) equivalent dwelling units shall ~~require~~provide a traffic impact analysis, prepared and stamped by a licensed traffic engineer. The traffic impact analysis shall be and submitted with the preliminary plat application. A traffic impact analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement. The analysis shall be reviewed and approved by the city.

B. A traffic impact analysis ~~may~~shall also be required on a case-by-case basis forwith any application for improvement orany development, including a building permit application, as deemed necessary on a case by case basis, if so decided administratively by at least two (2) city officials.

C. ~~An analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement. The analysis shall be reviewed and approved by the city.~~ Applicant shall pay its pro rata share of traffic improvements recommended by a city approved traffic impact analysis before ~~the city council~~ approves final plat for phase one of the subdivision or City issues a building permit. ~~the first applied for permit.~~

Section 11: That Title 5, Chapter 4, Section 5-5-4 of the Middleton City Code be amended as follows:

5-4-4 PRELIMINARY PLAT:

A. Application: In addition to the application requirements in subsection 1-14-2(B)A 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 two (2) 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 ~~hearing~~meeting, shall mail to landowners within three hundred feet (300') 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 hearing~~meeting~~ onabout the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.

1. Form Of Presentation: The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having not more than one hundred feet to an inch (1" = 100'). Whenever practical, scales shall be adjusted to produce an overall drawing measuring twenty four inches by thirty six inches (24" x 36"), but not exceeding forty two inches by sixty inches (42" x 60").
2. Identification And Descriptive Data: The following existing and proposed information shall be shown on the preliminary plat or submitted separately:
 - a. Proposed name of subdivision and its location by section, township and range, centered at the top, if possible; reference by dimension and bearing to a section corner, quarter section corner, or recorded monument.
 - b. The following information constituting the name block shall be listed along the right edge, if possible: subdivision name, revision data, name, address and phone number of property owner(s), subdivider, engineer or surveyor who prepared the plat.
 - c. If the subdivision is to be developed in phases, phase lines, numbers and development data per phase shall be shown on the plat. If changed during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.
 - d. Scale, north arrow and date of preparation including dates of any subsequent revisions.

e. Vicinity map drawn to a maximum scale of one inch equals one thousand feet (1" = 1,000'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, roads, parks, schools, waterways, etc.

f. Topography based on current USGS datum shown on the same map as the proposed subdivision layout. Contour lines shown at two foot (2') intervals, referenced to an established bench mark, including location and elevation.

g. Location of water wells, streams, canals, irrigation laterals, private ditches, drains, washes, lakes or other water features; direction of flow; and the regulatory floodplain and floodway boundaries.

h. Location, widths and names of all existing and proposed: platted roads, easements, alleys and bicycle/pedestrian pathways, arrows indicating direction of slopes, type of surface, curb, gutter and/or sidewalks, connections to adjoining lots, and other important features such as railroads, utility rights-of-way and easements of public record, public areas, and permanent structures such as water wells, septic systems and drainfields.

i. Name of any recorded adjacent subdivision, and owner of land not in a subdivision, having a common boundary with the lot.

j. By note, the existing zoning classification of the lot and adjacent land. If the plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification.

k. By note: the total acreage of the subdivision; the total number of lots, cumulative and by phase; the total number of buildable lots by phase; and the total number of common area lots by phase.

l. The subdivision boundary shall be based on an actual field survey including professional stamp. Boundary problems shall be resolved and nonbuildable remnant parcels are prohibited. Show any public dedications of rights-of-way or easements.

m. Names of all property owners adjacent to the exterior boundary of the proposed subdivision.

n. Location and type of utility systems, such as: stormwater, sewer, water, streetlights, fiber and fire hydrants.

o. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of roads; each lot, block and phase numbered consecutively and individually.

p. Designation of all land to be dedicated for public use with purpose indicated. Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and person or entity responsible to maintain the property.

q. Identify any special development area as defined in section 5-4-13 of this chapter.

r. Applicant is responsible to review comprehensive plan maps (including transportation, schools and recreation maps) and include on the preliminary plat respective transportation, school and recreation improvements. Applicant shall pay its prorata share of any improvements recommended by a City approved traffic impact analysis before the City approves the final plat or final plat of the first phase.

3. Proposed Utility Methods:

a. Sewage Disposal: The subdivider shall furnish the subdivision design flows and any special operation of the sanitary sewage facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.

b. Water Supply: The subdivider shall furnish the design, operation, volume and quality of the water supply requested and facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.

c. Stormwater Disposal: The subdivider shall furnish the design and operation of the stormwater disposal system. A statement as to the type of facilities proposed and an indication of the area to be used for treatment/disposal shall appear on the preliminary plat. All stormwater is to be managed on site.

d. Irrigation System: A statement describing the proposed irrigation system, point of delivery, and preliminary layout shall appear on the preliminary plat.

B. Compliance: Subdividers shall comply with the neighborhood meeting, application and public hearing provisions as described in title 1, chapter 14 of this Code.

C. Off-Site Road Improvements: All off-site transportation improvements must be completed as part of the first phase of subdivision construction, unless otherwise approved by city council.

D. Additional Standards: The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton Supplement thereto in effect at the time the final plat application is accepted by the City.

E. Amended Preliminary Plats: If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

F. Time Limitations:

1. Two year limit. A preliminary plat is valid for two (2) years. Approval of a preliminary plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat for the subdivision or final plat for phase one (1) of the subdivision within two (2) years of the approval of the preliminary plat.

2. Phased development. If the preliminary plat will be developed in phases, the final plat applications shall be submitted in consecutive order. Applicant must obtain the city engineer's signature on the final plat for each phase within successive intervals of two years.

3. Authorized extension. Upon written request by the applicant prior to the termination of the time periods noted in subsections (1) and (2) of this section, the Planning & Zoning Official may authorize a single extension of time, not to exceed one (1) year, to obtain the city engineer's signature on a final plat. City Council may approve an additional time extension of one (1) year if developer submits a written request for extension prior to the expiration of the previous extension period.

4. Failure to meet timetable. If the above timetable is not met and the applicant does not receive a time extension, applicant must complete the platting process again in order to continue developing the property.

Section 12: That Title 5, Chapter 4, Section 5-4-10-2 of the Middleton City Code be amended as follows:

5-4-10-2 ROADS:

H. Road Intersections And Alignments:

1. Roads shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees (70°).
2. Where any road deflects at an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector roads and ninetyone hundred twenty five feet (90+25') for local roads. City may approve, on a case-by-case basis, a smaller turning radius if a knuckle or other mitigating feature is designed into the curve.
3. Minimum spacing between centerline of roads on the same side of a roadway shall be two hundred fifty feet (250'). Minimum spacing between centerline of roads on the opposite side of a roadway shall be one hundred twenty five feet (125').
4. A tangent at least one hundred fifty feet to two hundred feet (150' - 200') long shall be provided between reverse curves on arterial and collector roads.
5. Road intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.
6. Access for any use along section and quarter section line roads shall be limited by the City to maximize traffic efficiency and may be limited to one access per one thousand three hundred twenty feet (1,320').

Section 13: That Title 5, Chapter 4, Section 5-4-10-7 of the Middleton City Code to be amended as follows:

5-4-10-7 LANDSCAPE BUFFERS:

A. When a commercial land use zoned C-1 (Neighborhood Commercial) directly abuts a residential use, a twenty foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm. Commercial use zones shall contain a minimum eight foot (8') high perimeter landscaped berm, or landscaped berm and fence, buffer between it and a residential use or zone.

B. When a commercial land use zoned C-2 or C-3 or industrial use directly abuts a residential use, a twenty five (25') landscape buffer shall be installed between the uses. If

~~deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm. Industrial use zones shall contain a minimum fifteen foot (15') high perimeter landscaped berm buffer between it and a residential use or zone.~~

Section 14: That Title 5, Chapter 4, Section 5-4-10-8 of the Middleton City Code is amended as follows:

5-4-10-8 PATHWAYS AND PARKS:

A. Pathways:

1. Pathways are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap. Pathways that are not along a road shall be on a twelve foot twenty foot (120') wide public access lot or easement, or dedicated to the City; and shall be constructed of asphalt, eighteen feet (810') wide and centered on the lot. Developer, its assigns and/or Homeowners Association shall be responsible for installing, repairing and maintaining the pathways.
2. In addition to the pathways identified on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap, City may require developers shall plan for and to construct sidewalks and pathways designed to connect neighborhoods with schools, parks and downtown, and such pathways shall be on a public access easement twelve feet (12') wide or dedicated to the City. Developer, its assigns and/or Homeowners Association shall be responsible for repairing and maintaining the pathways.

B. Parks: Parks locations are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap, ~~so there is approximately one half mile walking distance from each residence in the City, shall be at least eight (8) acres in size, improved with pressurized irrigation and sod, and~~ Such parks shall be dedicated to the City for future maintenance.

Section 15: That Title 5, Chapter 4, Section 5-4-10-10 of the Middleton City Code be amended as follows:

5-4-10-10: OPEN SPACE AND AMENITIES:

A. For residential developments five acres or larger that do not include parks as shown on the Middleton Transportation, Schools & Recreation Map~~Connects Master Plan~~, developers shall include five percent (5%) ~~irrigated and landscaped~~ open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities.

B. Open Space is defined as areas that are accessible to all residents and used for social gathering and/or passive or active recreation. Such areas may include parks, playgrounds, sport courts, plazas, community center/clubhouse, swimming pool, pocket parks, picnic areas, lakes and/or ponds, water features, pathways that are 8' or wider located within a public access

easement or dedicated to the City, and large landscaped common lots, including detention pond areas that are landscaped with sod and over 10,000 sf in size. Open space does not include small landscaped strips, common lots along roadways, or landscape buffers unless the landscape buffer is sized above minimum standards and contains a pathway at least eight (8) feet wide.

C. Single family residential developments that include more than seventy five (75) dwelling units and multi-family subdivisions containing more than seventy five (75) dwelling units shall provide one or more amenities in the form of a park with play equipment, picnic area with tables and shade structure, one or more sport courts, community center/club house, swimming pool, recreational pond/lake, or other similar amenity.

Section 16: That Title 5, Chapter 4, Section 5-4-11-2 of the Middleton City Code be amended as follows:

5-4-11-2 MINIMUM REQUIRED IMPROVEMENTS:

A. Minimum Improvements: The owner or subdivider shall construct the following improvements for the subdivision/development according to the Middleton Comprehensive Plan Transportation, Schools and Recreation map, Idaho Standards for Public Works Construction, (ISPWC) and the Middleton supplement to the ISPWC.

1. Subdivisions in an R-1 Zone: Local roadway, curb, gutter and sidewalks, and street lighting are not required. Local roadway public roads may be narrowed, and no parking on the public roads. Right of way may be narrowed if there are not sidewalks. A minimum of three-car garage and lighting the entire front of house are is required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.
2. Subdivisions in an R-2 and R-3 Zone: Local roadway, curb, gutter and sidewalks and street lighting are not required, if all residential lots are at least one-half (1/2) acre in size. Local roadway right-of-way may be narrowed if there are not sidewalks. A minimum three-car garage and lighting the entire front of house are is required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.
3. Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. A minimum two-car or three-car garage is required on each residential lot.
4. Roads, Curbs And Gutters: Roads and portions of roads constructed to finished grade with approved centerline monuments to be set to the road surface by a registered professional land surveyor; improved with asphalt plant mix and combination of concrete curb and gutter, or alternate road section as approved by the City. Roads, rights-of-way and associated improvements shall be extended to the property boundary providing connectivity and orderly growth as directed by the City

52. Sidewalks, Pathways, Bicycle Lanes, and Greenbelt:

- a. Five-foot (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City;
- b. for pathways not located along a road, the pathway shall be eight-foot (8') wide asphalt and situated on a twelve foot (12') wide public access easement or dedicated to the City if part of the Transportation, Schools & Recreation Map, detached pathways on both sides of the road, unless otherwise approved by the City;
- c. ~~and~~ six-foot (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and
- d. if a greenbelt pathway, the pathway shall be a twelve-foot (12') wide asphalt pathway, located~~entered~~ on a minimum twenty foot (20') wide common lot subject to a public access~~or easement, or dedicated to~~ the city for public access, in the greenbelt.

63. Stormwater Disposal: The management of stormwater shall conform with the City stormwater management policy (section 5-4-10-9 of this chapter).

74. Utilities: The extension of utilities, including power distribution lines, shall be underground and at the developer's expense, and shall have the capacity and placement necessary to serve land located beyond the project site. Developer is responsible for construction of utilities to and through Developer's project site as determined by the City.

85. Sanitary Sewer System: Connection to City sewer is required. Approval of the subdivision shall be based on treatment capabilities, such as density requirements, the need for entirely new systems and other treatment possibilities that are in harmony with officially recognized practices of the City.

96. Domestic Water System:

- a. Connection to City water is required. Water hookups shall be allowed only within the City limits unless approved by the Council upon recommendation of the City Engineer.
- b. If the City requires a larger water main to accommodate future development than the size of line required by the City for the subdivision/development, the developer shall install the larger line size required by the City.
- c. Four inch (4") blowoffs for water lines shall be required at the terminus of all dead end main lines unless a standard fire hydrant is available at the terminus.

107. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303. For each subdivision phase or development, any portion of which is located within a regulated floodplain, one elevation monument setting forth the elevation and datum shall be located within a monument box, as well as identified on the record drawings. The location of the monument shall be approved by the City Engineer.

118. Fire Hydrants: Fire hydrants shall be installed by the subdivider in locations specified by the City, every six hundred feet (600'), or as determined by the Fire Code and the Middleton Rural Fire District.

129. Road Name Signs: Road name signs shall be installed in the appropriate locations at each road intersection. Cost of road signs shall be the responsibility of the developer and the signs shall be installed to City specifications.

130. Streetlights: Streetlights shall be required to be installed by the subdivider/developer at the intersections, cul-de-sacs, at approximately every four hundred feet (400'), and where the City deems necessary throughout the subdivision/development. All costs to install streetlights and poles shall be borne by the developer.

141. Service Connections: All service connections for sanitary sewer and domestic water shall be installed to the property line before placing base gravel for the road.

152. Irrigation Improvements: A pressure irrigation system shall be provided. All irrigation structures, lines and drain lines except mains used for stormwater management shall be located or relocated out of the road right-of-way. City water may not be used for irrigation supply unless specifically approved by the City.

163. Perimeter Fence: Developers of residential subdivisions shall install a six-foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.

174. Monument Signs at Entrances: Obtain a sign permit from the City and construct a monument-type sign at subdivision entrances from public roads.

185. On Site And Off Site Improvements: On-site and off-site improvements of any of the above are required where it is deemed necessary to properly serve the proposed development or protect the integrity of the usefulness of existing off-site improvements or utilities.

B. Inspections:

1. Appropriate agencies, departments, the City and/or others shall inspect or cause to be inspected improvements such as buildings, public utilities and infrastructure, in the course of construction, installation or repair. Excavations shall not be covered or backfilled until such installations have been inspected. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued by the City to the responsible person.

2. The owner and/or subdivider shall retain a full time licensed professional engineer or licensed construction manager who shall supervise the construction inspection, certify that all improvements were constructed in accordance with the approved improvement drawings and City standards and furnish the City two (2) hard copies and one electronic PDF copy of the certified as built improvement drawings and construction logs complete with ties to all water valves and service connections.

3. The City shall be notified when construction begins on any of the improvements listed and prior to performing utility line pressure tests. Any improvements deemed unsatisfactory by the City Engineer shall be corrected at the subdivider's expense.

Section 17: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 18: 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 19: 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 _____, 2022.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2022.

STEVEN J. RULE, Mayor
City of Middleton

ATTEST:

BECKY CROFTS, City Administrator
City of Middleton

EXHIBIT “C”

**ORDINANCES OF THE CITY OF MIDDLETON
NOTICE OF ADOPTION AND SUMMARY OF
AMENDED AND RESTATED ORDINANCE NO 659**

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 5 SECTION 1-5-5 REGARDING PLANNING & ZONING COMMISSION MEMBERSHIP; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING NEIGHBORHOOD MEETING PROCEDURES; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-2 REGARDING PROCEDURES FOR PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-4 REGARDING WHICH LAND USE APPLICATIONS ARE SUBJECT TO PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-5 REGARDING PUBLIC MEETING PROCEDURES; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-4 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-5 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, CONTAINING THE ZONING TABLE AND TOWNHOME CRITERIA; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 2 REGARDING ZONES, LANDSCAPE BUFFERS, AND SWIMMING POOL SETBACKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-3 REGARDING TRAFFIC IMPACT ANALYSIS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING PRELIMINARY PLAT REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING ROAD TURNING RADIUS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-8 REGARDING PATHWAYS & PARKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-10 REGARDING OPEN SPACE REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-11-2 REGARDING SUBDIVISION MINIMUM IMPROVEMENTS; 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. Amends Title 1, Chapter 5, Section 1-5-5 of the Middleton City Code by providing additional rules on the constitution of the Middleton Planning and Zoning Commission.

Section 2. Amends Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code by modifying the rules and requirements for neighborhood meetings as part of development application processing.

Section 3. Amends Title 1, Chapter 14, Section 1-14-2 of the Middleton City Code by modifying land use application and public hearing procedures and mailing requirements.

Section 4. Amends Title 1, Chapter 14, Section 1-14-4 of the Middleton City Code by adding annexations and preliminary plats to the list of applications requiring a public hearing.

Section 5. Amends Title 1, Chapter 14, Section 1-14-5 of the Middleton City Code by clarifying which public hearings do not require a public hearing and by removing certain hearing requirements.

Section 6. Amends Title 5, Chapter 1, Section 5-1-4 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton.

Section 7. Amends Title 5, Chapter 1, Section 5-1-5 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton.

Section 8. Amends Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code by removing certain defunct zoning categories and Townhome criteria that are no longer used within the City of Middleton from the zoning table of the City of Middleton.

Section 9. Amends Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton from the zoning table of the City of Middleton and updates rules concerning below-ground pools and units allowed in a single family dwelling, attached, structure.

Section 10. Amends Title 5, Chapter 4, Section 5-4-3 of the Middleton City Code by updating rules governing traffic impact analysis and fees.

Section 11. Amends Title 5, Chapter 4, Section 5-4-4 of the Middleton City Code by updating rules and standards for preliminary plats.

Section 12. Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-2 of the Middleton City Code by allowing case-by-case approvals for turning radii.

Section 13. Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-7 of the Middleton City Code by updating rules governing landscape buffers in commercial and industrial zones.

Section 14. Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-8 of the Middleton City Code by updating requirements for pathways and parks.

Section 15. Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-10 of the Middleton City Code by clarifying and adding to open space requirements and amenities depending on the size of developments.

Section 16. Amends Title 5, Chapter 4, Section 11, Subsection 5-4-11-2 of the Middleton City Code by providing additional clarity and regulations for minimum development requirements.

Sections 17 through 19. Provides that this ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law; provides for severability; repeals conflicting ordinances, resolutions, and orders.

Ordinance No. 659 provides an effective date, which shall be on the _____ day of _____, 2022. Ordinance No. 659 was passed by the Council and approved by the Mayor on the _____ day of _____, 2022. The full text of the Ordinance is available at Middleton City Hall, 1103 W Main St, Middleton, ID 83644. The Mayor and City Council approved the foregoing summary on the _____ day of _____, 2022, for publication on the _____ day of _____, 2022, pursuant to Idaho Code § 50-901A.

Mayor Steve Rule

ATTEST: Becky Crofts, City Clerk

STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete

summary of Ordinance No. 659 and provides adequate notice to the public as to the contents of such ordinance.

DATED this ____ day of _____, 2022.

Douglas Waterman, Attorney for City of Middleton

EXHIBIT “D”

When Recorded, mail copy to
Middleton City Administrator
1103 W. Main St.,
Middleton, ID 83644

Space above this line for Recorder's use

CONSENT TO ANNEXATION AND UTILITY CORRIDOR

THIS CONSENT TO ANNEXATION AND UTILITY CORRIDOR ("**Consent**"), is made this____ day of_____, 20____, between the City of Middleton, Idaho, an Idaho municipal corporation ("**City**") and Callister LLC, an Idaho Limited Liability Company ("**Developer**").

WHEREAS, Developer is the owner of the Subject Property located in Canyon County, Idaho and legally described and shown by Map/Exhibit in **Exhibit A** attached hereto and incorporated by this reference ("**Subject Property**"); and

WHEREAS, the Subject Property is located outside the City corporate limits but within the City's area of impact as established by Idaho Code Section 67-6526; and

WHEREAS, Developer is in the process of developing the Subject Property under the land use jurisdiction of Canyon County, Idaho, and a copy of the proposed preliminary plat is attached hereto as Exhibit "B" and incorporated in full by this reference.

WHEREAS, the parties acknowledge that the orderly development of the City will encompass the Subject Property within the foreseeable future; and

WHEREAS, both City and Developer have an interest in the thoughtful, well-planned, and coordinated growth of Canyon County and City; and

WHEREAS, Developer desires to agree and consent to the annexation of the Subject Property into the corporate limits of City (the "**Annexation**") as soon as the Subject Property becomes contiguous to City limits.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the foregoing recitals being incorporated herein as a part of this agreement, the parties agree as follows:

I. General

A. In recognition of this binding commitment and consent to annexation, City shall be responsible for initiating the process to annex the Subject Property into the City, and City shall be responsible for all costs associated with the Annexation of the Subject Property except Developer, at its own cost, shall provide a legal description for the Subject Property. The City

shall have discretion over when said Annexation is initiated, and the denial of an application for Annexation by the City Council shall not void or negate this agreement or the consent to annex evidenced hereby. However, Annexation shall be initiated by the City within five (5) years of the availability of a path therefore.

B. Developer's subsequent and/or associated applications for the development of the Subject Property shall be granted no special privilege, license, priority, approval, or entitlement hereby, and shall progress in accordance with the then-current and applicable law.

C. This Consent shall be recorded in the Canyon County Recorder's Office following complete execution by the Developer and the City. This Consent shall run with the land. By the execution of this Consent, Developer is bound and likewise binds its heirs, assigns, and any and all successors in interests to the terms of this Consent.

D. Notice of the Consent shall appear on any plat recorded in the office of the Canyon County Recorder using the following language:

"The lots shown on this final plat are subject to a Consent to Annexation and Utility Corridor Agreement recorded in the Records of Canyon County, Instrument # _____."

E. Developer will provide, in good faith with City and City engineer, a ten (10) foot wide utility corridor and easement for future sewer and water facilities to run "to and through" the Property as attached hereto as Exhibit "C". Said corridor and easement shall be shown on the preliminary plat and all recorded final plats for the subdivision project. Developer and future lot owners will not be required to hook up to City services upon annexation unless Developer and any future lot owner so chooses.

II. Annexation:

A. The Subject Property is not currently contiguous to the Middleton City limits and cannot, therefore, be immediately annexed into City.

B. The Annexation shall be initiated and consummated pursuant to Idaho Code 50-222, and the same shall be a "Category A" annexation, as the term is used therein.

C. At such time as the Subject Property shall become contiguous to the City limits, the Developer, his heirs, successors, and assigns shall support the Annexation of the Subject Property in whole into the City limits to become part of the same with a R-1 zone designation. The Annexation application, and associated application for the designation of a zone to the Subject Property, may be initiated by the City. The failure of any application to result in the Annexation of the Subject Property shall not prevent or prohibit future Annexation applications under this Consent.

D. In consideration of City's assumption of the Costs of the Annexation of the Subject Property in the impact area, Developer and its successors, forever, hereby irrevocably consent

E. Developer, for itself and its heirs, assigns, and any and all successors in interest, forever, waive the right to object to Annexation of the Subject Property or revoke consent to the Annexation of the Subject Property.

This Consent shall become effective at the time that both parties execute the same. This Consent constitutes the legal, valid, and binding obligation of each party. The individuals executing this Consent warrants that he or she has full power and has been duly authorized to execute and deliver this Consent on behalf of the entity for which he or she signs.

IN WITNESS WHEREOF the parties hereto have set their hands the day and year written below.

Its:

On this ____ day of _____, in the year 20____, before me the undersigned, a Notary Public in and for said State personally appeared _____ known or identified to me to be the _____ of _____ that executed the instrument or the person who executed the instrument on behalf of said _____.

My Commission Expires:

CONSENT TO ANNEXATION AND UTILITY CORRIDOR AGREEMENT, Page 3

CITY OF MIDDLETON, IDAHO

Date: _____

By: STEVEN J. RULE
Its Mayor

ATTEST:

Date: _____

BECKY CROFTS, City Clerk

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

On this _____ day of _____, 20____, before me the undersigned, a Notary Public in and for said State personally appeared Steven J. Rule known or identified to me to be the Mayor of the City of Middleton, Idaho that executed the said instrument, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

NOTARY PUBLIC FOR IDAHO
Residence: _____
My Commission Expires: _____

*SEAL

Exhibit A

Legal Description & Boundary Map of the Subject Property



T-O ENGINEERS

Project No: 200194
Date: June 17, 2020
Page 1 of 1

**C4 PARCEL "A"
BOUNDARY DESCRIPTION**

A parcel of land, situated in a portion of NW1/4 of the SW1/4 of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at a brass cap monument making the northeast corner of said NW1/4 of the SW1/4 (CW1/6 Corner), from which an aluminum cap monument marking the northwest corner of said NW1/4 of the SW1/4 bears N.89°40'14"W. a distance of 1317.43 feet, thence along the east line of said NW1/4 of the SW1/4 S.00°16'23"W. a distance of 225.00 feet to a 5/8 inch rebar marking the **POINT OF BEGINNING**;

- 1) Thence, continuing along said east line, S.00°16'23"W. a distance of 1037.42 feet to a 5/8 inch rebar on the north right-of-way line of Quail Haven Way;
- 2) Thence, leaving said east line and along said north right-of-way line N.89°41'52"W. a distance of 1320.54 feet to a 5/8 inch rebar on the west line of said NW1/4 of the SW1/4;
- 3) Thence, leaving said north right-of-way line and along said west line, N.00°24'52"E. a distance of 1038.05 feet to a 5/8 inch rebar;
- 4) Thence, leaving said west line and along a line parallel with said north line of NW1/4 of the SW1/4 and 225.00 south when measured perpendicular thereto, S.89°40'14"E. a distance of 1317.98 feet to the **POINT OF BEGINNING**.

Said parcel of land containing 31.42 acres more or less and is subject to all existing easements and/or rights-of-way of record or implied.

End of Description.





C-4 SUBDIVISION
BOUNDARY
JANUARY, 2022

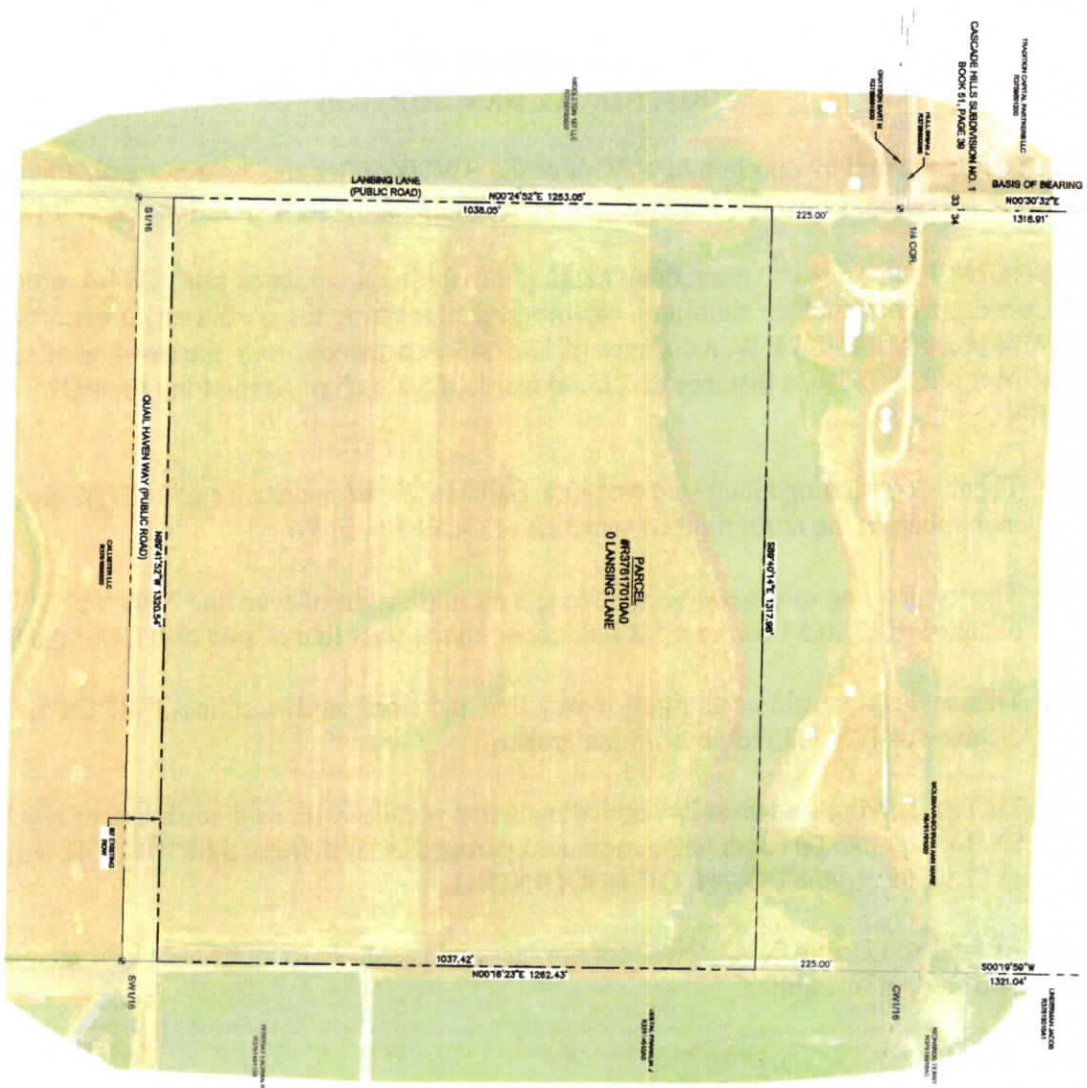


Exhibit B

**Preliminary
Plat or Site Plan**

AREA AND LOT SUMMARY	
TOTAL PROPERTY AREA	21.63 ± AC
RESIDENTIAL AREA	27.38 ± AC
MINIMUM LOT AREA TO BE DEVELOPED	1.86 ± AC
COMMERCIAL AREA	0.76 ± AC
ADDITIONAL LOT AREA	1.11 ± AC
TOTAL LOTS	25
MINIMUM LOTS	20
COMMERCIAL LOTS	

SITE DATA

[illegible]

PRELIMINARY PLAT FOR
C-4 SUBDIVISION

A PORTION OF THE SW 1/4 OF THE NW 1/4 OF SECTION 34
TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2021

LEGEND

[illegible]

SHEET INDEX

C1.00 EXISTING CONDITIONS
C2.00 SITE PLAN AND DIMENSIONS
C3.00 DRAINAGE AND IRRIGATION



NOTES

- [illegible]

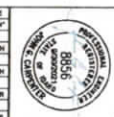
SURROUNDING PROPERTY OWNERS (300')

[illegible]

PRELIMINARY PLAT FOR:
C-4 SUBDIVISION
COVER

T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
332 N. BROADMORE WAY
NAMPÄ, IDAHO 83687
PHONE: (208) 442-8300 WWW.T-O-ENGINEERS.COM
BOONE • COODY • COEUR D'ALENE • HELEN CITY
MERIDIAN • NAMPÄ • SPOKANE

REVISIONS			BORDER SIZE
NO.	DESCRIPTION	DATE	BY
			DRAWN
			CHECKED
			J. CARPENTER
			APPROVED
			CARRISOL



C0.00

Exhibit C
Utility Corridor

[illegible]