

ORDINANCE NO. 693

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

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

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

5-4-4: PRELIMINARY PLAT:

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

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3. Proposed Utility Methods:

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

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

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

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

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

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

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

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

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

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

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

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

ATTEST:

Jackie Hutchinson, Mayor

City Clerk (or Deputy)