



AGENDA

Middleton Planning and Zoning Commission

Date: Monday, May 13, 2019 Time: 7:00 p.m. Location: 6 N. Dewey Ave., Middleton ID

1. Call To Order - Pledge of Allegiance
2. Roll Call
3. Information Items
4. Action Items
 - A. Consider approving minutes of April 8, 2019 regular meeting and April 15, 2019 special meeting.
 - B. Consider approving a design review permit for Middleton Physical Therapy at 1020 W. Main Street, Middleton, Idaho. The subject property is located along the Eastern boundary in Wellstone Business Park.
 - C. Consider recommending city council approve the preliminary plat for Middleton Cemetery No. 3 (Third Addition).
 - D. **Public Hearing:** Consider recommending city council approve Ordinance No. 620 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating the general zoning provisions, modifying and updating the rules and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements; deleting standards for mobile home parks; making other minor modifications and providing an effective date.
5. Public Comments
6. Commission/Staff Comments
7. Adjourn



Posted by: Bruce Bayne
Bruce Bayne, Planning and Zoning Official

Date: May 10, 2019 at 3:45 p.m.

A

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
APRIL 8, 2019**

The April 8, 2019 Planning and Zoning Commission Meeting was called to order by Chairwoman Gregory at 7:00 p.m.

Roll Call: Commissioners Jackie Hutchison, Whitney Springston, Vice Chair Ray Waltemate and Chairwoman Janet Gregory were present.

Action Items

A. Consider approving minutes of the March 25, 2019 Special Meeting.

Motion: Motion by Commissioner Waltemate to approve the minutes was seconded by Commissioner Springston and carried unanimously.

B. Public Hearing: Consider approving an application by KCRJ, LLC for a special use permit to amend or remove the Commission's condition for sidewalks on both sides of Valhalla St. and Nordic Ave. in Valhalla Country Estates Subdivision as required in Middleton City Code 5-4-11-2. The subject property is located at the southwest corner of Purple Sage Rd. and Middleton Rd., Middleton, Idaho.

Chairwoman Gregory called the agenda item and declared the public meeting open at 7:08 p.m. Mayor Darin Taylor, acting Planning and Zoning Official, presented the Administrative Review and Report.

Chris Maze and Joe Roberts from KCRJ, LLC explained that the purpose of the large-lot subdivision was to create a rural feel in the city limits; to bring into city limits the larger lots and non-starter housing being constructed just outside city limits. Mr. Roberts said the need for sidewalks for safety was no longer an issue due to the large lot sizes, small number of lots, and the traffic impact study that accounts for almost no traffic through the subdivision once Meadow Park Street is extended east to Middleton Road with Phase 2.

Residents **Bret Rupp, Carlene Thie, Shawn Maybon, Jack Garret, and Brandy Miller** spoke in opposition removing the sidewalk requirement. They stated that without sidewalks, anyone who was out walking or kids riding bikes would be required to do so in the street placing them in the traffic pattern, which is unsafe. The residents felt that the city has a code for a reason and the code needs to be followed.

Chris Maze and Joe Roberts responded explaining that the traffic impact study which helped make the decision to ask for no sidewalks, was based on several factors such as the subdivision posted speed limit was to be 20 miles per hour, and the roads were not a linear street but rather that of a meandering pattern. Mr. Roberts also stated that Meadow Park being extended to Middleton Rd. was also considered in the study and that it would be extended this summer.

Motion: Motion by Commissioner Waltemate to close the public portion of the public hearing was seconded by Commissioner Springston and carried unanimously. A brief Commission discussion followed.

Motion: Motion by Commissioner Waltemate to deny the application was seconded by Commissioner Springston and carried unanimously.

- C. Public Hearing: Consider approving an application by WTW Development for a special use permit to except Stonehaven Subdivision from Middleton City Code 5-2-3: reduce side setbacks from 10 feet to 5 feet. The subject property is located at the southwest corner of Willis Rd. and Hartley Ln., Middleton, Idaho.**

Chairwoman Gregory called the agenda item and declared the public meeting open at 8:16 p.m. Mayor Darin Taylor, acting Planning and Zoning Official, presented the Administrative Review and Report.

Amy Watson spoke on behalf of the applicant WTW Development and explained that the development team, based on current market conditions, concluded that a home with a three-bay garage was sought by home buyers and also took parking off of the subdivision streets by adding more enclosed or driveway parking for vehicles. She said taking these vehicles off the side of the streets made for a safer and less congested neighborhood.

Residents **Shawn Maybon, Heidi Lumaye, Mike Graefe, Carlene Thie, Sandy Sinclair, and Camille Thomas** spoke in opposition to the request for five-foot setbacks because it results in drainage and fire safety issues. They said the code was in place for everyone and that it shouldn't be bent for developer-after-developer or there was no reason to have a city code.

Barb Malstrom said that the point of this development was to bring semi-custom-built homes to Middleton, not to bring more tract homes to the city and, without the five-foot setbacks, that limits the ability to do so. She also asked why this developer could not ask for and be granted the same exact thing that the developer of Sawtooth Lake Subdivision ask for and received. Mayor Taylor said the Sawtooth project was in a Transit-Oriented Development area identified on the city's Future Land Use map.

Amy Watson responded to the residents' concerns saying a third garage bay costs roughly \$10,000 dollars for a builder and the builder in turn might see \$1,000 on their final check from that build making this not about a profit for the builder but a solution for storage for the homeowner while allowing for more on-site parking and making the streets safe by removing the vehicles being parked along the side of the roadway.

Motion: Motion by Commissioner Waltemate to close the public comment portion of the hearing was seconded by Commissioner Hutchison and carried unanimously. A brief Commission discussion followed.

Motion: Motion by Commissioner Springston to deny the application was seconded by Commissioner Waltemate and carried unanimously.

D. Consider approving the design for a new Clarity Credit Union building at its current location, 3 W. Main St., Middleton, Idaho.

Chairwoman Gregory called the agenda item and Mayor Darin Taylor presented the Administrative Review and Report.

Greg Toolson from JGT Architecture explained the purpose and process of the project, and **Wendy Edwards**, President of Clarity Credit Union, described the condition of the existing facilities and why the credit union was asking to design and construct a new building at the same location.

Motion: Motion by Commissioner Springston to approve the design review was seconded by Commissioner Waltemate and carried unanimously.

Public Comments, Commission/Staff Comments: none.

Adjourn

Chairwoman Gregory adjourned the meeting at 9:10 p.m.

ATTEST:

Janet Gregory, Chairwoman

Dawn M. Dalton, Deputy Clerk
Approved: May 13, 2019

**MIDDLETON PLANNING AND ZONING COMMISSION
SPECIAL MEETING MINUTES
APRIL 15, 2019**

The April 15, 2019 Planning and Zoning Commission Special Meeting was called to order by Vice Chair Ray Waltemate at 7:10 p.m.

Roll Call: Commissioner Jackie Hutchison and Vice Chair Ray Waltemate were present in the room and Commissioner Whitney Springston was present via phone until later in the meeting. Chairwoman Janet Gregory and was absent.

Action Items

Consider whether or not a public hearing is desired to receive more information and public comment about whether a walkway in Valhalla Country Estates Subdivision is ok or if stand-alone sidewalks are required.

Vice Chair Waltemate called the agenda item followed by Commission discussion.

Motion: Motion by Commissioner Hutchison to have a public hearing was second by Commissioner Waltemate and carried unanimously.

Public/Commission/Staff Comments: none.

Adjourn

Vice Chair Waltemate adjourned the meeting at 7:35 p.m.

ATTEST:

Janet Gregory, Chairwoman

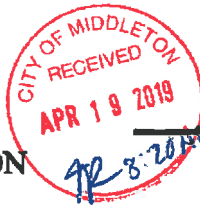
Dawn M. Dalton, Deputy Clerk
Approved: May 13, 2019

B



CITY OF MIDDLETON

P O Box 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV



Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 150.00 Per 1.333439
Application Accepted by: Dawni Taylor
Date Application Accepted: April 19, 2019

Applicant:

Marc Grow 208-850-8295 marcgrow@gmail.com
Name Phone Email
25300 Magnolia Brook Ct Middleton, Idaho 83644
Mailing Address City, State Zip

Representative:

Julie Benintendi - BRS Architects 208-336-8370 JULIEB@BRSARCHITECTS.COM
Name Phone Email
1010 S ALLANTE PL #100 BOISE, IDAHO 83709
Mailing Address City, State Zip Code

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
☐ Rezone
☐ Vacate Right-of-Way
☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☒ Design Review
☐ Preliminary Plat
☐ Construction Plans
☐ Final Plat

PUBLIC HEARINGS **

- ☐ Special Use Permit
☐ Development Agreement
☐ Variance
☐ Ordinance Amendment

- * Public Meetings: Individuals have a right to observe at an open meeting.
** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Wellstone Business Park
Middleton Physical Therapy

Site Address: 1020 W. MAIN ST Total Acres: 0.10

Assessor's Tax Parcel No(s): R1789510600

Crossroads: W Main St & Cemetery Rd

Existing Zoning: C-1

Proposed Zoning: No Change

Floodplain Zone: NA

Hillside (grades exceeding 10%): —

Julie Benintendi
Applicant's Printed Name

4/18/19
Date

Julie Benintendi
Applicant's Signature



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Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ 150-

Application Accepted by: Dennis Taylor

Date Application Accepted: April 19, 2019

Checklist - A complete Planning and Zoning Application must include the following.

☒ **Application Form**

☒ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. 150- Applicant Initial

☒ **Vicinity Map:** attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

- | | | |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Design review materials and information (design review application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed construction drawings (construction plans application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed final plat (for final plat application only) |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Proposed development agreement |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | Worksheet (for special use permit or variance only) |

☐ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

NA ☐ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.

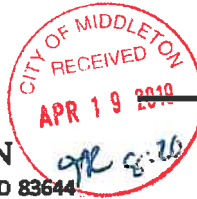
NA ☐ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☒ **Complete Application (City use only: check box and Initial if Application is complete):** D Taylor



CITY OF MIDDLETON

P O Box 487, 1103 W. MAIN ST., MIDDLETON, ID 83644
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PLANNING DEPARTMENT DESIGN REVIEW APPLICATION Revision: 2/11/2019

Date of acceptance: 4-19-2019
Accepted by: Dawn Taylor
Fee paid: \$ 150.00 - 2861.233439

Middleton City Code (MCC) Title 1 Chapter 15 requires an application and city approval of exterior design of all non-residential buildings.

Landowner:

<u>Marc Grow</u>	<u>208-850-8295</u>	<u>marcgrow@gmail.com</u>
Name	Phone	Email
<u>25300 Magnolia Brook Ct</u>	<u>Middleton, Idaho</u>	<u>83644</u>
Address	City, State	Zip

Representative:

<u>Julie Benintendi - BRS Architects</u>	<u>208-336-8370</u>	<u>JULIEB@BRSARCHITECTS.COM</u>
Name	Phone	Email
<u>1010 S ALLANTE PL #100</u>	<u>BOISE, IDAHO</u>	<u>83709</u>
Address	City, State	Zip

Subject Property:

Address: T.B.D. 01-4N-3W SE WELLSTONE SUB LT 7 BLK 1

Total acres of site: 0.10

Zoning: C-1 Future Land Use Map Designation: COMMERCIAL

Floodplain (yes, no): NO If yes, a Floodplain Development Permit Application is needed.

Application checklist:

Please refer to code for details to include on each plan or board.

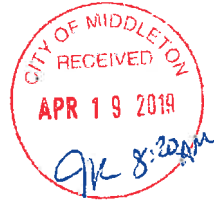
- ☒ Complete application
- ☒ Application fee
- ☒ Vicinity map (MCC 1-15-8-4(B))
- ☒ Site plan (MCC 1-15-8-4(C))
- ☒ Architectural plan (MCC 1-15-8-4(D))
- ☒ Sample board (MCC 1-15-8-4(E))

Julie Benintendi - BRS Architects
Printed Name

Julie Benintendi
Signature



1010 S. Allante Place,
Suite 100
Boise, Idaho 83709
Telephone 208 336-8370
Fax 208 336-8380



February 18, 2019

City of Middleton
Planning and Zoning Department
1103 W Main St
Middleton, ID 83644

RE: Middleton Physical Therapy
Design Review Application
BRS Architects Project #19028

To Whom It May Concern:

On behalf of Marc Grow, please accept this narrative letter for our Design Review Application for the new physical therapy office building we are designing to be on Lot 7 of the Wellstone Subdivision.

Our building colors and concepts were designed to fit into the existing buildings in the development. The building will have a hip roof with a gable roof over the entry. Materials include stucco, stone veneer, and architectural roof shingles that are in an earth tone palette of grays and browns. This development has established curbs and drive aisles. We will be adding sidewalks and some landscaping around the building. Mechanical units will be located south of the building as to be screened by our building and the future building located in Lot 13.

Thank you for taking the time to review this application. We welcome input and helpful interaction from you and your staff during the review process to provide the owner and the City of Middleton a successful project. Please contact me with any questions or comments regarding this design review application.

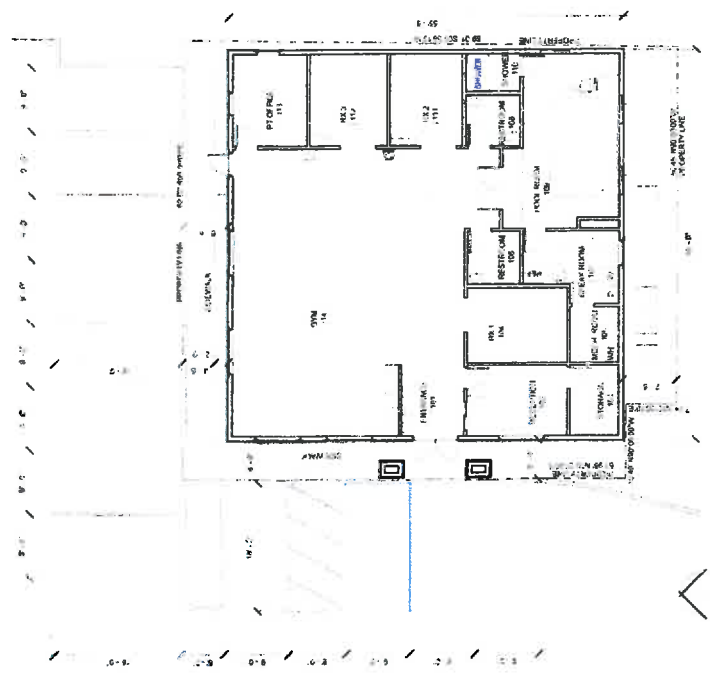
Sincerely,

A handwritten signature in black ink that reads 'Julie Benintendi'.

Julie Benintendi, Project Manager II
BRS Architects
julieb@brsarchitects.com

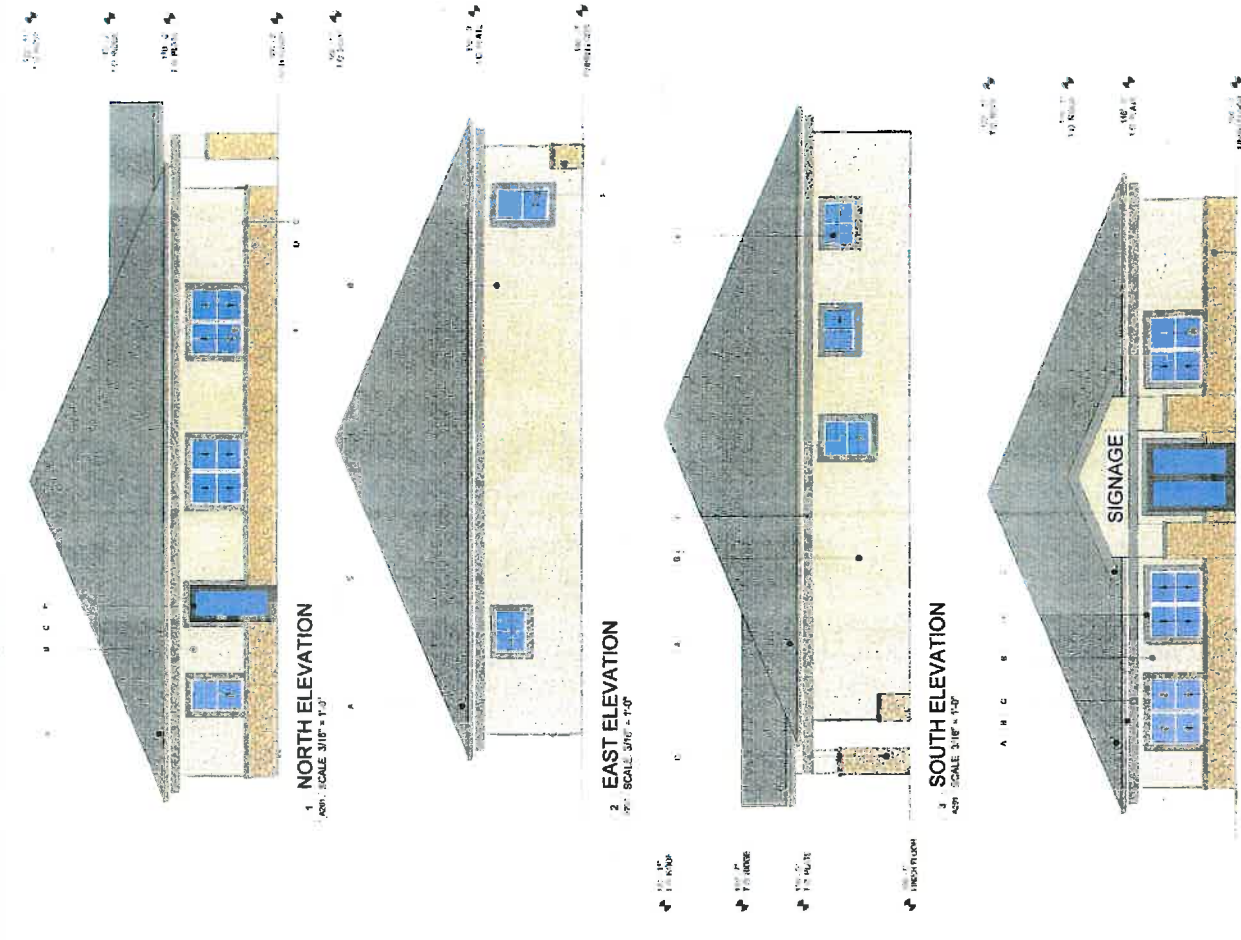
NO.	REVISIONS	DATE

FLOOR PLAN / SITE PLAN
SCALE: 1/8" = 1'-0"



FINISH LEGEND

1. FLOOR FINISHES TO MATCH EXISTING WITH BROWN STAIN
2. 4" x 8" x 1/2" JOIST AND 2" x 4" x 1/2" DIMENSIONAL LUMBER WITH BROWN STAIN
3. 1/2" x 1/2" x 1/2" JOIST TO MATCH EXISTING WITH BROWN STAIN
4. 1/2" x 1/2" x 1/2" JOIST TO MATCH EXISTING WITH BROWN STAIN
5. 1/2" x 1/2" x 1/2" JOIST TO MATCH EXISTING WITH BROWN STAIN
6. 1/2" x 1/2" x 1/2" JOIST TO MATCH EXISTING WITH BROWN STAIN



MIDDLETON PHYSICAL THERAPY

ROOF SHINGLES
MALARKEY VISTA SHINGLES
"BLACK OAK"

2-COAT STUCCO
MAIN BODY & TRIM
TO MATCH SW 2844
"ROYCROFT MIST GRAY"

MASONRY VENEER WAINSCOT
CREATIVE MINES
CRAFT PEAK LEDGE
"BLACKTRUFFLE"

3-COAT STUCCO & WAINSCOT SILL
ACCENT TRIM & CONCRETE SILL
TO MATCH SW 2849
"WESTCHESTER GRAY"





ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Middleton Physical Therapy

SUMMARY OF APPLICATION

An application by Middleton Physical Therapy for a Design Review Permit to construct a new building on the East side of the existing Wellstone Business Park. The new business will occupy currently vacant Lot 7 of Block 1 of the Wellstone Subdivision. The subject property is located at 1020 W. Main St., Middleton, Idaho.

Applicant: Mark Grow
25300 Magnolia Brook Ct.
Middleton, Idaho 83644

Representative: Julie Benintendi
BRS Architecture
1010 S. Allante Pl., #100
Boise, Idaho 83709

1. **APPLICATION:** The application was accepted by the City on April 19, 2019.
2. **APPLICABLE CODES AND STANDARDS:** Middleton City Code (MCC) 1-15-8
3. **PLANNING AND ZONING REVIEW COMMENTS:**

A. Middleton Physical Therapy will be a new business located at 1020 W. Main Street, Middleton, Idaho. The subject property is zoned C-1, Neighborhood Commercial, and retail services is an allowed use in that zone.

B. Design review is required for all nonresidential structures and residential structures containing more than three (3) residences (MCC 1-15-8-1). The purpose of design review is to maintain and enhance aesthetics and ornament of new commercial, industrial and public buildings in the city, and to protect and promote the economic base

and general welfare of the community.

C. A traffic study is not required because the business traffic is through a commercial parking lot onto State Hwy 44.

D. Each building should contain three or more of the following design-review elements: A-frame or gable, some stucco, brick or rock, vertical or horizontal metal siding or roofing, some timber work, and a public art feature.

4. CONCLUSION

All required application materials were received. Building colors and materials are compatible with the townscape, surrounding neighborhoods and adjoining structures. The proposed new building includes gable, stucco, rock, and dark bronze anodized storefront framing; it does not include some timer work or a public art feature.

Parking requirements, vehicle and pedestrian traffic circulation comply with city code. The applicant needs to have marked Americans with Disabilities parking space(s) complying with city code.

This nonresidential building, if constructed as proposed, complies with Middleton's design review standards.

Drafted by: Bruce Bayne
Date: May 10, 2019

C



CITY OF MIDDLETON

P O Box 487

1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601

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Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$

Application Accepted by: BBDate Application Accepted: 04/25/19PENDING
CITY DETERMINATION
OF FEES

Applicant:

Name MIDDLETON CEMETERY DIST. Phone _____ Email _____Mailing Address P.O. BOX 38 City, State MIDDLETON, ID Zip 83644-0338

Representative:

Name Sawtooth Land Surveying 208 398 8104 Phone 208 398 8104 Email nick@sawtoothls.com
Dallas@sawtoothls.comMailing Address 2030 S. Washington Ave City, State Emmett, ID Zip Code 83617

PUBLIC HEARINGS **

- ☐ Annexation and Zoning
- ☐ Rezone
- ☐ Vacate Right-of-Way
- ☐ Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS *

- ☐ Design Review
- ☒ Preliminary Plat
- ☐ Construction Plans
- ☒ Final Plat

PUBLIC HEARINGS **

- ☐ Special Use Permit
- ☐ Development Agreement
- ☐ Variance
- ☐ Ordinance Amendment

* Public Meetings: individuals have a right to observe at an open meeting.

** Public Hearings: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments.

Site Information:

Site Address: 1597 CEMETERY RD Total Acres: 0.45Assessor's Tax Parcel No(s): R3493849200Crossroads: NORTH OF 9TH & CEMETERYExisting Zoning: R-3 Proposed Zoning: R-3Floodplain Zone: 4/A Hillside (grades exceeding 10%): 4/AApplicant's Printed Name JACK A ALVARDDate 3/28/2019Applicant's Signature Jack Alvord



CITY OF MIDDLETON

P O Box 487

1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Application

Rev: 12/13/2018

Fee Paid: \$ ← PENDING CC

Application Accepted by: BB

Date Application Accepted: 04/25/19

Checklist - A complete Planning and Zoning Application must include the following.

☒ **Application Form**

☐ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. Applicant Initial

☒ **Vicinity Map:** attach an 8 ½" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☐ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable Not Applicable

☐☐

Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only)

☐☐

Design review materials and information (design review application only)

☐☐

Proposed preliminary plat, drainage calculations, traffic impact study

☐☐

Proposed construction drawings (construction plans application only)

☐☐

Proposed final plat (for final plat application only)

☐☐

Proposed development agreement

☐☐

Worksheet (for special use permit or variance only)

☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

N/A

☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.

N/A

☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☒ **Complete Application (City use only: check box and initial if Application is complete):** BB



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

LETTER OF INTENT

April 18, 2019

Randall Falkner
City of Middleton Planning and Zoning

RE: Standard Plat for Middleton Cemetery

Dear Randall Falkner,

On behalf of the Middleton Cemetery District, we are pleased to submit this Letter of Intent and attached applications and supporting documents for the Standard Plat for the Middleton Cemetery.

The re-subdivision of lot 82 block 4 of the Westland's Ranch Subdivision No. 7 comprises of approximately 0.45 acres, more or less, and is located north of 9th and Cemetery Road. Details on the existing individual property comprising the project is as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
1597 Cemetery Rd.	R3443844200	0.45

This property is within the City of Middleton and carries the R3 Residential zoning designation. The attached preliminary plat offers 192 burial lots and 1 common lot. They will share the same access as the rest of Middleton Cemetery on the private drive off of Cemetery Road. Each of the 192 lots are 48 square feet.

The subject properties irrigation is served by the City of Middleton Irrigation District and will continue to be served by such. The subject property is under the jurisdiction if the City of Middleton Irrigation District.

Middleton Cemetery will not create excessive additional requirements at public expense. Additional services will be supported by property taxes and/or fees paid directly to service providers.

There is no known health, safety, or environmental issues that currently exist or that will exist as a result of this development.

We are also asking that the city fees for this proposal be waived, and have been told by the city that this was the case.

Please contact us should you have any questions or if we can be of any assistance with your processing of these applications.

Sincerely,

Carl Porter,
Sawtooth Land Surveying, LLC



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Exhibit A Legal Description

Lot 82, Block 4, West Highlands Ranch Subdivision No. 7 located in the W $\frac{1}{2}$ of the NE $\frac{1}{4}$ of section 1, T. 4N., R. 3W., B.M., City of Middleton, Canyon County, Idaho 2019

ACCOMMODATION



5680 East Franklin Road, Suite 150 / Nampa, Idaho
83687 / (208) 465-6655

2016-032178	
RECORDED	
08/11/2016 12:12 PM	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=1 RGRAY	\$10.00
TYPE: DEED	
PIONEER TITLE CANYON - CALDWELL	
ELECTRONICALLY RECORDED	

WARRANTY DEED

For Value Received West Highlands Land Development LLC, an Idaho limited liability company
hereinafter referred to as "Grantor", does hereby grant, bargain, sell, warrant and convey unto

Middleton Cemetery District

, hereinafter referred to as "Grantee", whose current address is P O Box 338, Middleton, ID 83644-0338
the following described premises, to-wit:

Lot 82, Block 4, West Highlands Ranch Subdivision No 7, according to the plat thereof, filed in
Book 45 of Plats at page 16, records of Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, its heirs
and assigns forever; provided however, Grantor expressly reserves unto Grantor, and Grantor's heirs,
successors and assigns, any and all appurtenant water and water rights, minerals and mineral rights. And
the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple
of said premises; that Grantor has a good right to convey the fee simple; that said premises are free from all
liens claims, encumbrances or other defects of title, except those specifically granted by Grantor, except
current years taxes, levies, and assessments, and except reservations, restrictions, dedications, easements,
rights of way and agreements (if any) of record and disclosed to Grantor in the title insurance policy which
Grantor obtained upon the acquisition of the premises; that Grantor will warrant and defend the quiet and
peaceful possession of said premises from all claims whatsoever; and that Grantor, its successors and
assigns, will on demand of Grantee, or its heirs or assigns, execute any instrument necessary for the further
assurance of the title to the premises that may be reasonably required.

Dated: July 5, 2016

West Highlands Land Development, LLC
By: Coleman Homes, LLC, Its Manager
By: Coleman Communities, Inc., Its Manager

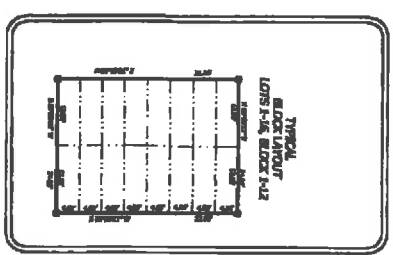
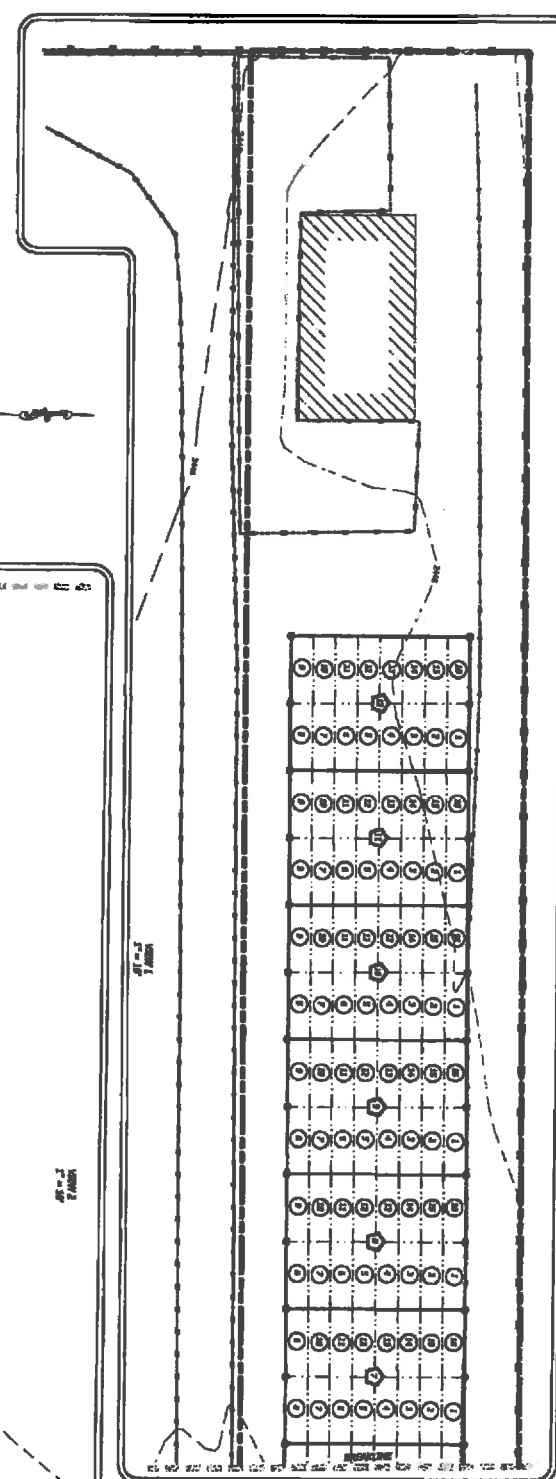
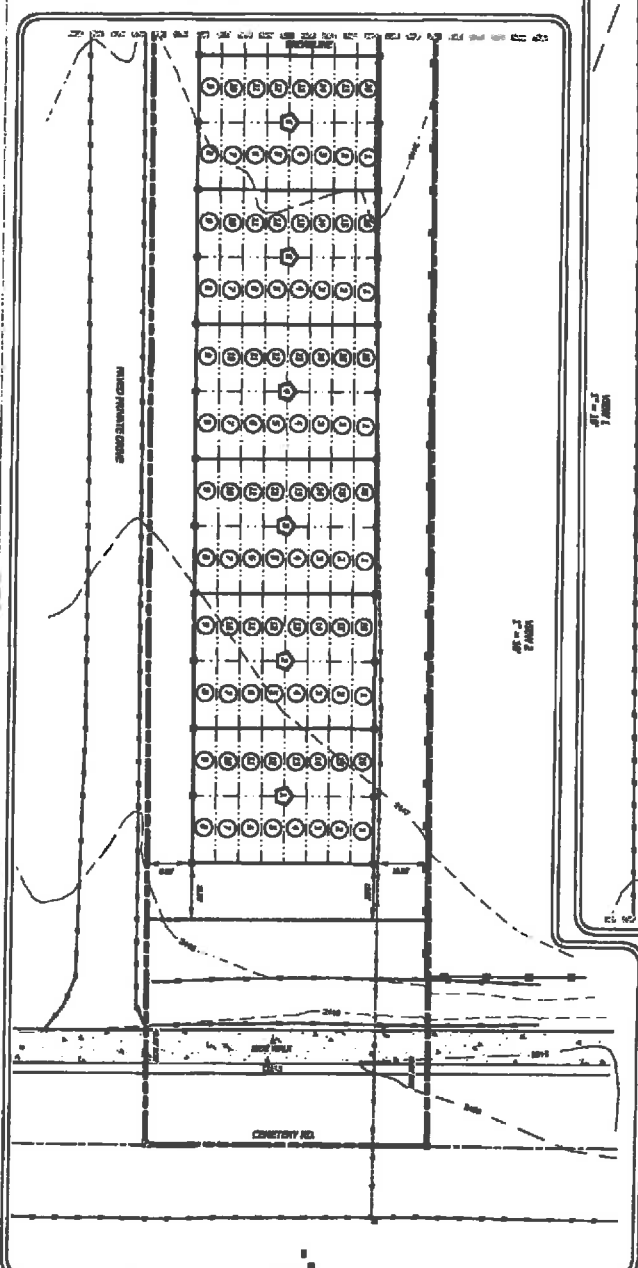
By:  Thomas M Coleman, Jr. Its President/Treasurer

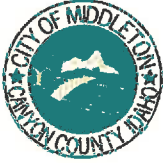
State of IDAHO

ss.

County of ADA

On this 10 day of August 2016, before me, the undersigned, a Notary Public, in and for said State, personally appeared
Thomas M Coleman, Jr. President/Treasurer of
Coleman Communities, Inc., Manager of Coleman Homes, LLC known to me, to be the Manager of the Limited Liability
Company that executed the foregoing instrument, and acknowledged to me that such Limited Liability Company executed the

[illegible][illegible][illegible][illegible]



ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Middleton Cemetery Subdivision No. 3

Consider recommending that city council approve a request by Middleton Cemetery District for preliminary plat approval of Middleton Cemetery No. 3, which is a replat of Lot 82, Block 4, West Highlands Ranch Subdivision No. 7. The proposed plat consists of 192 burial lots and 1 common lot on approximately 0.45 acres. The subject property is located at 1597 Cemetery Rd, Middleton, Idaho, commonly referred to as Canyon County parcel number R34438844200.

Applicant: Middleton Cemetery District
P.O. Box 38
Middleton, ID 83644-0338

Representative: Jack A Alvord

1. **APPLICATION:** The application was received and accepted by the City on April 25, 2019.

2. **NOTICE OF PUBLIC MEETING:**
Letters to Agencies: May 8, 2019
Letters to Owners of Property within 300': May 10, 2019
Property Posting: May 10, 2019

3. **APPLICABLE CODES AND STANDARDS:**
Idaho Code Title 67, Chapter 65
Middleton City Code (MCC) 1-14-5, 1-15-1, and 5-4-4
Middleton Comprehensive Plan, Dec. 20, 2017 version

4. **PLANNING AND ZONING OFFICIAL REVIEW COMMENTS:**
The property is currently zoned R-3 (Single Family Residential). The purpose of R-3 is to accommodate single-family lots. A cemetery is an allowed use in an R-3 zone. This project is an expansion of an existing cemetery which is immediately adjacent to the South and to the East across Cemetery Rd. Properties on all sides of the applicant are properties that are zoned R-3.

The applicant proposes to subdivide 0.45 acres into 192 burial lots and 1 common lot. The burial lot size is 4.0' by 12.0'.

Written Agency Responses to Date: No agency responses received.

Written Property Owners Responses to Date: No property owner responses received.

City Engineer Review

The city engineer has not yet provided comments.

5. CONCLUSION

A cemetery is allowed in the existing R-3 zoning and complies with the city comprehensive plans and code.

The proposed preliminary plat complies with city code and standards.

Reviewed and Reported by Bruce Bayne, May 10, 2019

D

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ORDER CONFIRMATION (CONTINUED)

Salesperson: LEGALS

Printed at 04/19/19 09:58 by sje14

Acct #: 29545

Ad #: 1891788

Status: New

LEGAL NOTICE

**NOTICE OF PUBLIC HEARING
CITY OF MIDDLETON, IDAHO**

The Middleton Planning and Zoning Commission is scheduled to hold a public hearing at 7:00 p.m. on Monday, May 13, 2019, 6 N. Dewey Ave., Middleton, Idaho, to consider the following:

An ordinance of the city of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating the general zoning provisions, modifying and updating the rules and notes in the land use, setback and area tables, updating preliminary and final plat requirements; updating design and development standards; updating required road and utility improvements; deleting standards for mobile home parks; making other minor modifications and providing an effective date.

Everyone is invited to attend and comment at the hearing. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Official, 1103 W. Main Street, Middleton, ID 83644.

April 24, 2019 1891788

ORDINANCE NO. 620

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AMENDING TITLE 5 OF THE MIDDLETON CITY CODE UPDATING THE GENERAL ZONING PROVISIONS, MODIFYING AND UPDATING THE USES AND NOTES IN THE LAND USE, SETBACK AND AREA TABLES, UPDATING PRELIMINARY AND FINAL PLAT REQUIREMENTS; UPDATING DESIGN AND DEVELOPMENT STANDARDS; UPDATING REQUIRED ROAD AND UTILITY IMPROVEMENTS; DELETING STANDARDS FOR MOBILE HOME PARKS; MAKING OTHER MINOR MODIFICATIONS AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City of Middleton, Idaho, seeks to hold each city council meetings at uniform times;

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

Section 1: 5-1-3 NONCONFORMING USES:

A. Continuation Allowed: Any lawful use of a building or land that becomes an ~~illegal~~ use, ~~which~~ that does not conform to the regulations for the district in which it is located shall be deemed to be a nonconforming use and may be continued.

Section 2: Tables 1 and 2 of Title 5, Chapter 4, Section 1 LAND USE, SETBACK AND AREA TABLES of the Middleton City code shall be amended as follows:

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

TABLE 1
LAND USE SCHEDULE

A = Allowed uses	CS = Conditional 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
Cement/clay products manufacturing				<u>S</u>	A	A							
Concrete batch plant						AS							
Mini-warehouse storage		<u>S</u>	A	A	A	A							S
<u>Nursery, vegetation</u>	<u>A⁷</u>												
Retail stores and services	<u>A⁷</u>	A	A	A	A	A				A	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 which is less than $\frac{1}{2}$ one-half acre; 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 ~~2 two-acre or larger surface irrigated~~ 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 without surface irrigation or a lot less than 2 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 ~~600~~1,000 square feet.
6. ~~See table 2 of this section, notes 9 and 10.~~Section 5-4-11-2 A. of this Code.
7. Allowed only if solely agricultural products or services.

TABLE 2
HEIGHT, SETBACK AND COVERAGE SCHEDULE

[TABLE TO REMAIN UNCHANGED]

Notes:

1. Minimum lot width is measured at the building setback line.
2. Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
3. 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.
4. The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet.
5. The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
6. 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 shall not project into any required setback more than 10 feet.
7. All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.
9. ~~Subdivisions in an R-1 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. A three-car garage and photo cell~~

~~lighting that covers the entire front of house is required on each buildable lot. Chain link fencing is prohibited. Swales with culverts under the driveway are preferred. Reminder, this Code allows a horse, cow or large farm animal(s).~~

~~10. Subdivisions in an R-2 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. A three-car garage and photo cell lighting that covers the entire front of house is required on each buildable lot. Chain link fencing is prohibited. Swales with culverts under the driveway are preferred. Reminder, this Code prohibits a horse, cow or large farm animal(s).~~

~~11. Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. Public roads may not be narrowed, and road-side parking is allowed. A two-car or three-car garage is required on each buildable lot.~~

Section 3: Title 5, Chapter 4, Section 3 TRAFFIC IMPACT ANALYSIS of the Middleton City code shall be amended as follows:

5-4-3: Traffic Impact Analysis: All subdivisions containing more than twenty five (25) ~~residential lots equivalent dwelling units~~ shall provide a traffic impact analysis, prepared and stamped by a licensed traffic engineer and submitted with the preliminary plat application. A traffic impact analysis may be required with an application for any development as deemed necessary on a case by case basis. An analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement.

Section 4: Title 5, Chapter 4, Section 4 PRELIMINARY PLAT of the Middleton City code shall be amended as follows:

5-4-4 A. Application: In addition to the application requirements in subsection 1-14-2A of this Code, an applicant shall file with the City: a copy of the complete application, fees, and ~~two (2) full-sized paper copies and one (1) electronic full-size PDF copy~~ of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public meeting, shall mail to landowners within 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 meeting about the plat, the applicant shall submit ~~five (5) paper copies~~ one (1) electronic full-size PDF copy to the City.

5-4-4 A(2)(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. If a transportation improvement that is identified on the transportation map is entirely on the applicant's property, then the City ~~will~~ may pay to design the improvement and pay up to forty five percent (45%) of the cost of construction; the applicant shall ~~be responsible pay~~ for the remaining construction costs. Applicant shall pay its pro rata share of any improvements recommended by a City-approved traffic study before the City approves the final plat or final plat of the first phase.

5-4-4 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.

Section 5: Title 5, Chapter 4, Section 7 FINAL PLAT of the Middleton City code shall be amended as follows:

5-4-7 A. Application:

1. An applicant shall file with the City: a copy of the complete final plat application, fees, and ~~two (2) paper copies~~ and one (1) electronic full-size PDF copy of the final plat with data as required in this section. After all City comments are addressed by the applicant, and prior to any Council consideration of the plat, the applicant shall submit ~~five (5) paper copies~~ one (1) electronic full-size PDF copy to the City.

5-4-7 E.3. Each lot and block shall be numbered consecutively and individually throughout the plat, and include the size of the lot by square feet shown on the face of the plat, not in a table.

5-4-7 H. Council Action: Upon ~~receipt~~ acceptance

5-4-7 I. Recording Of Final Plat: The subdivider shall record the City approved final plat. At the time of recording of the final plat, the City is deemed to have accepted the dedications shown. After recording, the subdivider shall deliver to the City ~~four (4)~~ one (1) electronic PDF copy, printable in full sized, and one eight and one-half by eleven (8 1/2 x 11) sizes, showing recording information. , ~~copies showing recording information.~~

Section 6: Title 5, Chapter 4, Section 10 DESIGN AND DEVELOPMENT STANDARDS of the Middleton City code shall be amended as follows:

5-4-10-2 K. Maximum Traffic On One Access for Local Or Collector Roads: Where a proposed development has only one access to a public road from where it proposes to extend public roads from existing development with only one local or collector road access to the public road system, the ~~maximum residential units or residential-unit equivalents~~ equivalent dwelling units to be allowed ~~at any point~~ on the local road access is fifty (50).

5-4-10-2 L. ~~Maximum Traffic on One Access For A Divided Boulevard Collector Road:~~ Delete entire subsection.

5-4-10-4: LOT REQUIREMENTS

A. Lot Design: The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning regulations of the City, as shown in section 5-4-1, ~~T~~table 2 of this chapter. Lot lines shall be at right angles from the front, side and back property lines, unless otherwise approved as part of ~~the~~ a preliminary plat.

B. Buffers: Lots along the roads identified in subsection 5-4-10-2D of this chapter shall conform to the traffic buffer requirements (see section 5-4-10-6 of this chapter) (Ord. 588, 3-1-2017; amd. Ord. 609, 7-3-2018).

C. Lot Access: All lots shall front on paved public roads, and No lots shall have direct access to major collectors, boulevards or arterials, unless otherwise approved by the City. ~~All lots shall front on paved public roads unless specifically approved otherwise.~~

D. Flag Lots: ~~Increased setbacks to front of house and/or maximum driveway lengths~~ Flag lots are prohibited unless allowed by the city as part of a preliminary plat. When a flag lot is allowed, the minimum lot frontage to a public road shall be twenty feet (20'), and the minimum lot width and setbacks are measured from where the lot widens for a building.

5-4-10-8: PATHWAYS AND PARKS

A. Pathways:

1. Pathways are required as indicated on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map. Pathways that are not along a road shall be on a twenty foot (20') wide lot or easement, dedicated to the City, and shall be constructed of asphalt, ten feet (10') wide and centered on the lot.

2. In addition to the pathways identified on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map, developers shall plan for and construct sidewalks and pathways designed to connect to neighborhoods with schools, parks, schools, neighborhoods and downtown.

B. Parks: Parks locations are required as indicated on the ~~Middleton Connects Master Plan~~ Middleton Comprehensive Plan Transportation, Schools and Recreation map 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 dedicated to the City for future maintenance.

Section 7: Title 5, Chapter 4, Section 11 REQUIRED ROAD AND UTILITY IMPROVEMENT REQUIREMENTS is hereby amended to read as follows:

5-4-11-2: REQUIRED IMPROVEMENTS:

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

Subdivisions in an R-1 Zone: Curb, gutter, sidewalks, and streetlights are not required. Public roads may be narrowed, and no parking on the public roads. Right-of-way may be narrowed if

there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this Code allows a horse, cow or large farm animal(s) on lots at least one acre in size.

Subdivisions in an R-2 and R-3 Zone: Curb, gutter, sidewalks, and streetlights are not required, if all residential lots are at least one-half (½) acre in size. ~~Public roads~~ Right-of-way may be narrowed if there are not sidewalks. A three-car garage and lighting the entire front of house are required on each residential lot. Reminder, this Code prohibits a horse, cow or large farm animal(s) on lots less than one-acre in size.

Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. A two-car or three-car garage is required on each residential lot.

1. 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.
2. Sidewalks, Pathways, ~~And Bicycle Lanes, and Greenbelt~~: Five-foot ~~feet~~ (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City; eight-foot ~~feet~~ (8') wide asphalt detached pathways on both sides of the road, unless otherwise approved by the City; and six-foot ~~feet~~ (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and twelve-foot (12') wide asphalt greenbelt.
3. Stormwater Disposal: The management of stormwater shall conform with the City stormwater management policy (section [5-4-10-9](#) of this chapter).
4. 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 farther out beyond the project site. Developer is responsible for construction of utilities to and through Developer's project site as determined by the City.
5. Sanitary Sewer System: Connection to City sanitary 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.
6. 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.
7. 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.
8. 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.
9. 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.
10. 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.
11. ~~Utilities: Transmission lines shall be underground, unless otherwise approved by the City.~~

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.

12. 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.

13. 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.

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

~~14~~ 15. 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.

Section 8: Title 5, Chapter 4, Section 13, Subsection 3 MOBILE HOME PARKS is hereby deleted and Title 5, Chapter 4, Section 13, Subsection 4, is hereby renumbered to be Title 5, Chapter 4, Section 13, Subsection 3.

Section 9: This ordinance, or a summary thereof as provided by Idaho Code §50-901A, shall be published in one (1) issue of the official newspaper of the City of Middleton, Idaho, and shall take effect immediately upon its passage, approval and publication.

Dated this _____ day of _____, 2019.

CITY OF MIDDLETON
Canyon County, Idaho

Darin Taylor, Mayor

ATTEST:

Dawn M. Dalton, Deputy City Clerk