
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
DECEMBER 6, 2021**

The December 6, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:36 p.m.

Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate, and Commissioners Jackie Hutchison, Janet Gregory, Kip Crofts and Heidal Summers were present.

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving November 8, 2021 regular meeting minutes.**

Chairman Waltemate called the item.

Motion: Motion by Commissioner Hutchison to approve consent agenda items 1a. Motion seconded by Commissioner Gregory and approved unanimously.

2. **Public Hearing: (Request to be Postponed) Applications by Infinite Real Estate for annexation/rezone, preliminary plat, development agreement, and comprehensive plan map amendment with respect to the Pheasant Heights Subdivision located at 0 Emmett Road. (Tax Parcel Nos. R34445012A2 and R34445012B0). The proposed preliminary plat consists of 137 single-family homes and 4 common lots on 45.76 acres on land currently zoned Canyon County "Agricultural." As part of the Annexation request, the Applicant is requesting a Comprehensive Plan Map Amendment and a zone change to R-3 (Single-Family Residential). – Jennica Reynolds**

Motion: Motion by Chairman Waltemate to postpone Item 2 until re-noticed by the city. Motion seconded by Commissioner Hutchison and approved unanimously.

3. **Public Hearing: Application by Value Land, LLC and JP Wagoner Planning for preliminary plat with respect to the Artesian Springs Subdivision located at 10348 Hwy 44 zoned R-3 (Single-Family Residential). The proposed preliminary plat consists of 40 single-family homes and 7 common lots on 13.56 acres. – Jennica Reynolds**

Chairman Waltemate opened the public hearing at 5:40 p.m.

City Staff - Jennica Reynolds presented the application via a PowerPoint presentation. (See Exhibit 1)

She also read a letter from Rebecca Martin into the record.

Applicant Representative – Jarom Wagoner, JP Wagoner Planning 11846 Linden Road, Caldwell, Id 83605 Presented a PowerPoint presentation (See Exhibit 2)

- Applicant is not asking for any waivers.
- It is an infill project, and the average lot size is 9,582 sf. The largest is 19,385 sf and smallest at 8,250 sf.

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- Due to the 30 ft buffer on the west boundary, they ask that the market be allowed to dictate the size of house allowed on the lots adjacent to the Greenlinks Subdivision.
 - There is solid fencing along SH44 and a buffer to help with the privacy of homes backing up to SH44.

Commissioner Summers: Has the easement in question been resolved?

Jarom Wagoner: He can't speak to the agreement as it is being looked at by attorneys. They have shown it on the plat.

Chairman Waltemate opened the public comment portion at 6:04 p.m.

Victor Islas-Chief MRFD: International Fire code requires a secondary access if the plat exceeds 30 lots. He would like to work with the developer to identify and create that second access.

Susan Lowe 1130 La Reata Way: Concerned about traffic.

Teresa Taresh 13105 Greenwell: Concerned with growth impact of traffic on SH44 as well as emergency services. She also thinks lots should have more privacy.

Chuck Hull 1711 Mustang Mesa Ave: Concerned with traffic and growth.

Sandee Sinclair 1871 Ridge Way: Concerned with traffic and growth.

Matt Strohmeyer 26525 Middleton Rd: Wants to see impact studies done on utilities and city services.

Joy Olien 1302 Big Horn Ct: Concerned with growth. Where is the commercial?

John VanderJagt 23854 Emmett Rd: Concerned about growth.

Applicant/Aaron Gross: His application is not asking for any variance. It is completely within the zoning and city code. Prior to submitting the application, he did meet with city staff to discuss the availability of city services. ITD won't give him access on SH44. He has the water rights and will be re-piping the irrigation which will only provide a more efficient water delivery for Greenlinks subdivision adjacent to the west. He will also be doing the frontage improvement along SH44 to provide a full 20 ft landscaped buffer and a perimeter fence. There was also a detailed Traffic Study done which states that Mulligan Street will handle the increased traffic.

Janet Gibson 945 Harvest Way: How are traffic fees benefitting residents? The Comprehensive Plan should be looked at to become more conservative. Concerned about growth.

Shante Lewis 13498 Purple Sage Rd: Concerned about growth and impact on traffic, crime, and water resources.

Kassie Strohmeyer 26525 Middleton Rd: Concerned about traffic and impact of future growth.

Scott Pool 13274 Greenwell Ln: Concerned about traffic and how to balance responsible growth. Doesn't understand how something zoned R-1 in the county can be changed to

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

Applicant Representative Jarom Wagoner, JP Wagoner Planning:

- Important to note, majority of testimony was not in opposition to the project.
- The applicant is not asking for a zone change or density reductions.
- Cities are not allowed to require fire sprinklers in residential homes.
- The problems with irrigation (due to an open ditch) will be helped with the project piping irrigation to the Greenlinks property to the west.
- Traffic Safety is a concern which is why the main access is from Mulligan Street instead of direct access from SH44, which ITD will not approve.
- Requiring the sharing of maintenance cost of common area's between HOA's is not typically done and in his opinion would be akin to opening a pandora's box for future problems.
- They will work with the Fire District to find a suitable emergency access.
- According to the interpretation of Attorney's the easement with the Martin's has been taken care of.

Roberta Stewart: This dispute is between neighbors. It is the City's responsibility to make sure Mr. Gross is the property owner. It is not uncommon for easements of all types to be shown on plats, but this easement cannot hold up the application. We have a legal duty to move forward with the plat. We are not judge and jury.

Discussion Commission:

Commissioner Hutchison: Want to see reduction of residential lots. She wants to see the front lots match Greenlinks lots along SH44.

Chairman Waltemate: Wants to see a revision to show on plat emergency access.

Motion: Motion by Chairman Waltemate to table decision for Action Item 3 to a date certain of January 10, 2022. Motion seconded by Commissioner Gregory and approved unanimously.

Chairman Waltemate closed the public hearing at 6:53 p.m.

4. Consider approving the Findings of Facts, Conclusions of Law and Recommendation for Artesian Springs Subdivision. – Jennica Reynolds

Tabled to next meeting.

Chairman Waltemate called a brief recess at 6:54 p.m. The meeting resumed at 7:05 p.m.

5. Public Hearing: 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. – Roberta Stewart

Chairman Waltemate opened the public hearing open at 7:06 p.m.

Planner-Roberta Stewart presented a PowerPoint presentation (Exhibit 3) of the staff

report (Exhibit 4). She reviewed the changes to 15 codes. This is the first batch of code changes. There will be Design Review and Landscape changes in the future.

Commissioner Hutchison: Want to see code prohibiting driveways in roundabouts.

Chairman Waltemate: Would like to see change to zoning removing open space from acreage of projects to create a true "buildable lot".

Chairman Waltemate opened the public comment portion at 8:06 p.m.

Mike McDougal 13037 Greenwell Ln: Wants to change start time of P&Z and City Council meetings. Concerned about taking out the teleconference option. City should charge market value for posting signs. Parks should still be a priority of the city. Who can people talk to about the mess on SH44?

Chairman Waltemate response: City cannot make a profit on posting signs. Parks and open space are still a priority, and the city is building the beautiful River Park. Questions for SH44 need to be directed to ITD.

Janet Gibson 945 Harvest Way: Wants notices of public hearings sent to social media, not the newspaper. Teleconference/Zoom of meetings should be an option. Greenspace in Parks increase the quality of life. City should charge more for public signs.

Teresa Taresh 13105 Greenwell Lane: Wants to see the notice to Landowners within 300 ft of the property boundary expanded. Concerned that developers are not representing accurate information of neighborhood meetings.

Roberta Stewart response: City cannot attend neighborhood meetings.

Victor Islas – MRFD Fire Chief: He and Caldwell Fire Chief, Alan Perry agree with the 90% turning radius.

John VanderJagt 23854 Emmett Rd: He never received notice regarding another public hearing, and he is inside the property boundary. R-1 in county should still be zoned R-1 in the city.

Roberta Stewart response: We are changing the code to require mailing labels of landowners within 300 ft of property boundary are acquired from Canyon County Assessors.

Chairman Waltemate response: Rezones help to keep growth under control. The city cannot tell a landowner what they can or cannot do on their own property. .

Commissioner Hutchison response: Growth is coming, the city is trying to put zones in place to help manage that growth.

Riley Taresh 13105 Greenwell Ln: Concerned about the lack of commercial business in Middleton. Thinks public meetings should be recorded via zoom and links posted.

Chairman Waltemate closed the public comment at 8:49 p.m.

Motion: Motion by Chairman Waltemate to approve all of the above listed code changes (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 Commissioner Gregory and approved unanimously.

Chairman Waltemate called a brief recess at 8:50 p.m.. The meeting resumed at 9:00 p.m.

Public/Commission/Staff Comments:

Chairman Waltemate: Commissioners hands are tied to the agenda. Now is the time for general questions.

Mike McDougal 13037 Greenwell Ln: What avenue do you have to manage traffic on SH44?

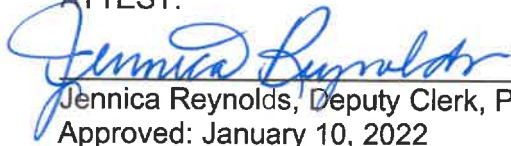
Chairman Waltemate Response:

- ITD manages SH44. Up until recently, they were not willing to have any conversations with the city regarding improvements. With the removal of the bypass they are more willing to work with the city.
- The City has a plan in place (River Walk Concept Plan) to bring in more commercial development. The City also has a plan for intersection and road improvements. Economic growth is very important to the City.
- As a Commission, they cannot make emotional decisions. Their decisions must be based on the city code.
- They welcome constructive criticism from the public to know how to make Middleton better.

Chairman Waltemate asked City Staff Jennica Reynolds to discuss the River Walk Concept Plan and the City's plan for intersection and road improvements. She did so.

Adjourn: Chairman Waltemate adjourned the meeting at 9:48 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk, Planning
Approved: January 10, 2022

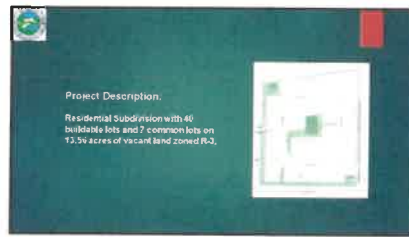

Ray Waltemate, Chairman



Exhibit "1"



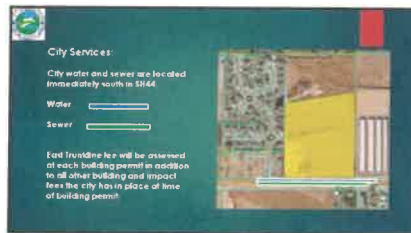
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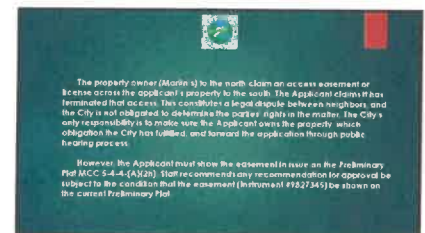
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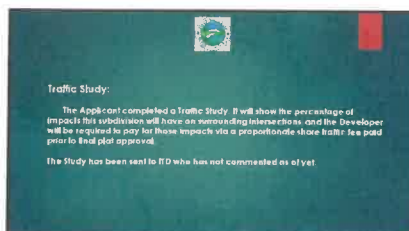
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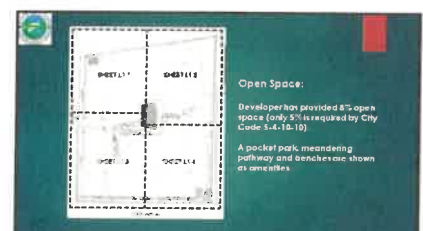
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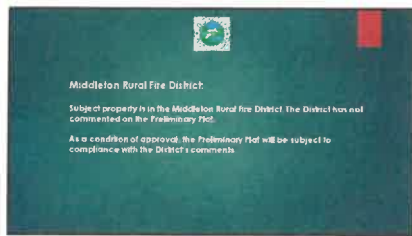
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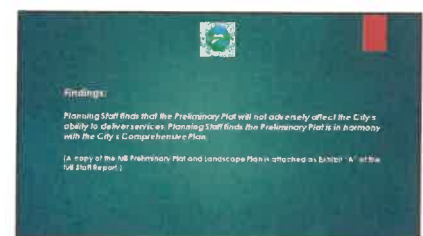
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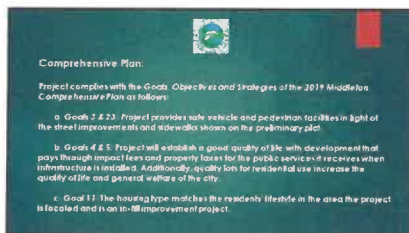
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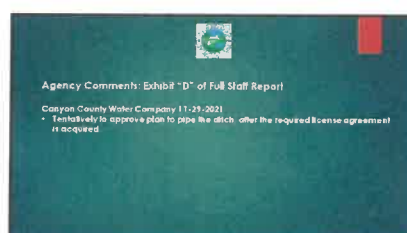
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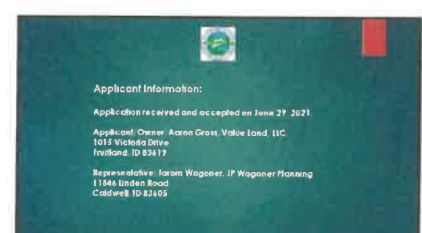
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| Notices & Neighborhood Meeting: | | Dates: |
|--|--|------------|
| Neighborhood Meeting | | 4/17/2021 |
| Newspaper Notification | | 10/24/2021 |
| Radio notification mailed to Adjacent landowners within 300' | | 10/22/2021 |
| Circulation Agencies | | 10/22/2021 |
| Sign Posting property | | 10/22/2021 |
| Planning Staff finds that notice was given according to law | | |

19




| Applicable Codes and Standards: | |
|--|--|
| • Idaho Code Secs. 47-1503, 47-4309, 47-4511, 50-1301 through 50-1327 | |
| • Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction | |
| • Middleton City Code 1-14, 1-15, 5-1, 5-2, and 5-4 | |

20




| Conclusions and Recommended Conditions of Approval: | |
|---|--|
| The Planning & Zoning Commission is tasked with considering the application for Preliminary Plat and making a recommendation to City Council for approval or denial of the application. | |
| Per Idaho Law and the Middleton City Code, any recommendation must be based upon findings of fact and conclusions of law. | |

21




| As to Findings of Fact: | |
|--|--|
| Planning Staff has set forth findings of fact as stated above. If the Commission agrees with those findings of fact and agrees with the testimony and evidence presented at the public hearing, the Commission needs to make a motion to accept those findings of fact set forth in the staff report and public hearing. | |

22




| As to Conclusions of Law: | |
|--|--|
| Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of this 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 recommendation on the application. If the public hearing is held and conducted in compliance with Idaho State Code and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing. | |

23



| If the Commission is inclined to recommend approval of the application based upon the above Findings of Fact and Conclusions of Law, then Planning Staff recommends that any approval be subject to the following conditions: | |
|---|--|
| <ol style="list-style-type: none"> 1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision; 2. Owner/Developer shall construct, at its own cost, all floodage improvements of SR44; 3. Owner/Developer to pay all City required proportionate share traffic fees; 4. All City Engineer review comments are to be completed and approved; 5. All requirements of the Middleton Rural Fire District are to be completed and approved; 6. Developer must show on the preliminary plat the easement that was created by Out Claim (Instrument #9827345); 7. License Agreement granting access over irrigation easement connecting Muligan Street to Artesian Ave. must be recorded prior to final plat approval; 8. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project. | |

24



| Finally, if the Commission desires the application, pursuant to Middleton City Code 1-14(5)(a), the Commission must state on record what Applicant can do if anything, to gain approval of the application. | |
|---|--|
| <p>Planning Deputy Clerk LEAH M. RYAN 12/14/2021</p> | |

25



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Artesian Springs Subdivision

Snapshot Summary



- A. **Planning & Zoning Commission Hearing Date:** December 6, 2021
- B. **Project Description:** Residential subdivision with 40 buildable lots and 7 common lots on 13.56 acres of vacant land zoned R-3 (Single Family Residential) located at 10348 Hwy 44 (Tax Parcel No. R33916)
- C. **Application Requests:** Applicant is applying for Preliminary Plat.
- D. **Current Zoning & Property Condition:** The property is currently located in city limits and zoned R-3 (Single Family Residential).
- E. **City Services:** Currently, city water and sewer are located immediately south in SH44.



Water 

Sewer 

An East Trunkline fee will be assessed at each building permit in addition to all other building and impact fees the city has in place at time of building permit.

- F. Traffic, Access & Streets:** Access to the subdivision is proposed west connecting into Mulligan Street (shown by yellow line below). There are only 40 buildable lots proposed and according to MCC (5-4-10-2K) no secondary access is required. There will be one loop road throughout the entire subdivision, with a stub road at the northwest border of the property. This stub road will provide for future connectivity to the north.



The property owner (Martins) to the north of the project claim an access easement or license across the applicant's property to the south. The Applicant claims it has terminated that access. This constitutes a legal dispute between neighbors, and the City is not obligated to determine the parties' rights in the matter. The City's only responsibility is to make sure that Applicant owns the property, which obligation the City has fulfilled, and forward the application through public hearing process.

However, Applicant has failed to show the easement in issue on the preliminary plat. MCC 5-4-4-(A)(2h) requires that all easements be shown on the plat. Staff recommends that any recommendation for approval of this preliminary plat be subject to the condition that the easement (Instrument #9827345) be shown on the current preliminary plat.

The Applicant completed a Traffic Study. It will show percentage of impacts this subdivision will have on surrounding intersections, and Developer will be required to pay for those impacts via a proportionate share traffic fee that must be paid prior to the final plat approval.

- G. Pathway, Sidewalks & Open Space:** The developer will be required to construct a landscape buffer south along SH44 and large meandering sidewalk to match the frontage buffer already existing to the west and east of the project. Applicant's preliminary plat is in compliance with the Transportation, Schools and Recreation Map.

Developer has provided 8% open space which exceeds the 5% minimum required by MCC 5-4-10-10. A pocket park, meandering pathway and benches are shown as amenities.

- H. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has not commented on the preliminary plat as of yet. As a condition of approval, the preliminary plat will be subject to compliance with the District's comments.
- I. Preliminary Plat Application:** The preliminary plat does not show a phasing plan, and the project will be brought to final plat in one phase. The preliminary plat complies with all dimensional standards and codes of the City of Middleton.



FINDINGS:

Planning Staff finds that the preliminary plat will not adversely affect the City's ability to deliver services. And, as will be shown in more detail in section K below, Planning Staff finds that the preliminary plat is in harmony with the City's Comprehensive Plan. (A copy of the preliminary plat and landscape plan is attached as Exhibit "A")

- J. Comprehensive Plan:** Applicant's project complies with the *Goals, Objectives, and Strategies* of the 2019 Middleton Comprehensive Plan as follows:
- 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. *Goals 4 and 5:* 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 housing type matches the residents' lifestyle in the area the project is located and is an in-fill improvement project.

K. Comments from City Engineer and Planning Staff: City Engineer and Planning Staff comments attached as Exhibit "B".

L. Comments Received from Surrounding Landowners: Exhibit "C"
Steve Walker – Board President - Greenlinks Homeowners Association letter dated 11/8/2021

- Concerned with increased traffic on Greenlinks Avenue.
- Propose cost of landscape maintenance along entrance of Greenlinks Avenue, up to and including Mulligan Street traffic circle be shared with Artesian Springs HOA.
- Propose only single-story homes be built along the proposed western boundary where the lots directly back up to existing residents' backyards. This should only affect up to 4 lots.

Mike & Joan Walker letter dated 11/8/2021

- Concerned with additional traffic and impacts to Greenlinks Ave and SH44.

Gary & Rebecca Martin emailed letter with Easement and License Agreements dated 12/2/2021

- Objection to plat due to ingress/egress easement to SH44.

M. Comments from Agencies: Exhibit "D"
 Canyon County Water Company 11-29-2021 – Tentatively to approve plan to pipe the ditch, after the required license agreement is acquired.

N. Applicant Information: Application was received and accepted on June 29, 2021. The Applicant/Owner Aaron Gross, Value Land, LLC. 1015 Victoria Drive, Fruitland, ID 83619. Representative Jarom Wagoner, JP Wagoner Planning. 11846 Linden Road, Caldwell, ID 83605.

| O. Notices: | Dates: |
|---|---------------|
| Neighborhood Meeting | 6/17/2021 |
| Newspaper Notification | 10/24/2021 |
| Radius notification mailed to Adjacent landowners within 300' | 10/22/2021 |

Circulation to Agencies

10/22/2021

Sign Posting property

10/22/2021

Planning staff finds that notice was appropriate and given according to law.

P. Applicable Codes and Standards:

Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329. Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction. Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

T. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering one application for Preliminary Plat and making a recommendation to City Council for approval or denial of the application.

Per State Law and the Middleton City Code, any recommendation must be based upon findings of facts and conclusions of Law.

As to Findings of Facts, Planning Staff has set forth findings of facts as stated above. If the Commission agrees with those findings of facts and agrees with the testimony and evidence presented at the public hearing, the Commission needs to make a motion to accept those findings of facts set forth in the staff report and public hearing.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of this 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 recommendation on the applications. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

If the Commission is inclined to recommend approval of the application based upon the above *Findings of Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Owner/Developer shall construct, at its own cost, all frontage improvements of SH44.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.

5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Developer must show on the preliminary plat the easement that was created by Quit Claim (Instrument #9827345).
7. License agreement granting access over irrigation easement connecting Mulligan Street to Artesian Ave must be recorded prior to final plat approval.
8. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Finally, if the Commission denies the application, pursuant to Middleton City Code 1-14(E)(8), the Commission must state on the record what Applicant can do, if anything, to gain approval of the application.

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 12/3/2021

EXHIBIT "A"

Preliminary Plat under review

| Lot | Area | Perimeter | Type |
|-----------------------|--------|-----------|----------------------|
| BLOCK 1 LOT 1 (PUMP) | 979.8 | 714 | EASEMENT BUFFER |
| BLOCK 1 LOT 2 (PUMP) | 1007.6 | 403 | SEWERAGE |
| BLOCK 2 LOT 15 (PUMP) | 4499 | 277 | PUMP STATION |
| BLOCK 2 LOT 22 (PUMP) | 3223 | 276 | SEWER WATER EASEMENT |
| BLOCK 2 LOT 27 (PUMP) | 10872 | 780 | EASEMENT BUFFER |
| BLOCK 2 LOT 38 (PUMP) | 21117 | 1489 | EASEMENT BUFFER |
| BLOCK 3 LOT 6 (PUMP) | 55943 | 1353 | PUMP/SEWERAGE |

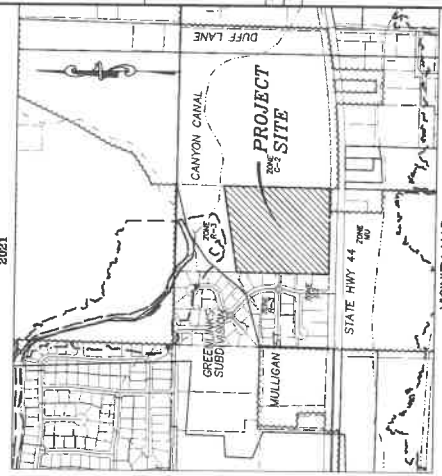


INDEX PLAN FOR ARTESIAN SPRINGS SUBDIVISION LOCATED IN THE NW 1/4 OF THE NE 1/4 SECTION 17, T4S, R10E, S12E MIDDLETON, CANYON COUNTY, IDAHO 2021

LEGEND

BOUNDARY
ADJACENT LOT
RIGHT OF WAY
LOT NUMBER
EASEMENT
SETBACK
CURB CUTTER & SW
STREET NAME
PUMP
SEWER LINE
WATER LINE
STORM DRAIN LINE
100 YEAR FLOODPLAIN
GRAVITY IRRIGATION
FLOW ARROW
STOP SIGN
CATCH BASIN
EASTING WATER WELL
EASTING WATER CUP
MONUMENT
FORDING BRASS CUP
WALL LOTS

① BLOCK 7
W. ASTON DR.



PLAN SHEET INDEX

- SHEET DESCRIPTION**
- PP-1 COVER SHEET, PRE PLAT, VICINITY MAP & NOTES
 - PP-2 PARCEL TABLE, CURVE TABLE
 - PP-3 PARCEL SURVEY
 - PP-4 PRELIMINARY ENGINEERING PLAN STREET DETAILS
 - PP-5 PRELIMINARY SEWER PROFILES

DEVELOPMENT FEATURES

ACREAGE
TOTAL PARCEL - 13.86 ACRES
BUILDABLE LOTS - 40
COMMON LOTS - 7
TOTAL COMMON LOTS - 14.7%
DENSITY - 0.28 ACRES/LOT

ZONING
EXISTING - MIDDLETON R3
PROPOSED - MIDDLETON R3

SEWERAGE DISPOSAL
MIDDLETON CITY SEWER

WATER SUPPLY
MIDDLETON CITY WATER

CITY
MIDDLETON CITY IMPACT AREA

SCHOOL DISTRICT
MIDDLETON

FIRE DISTRICT
MIDDLETON

IRRIGATION DISTRICT
CANYON WATER COMPANY LTD

OWNER
VALLEY ENGINEERING, INC.
1000 N. 10TH ST.
BOZEMAN, MT 59717

DEVELOPER
ARON GORR

ENGINEER
ARON GORR
1000 N. 10TH ST.
BOZEMAN, MT 59717

PLANNER/CONTACT
ARON GORR
1000 N. 10TH ST.
BOZEMAN, MT 59717

TABLES FOR
ARTESIAN SPRINGS SUBDIVISION
LOCATED IN THE NW 1/4 OF THE NE 1/4
SECTION 6, T.4N., R.2W., E.M.,
MIDDLETON, CANYON COUNTY, IDAHO
2021

121 204 204 0113
Civil Engineering, Inc.
CADD
121 204 204 0113

| Parcel Table | | |
|----------------|-------|-----------|
| Lot | Area | Perimeter |
| BLOCK 1 Lot 3 | 8405 | 370 SFR |
| BLOCK 1 Lot 4 | 8290 | 370 SFR |
| BLOCK 1 Lot 5 | 8702 | 372 SFR |
| BLOCK 2 Lot 1 | 9915 | 394 SFR |
| BLOCK 2 Lot 2 | 8290 | 370 SFR |
| BLOCK 2 Lot 3 | 8290 | 370 SFR |
| BLOCK 2 Lot 4 | 8583 | 386 SFR |
| BLOCK 2 Lot 5 | 9860 | 416 SFR |
| BLOCK 2 Lot 6 | 19385 | 562 SFR |
| BLOCK 2 Lot 7 | 10965 | 435 SFR |
| BLOCK 2 Lot 8 | 8707 | 385 SFR |
| BLOCK 2 Lot 9 | 8290 | 370 SFR |
| BLOCK 2 Lot 10 | 8290 | 370 SFR |
| BLOCK 2 Lot 11 | 8290 | 370 SFR |
| BLOCK 2 Lot 12 | 9292 | 370 SFR |
| BLOCK 2 Lot 13 | 8514 | 370 SFR |
| BLOCK 2 Lot 14 | 11862 | 449 SFR |
| BLOCK 2 Lot 15 | 8406 | 373 SFR |
| BLOCK 2 Lot 16 | 8463 | 370 SFR |
| BLOCK 2 Lot 17 | 8463 | 370 SFR |
| BLOCK 2 Lot 18 | 8290 | 370 SFR |
| BLOCK 2 Lot 19 | 8290 | 370 SFR |
| BLOCK 2 Lot 20 | 8292 | 376 SFR |
| BLOCK 2 Lot 21 | 8292 | 374 SFR |
| BLOCK 2 Lot 22 | 14529 | 476 SFR |
| BLOCK 2 Lot 23 | 9234 | 407 SFR |
| BLOCK 2 Lot 24 | 8439 | 380 SFR |
| BLOCK 2 Lot 25 | 8714 | 372 SFR |
| BLOCK 3 Lot 1 | 10041 | 420 SFR |
| BLOCK 3 Lot 2 | 9776 | 410 SFR |
| BLOCK 3 Lot 3 | 8759 | 381 SFR |
| BLOCK 3 Lot 4 | 9750 | 410 SFR |
| BLOCK 3 Lot 5 | 9749 | 410 SFR |
| BLOCK 3 Lot 6 | 9859 | 395 SFR |
| BLOCK 3 Lot 7 | 9146 | 387 SFR |
| BLOCK 3 Lot 8 | 8250 | 370 SFR |
| BLOCK 3 Lot 9 | 8250 | 371 SFR |
| BLOCK 3 Lot 10 | 8250 | 371 SFR |
| BLOCK 3 Lot 11 | 8941 | 387 SFR |
| BLOCK 3 Lot 12 | 12772 | 451 SFR |
| BLOCK 3 Lot 13 | 12750 | 460 SFR |
| BLOCK 3 Lot 14 | 12124 | 469 SFR |

| Parcel Table | | |
|---------------------|-------|-----------|
| Lot | Area | Perimeter |
| BLOCK 1 Lot 1 OPEN | 9799 | 714 |
| BLOCK 1 Lot 2 OPEN | 10016 | 403 |
| BLOCK 2 Lot 15 OPEN | 4499 | 277 |
| BLOCK 2 Lot 22 OPEN | 3223 | 276 |
| BLOCK 2 Lot 27 OPEN | 10572 | 785 |
| BLOCK 2 Lot 28 OPEN | 21417 | 1488 |
| BLOCK 3 Lot 8 OPEN | 32643 | 1313 |

| Curve Table | | |
|-------------|--------|--------|
| Curve # | Radius | Length |
| C1 | 125.00 | 108.21 |
| C2 | 125.00 | 86.75 |
| C3 | 125.00 | 87.28 |
| C4 | 125.00 | 87.28 |
| C5 | 125.00 | 86.75 |
| C6 | 125.00 | 86.75 |
| C7 | 125.00 | 108.21 |
| C8 | 125.00 | 108.21 |
| C9 | 100.00 | 17.33 |
| C10 | 100.00 | 17.33 |
| C11 | 100.00 | 17.33 |
| C12 | 100.00 | 17.33 |
| C13 | 100.00 | 17.33 |
| C14 | 100.00 | 17.33 |
| C15 | 100.00 | 17.33 |
| C16 | 100.00 | 17.33 |
| C17 | 100.00 | 17.33 |
| C18 | 100.00 | 17.33 |
| C19 | 100.00 | 17.33 |
| C20 | 100.00 | 17.33 |
| C21 | 100.00 | 17.33 |
| C22 | 100.00 | 17.33 |
| C23 | 100.00 | 17.33 |
| C24 | 100.00 | 17.33 |
| C25 | 100.00 | 17.33 |
| C26 | 100.00 | 17.33 |
| C27 | 100.00 | 17.33 |
| C28 | 100.00 | 17.33 |
| C29 | 100.00 | 17.33 |
| C30 | 100.00 | 17.33 |
| C31 | 100.00 | 17.33 |
| C32 | 100.00 | 17.33 |
| C33 | 100.00 | 17.33 |
| C34 | 100.00 | 17.33 |
| C35 | 100.00 | 17.33 |
| C36 | 100.00 | 17.33 |
| C37 | 100.00 | 17.33 |
| C38 | 100.00 | 17.33 |
| C39 | 100.00 | 17.33 |
| C40 | 100.00 | 17.33 |
| C41 | 100.00 | 17.33 |
| C42 | 100.00 | 17.33 |
| C43 | 100.00 | 17.33 |
| C44 | 100.00 | 17.33 |
| C45 | 100.00 | 17.33 |
| C46 | 100.00 | 17.33 |
| C47 | 100.00 | 17.33 |
| C48 | 100.00 | 17.33 |
| C49 | 100.00 | 17.33 |
| C50 | 100.00 | 17.33 |

LOCATED IN THE NW 1/4 OF THE NE 1/4
SECTION 8, T.4N., R.2W., B.M.,
MIDDLETON, CANYON COUNTY, IDAHO
2021

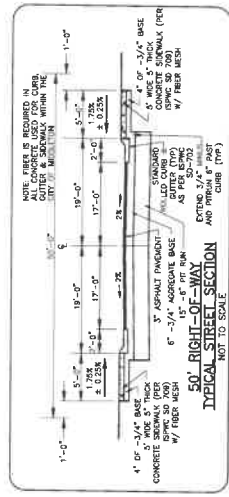
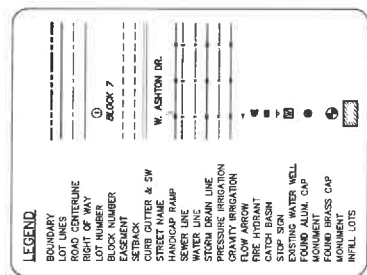


CHECKED BY:
DAVID A. BAILEY P.E.

2021-11-02 CITY & PLANNING COMMISSIONS
2021-12-01 ADJ NORTH STAR STREET

PRELIMINARY ENGINEERING

DATE: 10-18-2021
PROJECT: C2021-009
SHEET: PP-4





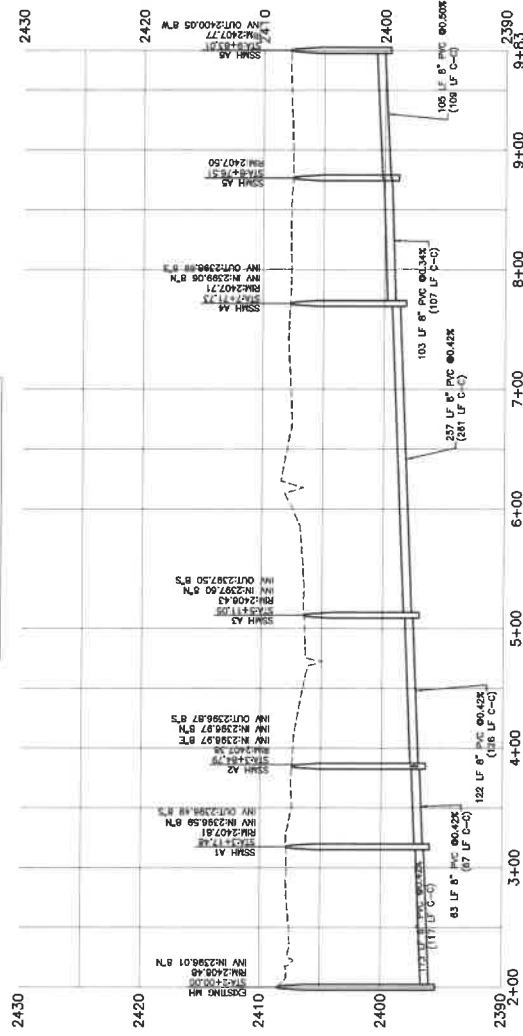
PROJECT NO. 2023-001
DRAWN BY: J.E.
CHECKED BY: J.E.
DATE: 08/23

REVISIONS
NO. DATE DESCRIPTION
1-12-01 ADD NORTH STAB STREET

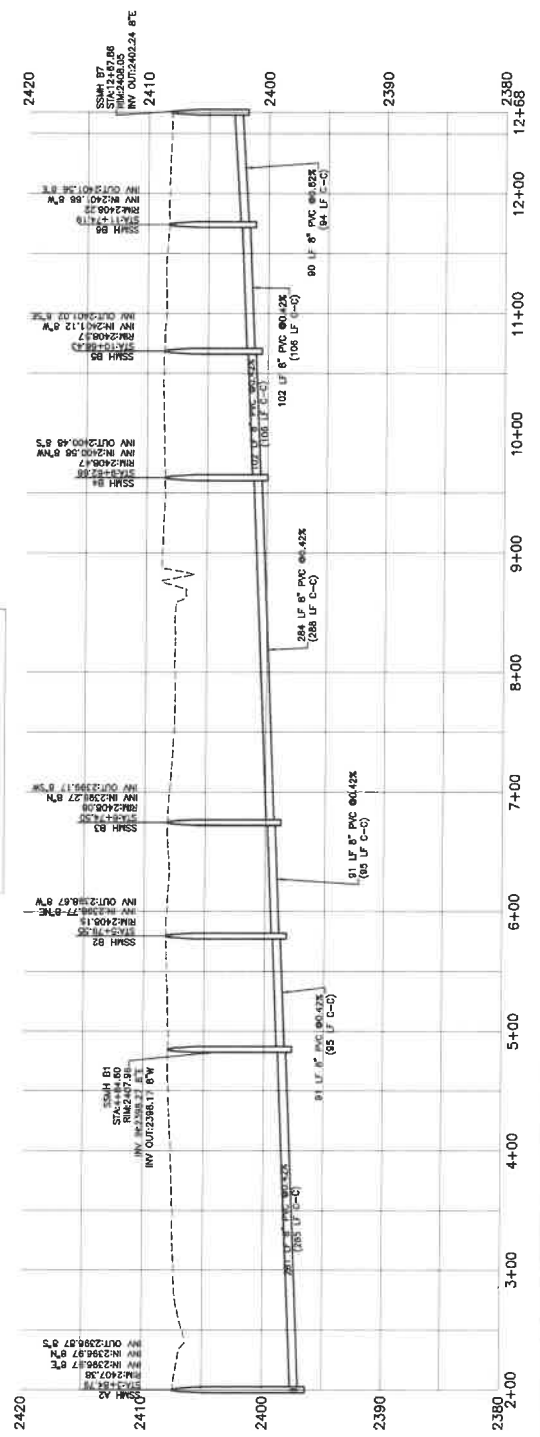
PRELIMINARY PROFILES
ARTESIAN SPRINGS SUBDIVISION

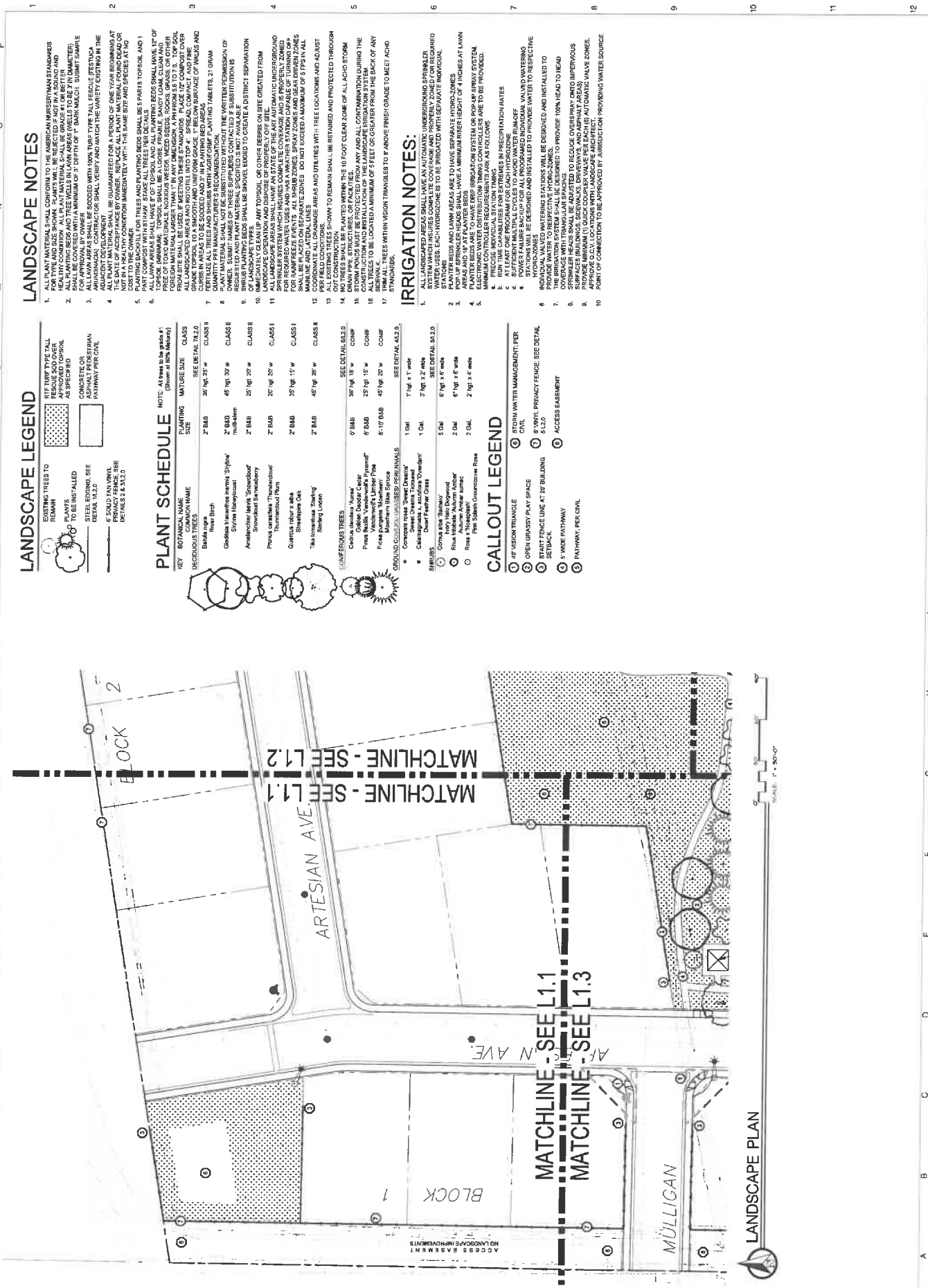


SEWER LINE A PROFILE



SEWER LINE B PROFILE





LANDSCAPE LEGEND

EXISTING TREES TO REMAIN
TO BE INSTALLED
CONCRETE OR METAL POST
STEEL EDGING SEE DETAIL 10.2.0
6" SOLID TAN VINYL PRIVACY FENCE SEE DETAIL 10.2.0

PLANT SCHEDULE

NOTE: All trees to be grade #1 (shown at 80% maturity)

| KEY | BOTANICAL NAME | PLANTING SIZE | MATURE SIZE | CLASS |
|------------------|-----------------|---------------|-------------------|----------|
| DECIDUOUS TREES | | | SEE DETAIL 10.2.0 | |
| | Baldpate | 2" B&B | 35' Hg. 25" W | CLASS II |
| | Golden Threaded | 2" B&B | 45' Hg. 30" W | CLASS II |
| | Amelanchier | 2" B&B | 25' Hg. 20" W | CLASS II |
| | Prunella | 2" B&B | 20' Hg. 20" W | CLASS I |
| | Quercus | 2" B&B | 35' Hg. 15" W | CLASS I |
| | Shagbark | 2" B&B | 45' Hg. 30" W | CLASS II |
| CONIFEROUS TREES | | | SEE DETAIL 10.2.0 | |
| | Golden Threaded | 0" B&B | 30' Hg. 15" W | CLASS I |
| | Prunella | 0" B&B | 25' Hg. 15" W | CLASS I |
| | Prunella | 6" 10" B&B | 45' Hg. 20" W | CLASS I |

GROUND COVER PLANTS TO BE INSTALLED

| | | |
|------|--------------|-------------------|
| 1.0m | 1" Hg. 4" W | SEE DETAIL 10.2.0 |
| 1.0m | 2" Hg. 12" W | SEE DETAIL 10.2.0 |
| 5.0m | 6" Hg. 18" W | SEE DETAIL 10.2.0 |
| 2.0m | 6" Hg. 18" W | SEE DETAIL 10.2.0 |
| 2.0m | 2" Hg. 4" W | SEE DETAIL 10.2.0 |

CALLOUT LEGEND

- 1. 4" VISION TRIANGLE
- 2. OPEN GRASSY PLAY SPACE
- 3. START FENCE LINE AT 20' BUILDING SETBACK
- 4. 5' WIDE PATHWAY
- 5. PATHWAY PER CIVIL
- 6. STORM WATER MANAGEMENT PER CIVIL
- 7. 8" VINYL PRIVACY FENCE SEE DETAIL 10.2.0
- 8. ACCESS EASEMENT

LANDSCAPE NOTES

1. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS AND BE HEALTHY, FREE OF DISEASE AND PESTS.
2. ALL PLANTING BEDS AND TREE WELLS IN LAWN AREAS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
3. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
4. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
5. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
6. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
7. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
8. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
9. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
10. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
11. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
12. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
13. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
14. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
15. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
16. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.
17. ALL PLANTING BEDS SHALL BE GRADE #1 OR BETTER FOR APPROVAL BY OWNER. MINIMUM OF 5' DEPTH OF 1" DARK MULCH. SUBMIT SAMPLES FOR ANALYSIS.

IRRIGATION NOTES:

1. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM.
2. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.
3. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.
4. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.
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15. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.
16. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.
17. ALL PLANTING BEDS SHALL HAVE A MINIMUM RISE OF 4" INCHES AT LAWN.

EXHIBIT “B”

City Engineer & Planner Comments

October 21, 2021

TO: Jennica Reynolds, Planner

Cc: Bailey Engineering, David Bailey, PE

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



RE: Artesian Springs Subdivision – Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. We are in receipt of seven pages.

1. **Please condense the plat to fewer pages.**
2. Please add existing zoning information for adjacent parcels.
3. Revise Note 5 to reference Idaho Code and the irrigation district.
4. Dimension irrigation easements (all) and please identify and detail the easement for the irrigation/drainage facility along the east boundary.
5. Please revise Note 6 to specify storm water management to be retention swales.
6. Please extend the 8 inch sewer main at the northwest corner to the north boundary.
7. Please position lights at pedestrian crossings as possible/practical.
8. Connect Artesian Springs water main to the water main in Mulligan Street for looping.
9. Plan to develop and construct a pedestrian pathway along, and parallel to, the SH44 right of way.
10. Add pathway in Lot 26 to connect interior street to SH44.
11. Identify Lot 26 as having a blanket public utility and pathway easement.
12. Irrigation does not co-locate in stormwater management areas or other public utility area. Please think through Lot 8 – perhaps it is blanket public utility/stormwater with a designated area for irrigation.
13. A private lane may be developed to better lot the corners if desired – this would allow the knuckle to be eliminated. Up to 4 lots may front a private lane.
14. Add a note "Subdivision perimeter to be fenced per approved fencing plan" or other similar note stating subdivision perimeter to be fenced.



December 3, 2021

TO: Jennica Reynolds, Planner

Cc: Bailey Engineering, David Bailey, PE

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

RE: Artesian Springs Subdivision – Revised Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. We are in receipt of five pages.

1. **Review notes (all) and update lot/block numbering.**
2. Please add existing zoning information for adjacent parcels.
3. What is going on with irrigation on the east boundary? Is the drain on Artesian property?
4. Lights installed along SH44 as required. You may add a note and finalize going forward.
5. Need to show irrigation point of delivery/pump station location.



CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644
Phone (208) 585-3133 | Fax (208) 585-9601
citmid@middletonidaho.us | www.middleton.id.gov

PLANNER COMMENTS – ARTESIAN SPRINGS SUBDIVISION

October 19, 2021

1. Provide preliminary drainage calculations.
2. Fire Hydrants and streetlights need to be shown on plat, inside subdivision.
3. Show and call out all irrigation/ditch easements in development.
4. Add note: Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the Re-subdivision.
5. Need phasing plan with lot breakdown per phase.
6. Work with City Engineer - Roads need to show a turning radius of minimum of 90 ft. Call out in notes.
7. Add a few benches along walking path as amenity. Call out amenity in notes.
8. Add note to call out common areas by lot and block and state who owns them.
9. Add note: All lots are residential building lots except lots (insert L/B)
10. Add cluster mailbox(s) in common area(s). Call out in notes.
11. Provide name of Avenue that will be the loop road through the entire subdivision. There will not be 4 different road names.
12. Add note: All streets proposed in this development are public streets and shall be constructed in accordance with City of Middleton standards.
13. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
14. Add note: Fire protection water shall be provided by the City of Middleton,
15. Add note: Fiber optic to be provided to each lot during Joint Trench construction per the City of Middleton Supplement to the ISPMC.
16. Show all public and private easements on preliminary plat.
17. Vacate Ingress/Egress Easement. Provide agreement showing vacation.
18. Work with City Engineer on irrigation ditch and fence along property line.
19. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.
20. Note 3: Easement can be changed from 15 ft to 10 ft.
21. Will need to construct a landscape buffer and large meandering sidewalk to match the frontage buffer to the west and east.
22. Address any additional comments from City Engineer, MRFD, ITD, Irrigation District.

Jennica Reynolds

Middleton City Deputy Clerk, Planning

EXHIBIT “C”

300' Landowners Comments



Greenlinks Homeowners Association
133 Greenlinks Avenue
Middleton, ID, 83644

November 8, 2021

Planning and Zoning Commission
City of Middleton

Re: Comments on Preliminary Plat / Artesian Springs Subdivision

Dear Committee Members:

After reviewing the most recently available preliminary plat with respect to the proposed Artesian Springs Subdivision located at 10348 Hwy 44, we have the following comments and requests pertaining to the proposed new development as it impacts existing Greenlinks homeowners and residents.

1. We strongly desire that the proposed new development have it's own separate entrance to Hwy 44 in order to greatly reduce the amount of traffic using the Greenlinks entrance into our neighborhood. The new subdivision will almost double the number of homes accessing our entrance from 43 to 83. Together with the pending new commercial business development on Augusta Street, which will also access Greenlinks Avenue at this sole entrance, the combined increase in traffic using the entrance will quickly become problematic for our residents. It is already strained by the fact that the existing neighborhoods along Cornell Street are using Greenlinks Avenue as a major connector to Hwy 44.
2. If a separate new entrance to Hwy 44 cannot be provided for the proposed new development, the new Artesian Springs HOA should be required to share in the cost of landscaping and maintenance along the entrance to Greenlinks Avenue up to and including the Mulligan Street traffic circle.
3. In consideration of the existing Greenlinks homeowners living immediately adjacent to the new houses on the proposed new development's western border, and who's backyards will now back directly up to these new houses, we strongly request that the design of the houses on these specific lots be restricted to single story homes so as not to completely destroy the backyard privacy of our existing homeowners who currently live in single story homes. We believe this restriction should only impact 3 to 4 of the new houses in the proposed new development as it currently exists.

We thank the Commission for its consideration of these requests.

Sincerely,

Steve Walker
Board President

November 8, 2021

Planning and Zoning Commission

City of Middleton

Re: Comments on preliminary Plat/ Artesian Springs Subdivision

Dear Committee members:

Comments and concerns we have about the addition of the subdivision and access through Greenlinks Subdivision.

- Adding 40 new residences equals at least 80 vehicle trips per day at the intersection of Augusta and Greenlinks through the roundabout. Knowing (by experience) that roughly 30% of vehicles will not properly use the roundabout causes concern for safety. With the proximity to Hwy 44 and people's natural desire to accelerate (above 25 mph) to that point, there will be accidents.
- Suggest adding speed bumps at the intersection going north and from the east.
- Suggest alternate entrance to Artesian Springs from Hwy 44.
- Make Augusta a cul-de-sac with 3 lots. Move entrance to subdivision through lots 20 and 21.
- Suggest using Augusta as the pathway rather than out to Hwy 44 through current lot 32.
- The proposed new subdivision at the north end of Greenlinks will only make the situation worse. Greenlinks was never designed to provide access to hundreds of residents.
- With added traffic, the access to Hwy 44 increases the probability of accidents. Left turn does not have an adequate turn lane. Right turn has to accelerate to 55 mph only to reduce to 45 in ¼ mile. Suggest reducing Hwy 44 to 45 mph, add adequate turn lanes.

We know the growth and adding subdivisions is inevitable but better planning and coordination of projects would be appreciated.

Looking at the Hwy 44 bi-pass plans, the issue of speed control would not be necessary. But, with the recent talk of abandoning the bi-pass and maintaining the current hwy route, speed control would be necessary. Until there is a FINAL decision on the bi-pass and traffic flow/ access through Middleton, we think it is unwise to add ANY additional stress on the current infrastructure.

Mike and Joan Walker

1537 Fairway St.

Middleton, Idaho

From: [Rebecca Martin](#)
To: [Jennica Reynolds](#); [Roberta Stewart](#)
Subject: 12/6 meeting letter
Date: Friday, December 3, 2021 12:45:27 PM

We will be unable to attend the meeting. Please read below into record.

My name is Rebecca Martin. My husband and I own the property located at 10346 Highway 44 in Middleton (Parcel A). We have a 30 foot wide easement across Parcel B, which is the proposed Future Artesian Springs subdivision. Our 30 foot wide ingress/egress easement across the property all the way to Highway 44 was recorded on July 22, 1998 (instrument number 9827345). The proposed plat map submitted by Mr. Gross and/or his representatives contain homes on our current recorded easement. We are not in agreement with this proposed plat map.

There was also a license agreement for an 18 foot wide ingress/egress easement on a portion of the property recorded a June 29, 2011 that was terminated in writing by Mr. Gross on September 3, 2021. This license agreement is completely different than our current 30 foot wide ingress/egress easement from July 22, 1998.

I ask that you deny the proposed plat map for the Artesian Springs subdivision at this time until there is an agreement made between owners of Parcel A and Parcel B, or a plat map is provided that does not effect the current recorded easement.

Thank you for your time!

A

98 27 345

PC26020

QUITCLAIM DEED

FOR VALUE RECEIVED John P. Hammond and Jean M. Hammond, husband and wife and Doug E. Hammond, a married man who acquired title as a single person

do hereby convey, release, remise and forever quit claim

unto Doug E. Hammond and Mary Ann Hammond, husband and wife

whose address is 10346 Highway 44, Middleton, ID 83644

the following described premises, to-wit:

See attached Exhibit "A", which by this reference is made a part hereof and is comprised of one (1) page.

together with their appurtenances.

Dated: July 14, 1998

John P. Hammond

Jean M. Hammond

Doug E. Hammond

STATE OF IDAHO

COUNTY OF CANYON

On this 14 day of July in the year 1998, before me, a Notary Public, personally appeared John P. Hammond and Jean M. Hammond and Doug E. Hammond known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Notary Public

Residing at Caldwell, N.M.

My commission expires 2/5/01 12/10/98



Back Parcel
+ Easmt
Split 1998

EXHIBIT

2

Form No. 1243 (1982)
NOT A Valid Language Commitment

PC 26020

Exhibit "A"

A parcel of land lying in the Northwest Quarter of the Northeast Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the Northeast corner, Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 59' 59" West a distance of 1,333.24 feet along the North line of the Northeast Quarter of Section 8, a point being the Northeast corner of Northwest Quarter of the Northeast Quarter of Section 8, the REAL POINT OF BEGINNING of this description; thence continuing along said North line

North 89° 39' 59" West a distance of 718.24 feet to a point; thence

South 0° 46' 09" West a distance of 453.47 feet to a point; thence

South 89° 39' 59" East a distance of 716.75 feet to a point on the East line of the Northwest Quarter of the Northeast Quarter of Section 8; thence

North 0° 57' 27" East a distance of 483.48 feet along said East line to the REAL POINT OF BEGINNING.

TOGETHER WITH a 30 foot ingress-egress easement more particularly described as follows:

COMMENCING at the Northeast corner, Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho; thence

North 89° 39' 59" West a distance of 2,051.48 feet to a point; thence

South 0° 46' 08" West a distance of 453.47 feet to the POINT OF BEGINNING of this 30 foot ingress-egress easement; thence

South 0° 46' 05" West a distance of 826.69 feet to a point on the Northerly right-of-way of Highway 44; thence

South 89° 45' 50" East a distance of 30.00 feet along said Northerly right-of-way to a point; thence

North 0° 46' 09" East a distance of 826.64 feet to a point; thence

North 89° 39' 59" West a distance of 30.00 feet to the POINT OF BEGINNING of said easement.

REQUESTED
TYPE Standard FEE 8.00
PIONEER - CALDWELL

98 JUL 22 PM 4.17
NED J KERR
CANYON CNTY RECORDER
BY [Signature]

RECORDED

9827345

LICENSE AGREEMENT

This License Agreement ("Agreement") is entered into this 13 day of June 2011, by and between Douglas Hammond and Mary Ann Hammond, husband and wife (collectively, "Licensors"), and Gordon St. Clair and Meredith St. Clair, husband and wife (collectively, "Licensees"). Licensors and Licensees are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS:

A. Licensors are the owners of real property located in the City of Middleton, County of Canyon, State of Idaho, more particularly described in Exhibit A attached hereto and incorporated herein by this reference ("Parcel B").

B. Licensees are the owners of real property adjacent to Parcel B and located in the City of Middleton, County of Canyon, State of Idaho, more particularly described in Exhibit B attached hereto and incorporated herein by this reference ("Parcel A").

C. Licensees use a roadway located on Parcel B to access their residence located on Parcel A. The roadway was and is used as a convenience to Licensees and is not necessary to access Parcel A or the residence thereon.

D. Licensees desire to continue to use the roadway and Licensors have agreed to allow such use subject to the terms, conditions and limitations set forth herein.

AGREEMENT

In consideration of the mutual promises made herein, the Parties agree as follows:

1. Subject to the terms, conditions and limitations set forth herein, Licensors hereby authorize Licensees to use the driveway/roadway over that portion of Parcel B described in Exhibit C attached hereto ("License Area") for ingress and egress to obtain vehicle access to Licensees' residence located on Parcel A.

2. Licensors retain all rights to use and possess the License Area not inconsistent with this Agreement.

3. The term of this Agreement shall be from the date hereof and shall continue until terminated by Licensors.

4. This Agreement may only be terminated with thirty (30) days' written notice to Licensees, and provided Licensors shall have first relocated the driveway/roadway as set forth in Exhibit C to the thirty foot (30') easement over and across Parcel B or to some other location over or across Parcel B so that Licensees shall have vehicular access to Idaho State Highway 44.

5. Licensees, as a condition to the license hereunder, agree as follows:

a. Licensees will at all times indemnify and hold harmless Licensors, their agents, tenants, invitees, successors and assigns, against all actions, claims, demands, liabilities, damages, debts, bodily injury and property damage, including all expenses, costs and attorneys' fees which may in any manner be incurred by Licensors as a consequence of, or arising out of any acts or omissions on the part of Licensees, or any of their officers, agents, servants or invitees arising out of or in connection in any way with the use of the License Area;

b. Licensees shall maintain the License Area at all times in an orderly condition, free of trash or other unsightly articles, and will not gate the License Area; and

c. Licensees shall not enlarge or cause any construction to be performed on the License Area without the prior written consent of Licensors.

6. It is expressly agreed and understood by the Parties hereto that this Agreement is for the benefit of Parcel A and all rights hereunder shall pass with the sale or transfer of Parcel A.

7. In the event of any controversy, claim or action being filed or instituted between the Parties to enforce the terms and conditions of this Agreement or arising from the breach of any provision hereof, the prevailing Party will be entitled to receive from the other Party all costs, damages and expenses, including reasonable attorneys' fees, incurred by the prevailing Party, whether or not such controversy or claim is litigated or prosecuted to judgment, including all costs and fees incurred as a result of any appeal. The prevailing Party will be that party who was awarded judgment as a result of trial or arbitration, or who receives a payment of money from the other Party in settlement of claims asserted by that Party.

8. The Recitals set forth above are hereby incorporated into this Agreement and made a part hereof.

STATE OF IDAHO)
) ss. .
COUNTY OF CANYON)

On this 13 day of June in the year 2011, before me, Brandy Bonilla,
a Notary Public in and for said State, personally appeared Gordon St. Clair, known or identified
to me (or proved to me on the oath of Valid ID) to be the person whose name is
subscribed to the within instrument, and acknowledged to me that he executed the same.

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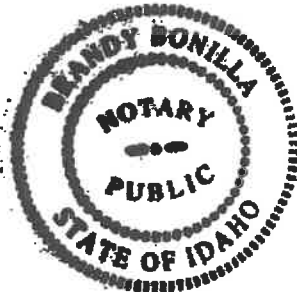


Brandy Bonilla
Notary Public for Idaho
My commission expires on 11-3-12

STATE OF IDAHO)
) ss.
COUNTY OF CANYON)

On this 13 day of June in the year 2011, before me, Brandy Bonilla,
a Notary Public in and for said State, personally appeared Meredith St. Clair, known or
identified to me (or proved to me on the oath of Valid ID) to be the person
whose name is subscribed to the within instrument, and acknowledged to me that she executed
the same.

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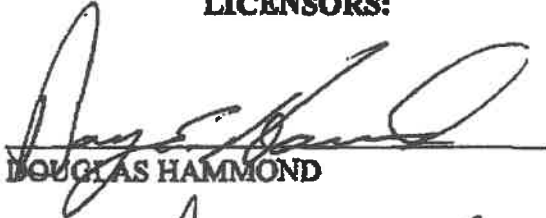


Brandy Bonilla
Notary Public for Idaho
My commission expires on 11-3-12

9. This Agreement shall be governed by the laws of the State of Idaho.

EXECUTED as of the day and year first set forth above.

LICENSORS:


DOUGLAS HAMMOND


MARY ANN HAMMOND

LICENSEES:


GORDON ST. CLAIR


MEREDITH ST. CLAIR

PARCEL B

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

A tract of land situated in the Northwest One Quarter of the Northeast One Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING AT an aluminum cap monumenting the Northeast Corner of said Section 8; thence following the Northerly line of said Section 8 North 89° 39' 56" West a distance of 1,333.24 feet to a point being the East One Sixteenth Corner common to Section 8 and Section 5; thence leaving said Northerly line and following the Easterly line of said Northwest Quarter of the Northeast Quarter South 00° 57' 27" West a distance of 463.68 feet to the POINT OF BEGINNING; thence following the Easterly line of said Northwest Quarter of the Northeast Quarter South 00° 57' 27" West a distance of 826.61 feet to a point on the Northerly right-of-way line of State Highway 44; thence following said Northerly right-of-way line North 89° 45' 50" West a distance of 714.04 feet to a point; thence leaving said Northerly right-of-way North 00° 46' 09" East a distance of 826.09 feet to a point; thence South 89° 39' 56" East a distance of 718.74 feet to the POINT OF BEGINNING.

EXHIBIT A

EXHIBIT

A

PARCEL A

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

A tract of land situated in the Northwest One Quarter of the Northeast One Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, described as follows:

COMMENCING AT an aluminum cap monumenting the Northeast Corner of said Section 8; thence following the Northerly line of said Section 8; North 89° 39' 59" West a distance of 1,333.24 feet to a point being the East One Sixteenth Corner common to Section 8 and Section 5 and the POINT OF BEGINNING; thence leaving said Northerly line and following the Easterly line of said Northwest Quarter of the Northeast Quarter South 00° 57' 27" West a distance of 463.58 feet to a point; thence leaving said Easterly line North 89° 39' 59" West a distance of 718.74 feet to a point; thence North 00° 48' 09" East a distance of 453.47 feet to a point on the Northerly line of said Section 8 from which a 1/2 inch steel pin witness corner bears South 00° 48' 09" West a distance of 29.98 feet; thence following said Northerly line South 89° 39' 59" East a distance of 718.24 feet to the POINT OF BEGINNING.

EXHIBIT A

EXHIBIT
B

PROPERTY LINE ADJUSTMENT FOR

GORDON & MEREDITH ST. CLAIR
AND

DOUG & MARY ANN HAMMOND

PARCELS OF LAND LYING IN A PORTION OF THE
NW 1/4 NE1/4 OF SECTION 8, T.4N., R.2W.,
BOISE MERIDIAN, CITY OF MIDDLETON,
CANYON COUNTY, IDAHO
2013

CERTIFICATE OF SURVEYOR

THIS IS TO CERTIFY THAT I, COLLEEN MARKS, 7045, A REGISTERED LAND
SURVEYOR IN THE STATE OF IDAHO, HEREBY ATTEST THAT THIS IS AN
ACCURATE REPRESENTATION OF SURVEY AS MADE BY ME AND IN
CONFORMITY WITH THE CORNER PERPETUATION AND FLING ACT - IDAHO CODE
55-1601 THROUGH 55-1613.



Colleen Marks
COLLEEN MARKS, L.S. 7045

NOTES:

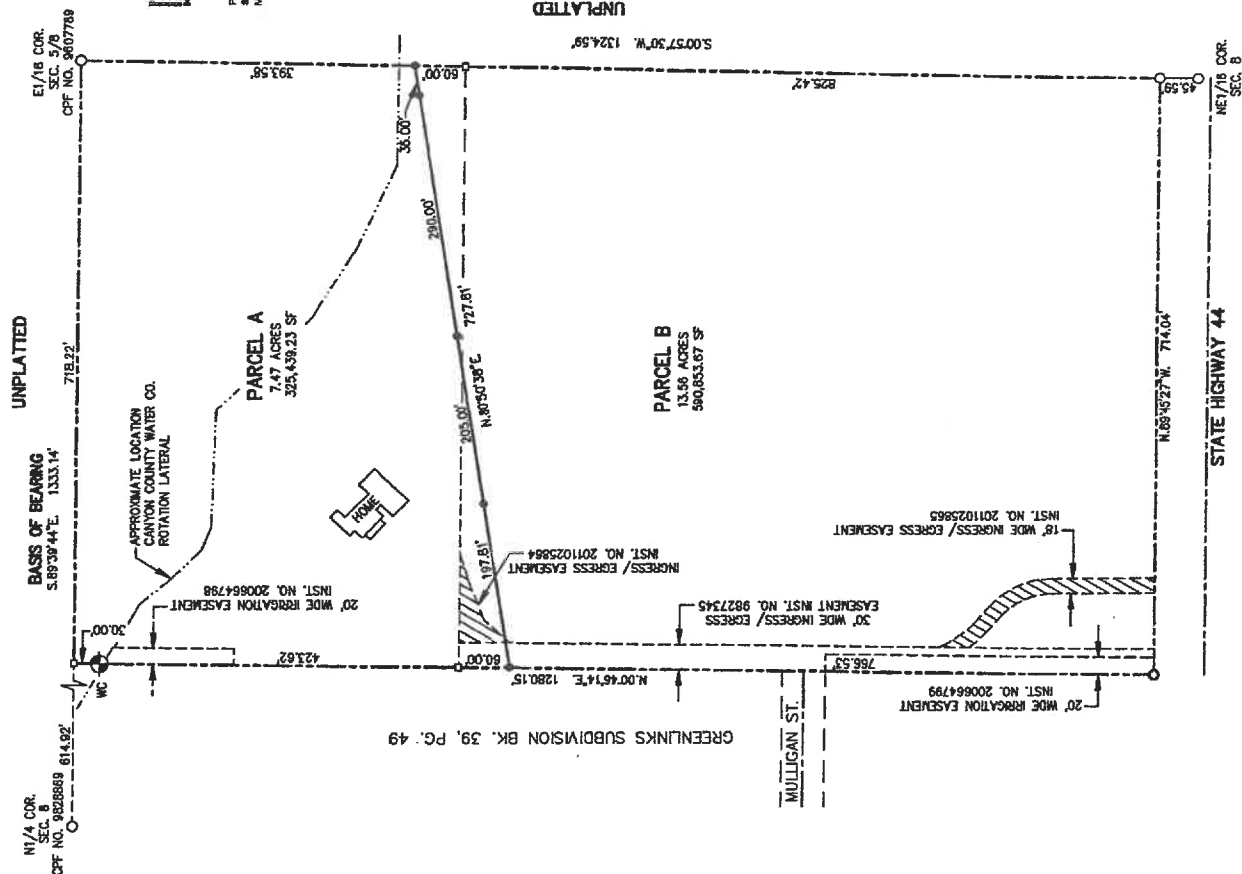
1. REFERENCE IS MADE TO THE FOLLOWING RECORD OF SURVEY INST. NOS.: 8723151, 9602167, 9831328, 2007081600, AND 2011028780, RECORDS OF CANYON COUNTY, IDAHO.
2. REFERENCE IS MADE TO THE FOLLOWING SUBDIVISION PLATS: PARK PLACE SUBDIVISION NO. 3, BOOK 27, PAGE 35; GREENLINKS SUBDIVISION, BOOK 39, PAGE 49, RECORDS OF CANYON COUNTY, IDAHO.
3. THE CURRENT ZONING FOR PARCELS A AND B ARE R-4 COMBINED RESIDENTIAL.
4. ALL PINS ALONG THE ORIGINAL SOUTH BOUNDARY LINE HAVE BEEN REMOVED TO AVOID CONFUSION WITH THE ADJUSTED BOUNDARY LINE MONUMENTS AS SHOWN HEREON.
5. THE CANYON COUNTY WATER COMPANY CLAIMS A 20' WIDE IRRIGATION EASEMENT ADJACENT TO AND PARALLEL WITH THE EXISTING TOP OF BANK ON EACH SIDE OF THE ROTATION LATERAL SHOWN HEREON.

LEGEND

- PROPERTY BOUNDARY
- ADJUSTED PROPERTY LINE
- ORIGINAL PROPERTY LINE
- CENTERLINE
- EXISTING EASEMENT LINE
- WC FOUND WITNESS CORNER BRASS CAP MONUMENT
- FOUND 5/8" IRON PIN
- SET 1/2" IRON PIN W/ CAP MARKED LS 7045
- POINT ON LINE - SET 1/2" IRON PIN W/ CAP MARKED LS 7045
- CALC. POINT



SCALE IN FEET



2013-014788
RECORDED
04/04/2013 04:47 PM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Survey
MARKS LAND SURVEYING

INDEX NO. 424-08-140-000

MARKS LAND SURVEYING, INC
COLLEEN MARKS, L.S. 7045
5300 HILL ROAD
BOISE, IDAHO 83703
PH: (208) 378-7703 FX: 378-7759
DATE: 04/03/13 DRAWN BY: SMS FILE: CLAIR ROS.dwg

EXHIBIT “D”

Agency Comments

From: [Roberta Stewart](#)
To: [Betha Secretary](#)
Cc: [Amy Woodruff](#); [Jennica Reynolds](#)
Subject: RE: Canyon County Water Company
Date: Tuesday, November 30, 2021 9:30:09 AM
Attachments: [image001.png](#)

Hi Betha: thank you for the heads up on Mr. Gross' irrigation efforts on Artesian Springs subdivision.

Roberta L. Stewart

PLANNER

City of Middleton, Planning & Zoning
1103 W. Main St.
P.O. Box 487
Middleton, ID 83644

Tele - (208) 585-3133
Fax - (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov



From: Betha Secretary <irr.water.3@gmail.com>
Sent: Monday, November 29, 2021 3:55 PM
To: Roberta Stewart <rstewart@middletoncity.com>
Subject: Canyon County Water Company

Middleton City Hall

To Roberta Stewart,

Mr. Gross met with Canyon County Water Company Board discussing piping the ditch in front of his property on Hwy 44. It was tentatively agreed by all parties to approve his plan to pipe his ditch, after he gets the required license agreement.

Thank you,

Betha Foster, Secretary
Canyon County Water Company

P O Box 11

Star, Idaho 83669

Phone 208/455-1735

Exhibit “2”

Artesian Springs Subdivision

Request:
Preliminary Plat for Artesian Springs Subdivision

Property Info:
Zoned: R3
13.6 acres
40 single-family lots
Common Area: 2 acres (14.7%)
Density: 2.95 DU/Acre

1

Artesian Springs Vicinity Map



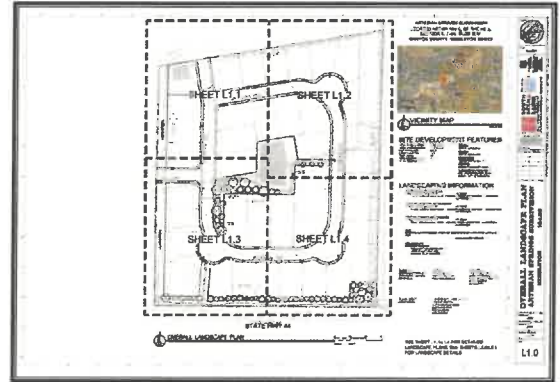
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Artesian Springs Preliminary Plat



3

Artesian Springs Landscape Plan



4

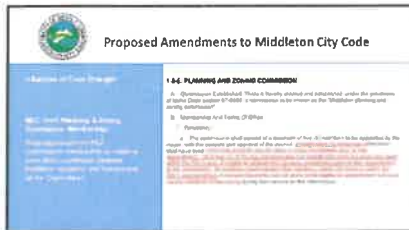
Artesian Springs Lot Size Comparison

Avg Lot Size: 9,582 sf
Max Lot Size: 19,385 sf
Min Lot Size: 8,250 sf

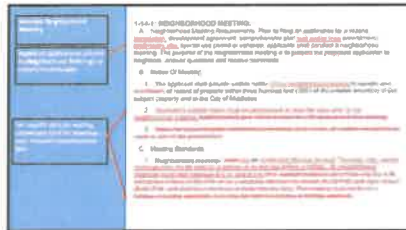


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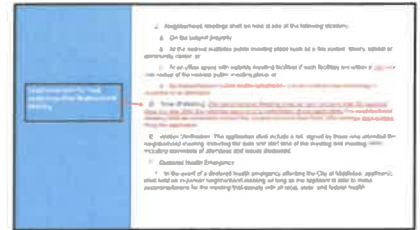
Exhibit “3”



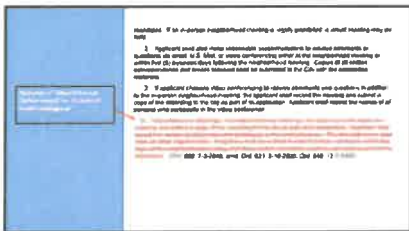
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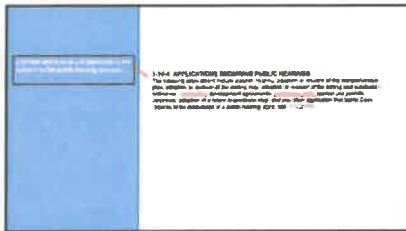
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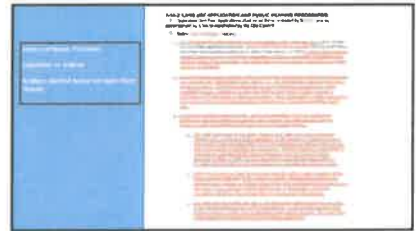
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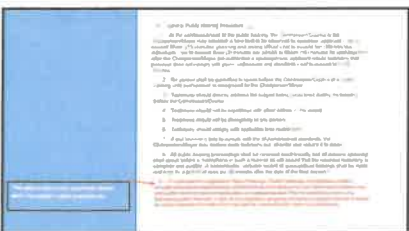
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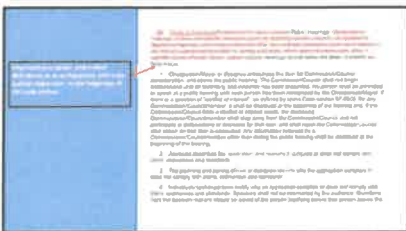
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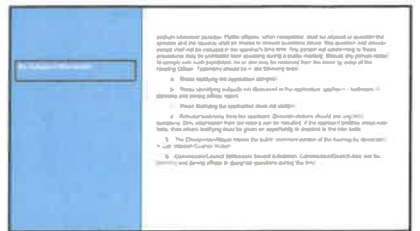
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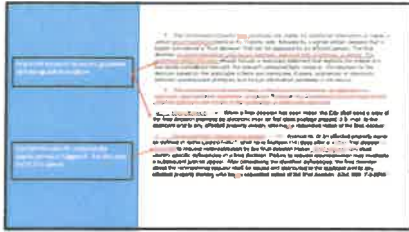
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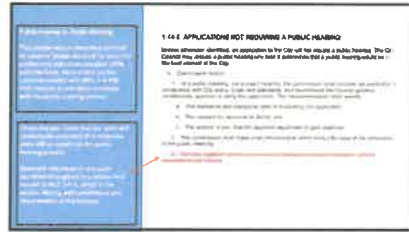
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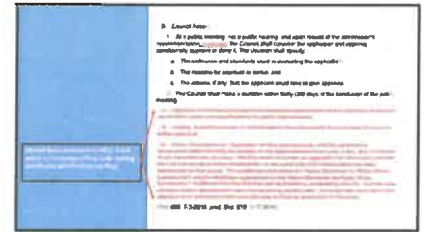
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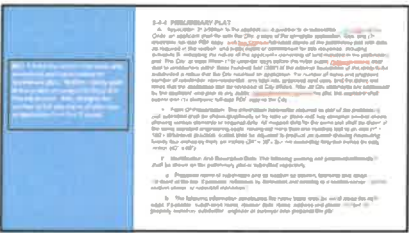
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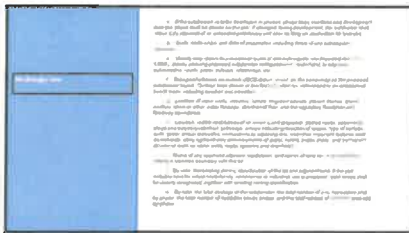
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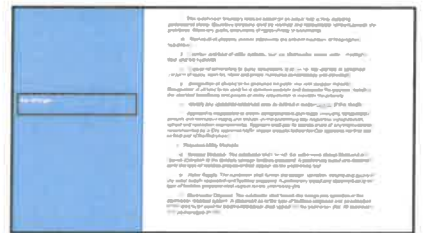
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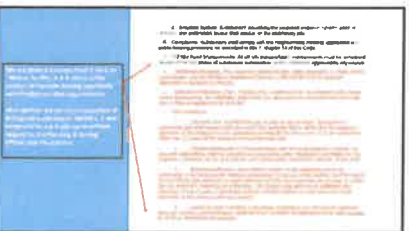
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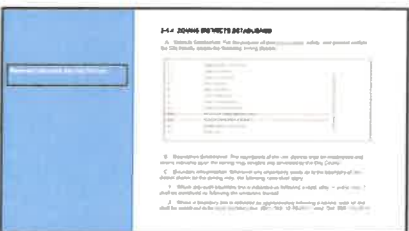
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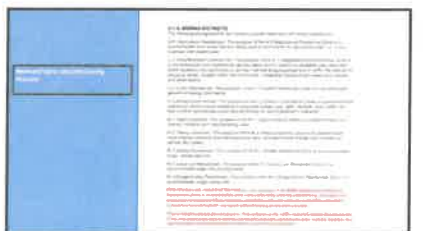
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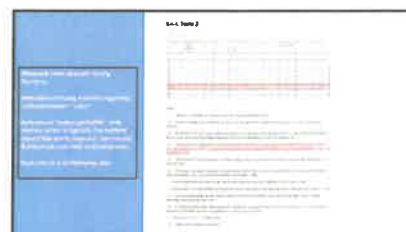
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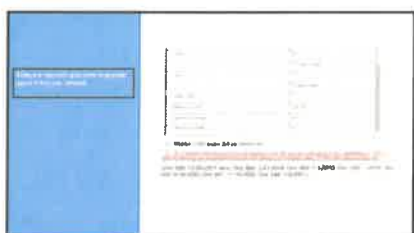
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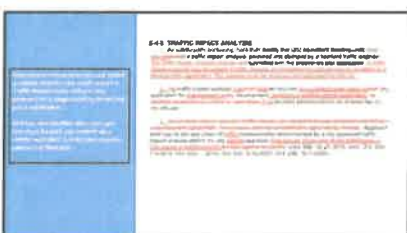
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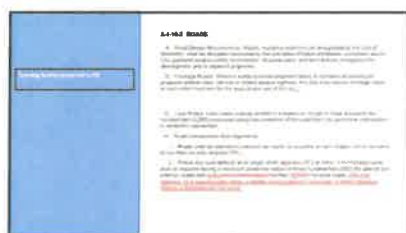
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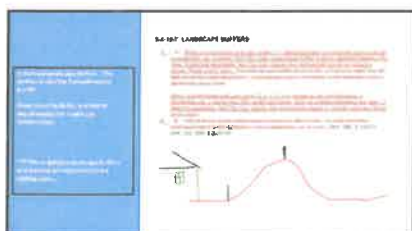
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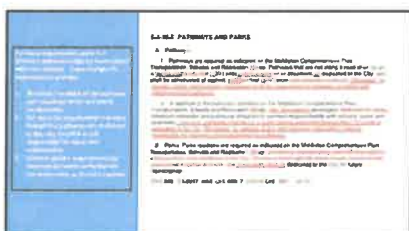
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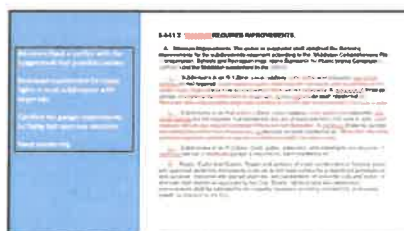
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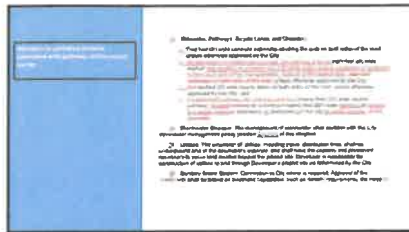
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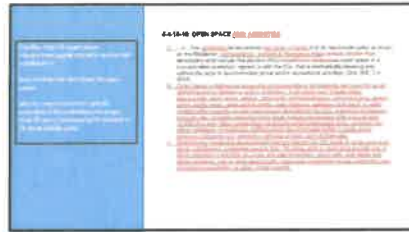
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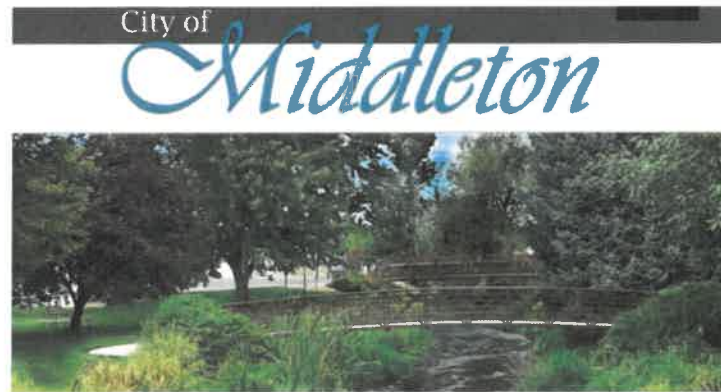


32



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Proposed Amendments to Middleton City Code



- A. Planning & Zoning Commission Hearing Date:** December 6, 2021
- B. Application Request:** 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.
- C. Requested Code Changes:**
- MCC 1-5-5 Planning & Zoning Commission Membership:** Proposed revision to require that at least three of the five P&Z members live within Middleton City limits. Proposed changes would also allow up to two Commissioners to live outside City limits so long as they live within Middleton's Area of Impact.

Current code only requires that Members live in the County, so a Member can live in Caldwell, Greenleaf, Nampa...etc., and serve on the Middleton P&Z Commission despite having no direct residential connection to the City.

(A copy of the redline changes to Section 1-5-5 is attached to this Staff Report as Exhibit "A".)
 - MCC 1-14-1 Neighborhood Meeting Procedures:** Proposed changes to clarify exactly what types of land use applications are subject to the Neighborhood Meeting requirement. Changes also set forth a more specific date for mailing Neighborhood Meeting notices based on a postmark date so there is no confusion. Changes also set forth more appropriate or convenient times for a Neighborhood Meeting. Finally, the proposed revisions extend the time period for an applicant to submit their application after conducting a neighborhood meeting. Currently, the

applicant must submit the application within 30 days of the Neighborhood Meeting. That was extended to 90 days. Thirty days is an insufficient time to revise the plat based upon new information "gleaned" from the Neighborhood Meeting. Finally, the teleconference alternative was removed except for in the case of a declared health emergency.

(A copy of the redline changes to Section 1-14-1 is attached to this Staff Report as Exhibit "B")

3. **MCC 1-14-2 Land Use Application & Public Hearing Procedures:** Proposed changes insert the procedure and timing for legal notice before a public hearing. Changes also clarify that the 14 day appeal/reconsideration period is triggered on the date the FCO is actually signed. Finally, other changes involve grammar, sentence structure and minor clarifications.

(A copy of the redline changes to Section 1-14-2 is attached to this Staff Report as Exhibit "C".)

4. **MCC 1-14-5 Code section regarding "Public Meeting" Process:** This section was added to the Code years prior to allow preliminary plats to be handled through a public meeting process instead of a public hearing process if the project complies 100% with the relevant zoning code and is not accompanied by any other application that required a public hearing. However, this old revision was inadequate because it conflicted with 5-4-4(B) that requires all subdivision plats to proceed through the public hearing process. These proposed changes remedy that conflict by removing the public meeting option. The proposed changes also remove provisions regarding phased development and termination of a preliminary plat and moves them to the preliminary plat section of the code (MCC 5-4-4) where it makes more sense.

(A copy of the redline changes to Section 1-14-5 is attached to this Staff Report as Exhibit "D".)

MCC 1-14-4: Applications requiring a public hearing: Proposed changes add to the list of applications requiring public hearings for more clarity. Specifically, the change adds annexation/rezone applications and preliminary plat applications to the list.

(A copy of the redline changes to Section 1-14-4 is attached to this Staff Report as Exhibit "E".)

5. **MCC 5-4-4 Preliminary Plat Requirements:** This is the main portion of the Code that addresses requirements for a preliminary plat. Changes proposed include removing references to "public meetings" and inserting "public hearing" instead and changing the requirement of submitting 3 full-sized copies of the pre-plat to just 2 copies.

Changes also include moving provisions on time limitations and Standards from MCC 1-14-5 to this section regarding preliminary plats to make the code requirements easier to find. changes proposed also add specific consequences for violating the time limitations, namely the expiration and nullification of the preliminary plat and create a time extension request procedure.

(A copy of the redline changes to Section 5-4-4 is attached to this Staff Report as Exhibit "F".)

MCC 5-1-4 and 5-1-5: Zoning Districts Established and Defined: Changes propose eliminating old zoning districts entitled "Restaurant, Retail and Recreation" and "Transit Oriented Development", which are zones that have not been on the Zoning Map for some time, and there are no plans to add such zones to the Zoning Map in the future.

(Copies of the redline changes to Sections 5-1-4 and 5-1-5 are attached to this Staff Report as Exhibit "G".)

MCC 5-4-1, Table 1, Use Table: Proposed changes to remove obsolete zoning districts (Restaurant Retail & Recreation/Transit Oriented Development) from the Table. Added a footnote that Townhome structures could not contain more than 6 individual living units. Also removed the "Allowed Use" for "Townhouse, condominium" because it was inadvertently left in the Use table last year when the code was changed to define "townhomes" as "Single Family, attached" and changed to make townhomes subject to a "Special Use Permit."

(A copy of the redline changes to Section 5-4-1 Table 1 is attached to this Staff Report as Exhibit "H".)

6. **MCC 5-4-1, Table 2, Dimension Table:** Removed footnote 4 regarding a "setback" between commercial/industrial uses and residential uses. Setbacks only apply to buildings or structures, not "uses." It was confusing. Instead, Staff proposes a note to direct the reader to Section 5-4-10-7 on landscape buffers, which is the best way to separate commercial/industrial uses from residential uses.

Additionally proposed changes include an exception to rear setback rules for in-ground swimming pools. This revision will allow an in-ground pool to be located within the rear setback up to 13 feet from the rear boundary.

Finally, proposed changes also eliminate reference to the obsolete RRR and TOD zones.

(A copy of the redline changes to Section 5-4-1, Table 2 is attached to this Staff Report as Exhibit "I".)

MCC 5-4-3 Traffic Impact Study & Pro-rata Fees: Proposed change adds option for the City to require a Traffic Impact Analysis and Pro-rata fee payment on a case-by-case basis, including for a single commercial/industrial building that will generate a significant amount of traffic in the community. Currently, the code only requires a Traffic Impact Study and pro-rata payment for subdivisions with more than 25 residential lots. Proposed changes also clarify that the pro-rata payment must be made prior to final plat approval for phase 1 or building permit issuance.

(A copy of the redline changes to Section 5-4-2 is attached to this Staff Report as Exhibit "J".)

MCC 5-4-10-2: Roads: Proposed changing 125' turning radius to 90' turning radius.

(A copy of the redline changes to Section 5-4-10-2 is attached to this Staff Report as Exhibit "K".)

MCC 5-4-10-7: Landscape Buffers: Proposed changes to landscape buffers between commercial/industrial uses and residential uses.

(A copy of the redline changes to Section 5-4-10-7 is attached to this Staff Report as Exhibit "L".)

7. **MCC 5-4-10-8: Pathways and Parks:** Proposed changes include reducing the width of the easement and pathways to remedy an inconsistency with MCC 5-4-11-2(2). Pathways will be 8' wide rather than 10' wide, and the wide easement will be reduced from 20' to 12'. Developer will also have the option of dedicating the pathway area to the City. Please note that 12' wide pathways will remain for "greenbelt" pathways along the Boise River/River Walk.

Changes also clarify that the Developer or subsequent HOA shall be responsible for maintaining and repairing the pathways despite the public access granted.

Finally, changes removed language regarding location of future parks and requirements.

(A copy of the redline changes to Section 5-4-10-8 is attached to this Staff Report as Exhibit "M".)

8. **5-4-10-10 Open Space and Amenities:** Changes clarify that the 5% Open Space requirement applies to only residential subdivisions and not industrial or commercial subdivisions. The definition of "Open Space" is changed from "irrigated and landscaped space" to areas used for social gathering and recreation.

Changes also require an amenity be provided for residential subdivisions 25 acres or larger and multi-family subdivisions with 75 or more units.

(A copy of the redline changes to Section 5-4-10-10 is attached to this Staff Report as Exhibit "N".)

9. **5-4-11-2 Minimum Required Improvements:** Changes require developers in the R-1 and R-2 zones to still install curb and gutter but they will not have to install street lights and sidewalks. This remedies a conflict created in the ISPWC Supplement.

Changes also include changes to pathways to keep the consistency with section 5-4-10-8 above.

Other changes are renumbering and sentence structure.

(A copy of the redline changes to Section 5-4-11-2 is attached to this Staff Report as Exhibit "O".)

- D. **Comprehensive Plan:** Any changes to the City's Zoning Ordinance or Subdivision Ordinance should be in compliance with the City's Comprehensive Plan.

Planning Staff finds that all proposed changes are in compliance with the Comprehensive Plan because nothing proposed is in conflict with requirements shown on any Comprehensive Plan Map. Additionally, none of the proposed changes conflict with any "Goals" set forth in the Comprehensive Plan. None of the proposed changes to legal procedures for land use applications conflict with the requirements for Comprehensive Plans set forth in the Land Use Planning Act (Idaho State Code, Title 67, Chapter 65). Finally, the proposed changes comply with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- a. *Goal 3:* The proposed changes continue to provide safe vehicle and pedestrian facilities with ample pathways and safe roadway designs.
- b. *Goal 4:* Proposed changes enhance the quality of life with open space, pathways, and parks.
- c. *Goal 5:* Proposed changes ensure that development pays for any public services it receives via impact fees.

- E. **Comments Received from Public:** None.

- F. **Comments from Agencies:** None.

- G. **Comments from City Engineer and Planning Staff:** None.

- H. **Notices**

Dates:

Newspaper Notification

11/21/2021

Circulation to Agencies

11/19/2021

I. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65.
Idaho Standards for Public Works Construction and Middleton Supplement thereto.
Middleton City Code 1-5, 1-14, 5-1 and 5-4.

J. Conclusions and Recommended Conditions of Approval: The Planning & Zoning Commission should base any decision on findings of facts and conclusions of law. Planning Staff has set forth above findings that the proposed code changes do not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of 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 City Code to be considered in making a recommendation on the applications.

If the Planning & Zoning Commission is inclined to recommend approval of the proposed code changes, Planning Staff does not recommend any conditions of approval.

Prepared by Middleton City Planner, Robert Stewart

Dated: 12/1/2021

EXHIBIT “A”

**Redlines to MCC 1-5-5 regarding
P&Z Commission membership requirements**

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.~~

2. Selection And Term:

a. The terms of office for all appointed members shall be for three (3) years.

b. Vacancies occurring otherwise than through the expiration of terms shall be filled by action of the mayor and confirmed by the council.

c. Members shall be selected without regard to political affiliations, and shall serve without compensation except that they shall each receive per diem compensation for every regular meeting of the commission that they duly attend, as set by resolution of the council.

d. Members may be removed by a majority vote of the council.

C. Organization, Rules And Meetings:

1. Officers: The commission shall elect its own chairman, and may create and fill such other offices as it may determine necessary.

2. Required Meetings: The commission shall hold one regular meeting each month for at least nine (9) months in each year. A majority of the currently appointed voting members of the commission shall constitute a quorum.

3. Open Meetings; Records: All meetings shall be open to the public. Written record of meetings, hearings, resolutions, studies, findings, permits and determinations shall be kept, which record shall be a public record.

4. Authority: The commission may request the attendance at any meeting of such other city officials as it may deem necessary.

D. Duties: The planning and zoning commission shall have those duties as prescribed by the local land use planning act, Idaho Code section 67-6501 et seq.

E. Review Of Maps, Plats: Any and all planning maps, preliminary plats and replats of lands which require the approval of the city council shall first be submitted to the commission for its recommendation. (Ord. 548, 1-21-2015)

EXHIBIT “B”

**Redlines regarding MCC 1-14-1
Neighborhood Meeting Requirements**

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 three hundred feet (300') 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-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 Meetings: 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 those written comments shall be submitted as part of the application.~~ (Ord. 609, 7-3-2018; amd. Ord. 631, 3-18-2020; Ord. 645, 12-2-2020)

EXHIBIT "C"
**Redlines to MCC 1-14-2 Regarding Land Use Applications
and Public Hearings**

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 upon 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 rezoning 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 three hundred (300) 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 three hundred (300) 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.

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

3. The planning and zoning official or designee reports why the application complies or does not comply with plans, ordinances and standards.

2. Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.

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 Commission/Council member, it shall be disclosed at the beginning of the hearing and, if the Commission/Council finds a conflict of interest exists, the disclosing Commission/Council member 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 Commission/Council member other than during the public hearing shall be disclosed at the beginning of the hearing.

~~D. Order of Events for Proceedings 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.~~

~~D. Proceedings 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.~~

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 transcriptable, 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.

Chairperson/Mayor may declare such testimony out-of-order and require it to cease.

7. If oral testimony fails to comply with the aforementioned standards, the

6. Testimony should comply with applicable time restrictions.

5. Testimony should not be derogatory to any person.

4. Testimony should not be repetitious with other entries in the record.

3. Testimony should directly address the subject being considered during the hearing before the Commission/Council.

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.

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. (Ord. 609, 7-3-2018)

EXHIBIT “D”

**Redline Changes to MCC 1-14-5 regarding the Public Meeting
Process**

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.~~

(Ord. 609, 7-3-2018; amd. Ord. 619, 7-17-2019)

EXHIBIT “E”

Redlines to MCC 1-14-4 regarding public hearing applications

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, rezone, 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. (Ord. 609, 7-3-2018)

EXHIBIT “F”

Redlines to MCC 5-4-4 Regarding Preliminary Plats

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 ~~on~~about 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, applicant must obtain the city engineer's signature on the final plat for each phase within successive intervals of two years.

3. Authorize 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.

(Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020)

EXHIBIT “G”

Redlines to MCC 5-1-4 and 5-1-5 Regarding Establishment of Zoning Districts

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:

| | | |
|----------------|--|---|
| 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 | |

B. Boundaries Established: The boundaries of the use districts shall be established and clearly indicated upon the zoning map adopted and amended by the City Council.

C. Boundary Interpretation: Whenever any uncertainty exists as to the boundary of any district shown on the zoning map, the following rules shall apply:

1. Where any such boundary line is indicated as following a road, alley or public way, it shall be construed as following the centerline thereof.
2. Where a boundary line is indicated as approximately following a lot line, such lot line shall be construed to be such boundary line. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018)

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)

EXHIBIT “H”

Redlines to MCC 5-4-1, Table 1 (Use Table)

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

The regulations in the following tables shall apply to zoning districts:

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 |
|---|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|-----|
| Restroom or picnic shelter | | | | | | | | | | | | | |
| 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 |
| 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, wholesale | | | | A | A | A | | | | | | | |

5-4-1, Table 1 (townhome unit numbers)

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 | RFR | TOD | 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 87-6532 | 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:

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

6. See Section [5-4-11-2 A.](#) of this Code.

7. 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.

EXHIBIT “I”

Redlines to MCC 5-4-1, Table 2

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 ^{4,6,7} 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 | | 25' | 0' | 0' | 0' | 0' | 0 | 0 | 90% |
| TOD | | 55' | 0' | 0' | 0' | 0' | 0 | 0' | 90% |
| M-F ^{10, 11} | 12.0 | 35' | 20' | 20' | 12' | 20' | 10,000 | 75' | 75% |
| M-U ^{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.
- All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
- 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.
- See section [5-4-11-2](#) of this code.
- 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.

(Ord. 600, 12-20-2017; amd. Ord. 604, 2-21-2018; Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020; Ord. 641, 11-18-2020; Ord. 644, 1-6-2021)

EXHIBIT "J"

**Redlines to MCC 5-4-3 Regarding Traffic Impact Study &
Pro-rata Fees**

5-4-3: TRAFFIC IMPACT ANALYSIS:

1. 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.

2. AA traffic impact analysis ~~may~~shall also be required on a case-by-case basis forwith any application for ~~improvement or~~any 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.

3. ~~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. (Ord. 568, 12-21-2015; amd. Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 633, 9-16-2020; Ord. 638, 10-7-2020)

EXHIBIT “K”

Redlines for MCC 5-4-10-2 Regarding Road Radius Turns

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Half Road Dedication:

1. Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.

2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').

D. Rights-Of-Way Width:

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

| Arterials And Collectors | Half Road Right-Of-Way | Total Road Right-Of-Way |
|--------------------------|------------------------|-------------------------|
| Blessinger Road | 50 feet | 100 feet |
| Can-Ada Road | 50 feet | 100 feet |
| Canyon Lane | 50 feet | 100 feet |
| Cemetery Road | 50 feet | 100 feet |
| Concord Street | 50 feet | 100 feet |
| Cornell Street | 50 feet | 100 feet |
| Douglas Avenue | 50 feet | 100 feet |
| Duff Lane | 50 feet | 100 feet |
| El Paso Road | 50 feet | 100 feet |
| Ember Road | 50 feet | 100 feet |
| Emmett Road | 50 feet | 100 feet |
| Freezeout Road | 50 feet | 100 feet |
| Hall Avenue | 50 feet | 100 feet |

| | | |
|--------------------|---------|----------|
| Hartley Lane | 50 feet | 100 feet |
| Kingsbury Road | 50 feet | 100 feet |
| Landruff Lane | 50 feet | 100 feet |
| Lansing Lane | 50 feet | 100 feet |
| Lee Avenue | 50 feet | 100 feet |
| Meadow Park Street | 50 feet | 100 feet |
| Middleton Road | 50 feet | 100 feet |
| Peel Street | 50 feet | 100 feet |
| Purple Sage Road | 50 feet | 100 feet |
| River Street | 50 feet | 100 feet |
| Willis Road | 50 feet | 100 feet |
| Wood Avenue | 50 feet | 100 feet |
| 9th Street | 50 feet | 100 feet |

Additional right-of-way may be required, especially at intersections or waterway crossings, as determined by the City.

2. All other roads in the City are considered local roads and shall have a half road width of twenty five feet (25') and a total right-of-way width of fifty feet (50') or as determined by the City, provided that a ten foot (10') permanent utility easement is given along each side of the right-of-way line. Roads with fifty foot (50') rights-of-way shall have a right-of-way allowance for a minimum of twenty foot (20') curb radii and pedestrian ramps at the intersections.

E. Cul-De-Sac Roads: Cul-de-sac roads shall terminate in a circular turnaround with a right-of-way radius of at least fifty feet (50'). The City may approve an equally convenient form of turning space where extreme conditions justify. The maximum length shall be six hundred feet (600') from the entrance to the center of a turnaround.

F. Dead End Roads: Dead end roads will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead end road serving more than four (4) lots shall provide by easement a temporary turning circle with a fifty foot (50') radius or other acceptable design to accomplish adequate access. Turnaround to be improved with an all weather surface meeting the requirements of the International Fire Code.

G. Loop Roads: Loop roads shall be limited to a maximum length of three thousand two hundred feet (3,200') measured along the centerline of the road from the centerline intersection to centerline intersection.

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.

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').

I. Road Grades And Widths: Road grades shall not exceed six percent (6%) nor less than four-tenths of one percent (0.4%) on local and collector roads. The grades for all other roads shall be as approved based on individual conditions and safe engineering practices. Minimum road width for a local road shall be thirty eight feet (38'), back to back of curbs. All other road width shall be determined by traffic use and volume.

J. Road Names: The naming of roads shall conform to the following:

1. Road names shall not duplicate any existing road name except where a new road is a continuation of an existing road; road names that may be spelled differently but sound the same as existing roads are prohibited.

2. All new roads shall be named as follows: roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets; and cul-de-sacs shall be courts.

3. Road-name direction references shall be based on the historic center of town: Hawthorne Ave. intersection with Main Street (aka State Highway 44):

a. Streets continuous on both sides of Hawthorne Ave. shall have a "W" prefix for the portion west of Hawthorne Ave. and an "E" prefix for the portion east side of Hawthorne Ave.; and

b. Avenues continuous on both sides of Main Street shall have a "N" prefix if on the north side of Main Street and a "S" prefix if on the south side of Main Street.

K. Maximum Traffic On One Access For Local Or Collector Roads: Where a proposed development has only one access to a public road, or where it proposes to extend public roads from existing development with only one local or collector road access to the public road system, the equivalent dwelling units to be allowed on the local road access is fifty (50).

L. Location Of Irrigation Lines: All irrigation and drainage structures and lines, except piping for stormwater management shall be located and/or relocated out of the road right-of-way.

(Ord. 588, 3-1-2017; amd. Ord. 600, 12-20-2017; Ord. 609, 7-3-2018; Ord. 620, - -2019; Ord. 624, 9- -2019)

EXHIBIT “L”

Redlines to MCC 5-4-10-7 Regarding Landscape Buffers

5-4-10-7: LANDSCAPE BUFFERS:

- A. —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. 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.
- 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.
- B. —B.—Industrial use zones shall contain a minimum fifteen foot (15') high perimeter landscaped berm buffer between it and a residential use or zone. (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018)

EXHIBIT “M”

Redlines to MCC 5-4-10-8 Regarding Pathways & Parks

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.

(Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018; Ord. 620, - -2019)

EXHIBIT “N”

Redlines to MCC 5-4-10-10 Regarding Open Space & Amenities

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

- A. —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. (Ord. 609, 7-3-2018)
- 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 are twenty five (25) acres or larger and multi-family subdivisions containing seventy five (75) living units or more 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.

EXHIBIT “O”

Redlines to MCC 5-4-11-2 Regarding Pathways and Road Requirements

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, (ISPMC) and the Middleton supplement to the ISPMC.

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.

44. 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 centered~~ 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.

139. 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.

144. 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.

(Ord. 609, 7-3-2018; amd. Ord. 620, - -2019; Ord. 633, 9-16-2020)



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5) Middleton City Code Amendments

December 6, 2021 - Planning & Zoning Public Hearing

Please check

| Name | Address | Phone or Email | Please check | | | |
|-----------------------------------|---------------------------------|---------------------------|--------------|---------|---------|---------|
| | | | In Favor | Neutral | Opposed | Testify |
| Wendy + Mike McDougall | 13037 Greenwell Ln | (208) 696-5591 | | | | |
| Port + Rette Dwyer | 20354 Ricketts | 908 263 5113 | | | | |
| Murray, David | 2176 Nordic Ave | 406 465 5451 | | | | |
| Teresa Taresa | 13105 Greenwell Lane | 916 247 6586 | | | | |
| 13105 Greenwell Lane | 13105 Greenwell Lane | (208) 614-1319 | | | | |
| Urbair 1848 | 3026 main | 585-1668 | | | | |
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H/B/A



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Public Comment

December 6, 2021 - Planning & Zoning Meeting

| Name | Address | Phone or Email | Topic |
|------------------------------|------------------------------|---------------------------|---|
| ✓ Mrs. McQuinn | 13037 GREENWELL | 208.606.2273 | |
| ✓ Scott Pool | 13274 Greenwell Ln. | (559) 709-7665 | Pheasant |
| ✓ Jared Gibson | 945 Harvest Way | 818 9293549 | |
| ✓ MARTY WILKINSON | 1349Y Purple Sata | (208) 585-2713 | |
| ✓ SUSAN LOWE | 1130 LA REATA WAY | 559-250-0547 | CONCERNED ABOUT GROWTH |
| ✓ Teresa Tarek | 13105 Greenwell Lane | 916 247 6586 | Growth |
| ✓ Chuck Hull | 1711 MUSTANG MESA AVE | 530-589-2241 | Traffic & Growth |
| ✓ Sandra Sanchez | 1871 Ridge Way Apt 208 | 208-585 6449 | growth depends |
| ✓ Matt Stohmeyer | 26525 Middleton Rd | 208 484 8808 | Utilities |
| ✓ Charlie Kendall | 1009 N Buffalo Way | 208 590 3695 | Concerned about growth + lack of infrastructure |
| ✓ Joy Olien | 1302 Big Horn Ct. | 208-803-8233 | Growth Concern |



December 6, 2021 - Planning & Zoning Meeting

[illegible]

[illegible]

[illegible]