

AGENDA City Council Meeting City of Middleton, Idaho

Date: Wednesday January 5, 2022,

Time: 5:30 p.m.

Location: City Hall Council Chambers - 1103 W Main Street

Call-to-order, Roll Call, Pledge of Allegiance, Invocation:

Action Item:

A. Approve Agenda

Information Item:

 Discussion regarding City logo and the Middleton Police Badge and Police Patch – Becky Crofts

Action Items:

- 1. Consent Agenda (items of routine administrative business) (Action Items)
 - a. Consider approving minutes for City Council December 15, 2021, regular meeting.
 - b. Consider ratifying payroll for December 17,2021 in the amount of \$107,470.96 and December 31, 2021, in the amount of \$92,993.31.
 - c. Consider approving accounts payable thru December 30, 2021, in the amount of \$577,115.83.
- 2. Swearing in of City Council Members. Becky Crofts
- 3. Election of Council President
- Consider the appointment of Rachel Sontag to the City of Middleton Library Board. Mayor Rule
- Consider the purchase of City of Middleton Police Badges in the amount of \$1,502.75 -Alan Takeuchi
- Consider bid from DIRTPRO LLC in the amount of \$13,792.63 for repair/replacement of damaged fire hydrant at N. Middleton Rd/Meadow Park. – Becky Crofts
- 7. Consider awarding Boise River Lift Station Generator Project to Challenger in an amount not to exceed \$88,000.00. Becky Crofts
- 8. Consider approving West Highlands No. 13 Final Plat. Roberta Stewart
- Public Hearing: An application by David Buich/ Hartley Lane LLC and James L. Escobar, AIA for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901). The proposed preliminary plat consists of 53 townhome sites, 8 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). – Roberta Stewart

10. 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.

Public Comments, Mayor and Council Comments, Adjourn

Posted by:

Dawn M. Goodwin, Deputy Clerk

Date: January 3, 2022, 4:30 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

Info



MIDDLETON CITY COUNCIL DECEMBER 15, 2021

The Middleton City Council meeting on December 15, 2021, was called-to-order at 5:35 p.m. by Mayor Rule.

Roll Call: Mayor Rule, Council President Kiser, Council Members O'Meara and Garner were present. Council Member Huggins was absent. City Attorney Douglas Waterman was present.

Pledge of Allegiance, Invocation: Wade Wroten

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the Amended Amended Agenda as posted December 13, 2021 at 4:45 p.m. Motion seconded by Council Member Garner and approved unanimously.

Information Items:

• Workshop: Discussion about revisions to Middleton City Code regarding density and/or size of single-family home lots. Roberta Stewart presented Exhibit A.

Action Items:

- 1. Consent Agenda (items of routine administrative business)
 - a. Consider approving minutes for City Council December 1, 2021, regular meeting.
 - b. Consider ratifying payroll for December 3, 2021, in the amount of \$88,031.69.
 - c. Consider approving accounts payable thru December 9, 2021, in the amount of \$380,615.92.
 - d. Consider approving Findings of Facts, Conclusions of Law & Order ("FCO") for the Willow Wood Estates Subdivision project applications.

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable and the FCO was discussed at the last meeting. There were no concerns.

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

2. Consider approving Final Plat for Stonehaven No. 5

Mayor Rule called the item and Roberta Stewart presented the plat for approval. Exhibit B

Motion: Motion by Council President Kiser to approve the Final Plat for Stonehave No. 5. Motion seconded by Council Member Garner and approved unanimously.

3. Consider appointing the following individuals to the Planning and Zoning Commission for three-year terms. Ray Waltemate, Scott Brock to replace and Jackie Hutchinson and Tim Hoekstra to replace Janet Gregory.

Mayor Rule called the item. He requested the approval of the appointment of Ray Waltemate, Scott Brock & Tim Hoekstra to the Planning and Zoning Commission.

Motion: Motion by Council President Kiser to approve appointment of Ray Waltemate, Scott Brock & Tim Hoekstra to the Planning and Zoning Commission for a term of 3 years. Motion seconded by Council Member O'Meara and approved unanimously.

4. Consider approving estimate from Emergency Responder Services, Inc. in an amount not to exceed \$9,184.99 for K-9 vehicle equipment.

Mayor Rule called the item. Sargent Hilkey spoke regarding the K-9 program. He stated that the department has a plan in place to have a contract with an officer to stay in the K-9 program for a set amount of time—if the officer leaves early they will be responsible to reimburse the city for the difference.

Motion: Motion by Council President Kiser to approve an estimate from Emergence Responder Services, Inc. in an amount not to exceed \$9,184.99 for K-9 vehicle equipment. Motion was seconded by CHECK AUDIO and approved unanimously.

5. Consider the use of the city owned property at 305 Cornell.

Mayor Rule called the item, and three proposals were presented. First was an option to rent the building out to an outside party to use a possible donut shop or other private business. A second option would be for the police department to use the building to expand and possibly have the parole officer use the space. This option may have the possibility of reimbursement from the state for the use of the space. A third option would be for the library to use the space for their programs especially for children. Sargent Hilkey and Lori Clark the library director both spoke regarding how their programs could use the facility.

Motion: Motion by Council President Kiser to maintain the use of the city-owned building at 305 Cornell for use by a department or departments in the city. The city staff will be responsible for determining the best use of the space. Motion was seconded by Council Member O'Meara and approved unanimously.

 Public Hearing previously tabled from November 17, 2021 and December 1, 2021: An application by David Buich/ Hartley Lane LLC and James L. Escobar, AIA for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901). The proposed preliminary plat consists of 53 townhome sites, 4-8 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). – Roberta Stewart (*Action Item*)

Mayor Rule called the item City Planner, Roberta Stewart explained that the developer is still waiting for Idaho Power. The mayor and council expressed their displeasure with tabling this item yet again.

Motion: Motion by Council President Kiser to table the public hearing on application by David Buich/ Hartley Lane LLC and James L. Escobar, AIA for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No.

R1788901). The proposed preliminary plat consists of 54 townhome sites, 5 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). to a date certain of January 5, 2022. Moton seconded by Council Member Garner and approved unanimously.

7. Consider approving Resolution 462-21 Surplus property: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING SALE OR DISPOSAL OF SURPLUS PROPERTY. Exhibit C

Mayor Rule called the item and the list of items and Resolution 462-21..

Motion: Motion by Council President Kiser to approve Resolution 462-21 Surplus property: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING SALE OR DISPOSAL OF SURPLUS PROPERTY. Motion was seconded by Council Member Garner and approved unanimously.

8. Consider approving dates for 2022 City Council meetings. Exhibit D

Mayor Rule called the item. Exhibit D was presented to council.

Motion: Motion by Council President Kiser to approve the meeting dates for 2022. Motion was seconded by Council Member O'Meara and approved unanimously.

Public Comments, Mayor and Council Comments:

- Jim Taylor—1052 Triumph Drive. Mr. Taylor thanked the council for the many things they are doing in the city. Requested that the council be aware of the impact of development on water and sewer. And to charge fees accordingly.
- Mike Graffe—1889 Ridgeway- Expressed his desire for less dense housing and increasing the minimum lot size.
- Mike McDougall—13037 Greenwell Lane Mr. McDougall commented regarding the tabling of the public hearing again. He requested information as to why the Stonehaven subdivision had the number of homes allowed increased in 2019. City staff will investigate this and get back to him. He stated that he is in favor of responsible growth.
- Jane Gibson—945 Harvest Way Ms. Gibson is in favor of the city maintaining the building for city use especially for the police. She stated that she is not in favor of the townhome development. She would like to see the city pursue more upscale businesses.
- Matt Strohmeyer—26525 Middleton Road. In favor of changing the density allowed or increasing minimum lot size. Questioned change in P & Z member. Made suggestions for the use of 305 Cornell.
- . Rebecca Martin 10346 Highway 44. In favor of increased lot size and would like it if further approval of development is not approved until changes are made. Asked questions regarding easements.
- Teresa Taresh 13105 Greenwell Lane. Expressed approval for Riverwalk project. Expressed concern about lot sizes. Concerned that new developments will have

an impact on her water/well. Excited about the addition of K-9 into our police department.

- Michael Halatyn—1765 Windmill Springs. Appreciates that the council is doing their best to preserve and make Middleton better. Commented in favor of less density of homes.
- Council Member O'Meara—informed the council that the GMPR will be signing a maintenance agreement with the Cemetery District at their next meeting. There are grants available to improve the old railroad bridge. May be possible to co-op with GMPR and the city to get some of the grants that will be coming.
- Mayor Rule—commented that much of the money available for grants go to the projects that are engineered and ready to go. The city is constantly looking for opportunities in this area. Publicly thanked the O'Brien family for the donation to the police department.

Adjourn: Mayor Rule adjourned the city council meeting at 7:27 PM.

ATTEST:

Steven J. Rule, Mayor

Dawn Goodwin, Deputy Clerk Minutes Approved: January 5, 2022

EXHIBIT "A"



RE:	Stonehaven Subdivision No. 5 FINAL PLAT RECOMMENDATION OF APPROVAL
FROM:	Civil Dynamics PC, City Engineer
Cc:	Richard Grey, PLS, Compass Land Surveying
то:	Roberta Stewart, Planner
DATE:	December 9, 2021

Thank you for the opportunity to review the above captioned final plat. The review is complete and the plat appears to generally meet the requirements of Middleton City Code and common platting practices. All infrastructure is complete and substantially in conformance with the ISPWC. Power service to the street lights will be noted on the certificate of completion, with the service anticipated by December 22, 2021.

It is recommended the City of Middleton approve the Stonehaven Subdivision No. 5 final plat.



EXHIBIT "B"



Estimate Prepared For:

MIDDLETON POLICE DEPARTMENT 1103 W. MAIN ST MIDDLETON, ID 83644

Estimate

Date	Estimate #		
12/10/2021	M2418		

Questions?

Please refer to your Estimate # when calling your ERS Sales Representative. Your rep can be reached on location at Ph: (208) 362-1741 or Fx: (208) 562-1318

Thank you for considering us!

To see more ways we can serve you, please visit our website: www.ERSINC-NW.COM

Customer Reference #

THIS IS NOT A BILL. All Estimates are valid for a period of 30 days. After 30 days, please re-confirm as all pricing is subject to change. If any changes are necessary, final figures will be available prior to the onset of signing. Please do not hesitate to contact us should you have any further needs.

Item	De	scription	Rate	Qty	Total
	2016 CHEVY TAHOE K	9 CONVERSION			
CK0471TAH15-10		2 PACKAGE K9 CAGE W/ 2 ER TRANSPORT AND FREE 40UNT. 2015-2020	3,300.00	1	3,300.00
EK0689TAH00	SETINA MAXI THIS FA	N, 10" (FAN ONLY)	325.00	1	325.00
K9A13145	SETINA NO SPILL WAT	TER BOWL	60.00	1	60.00
F3	RAY ALLEN F3 K-9 DE ALERT SYSTEM W/ PA	PLOYMENT AND HEAT GER	1,299.99	1	1,299.99
MISC PARTS &	MISC PARTS & MATER		75.00	1	75.00
SHIPPING	SHIPPING AND HANDI	LING FEE	525.00	1	525.00
LABOR	LABOR/INSTALLATION - TAKE OUT CURRENT - REMOVE ELECTRICA EXTEND WIRES - INSTALL K9 CAGE - REINSTALL ELECTRO CAGE	PRISONER CAGE	90.00	40	3,600.00
Signature:	1	Date:		Total	\$9,184.99

EXHIBIT "C"

RESOLUTION 462-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING SALE OR DISPOSAL OF SURPLUS PROPERTY.

RECITALS

WHEREAS, the City of Middleton, Idaho (the "City") has acquired certain business personal property to conduct a municipality in the public interest according to state law; and

WHEREAS, items of the City's business personal property listed on the attached Exhibit A have become worn out, obsolete or are no longer needed by the City; and

WHEREAS, it is cumbersome to the City and wasteful to own and not use the items; and

WHEREAS, the items are surplus and the City desires to dispose of them.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, as follows:

Section 1: The recitals are incorporated here as if restated in full.

<u>Section 2</u>: The items of business personal property on the attached Exhibit A are surplus with approximate fair-market values stated.

<u>Section 3</u>: The City Administrator is authorized and directed to sell the surplus property for approximate fair market value or, if unable to sell an item, donate it to a non-profit organization or otherwise dispose it.

<u>Section 4</u>: This Resolution shall be effective as of the date of its adoption.

PASSED BY COUNCIL, CITY OF MIDDLETON, IDAHO this 15th day of December, 2021

CITY OF MIDDLETON

ATTEST:

Steven J. Rule, Mayor

Rhonda Carpenter, Deputy City Clerk

Exhibit A

	Item Description	Condition	Estimated Valve	Photo Link #1	Photo Link #	Notes
1	Plan Hold VIP 3000	Fair	\$75	https://drive.google.com/file/d/11496- bTXwkm TyIOYuLz5z7fL8mMGAZg/view ?usp=sharing	https://drive.google.com/file/d/1cl1cMo ffBtL3D0fAuViNSFghFd3eohgf/view?usp= sharing	Auction
2	Hein-Werner bumper jack	Unknown	\$30	https://drive.google.com/file/d/1eYwlwg <u>0iP1F5Yt-</u> <u>QTIRoA8mVZbOs177Q/view?usp=sharing</u>		Auction
3	Onan Generator	Unknown	\$50	https://drive.google.com/file/d/1TOL3po wCC9tMGizFPVqsf9q8aHpTEupK/view?u sp=sharing		Auction
4	monarch 2 inch pump	Unknown	\$50	https://drive.google.com/file/d/1Ni1klzq 8EddyGZiAqQJzzn85pnjjfa5J/view?usp=s haring	https://drive.google.com/file/d/1t8oBv7 LChXRUbblKO- bXXPD5FgLhxL21/view?usp=sharing	Auction
5	3" Teel self priming centrifugal pump	Unknown	\$50	https://drive.google.com/file/d/1dHME8 D9gRQOCIG1Pi6QQzoXya EqNL9T/view? usp=sharing	https://drive.google.com/file/d/1FmLa_T ViKBOktXC3ZLIzE2kV- by98ynT/view?usp=sharing	Auction
6	3" ABS pump with electric motor	Unknown	\$100	https://drive.google.com/file/d/1bh572p BbekwLnZVjihCoO5wwfoAp1Kr4/view?u sp=sharing	https://drive.google.com/file/d/14WmEC hcuas270HPOy0hatcvx9BHNali- /view?usp=sharing	Auction
7	hydraulic press	Fair	\$100	https://drive.google.com/file/d/10- obmG_LUdXk5jiK9Q- eH9rSRY2ih7_b/view?usp=sharing		Auction
8	United Parts Washer	Non funtional	\$50	https://drive.google.com/file/d/1KfXPA6 uFYOVcl- 8 at QrZu4s t7EBeK/view?usp=sharing	https://drive.google.com/file/d/1Ud5D8 EmsI5O- 9vXPmDORWUkbD0EDPfyb/view?usp=sh aring	Auction
9	Case Virbomax jumping jack tamper pic 1	Non funtional	\$50	https://drive.google.com/file/d/1ljVkl3i6 hYWL- NaLX4GwZllzAN3rkvrS/view?usp=sharing	https://drive.google.com/file/d/1BzsWZP Y- K79xdA_nwGnXzYiOHRiycpyw/view?usp =sharing	Auction
10	Picnic Tables	Need repair	\$25	https://drive.google.com/file/d/10jdy8F5 L3IEiCXTzYEQW3fpjoMWtBBZE/view?usp =sharing		Auction
11	Jumping Jack	Non funtional	\$0	https://drive.google.com/file/d/11Jbofkz xix8rdxzRF4EDtV8i7Km9sBPs/view?usp=s haring	https://drive.google.com/file/d/1csrw- McWcZvv0DrVa ZrwDDptx0YP6sm/view ?usp=sharing	Auction
12	1990 Volvo dump truck	Need repair	\$7,500	https://drive.google.com/file/d/1HH2zM XV99dQA29j3dM3tfM2gu7xpe3JI/view?u sp=sharing	https://drive.google.com/file/d/118RQ2 mEyCo2tUiP0YAIfIfuaWbCVvP8I/view?us p=sharing	AUCTION: Steering arms need to be replaced must be towed. Must purchase plow, sander, and truck all together. 483,253 Miles, 25,526 Hrs

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13	Mid-States Farm King Heater	Non funtional	\$0	https://drive.google.com/file/d/1TdTQPJ tVyMx754X_BsA23b0L- gmi3wS/view?usp=sharing		SCRAP
14	Echo Gas Blower	Non funtional	\$0	https://drive.google.com/file/d/1CtQCnh Xxpiz8UjcWsYi- mqv7SXwJweYj/view?usp=sharing	https://drive.google.com/file/d/1- cpkDapRyB7EgX87f5KW4vDMkeQoJkvJ/v iew?usp=sharing	SCRAP
15	Stihl HS 80 Hedge Trimmer	Non funtional	\$0	https://drive.google.com/file/d/1cUBEcC 8zglalsO5TpY5HrJXbaX_BIA- D/view?usp=sharing	https://drive.google.com/file/d/1LkRm1 p_yYu1cpSzXBW8zZa- DiZVrBREE/view?usp=sharing	SCRAP
16	leaf blower	Non funtional	\$0	https://drive.google.com/file/d/1Kb4wD 6KOyFwGOQgpIFMACSr0ati4x268/view? usp=sharing	https://drive.google.com/file/d/1tDUAJ2 LktKcIJIdR1e8iA6xHDMfEAIDQ/view?usp =sharing	SCRAP
17	chain saw Stihl 009L	Non funtional	\$0	https://drive.google.com/file/d/1svMkjP GbFq0ywZp1JngbnNvwdn0p3vtF/view?u sp=sharing	https://drive.google.com/file/d/1gE2P55 6DDbF8agCcvXaqlepOqQZF7tyC/view?us p=sharing	SCRAP
18	chain saw Stihl 032 AV	Non funtional	\$0	https://drive.google.com/file/d/1FziTf_0 Oey0KFqCxcOAdsPwAVA4jLNpM/view?u sp=sharing	https://drive.google.com/file/d/1YPkwZK RX8wfT2ZqD8I- SP4U1HLHksZlt/view?usp=sharing	SCRAP
19	leaf blower WE Pic	Non funtional	\$0	https://drive.google.com/file/d/1tDUAJ2 LktKcIJIdR1e8iA6xHDMfEAIDQ/view?usp =sharing	https://drive.google.com/file/d/1eiHx0xi 0UeKgOwjezhHamulMr3MEn7kn/view?u sp=sharing	SCRAP
20	chain saw Stihl MS 180C pic	Non funtional	\$0	https://drive.google.com/file/d/1QboP- yCMIB230BKvjWIIQNu355yKZAvE/view? usp=sharing	https://drive.google.com/file/d/1HQQv8 5T_8KpYUmGjhtFyunELcNcCuGCg/view? usp=sharing	SCRAP
21	cut off saw	Non funtional	\$0	https://drive.google.com/file/d/17LbnUq sq8GLQeJMrbThwY4psY4UOLrhc/view?u sp=sharing	https://drive.google.com/file/d/18KNQr VqCnBiWBkF-ftD- ZJ5sCuUMaTJW/view?usp=sharing	SCRAP
22	weed eater	Non funtional	\$0	https://drive.google.com/file/d/1YBIOPtS eMeoveZLV1xxiCo0PJtu2dS0 /view?usp= sharing		SCRAP
23	drip lines	Non funtional	\$0	https://drive.google.com/file/d/17xETTQ 3Rsf17RLVXghiEWeQOZcFoMCsr/view?u sp=sharing		SCRAP
24	insulated pipe	Garbage	\$0	https://drive.google.com/file/d/1JEfrjG4 kP_7AfxwBNIfiJKgp66EYCh7H/view?usp= sharing	https://drive.google.com/file/d/1yS6dUV Sktbm8PHt2zH3Ve- SIQtX8e30H/view?usp=sharing	SCRAP
25	playground equipment	Need repair	\$0	https://drive.google.com/file/d/1x5fDOP 1CA6ZXA36UJJhPWaosAQa4avhd/view?u sp=sharing	https://drive.google.com/file/d/1GyWQ O_2u- IDFc92s0IMvYnQcNBBTFa4X/view?usp=s haring	Tranfer of Liability/Indemnification

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26	hawk light	Fair		https://drive.google.com/file/d/18_0K6L vX3XqM6dx4LkwfhWcKH3_1h3qO/view? usp=sharing		Homedale purchased. Middleton Storing, per Jim.
27	Xerox WorkCenter 7120	Unknown	\$500	https://drive.google.com/file/d/1e3hDug DXOCwU4tPACFCYD4bkYFW5eTb9/view ?usp=sharing	https://drive.google.com/file/d/14H5qiiR FDzVvYUSxDDsNxtGCCtEHMcS8/view?us p=sharing	Aution. Worked at last use.
28	Fabric 1	40 plus yards new/ 10 plus yars fair	\$75	https://drive.google.com/file/d/1jSpuf9B O39zTgRPYb9HgdNu_mObtCR1k/view?u sp=sharing	https://drive.google.com/file/d/1sdZV71 4li- W5W6Q9YDV8e6rHTGDHJVSY/view?usp =sharing	Aution. Worked at last use.
29	Fabric 2	10 plus yards fair	\$15	https://drive.google.com/file/d/1n5JjAKf ORhNmXIR48UFvTPwtGZRskCzQ/view?us p=sharing	https://drive.google.com/file/d/1puU2Fn SC9u3cbiRR2dbqp3PucAULjz- 1/view?usp=sharing	Aution. Worked at last use.
30	Wood Table 42" wide x 96" long x 29" Tall	Fair	\$50	https://drive.google.com/file/d/10T4or6 c20AHnBHquXQE5hGJxif5D9ZoA/view?u sp=sharing		Auction
	72 used dual port Sensus M520M water meter radios	Used	\$100	https://drive.google.com/file/d/17T7i3 W VS TUYrFeQq3B7n- OSZbtDK/view?usp=sharing		Auction
	29 used single port Sensus M520M water meter radios	Used	\$50	https://drive.google.com/file/d/16GM1lk _nK0KBbYFaSwXpcPC3x5KUwbt- /view?usp=sharing		Auction
33	186 dual Port M520M Sensus radios	New	\$200	https://drive.google.com/file/d/1xv4A7a v51TXsP OF6VsksL18Zi- SRSQM/view?usp=sharing		Auction
	29 single port M520M Sensus radios	New	\$100	https://drive.google.com/file/d/1cY6Xg MYh- HWAwwyWmYYM6nnbmyc03fnE/view? usp=sharing		Auction
	Police Dept. 2011 Dodge Charger	Used	\$2,000	https://drive.google.com/file/d/1FDIeBr DdK_y4eledf4KXvyZLyLhqmklY/view?usp =sharing	https://drive.google.com/file/d/1CwRTiiz 55TWZ FBXshPu0fDSTbDH4Dz1/view?us p=sharing	Auction. As is.

























DATE OF

JAN C JUL FEB C AUG MAN C SEP APA 10CT MAT C NON



























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EXHIBIT "D"



CITY OF MIDDLETON

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

City Council and the Planning and Zoning Commission

Regularly Scheduled Meetings in 2022

All meetings are at 1103 W Main Street, Middleton, Idaho unless otherwise advised. Please contact the City Clerk to arrange for language or access assistance.

	2022	
Months	City Council	Planning & Zoning
January	5 th , 19 th	10 th
February	2 nd , 16 th	14 th
March	2 nd , 16 th	14 th
April	6 th , 20 th	11 th
Мау	4 th ,18 th	9 th
June	1 st , 15 th	13 th
July	6 th , 20 th	11 th
August	3 rd , 17 th	8 th
September	7 th , 21 st	12 th
October	5 th ,19 th	17 th 3 RD Monday
November	2 nd , 16 th	14 th
December	7 th , 21 st	12 th

City Council meetings begin at 5:30 p.m. Planning and Zoning meetings begin at 5:30 p.m.

EXHIBIT "A"



RE:	Stonehaven Subdivision No. 5 FINAL PLAT RECOMMENDATION OF APPROVAL
FROM:	Civil Dynamics PC, City Engineer
Cc:	Richard Grey, PLS, Compass Land Surveying
то:	Roberta Stewart, Planner
DATE:	December 9, 2021

Thank you for the opportunity to review the above captioned final plat. The review is complete and the plat appears to generally meet the requirements of Middleton City Code and common platting practices. All infrastructure is complete and substantially in conformance with the ISPWC. Power service to the street lights will be noted on the certificate of completion, with the service anticipated by December 22, 2021.

It is recommended the City of Middleton approve the Stonehaven Subdivision No. 5 final plat.



EXHIBIT "B"



Estimate Prepared For:

MIDDLETON POLICE DEPARTMENT 1103 W. MAIN ST MIDDLETON, ID 83644

Estimate

Date	Estimate #
12/10/2021	M2418

Questions?

Please refer to your Estimate # when calling your ERS Sales Representative. Your rep can be reached on location at Ph: (208) 362-1741 or Fx: (208) 562-1318

Thank you for considering us!

To see more ways we can serve you, please visit our website: www.ERSINC-NW.COM

Customer Reference #

THIS IS NOT A BILL. All Estimates are valid for a period of 30 days. After 30 days, please re-confirm as all pricing is subject to change. If any changes are necessary, final figures will be available prior to the onset of signing. Please do not hesitate to contact us should you have any further needs.

Item	De	scription	Rate	Qty	Total
	2016 CHEVY TAHOE K	9 CONVERSION			
CK0471TAH15-10		2 PACKAGE K9 CAGE W/ 2 ER TRANSPORT AND FREE 40UNT. 2015-2020	3,300.00	1	3,300.00
EK0689TAH00	SETINA MAXI THIS FA	N, 10" (FAN ONLY)	325.00	1	325.00
K9A13145	SETINA NO SPILL WAT	TER BOWL	60.00	1	60.00
F3	RAY ALLEN F3 K-9 DE ALERT SYSTEM W/ PA	PLOYMENT AND HEAT GER	1,299.99	1	1,299.99
MISC PARTS &	MISC PARTS & MATER		75.00	1	75.00
SHIPPING	SHIPPING AND HANDI	LING FEE	525.00	1	525.00
LABOR	LABOR/INSTALLATION - TAKE OUT CURRENT - REMOVE ELECTRICA EXTEND WIRES - INSTALL K9 CAGE - REINSTALL ELECTRO CAGE	PRISONER CAGE	90.00	40	3,600.00
Signature:	1	Date:		Total	\$9,184.99

EXHIBIT "C"

RESOLUTION 462-21

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, DECLARING CERTAIN BUSINESS PERSONAL PROPERTY AS OBSOLETE OR SURPLUS, AUTHORIZING AND DIRECTING SALE OR DISPOSAL OF SURPLUS PROPERTY.

RECITALS

WHEREAS, the City of Middleton, Idaho (the "City") has acquired certain business personal property to conduct a municipality in the public interest according to state law; and

WHEREAS, items of the City's business personal property listed on the attached Exhibit A have become worn out, obsolete or are no longer needed by the City; and

WHEREAS, it is cumbersome to the City and wasteful to own and not use the items; and

WHEREAS, the items are surplus and the City desires to dispose of them.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, as follows:

Section 1: The recitals are incorporated here as if restated in full.

<u>Section 2</u>: The items of business personal property on the attached Exhibit A are surplus with approximate fair-market values stated.

<u>Section 3</u>: The City Administrator is authorized and directed to sell the surplus property for approximate fair market value or, if unable to sell an item, donate it to a non-profit organization or otherwise dispose it.

<u>Section 4</u>: This Resolution shall be effective as of the date of its adoption.

PASSED BY COUNCIL, CITY OF MIDDLETON, IDAHO this 15th day of December, 2021

CITY OF MIDDLETON

ATTEST:

Steven J. Rule, Mayor

Rhonda Carpenter, Deputy City Clerk

Exhibit A

	Item Description	Condition	Estimated Valve	Photo Link #1	Photo Link #	Notes
1	Plan Hold VIP 3000	Fair	\$75	https://drive.google.com/file/d/11496- bTXwkm TyIOYuLz5z7fL8mMGAZg/view ?usp=sharing	https://drive.google.com/file/d/1cl1cMo ffBtL3D0fAuViNSEghEd3eohgf/view?usp= sharing	Auction
2	Hein-Werner bumper jack	Unknown	\$30	https://drive.google.com/file/d/1eYwlwg <u>0iP1F5Yt-</u> <u>QTIRoA8mVZbOs177Q/view?usp=sharing</u>		Auction
3	Onan Generator	Unknown	\$50	https://drive.google.com/file/d/1TOL3po wCC9tMGizFPVqsf9q8aHpTEupK/view?u sp=sharing		Auction
4	monarch 2 inch pump	Unknown	\$50	https://drive.google.com/file/d/1Ni1klzq 8EddyGZiAqQJzzn85pnjjfa5J/view?usp=s haring	https://drive.google.com/file/d/1t8oBv7 LChXRUbblKO- bXXPD5FgLhxL21/view?usp=sharing	Auction
5	3" Teel self priming centrifugal pump	Unknown	\$50	https://drive.google.com/file/d/1dHME8 D9gRQOCIG1Pi6QQzoXya EqNL9T/view? usp=sharing	https://drive.google.com/file/d/1FmLa_T <u>ViKBOktXC3ZLlzE2kV-</u> by98ynT/view?usp=sharing	Auction
6	3" ABS pump with electric motor	Unknown	\$100	https://drive.google.com/file/d/1bh572p BbekwLnZVjihCoO5wwfoAp1Kr4/view?u sp=sharing	https://drive.google.com/file/d/14WmEC hcuas270HPOy0hatcvx9BHNali- /view?usp=sharing	Auction
7	hydraulic press	Fair	\$100	https://drive.google.com/file/d/10- obmG_LUdXk5jiK9Q- eH9rSRY2ih7_b/view?usp=sharing		Auction
8	United Parts Washer	Non funtional	\$50	https://drive.google.com/file/d/1KfXPA6 uFYOVcl- 8 at QrZu4s t7EBeK/view?usp=sharing	https://drive.google.com/file/d/1Ud5D8 EmsI5O- 9vXPmDORWUkbD0EDPfyb/view?usp=sh aring	Auction
9	Case Virbomax jumping jack tamper pic 1	Non funtional	\$50	https://drive.google.com/file/d/1ljVkl3i6 hYWL- NaLX4GwZllzAN3rkvrS/view?usp=sharing	https://drive.google.com/file/d/1BzsWZP Y- K79xdA_nwGnXzYiOHRiycpyw/view?usp =sharing	Auction
10	Picnic Tables	Need repair	\$25	https://drive.google.com/file/d/10jdy8F5 L3IEiCXTzYEQW3fpjoMWtBBZE/view?usp =sharing		Auction
11	Jumping Jack	Non funtional	\$0	https://drive.google.com/file/d/11Jbofkz xix8rdxzRF4EDtV8i7Km9sBPs/view?usp=s haring	https://drive.google.com/file/d/1csrw- McWcZvv0DrVa ZrwDDptx0YP6sm/view ?usp=sharing	Auction
12	1990 Volvo dump truck	Need repair	\$7,500	https://drive.google.com/file/d/1HH2zM XV99dQA29j3dM3tfM2gu7xpe3JI/view?u sp=sharing	https://drive.google.com/file/d/118RQ2 mEyCo2tUiP0YAIfIfuaWbCVvP8I/view?us p=sharing	AUCTION: Steering arms need to be replaced must be towed. Must purchase plow, sander, and truck all together. 483,253 Miles, 25,526 Hrs

	I	1				1
13	Mid-States Farm King Heater	Non funtional	\$0	https://drive.google.com/file/d/1TdTQPJ tVyMx754X_BsA23b0L- gmi3wS/view?usp=sharing		SCRAP
14	Echo Gas Blower	Non funtional	\$0	https://drive.google.com/file/d/1CtQCnh Xxpiz8UjcWsYi- mqv7SXwJweYj/view?usp=sharing	https://drive.google.com/file/d/1- cpkDapRyB7EgX87f5KW4vDMkeQoJkvJ/v iew?usp=sharing	SCRAP
15	Stihl HS 80 Hedge Trimmer	Non funtional	\$0	https://drive.google.com/file/d/1cUBEcC 8zglalsO5TpY5HrJXbaX_BIA- D/view?usp=sharing	https://drive.google.com/file/d/1LkRm1 p_yYu1cpSzXBW8zZa- DiZVrBREE/view?usp=sharing	SCRAP
16	leaf blower	Non funtional	\$0	https://drive.google.com/file/d/1Kb4wD 6KOyFwGOQgpIFMACSr0ati4x268/view? usp=sharing	https://drive.google.com/file/d/1tDUAJ2 LktKcIJIdR1e8iA6xHDMfEAIDQ/view?usp =sharing	SCRAP
17	chain saw Stihl 009L	Non funtional	\$0	https://drive.google.com/file/d/1svMkjP GbFq0ywZp1JngbnNvwdn0p3vtF/view?u sp=sharing	https://drive.google.com/file/d/1gE2P55 6DDbF8agCcvXaqlepOqQZF7tyC/view?us p=sharing	SCRAP
18	chain saw Stihl 032 AV	Non funtional	\$0	https://drive.google.com/file/d/1FziTf_0 Oey0KFqCxcOAdsPwAVA4jLNpM/view?u sp=sharing	https://drive.google.com/file/d/1YPkwZK RX8wfT2ZqD8I- SP4U1HLHksZlt/view?usp=sharing	SCRAP
19	leaf blower WE Pic	Non funtional	\$0	https://drive.google.com/file/d/1tDUAJ2 LktKcIJIdR1e8iA6xHDMfEAIDQ/view?usp =sharing	https://drive.google.com/file/d/1eiHx0xi 0UeKgOwjezhHamulMr3MEn7kn/view?u sp=sharing	SCRAP
20	chain saw Stihl MS 180C pic	Non funtional	\$0	https://drive.google.com/file/d/1QboP- yCMIB230BKvjWIIQNu355yKZAvE/view? usp=sharing	https://drive.google.com/file/d/1HQQv8 5T_8KpYUmGjhtFyunELcNcCuGCg/view? usp=sharing	SCRAP
21	cut off saw	Non funtional	\$0	https://drive.google.com/file/d/17LbnUq sq8GLQeJMrbThwY4psY4UOLrhc/view?u sp=sharing	https://drive.google.com/file/d/18KNQr VqCnBiWBkF-ftD_ ZJ5sCuUMaTJW/view?usp=sharing	SCRAP
22	weed eater	Non funtional	\$0	https://drive.google.com/file/d/1YBIOPtS eMeoveZLV1xxiCo0PJtu2dS0 /view?usp= sharing		SCRAP
23	drip lines	Non funtional	\$0	https://drive.google.com/file/d/17xETTQ 3Rsf17RLVXghiEWeQOZcFoMCsr/view?u sp=sharing		SCRAP
24	insulated pipe	Garbage	\$0	https://drive.google.com/file/d/1JEfrjG4 kP_7AfxwBNIfiJKgp66EYCh7H/view?usp= sharing	https://drive.google.com/file/d/1yS6dUV Sktbm8PHt2zH3Ve- SlQtX8e30H/view?usp=sharing	SCRAP
25	playground equipment	Need repair	\$0	https://drive.google.com/file/d/1x5fDOP 1CA6ZXA36UJJhPWaosAQa4avhd/view?u sp=sharing	https://drive.google.com/file/d/1GyWQ O_2u- IDFc92s0IMvYnQcNBBTFa4X/view?usp=s haring	Tranfer of Liability/Indemnification

r						
26	hawk light	Fair		https://drive.google.com/file/d/18_0K6L vX3XqM6dx4LkwfhWcKH3_1h3qO/view? usp=sharing		Homedale purchased. Middleton Storing, per Jim.
27	Xerox WorkCenter 7120	Unknown	\$500	https://drive.google.com/file/d/1e3hDug DXOCwU4tPACFCYD4bkYFW5eTb9/view ?usp=sharing	https://drive.google.com/file/d/14H5qiiR FDzVvYUSxDDsNxtGCCtEHMcS8/view?us p=sharing	Aution. Worked at last use.
28	Fabric 1	40 plus yards new/ 10 plus yars fair	\$75	https://drive.google.com/file/d/1jSpuf9B O39zTgRPYb9HgdNu_mObtCR1k/view?u sp=sharing	https://drive.google.com/file/d/1sdZV71 4li- W5W6Q9YDV8e6rHTGDHJVSY/view?usp =sharing	Aution. Worked at last use.
29	Fabric 2	10 plus yards fair	\$15	https://drive.google.com/file/d/1n5JjAKf ORhNmXIR48UFvTPwtGZRskCzQ/view?us p=sharing	https://drive.google.com/file/d/1puU2Fn SC9u3cbiRR2dbqp3PucAULjz- 1/view?usp=sharing	Aution. Worked at last use.
30	Wood Table 42" wide x 96" long x 29" Tall	Fair	\$50		https://drive.google.com/file/d/1sB33bq YP4 bSD28cdc2yWBABtRN1lgWU/view? usp=sharing	Auction
	72 used dual port Sensus M520M water meter radios	Used	\$100	https://drive.google.com/file/d/17T7i3 W VS TUYrFeQq3B7n- OSZbtDK/view?usp=sharing		Auction
	29 used single port Sensus M520M water meter radios	Used	\$50	https://drive.google.com/file/d/16GM1lk _nK0KBbYFaSwXpcPC3x5KUwbt- /view?usp=sharing		Auction
33	186 dual Port M520M Sensus radios	New	\$200	https://drive.google.com/file/d/1xv4A7a v51TXsP OF6VsksL18Zi- SRSQM/view?usp=sharing		Auction
	29 single port M520M Sensus radios	New	\$100	https://drive.google.com/file/d/1cY6Xg MYh- HWAwwyWmYYM6nnbmyc03fnE/view? usp=sharing		Auction
	Police Dept. 2011 Dodge Charger	Used	\$2,000	https://drive.google.com/file/d/1FDIeBr DdK_y4eledf4KXvyZLyLhqmklY/view?usp =sharing	https://drive.google.com/file/d/1CwRTiiz 55TWZ FBXshPu0fDSTbDH4Dz1/view?us p=sharing	Auction. As is.

























DATE OF

JAN C JUL FEB C AUG MAN C SEP APA 10CT MAT C NON



























31



32.







EXHIBIT "D"



CITY OF MIDDLETON

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

City Council and the Planning and Zoning Commission

Regularly Scheduled Meetings in 2022

All meetings are at 1103 W Main Street, Middleton, Idaho unless otherwise advised. Please contact the City Clerk to arrange for language or access assistance.

	2022	
Months	City Council	Planning & Zoning
January	5 th , 19 th	10 th
February	2 nd , 16 th	14 th
March	2 nd , 16 th	14 th
April	6 th , 20 th	11 th
Мау	4 th ,18 th	9 th
June	1 st , 15 th	13 th
July	6 th , 20 th	11 th
August	3 rd , 17 th	8 th
September	7 th , 21 st	12 th
October	5 th ,19 th	17 th 3 RD Monday
November	2 nd , 16 th	14 th
December	7 th , 21 st	12 th

City Council meetings begin at 5:30 p.m. Planning and Zoning meetings begin at 5:30 p.m.

	3 Sou	bolArts th 1550 East UT 84405	QUOTE/CON				4	RT	S _R	(801) 475-6000 PI (801) 475-5500 F www.symbolarts. Quote Date:	Fax
Customer #: Customer Name: Order/Contact : Bill to (Name): Bill to (Address): Bill to (Address):		Na: 6 N. De	Project: Police Departme than Hilkey wey Ave. ID : 83644		Ship to Ship to Ship to	Phone #: 20 Fax #: Email: to (Name): (Address): Illowed (Exceptions: Al	Mi	ey@middletonc 5 N. Dewey A ddleton, ID : 8	ve.	Payment Method X Exp Date:	Net 30 w/ Customer PO
1/3/22 4/11/22 4/11/22 NORM *If no Event Date Normal Lead Time Rush Order	IAL L e enter	USTOMER EVE Current Date Normal Lead Tim Event Date* EAD TIME	Time Date	ORMATI NORMA after orde	L LEAD TIM r is placed	E				1.5% n Deposit Amt:	nonthly late fee ip Method: S GROUND
Product/Bac Custom Ba PROFILE: Curved Domed Flat ATTACHMEN Pin Dlip None Hat Post (Single)	adge	SIZE: 3.4375	Artwork # C-186017 BADGES: Banner Subbase Banner Banner Banner	Ver. # 2 3 4 5 6	US ar Cust MI	Unit \$ S95.00 ner Description (RANK) nd Idaho Flags tom Building DDLETON POLICE UUMBER)		tie Service Fee 5300.00 Plating Nickel Nickel Nickel Nickel Nickel		Residentia Extended Price CONFIRMED \$1,440.00 LETTERING Ølack Blue Red Green Other LETTERING Roman Ølock	COLOR:
		rts Use Only	Banner	7		Backgroun \$0.00 \$0.00 \$0.00	d Platin	g SWAT (Ma \$0.00 \$0.00 \$0.00	\$0.00 \$0.00 \$0.00	Other	
33		ns Ose Only			(CHECKED BO	XES) (Discount Do	(ly To Die Service CALCULATED	Pree) - LESS I ON SUBTOTAL O ERENCE CHART A		s - s -
Specific Inform 10 with officer rank 1 sergeant with number 1 chief with number 10/1/2017	k numb mber 12	pered 1201-1204,12 205	06-1211						IMPO	RTANT INFORM	ATION

K		
	Name Date	
	*By signing, customer acknowledges accuracy of artwork (colors, spelling, plating, size, etc.),	
	addresses, and pricing	
	Typed Signature is acceptable - if emailing	
	If you have any questions please contact me at 801-475-6000 Ext.	124

 IMPORTANT INFORMATION

 All badge dies are housed by SymbolArts, no exceptions

 Quotes are only valid for 30 days from todays date

 Precious metal quotes valid for 6 days from todays date

 Orders cannot be cancelled or changed after 1 week

 or email me at:
 chris@symbolarts.com

#


ESTIMATE

P.O. Box 1361 Nampa, ID 83653 208-412-7200 mo.dirtpro@gmail.com DATE 9/8/2021

TERMS:

ESTIMATE VALID FOR 10 DAYS PAYMENT DUE & PAYABLE UPON COMPLETION

CUSTOMER:

City of Middleton

tmendive@middletoncity.com

PROJECT:

Damaged Fire Hydrant Replacement N Middleton Rd / Meadow Park

	\$ \$ \$ \$	2,650.0
Labor / Equipment Materials / Pipe Gravel / Sand A/C Patch Traffic Control Highway District Permit Bond	\$ \$ \$	2,650.0
Materials / Pipe Gravel / Sand A/C Patch Fraffic Control Highway District Permit Bond	\$ \$	
Gravel / Sand A/C Patch Traffic Control Highway District Permit Bond	\$	
Traffic Control Highway District Permit Bond		0,000.0
Highway District Permit Bond	1.2	300.0
Bond	\$	800.00
Bond	\$	1,352.7
2&O	\$	50.00
	\$	350.00
	\$	1,253.88
*ESTIMATED PRICE DOES NOT COVER ANY UNFORSEEN FACTORS INCLUDING DAMAGE TO UNDERGROUND UTILITIES	\$	13,792.63
NOT MARKED BY DIGLINE AND/OR ANY PRIVATE UNDERGROUND UTILITIES, ROCK, WEATHER, WEATHER PROTECTION, GROUND WATER, TREE REMOVAL, CONFLICTING SCHEDULES, OR ANY OTHER ISSUES NOT DISCUSSED HERIN.		

Thank you for your business!!

Bid Acceptance & Agreement to Terms of Payment

Printed Name & Title

(Signature)



ESTIMATE

DATE 9/8/2025

P O. Box 1361 Nampa, ID 83653 208-412-7200 uto.dittoro@email.com

TERMS:

ESTIMATE VALIO FOR 10 DAYS PAYMENT OUE & PAYABLE UPON COMPLETION

CUSTOMER:

City of Middleton

tmend ve@middletoncity.com

PROJECT;

Damaged Fire Hydrant Replacement N Middleton Rd / Meadow Park

DESCRIPTION	TOTAL
Sawcutting	
Labor / Equipment	\$ 400.
Materials / Pipe	\$ 2,650.
Gravel / Sand	\$ 6,636.
A/C Patch	\$ 300.
Traffic Control	\$ 800.
Highway District Permit	\$ 1,352.
Bond	5 50.
P&O	\$ 350. \$ 1,253.
Total Estimate *Estimated Price DDES NOT COVER ANY UNFORSEEN FACTORS INCLUDING DAMAGE TO UNDEPERVOUND UTILITIES	\$ 13,792.0
NOT MARKED BY DISLINE AND/OR ANY PRIVATE UNDERGROUND UTILITIES, ROCK, WEATHER, WEATHER PROTECTION,	
GROUND WATER, TREE REMOVAL, CONFLICTING SCHEDULES, OR ANY OTHER ISSUES NOT DISCUSSED HERIN.	
ID CON NUMBER: RCE-36031. ID PWC: 013644-D-1-4	<u>.</u>

Thank you for your business!!

Bid Acceptance & Agreement to Terms of Payment

Printed Name & Title

(Signature)





December 20, 2021

Mayor Steve Rule and City Council Members 1103 W Main Street PO Box 487 Middleton ID 83644

RE: CITY OF MIDDLETON - BOISE RIVER LIFT STATION GENERATOR PROJECT

Dear Mayor Rule and City Council,

The City of Middleton received two (2) bids at the bid opening held on December 8th, 2021 for the above captioned project. As City Engineer, I recommend the contract for the CITY OF MIDDLETON – BOISE RIVER LIFT STATION GENERATOR PROJECT be awarded to **Challenger Companies, Inc.** for the contract bid amount of \$72,000.00.

If you have any questions, or need additional information, I can be reached at 208.453.2028.

Respectfully submitted, Civil Dynamics, PC

By: Kirby Cook, PE City Engineer

and harden billion the contract			
BUNNER	\$21,000	\$16,000	
	\$88,000	\$72,000	
Rubiić Works Definier	Yes	Yes	
Contraction	Custom Electric	Challenger Companies, Inc	

City of Middleton – Boise River Lift Station Generator Project

Notice of Award

Date: 12-20-2021

Project: Boise River Lift Station Generator Project	
Owner: City Middleton, Idaho	Owner's Contract No.:
Contract:	Engineer's Project No.:
Bidder: Challenger Companies, Inc.	
Bidder's Address: 1415 Madison Ave.	
Nampa, ID 83687	

You are notified that your Bid dated <u>December 8, 2021</u> for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for <u>Boise River Lift Station Generator Project.</u>

The Contract Price of your Contract is seventy two thousand dollars (\$72,000)

2 copies of the proposed Contract Documents (except Drawings) will be forwarded within 5 days.

You must comply with the following conditions precedent within 20 days of the date you receive this Notice of Award.

- 1. Deliver to the Owner 2 fully executed counterparts of the Contract Documents.
- 2. Deliver with the executed Contract Documents the Contract security Bonds as specified in the Instructions to Bidders (Article 20), General Conditions (Paragraph 5.01), and Supplementary Conditions (Paragraph SC-5.01).
- 3. Other conditions precedent: Insurance Certificates

Failure to comply with these conditions within twenty (20) days will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid security forfeited.

Within ten days after you comply with the above conditions, Owner will return to you one fully executed counterpart of the Contract Documents.

<u>Ci</u>	ty of Middleton, Ic	laho	
Owner			
By:			
Authorized S	ignature		<u> </u>
Steve Rule,	Mayor		
Title	<u></u>	<u> </u>	



	FOUND ALUMINUM CAP MONUMENT
	FOUND BRASS CAP MONUMENT
	FOUND 1/2" REBAR WITH PLS 16642 PLASTIC CAP, OR AS NOTED
	FOUND 5/8" REBAR WITH PLS 16642 PLASTIC CAP, OR AS NOTED
	FOUND 5/8" REBAR WITH PLS 14216 PLASTIC CAP
	SET 1/2" REBAR WITH PLS 11118 PLASTIC CAP
	SET 5/8" REBAR WITH PLS 11118 PLASTIC CAP
	CALCULATED POINT, NOT SET
	SECTION LINE
-	CENTER LINE
	PUBLIC UTILITY, PRESSURE IRRIGATION & LOT DRAINAGE EASEMENT LINE - SEE NOTES 1 & 2
	OTHER EASEMENT LINE AS NOTED
	SURVEY TIE LINE
	SUBDIVISION BOUNDARY LINE
	LOT LINE
	ADJACENT PROPERTY LINE
	LOT NUMBER
	RECORD DISTANCE

	ABLE	LINE T	
	BEARING	LENGTH	LINE
	N0"46'45"E	25.00'	L1
	N89'45'42"W	95.43'	L2
	N0'14'18"E	5.00'	L3
	N89'45'42"W	27.00'	L4
	N0'14'18"E	10.00'	L5
	N89'45'42"W	46.37	L6
Γ	N13*58'29"W	18.21'	L7
	N89"13'15"W	15.05'	L8
	S89"13'15"E	25.00'	L9
I	S89"13'15"E	25.00'	L10
	S14'16'16"W	31.04'	L11
Ī	S53'47'58"W	11.59'	L12
Ī	N53"47'58"E	11.92'	L13
	S87"14'14"E	30.91'	L14
Ī	N313'40"W	42.67'	L15
Ī	S89"13'32"E	48.37'	L16
Ī	N68'43'29"E	20.78	L17
	N26'40'37"W	13.89'	L18
	N0'14'17"E	25.00'	L19
Ī	N0'14'17"E	25.00'	L20
Ī	N88'53'31"W	25.96'	L21
Γ	S49'10'21"W	14.06'	L22

		CUR	VE TABLE	
CURVE	LENGTH	RADIUS	DELTA	
C1	11.37'	174.71'	3'43'38"	1
C2	10.90'	124.71'	5'00'25"	
C3	46.60'	65.27'	40'54'26*	
C4	16.99'	37.24'	26"08'16"	
C5	33.59'	222.48'	8'39'04"	
C6	89.04'	140.00'	36"26'19"	
C7	63.60'	160.80'	22'39'39"	
C8	138.99'	149.71'	5371'31"	
C9	97.59'	149.71'	37*20'57*	
C10	353.58'	1200.00'	16*52'55"	ļ
C11	46.32'	1200.00'	272'41"	
C12	23.56'	7.50'	180'00'00"	
C13	299.73'	1170.00'	14'40'42"	
C14	287.05'	1207.50'	13'37'14"	
C15	283.48'	1192.50'	13'37'14"	
C16	410.05'	1230.00'	19'06'03"	
C17	23.56'	7.50'	180'00'00"	
C18	36.51'	65.27'	32"02'51"	
C19	10.09'	65.27'	8"51'35"	
C20	118.97'	124.71'	54'39'33"	
C21	67.20'	124.71'	30*52'31"	1
C22	49.87'	174.71'	16"21'20"	150
C23	61.77'	174.71'	20"15'26"	
C24	5.75'	174.71'	1*53'10*	
C25	12.08'	165.00'	4"11'36"	1
C26	59.60'	165.00'	20"41'45"	
C27	33.26'	165.00'	11'32'58"	ľ
C28	12.18'	20.00'	34*53'45"	
C29	24.56'	50.00'	28'08'34"	ł
C30	44.36'	50.00'	50*50'15"	
C31	50.61'	50.00'	57"59'21"	
C32	48.56'	50.00'	55"39'01"	
C33	73.77'	50.00'	84"31'57"	1
C34	21.73'	20.00'	62"15'22"	1
C35	6.41'	115.00'	3'11'38"	
C36	66.73'	115.00'	33'14'41"	
C37	57.13'	174.71'	18'44'10"	

WEST HIGHLANDS RANCH SUBDIVISION NO. 13

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS: THAT WE, THE UNDERSIGNED, ARE THE OWNERS OF THE REAL PROPERTY DESCRIBED BELOW IN CANYON COUNTY, IDAHO, AND THAT WE INTEND TO INCLUDE THE FOLLOWING DESCRIBED PROPERTY IN THIS PLAT OF WEST HIGHLANDS RANCH SUBDIVISION NO. 13;

A PARCEL BEING A PORTION OF GOVERNMENT LOTS 3 AND 4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM CAP MONUMENT MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, FROM WHICH A BRASS CAP MONUMENT MARKING THE SOUTHEAST CORNER OF THE SW ¼ (S ¼ CORNER) OF SAID SECTION BEARS S 89°45'43" E A DISTANCE OF 2659.68 FEET;

THENCE ALONG THE WESTERLY BOUNDARY OF THE SW ¼ OF SAID SECTION 36 N 0°46'45" E A DISTANCE OF 343.50 FEET TO A POINT;

THENCE LEAVING SAID WESTERLY BOUNDARY S 89°45'43" E A DISTANCE OF 42.43 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY OF N. EMMETT ROAD AS DESCRIBED WITHIN SPECIAL WARRANTY DEED RECORDED AS INSTRUMENT NO. 2010059105, RECORDS OF CANYON COUNTY, IDAHO, THE POINT OF BEGINNING

THENCE LEAVING SAID RIGHT-OF-WAY N 86°46'20" E A DISTANCE OF 25.00 FEET TO A POINT;

THENCE S 89°45'43" E A DISTANCE OF 388.01 FEET TO A POINT ON A CURVE:

THENCE A DISTANCE OF 11.37 FEET ALONG THE ARC OF A 174.71 FOOT RADIUS NON-TANGENT CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 3°43'38" AND A LONG CHORD BEARING N 1°05'04" W A DISTANCE OF 11.36 FEET TO A POINT:

THENCE S 89°13'15" E A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE;

THENCE A DISTANCE OF 10.90 FEET ALONG THE ARC OF A 124.71 FOOT RADIUS NON-TANGENT CURVE LEFT, SAID CURVE HAVING A CENTRAL ANGLE OF 5°00'25" AND A LONG CHORD BEARING S 1°43'27" E A DISTANCE OF 10.89 FEET TO A POINT;

THENCE S 89°45'43" E A DISTANCE OF 635.09 FEET TO A POINT;

THENCE N 22°17'26" E A DISTANCE OF 167.07 FEET TO A POINT;

THENCE N 67°42'34" W A DISTANCE OF 55.00 FEET TO A POINT;

THENCE N 22°18'19" E A DISTANCE OF 20.00 FEET TO A POINT;

THENCE N 22°35'49" E A DISTANCE OF 60.00 FEET TO A POINT;

THENCE N 65°56'37" E A DISTANCE OF 27.86 FEET TO A POINT;

THENCE N 20°05'13" E A DISTANCE OF 5.01 FEET TO A POINT;

THENCE S 69°54'49" E A DISTANCE OF 50.00 FEET TO A POINT;

THENCE S 73°49'20" E A DISTANCE OF 106.18 FEET TO A POINT;

THENCE S 78°32'47" E A DISTANCE OF 82.58 FEET TO A POINT;

THENCE S 82°40'46" E A DISTANCE OF 82.58 FEET TO A POINT;

THENCE S 85°46'15" E A DISTANCE OF 40.95 FEET TO THE NORTHWESTERLY CORNER OF WEST HIGHLANDS RANCH SUBDIVISION NO. 10, AS SHOWN IN BOOK 51 OF PLATS ON PAGE 24, RECORDS OF CANYON COUNTY, IDAHO;

THENCE ALONG THE WESTERLY BOUNDARY OF SAID WEST HIGHLANDS RANCH SUBDIVISION NO. 10 THE FOLLOWING COURSES AND DISTANCES.

THENCE S 3°12'16" W A DISTANCE OF 85.00 FEET TO A POINT;

THENCE S 43°04'36" E A DISTANCE OF 28.68 FEET TO A POINT;

THENCE S 1°06'29" W A DISTANCE OF 179.73 FEET TO A POINT;

THENCE S 45°40'23" W A DISTANCE OF 28.50 FEET TO A POINT;

THENCE S 0°14'17" W A DISTANCE OF 50.00 FEET TO A POINT

THENCE S 89°45'43" E A DISTANCE OF 50.68 FEET TO A POINT;

THENCE S 0°14'17" W A DISTANCE OF 180.00 FEET TO A POINT ON THE SOUTHERLY BOUNDARY OF SAID SECTION 36 BEING THE SOUTHWESTERLY CORNER OF SAID WEST HIGHLANDS RANCH SUBDIVISION NO. 10:

THENCE LEAVING SAID SUBDIVISION BOUNDARY AND ALONG SAID SOUTHERLY SECTION BOUNDARY N 89°45'43" W A DISTANCE OF 1278.69 FEET TO A POINT ON THE EASTERLY BOUNDARY OF THAT PARCEL OF PUBLIC RIGHT-OF-WAY DESCRIBED WITHIN SAID INSTRUMENT NO. 2010059105;

THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING COURSES AND DISTANCES:

THENCE N 0°46'45" E A DISTANCE OF 25.00 FEET TO A POINT;

THENCE N 89°45'42" W A DISTANCE OF 95.43 FEET TO A POINT;

THENCE N 0°14'18" E A DISTANCE OF 5.00 FEET TO A POINT:

THENCE N 89°45'42" W A DISTANCE OF 27.00 FEET TO A POINT;

THENCE N 0°14'18" E A DISTANCE OF 10.00 FEET TO A POINT;

THENCE N 89°45'42" W A DISTANCE OF 46.37 FEET TO A POINT OF CURVATURE:

THENCE A DISTANCE OF 46.60 FEET ALONG THE ARC OF A 65.27 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 40°54'26" AND A LONG CHORD BEARING N 69°13'02" W A DISTANCE OF 45.62 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE A DISTANCE OF 16.99 FEET ALONG THE ARC OF A 37.24 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 26°08'16" AND A LONG CHORD BEARING N 35°41'41" W A DISTANCE OF 16.84 FEET TO A POINT OF COMPOUND CURVATURE:

THENCE A DISTANCE OF 33.59 FEET ALONG THE ARC OF A 222.48 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 8°39'04" AND A LONG CHORD BEARING N 18°18'01" W A DISTANCE OF 33.56 FEET TO A POINT OF TANGENCY;

THENCE N 13°58'29" W A DISTANCE OF 18.21 FEET TO A POINT;

THENCE N 89°13'15" W A DISTANCE OF 15.05 FEET TO A POINT;

THENCE N 9°21'52" W A DISTANCE OF 182.86 FEET TO A POINT;

THENCE N 3°13'40" W A DISTANCE OF 44.01 FEET TO THE POINT OF BEGINNING.

THIS PARCEL CONTAINS 13.86 ACRES MORE OR LESS.

RECEIVE WATER SERVICE FROM THE CITY OF MIDDLETON. THE CITY OF MIDDLETON ALL THE LOTS IN THIS SUBDIVISION WILL HAS AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

THE PUBLIC STREETS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC. PUBLIC UTILITY, IRRIGATION AND DRAINAGE EASEMENTS ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT OF ACCESS TO, AND USE OF, THESE EASEMENTS IS HEREBY RESERVED FOR PUBLIC UTILITIES, DRAINAGE AND FOR ANY OTHER USES AS MAY BE DESIGNATED HEREON AND NO PERMANENT STRUCTURES OTHER THAN FOR SAID USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 10" DAY OF June 2021

TOLL SOUTHWEST LLC, AN IDAHO LIMITED LIABILITY COMPANY

BY SUSAN STANLEY, DIVISION PRESIDENT

ACKNOWLEDGMENT

STATE OF IDAHO S.S.

ON THIS 12 DAY OF JUNE __, 2021, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE PERSONALLY APPEARED SUSAN STANLEY, KNOWN OR IDENTIFIED TO ME TO BE A DIVISION PRESIDENT OF TOLL SOUTHWEST LLC, AN IDAHO LIMITED LIABILITY COMPANY, THAT EXECUTED THE FOREGOING "CERTIFICATE OF OWNERS" AND ACKNOWLEDGED TO ME THAT SAID LIMITED LIABILITY COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

MY COMMISSION EXPIRES

RESIDING AT

NOTARY PUBLIC FOR THE STATE OF IDAHO

CERTIFICATE OF SURVEYOR

manna

SABRINA DURNCOM COMMISSION #46693

NOTARY PUBLIC STATE OF IDAHO

MY COMMISSION EXPIRES OF 27/2024 ***********

I. CLINTON W. HANSEN, DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED THEREON, AND IS IN CONFORMITY WITH THE STATE OF IDAHO CODE **RELATING TO PLATS AND SURVEYS.**

> CLINTON W. HANSEN PLS 11118





WEST HIGHLANDS RANCH SUBDIVISION NO. 13

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13, HAVE BEEN SATISFIED BASED ON A REVIEW BY A QUALIFIED LICENSED PROFESSIONAL ENGINEER (QLPE) REPRESENTING THE CITY OF MIDDLETON AND THE QLPE APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTIONS OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS HAVE SINCE BEEN CONSTRUCTED, OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES, THEN THE SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

SOUTHWEST DISTRICT HEALTH DEPARTMENT

APPROVAL OF MIDDLETON CITY COUNCIL

I, THE UNDERSIGNED, CITY CLERK IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, DO HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE _____ DAY OF _, 20___, THIS PLAT WAS DULY ACCEPTED AND APPROVED.

MIDDLETON CITY MAYOR

APPROVAL OF THE CITY ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

MIDDLETON CITY ENGINEER

CERTIFICATE OF THE COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR CANYON COUNTY, IDAHO, HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND FIND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

CANYON COUNTY SURVEYOR UNDER C 50-1305 DATE DAVID R. KINZER PEIPLES 2659

CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF CANYON, STATE OF IDAHO, PER THE REQUIREMENTS OF I.C. 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

DATE:

COUNTY TREASURER

4.20.21

DATE

DATE

DATE



JOB NO. 21-04



Carter John Mixed Use Subdivision



Snapshot Summary

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

A. City Council Public Hearing Date: January 5, 2022

B. Project Description: Subdivision with 53 townhome lots, one commercial lot that fronts Hartley Lane, and eight common lots. Amenities include a tot lot and two expansive common lots that provide open green space for recreation.

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

C. Application Request: Preliminary Plat

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

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



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



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

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

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

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

- **G. Pathway, Sidewalks & Open Space:** Applicant has surpassed the 5% open space requirement by providing over 8% open space in the form of a common lot with tot lot and two large grassy detention areas that will also serve as open play areas or gathering spaces.
- H. Middleton Rural Fire District: Like many agencies, the Middleton Rural Fire District has a long queue of Middleton, County and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments on this preliminary plat yet.

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

I. Preliminary Plat Application: The preliminary plat does not show a phasing plan. The project will be brought to final plat in one phase. The preliminary plat also complies with all dimensional standards and codes of the City of Middleton except the waiver of density that is set forth in the Development Agreement. Additionally, the preliminary plat shows turning radius of 90' rather than the code required 125'. This has been approved by City Engineer and Middleton Rural Fire Department in the past. Finally, there is a request for a waiver of code requiring 20' frontage for flag lots. Townhome lots regular frontage is 20' per Middleton City Code. This would necessarily require flag lot frontage to be much less. On the plat, the lowest flag lot frontage is 12', which is reasonable under the circumstances. Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the City Council is so inclined to approve these waivers.

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

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



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

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



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

- a. *Goals 3 and 23*: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goal 11:* The project provides diverse housing and in-fill housing. It also provides a housing type that matches the residents' lifestyle in the area.

K. Comments Received from Surrounding Landowners: None.

- L. Comments from Agencies: COMPASS submitted a 6/8/21 letter indicating that a stub road to the north may be desirable. A 9/7/21 letter from the Ditch Company set forth the typical comments on how to deal with the ditch easement on site. All agency comments are attached as Exhibit "C".
- M. Comments from City Engineer and Planning Staff: See attached as Exhibit "D".
- N. Applicant Information: Applicant is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2nd St., Meridian ID 83642 <u>Jim@neUdesignArch.com</u>. 208.884.224. Application was accepted on March 19, 2021.

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

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

P. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 Idaho Standards for Public Works Construction and Middleton Supplement thereto Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

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

R. Conclusions and Recommended Conditions of Approval:

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

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

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

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

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

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

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

Prepared by Middleton City Planner, Robert Stewart

Dated: 12/27/2021

APPENDIX

Exhibit "A"

2020 Development Agreement



CHRIS YAMAMOTO CANYON COUNTY RECORDER Pgs=6 HCRETAL NO FEE AGR CITY OF MIDDLETON

DEVELOPMENT AGREEMENT

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

RECITALS

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

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

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

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

AGREEMENT

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

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

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

ARTICLE III CONDITIONS OF DEVELOPMENT

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

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

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

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

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

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

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

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

ARTICLE V GENERAL PROVISIONS

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

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

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

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

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

> > Adam Hegstrom 520 Waltman Ln Meridian, ID 83642

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

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

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

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

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

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

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

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

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

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

CITY OF MIDDLETON Bv: Steven J. Rule, Mayor

)

State of IDAHO)

County of Canyon

ATTEST

Development Agreement – Richard Davis, Amy Davis and Adam Hegstrom Page 5

ss.

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



Notary Public My Commission Expires:

DEVELOPER:

Richard Davis

State of Idaho

SS.

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



Notary Public My Commission Expires: <u>6/10/20</u>

REPRESENTATI Adam Hegstron

State of Idaho) County of (anym)

SS.

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



Notary Public 10/2025 My Commission Expires:

Exhibit "B"

Proposed Preliminary Plat

PRELIMINARY PLAT NOTES 1. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION. 2. ALL FRONT LOT COMMON TO STREET RIGHTS-OF-WAY SHALL CONTAIN A TEN (10') FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND PEDESTRIAN WALKWAYS 3. ALL REAR LOT LINES SHALL CONTAIN A TEN (10') FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, DRAIN MAINTENANCE, PRESSURIZED IRRIGATION AND LOT DRAINAGE 4. ALL ONSITE STREETS SHOWN HEREON ARE TO BE PUBLIC WITH ACCESS ACROSS THE COMMERCIAL LOT FOR THE USE OF THE PUBLIC. 5. PRESSURE IRRIGATION SYSTEM TO BE PROVIDED. THE SYSTEM WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE IRRIGATION WATER FOR THE SYSTEM WILL BE SUPPLIED BY EXISTING SURFACE AND GROUNDWATER RIGHTS. ALL LOTS SHALL HAVE INDIVIDUAL SEWER CONNECTIONS IN ACCORDANCE WITH 6. SOUTHWEST DISTRICT HEALTH DEPARTMENT. 7. COMMON LOTS ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. BLOCK 1: LOT 1, 18, 26, AND 36 AND BLOCK 2: LOTS 17 AND 24 ARE COMMON LOTS. 8. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE MIDDLETON CITY ZONING ORDINANCE AT THE TIME OF ISSUANCE OF A BUILDING PERMIT. 9. PRESSURIZED IRRIGATION WILL BE PROVIDED TO EACH LOT FROM THE MIDDLETON MILL DITCH CO. & CANYON HILL DITCH CO. DISTRICT. IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b), LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER AND WILL BE OBLIGATED FOR LEVIES AND ASSESSMENTS FROM SAID DISTRICTS AND COMPANIES. 10. FIBER OPTICS TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER CITY OF MIDDLETON SUPPLEMENT TO THE ISPWC. 11. ALL COMMON LOTS TO BE OWNED BY THE SUBDIVISION HOME OWNER'S ASSOCIATION. LOT MARTIN L. OKAMURA 37 TO BE RESERVED FOR MIDDLETON MILL DITCH COMPANY. IMPROVEMENTS ON LOT 37 23123 HARTLEY LN. WILL BE RESTRICTED AS ALLOWED BY THE MIDDLETON MILL DITCH COMPANY. MIDDLETON, ID 83644 12. NO DIRECT ACCESS ROADS TO HARTLEY LANE IS ALLOWED FOR ANY LOT OTHER THAN AG THE ACCESS ROADS SHOWN HEREON. 13. A FENCE IS REQUIRED AT THE PERIMETER OF THE SUBDIVISION BOUNDARY. THE FENCE ON THE REAR BOUNDARY OF LOTS 19-25, BLOCK 1 SHALL BE WROUGHT IRON. 14. SANITARY SEWER COLLECTION, DOMESTIC WATER, AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON. $\widehat{\mathbf{O}}$ 15. SEWER AND WATER CAPACITY SHALL BE RESERVED AT THE TIME THE CITY APPROVES THE CONSTRUCTION DRAWING. 16. PROJECT REQUESTING A VARIANCE ALLOWING A 90' RADIUS ROADWAY ACCESS 17. STORM WATER MANAGEMENT AREAS WILL BE MAINTAINED BY THE HOME OWNER ASSOCIATION IN RETENTION AREAS. 18. STORM WATER WILL BE MANAGED IN RETENTION AREAS ON LOTS BLOCK 1 LOT 1, 18 ш **PAUL & JANET OKAMURA TRUST** AND 26 AND 36 AND BLOCK 2 LOTS 1. 1882 HORSESHOE CANYON DR. MIDDLETON, ID 83644 19. VARIANCE REQUESTED (5-4-10-4D) FOR MINIMUM FLAG LOT FRONTAGE OF 12'. PRELIMINARY PLAT DATA <u>SITE DATA</u> EXISTING ZONING M-U COMPREHENSIVE PLAN DESIGNATION MIXED-USE AREA CALCULATIONS RESIDENTIAL BUILDABLE LOT AREA 2.97 ACRES COMMERCIAL BUILDABLE LOT AREA 0.56 ACRES COMMON AREA 1.13 ACRES STREET RIGHT-OF-WAY 1.12 ACRES HARTLEY DEDICATION 0.31 ACRES TOTAL AREA OF SITE 6.09 ACRES OVERALL LOT DATA SINGLE FAMILY (ATTACHED) RESIDENTIAL LOTS COMMON LOTS COMMERCIAL LOT TOTAL LOTS 1,970 SQ. FT. (0.045 AC) MINIMUM RESIDENTIAL PROPERTY SIZE AVERAGE RESIDENTIAL PROPERTY SIZE 2,441 SQ. FT. (0.056 AC) 18 UNITS/ACRE NET DENSITY OPEN SPACE PERCENTAGE 8.47% **REVELSTOKE LLC** UTILITIES 5004 N. LINDER RD. MERIDIAN, ID 83646 CITY OF MIDDLETON C-3 WATER: CITY OF MIDDLETON SEWER: IDAHO POWER COMPANY POWER: NATURAL GAS: INTERMOUNTAIN GAS COMPANY CENTURY LINK TELEPHONE: CABLE ONE CABLE: **IRRIGATION:** MIDDLETON MILL DITCH CO. & CANYON HILL DITCH CO. APN's R1788901 DEVELOPMENT AGREEMENT NO RECORDED BY INSTRUMENT 2020-037265 36.00' 5.00' 5.00' SIDEWALK SIDEWALK 5.00' 13.00' 13.00' SIDEWALK 13.00' 2% 20 10 20 - 3 INCHES OF ASPHALT PAVEMENT -6 INCHES OF 3/4 INCH MINUS 6" VERTICAL CURB-3" ROLLED CURB-3" ROLLED CURB CRUSHED AGGREGATE BASE AND GUTTER AND GUTTER

TYPICAL 36' TOWNHOME STREET - ROLLED CURB RESIDENTAL PUBLIC ROAD SECTION

-15 INCHES OF 6 INCH MINUS

UNCRUSHED AGGREGATE SUBBASE

SCALE: NTS

AND GUTTER

COMMERCIAL LOT PUBLIC ROAD SECTION









Exhibit "C"

Comments from Agencies

Communities in Motion 2040 2.0 Development Review

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

Development Name: Hartley Lane Townhomes

Agency: Middleton

CIM Vision Category: Existing Neighborhoods

New house	holds: 58 Ne	ew jobs: ±10	Exceeds CIM forecast: No
	CIM Corridor: Highway 44 (Ma Pedestrian level of stress: PG Bicycle level of stress: PG-13	ain St)	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: 1,320 Jobs within 1 mile: 700 Jobs/Housing Ratio: 0.5		A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 0.4 mile Nearest fire station: 1.3 miles	?S	Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
0 <u>10</u>	Farmland consumed: Yes Farmland within 1 mile: 732 ac	res	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.9 mile Nearest public park: 0.8 miles Nearest grocery store: >4 mile		Residents who live or work less than ¹ / ₂ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

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

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

More information about COMPASS and Communities in Motion 2040 2.0:

Web: www.compassidaho.org Email info@compassidaho.org More information about the development review process: http://www.compassidaho.org/dashboard/devreview.htm



SH-44 (S									
Key # : 20 Requestin Project Ye Fotal Prev Fotal Prog	g Agency: ITD	u res: \$463 \$8,670	nflated	Freight Mo Transporta	SS PM: n Reduction/Syst ovement and Eco ation Safety y Infrastructure		Federal Pl		
Project De	. rec	luce crashes a		hway 44 (ove congestion a om State Highwa			
	. rec	luce crashes a	long State Hig ear the City of I	hway 44 (Eagle.	State Street) fro	0	y 16		00.00%
	rec to	luce crashes a	long State Hig ear the City of I	hway 44 (Eagle.	State Street) fro	om State Highwa	y 16		0.00%
Funding S Cost	rec to ource TECM Preliminary	luce crashes a Linder Road ne Preliminary Engineering	long State Hig ear the City of I Pro	hway 44 (Eagle. o gram S e	State Street) fro tate Hwy - Safe Construction	om State Highwa ety & Capacity (y 16 Capacity)	Local Match 10	0.00%

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

Inflated Regionally Significant: Key #: 20574

Requesting Agency: ITD Project Year: 2024 Total Previous Expenditures: \$1,400 Total Programmed Cost: \$11,836 Total Cost (Prev. + Prog.): \$13,236

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



 \widehat{O}

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

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

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

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

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

Fax (all offices) (208) 629-7559

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



SAWTOOTH LAW OFFICES, PLLC September 7, 2021 Daniel V. Steenson Andrew J. Waldera ** Brian A. Faria**

David P. Claiborne *

S. Bryce Farris

Evan T. Roth

Patxi Larrocea-Phillips

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

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

Re: Hartley Lanes Townhomes Subdivision

Dear Ms. Stewart:

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

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

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

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

Please contact me if you have any questions.

Yours very truly, ۳ S. Bryce Farris

cc: MM-MI and CCWC

www.sawtoothlaw.com

Exhibit "D"

Comments from City Engineer and City Planner



October 7, 2021

RE:

TO: Roberta Stewart, Planner

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

CARTER JOHN MIXED USE PRELIMINARY PLAT

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

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

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

Street A and Street B are not street names.

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

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

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

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

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


September 16, 2021

TO: Roberta Stewart, Planner

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

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

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

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

400 ft is maximum spacing between manholes.

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

Street A and Street B are not street names.

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

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

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

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

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

Delete duplicate line on east boundary area.

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

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



November 24, 2021

TO: Roberta Stewart, Planner

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

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

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

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

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

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

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

1. Add street lights at the Hartley intersections.

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

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

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

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

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

How do Lot 19 and Lot 20 service for sewer?

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

Water main separation needs to be met on Lot 18.

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

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

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

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





CITY OF MIDDLETON

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

October 5, 2021

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

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

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

13. You need to show frontage improvements to Hartley

Roberta L. Stewart, Middleton City Planner



CITY OF MIDDLETON

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PLANNER COMMENTS - Carter John Mixed-Use Subdivision

September 14, 2021

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

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

Roberta L. Stewart

Middleton City Planner



CITY OF MIDDLETON

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

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

September 21, 2021

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

Roberta L. Stewart

Middleton City Planner



CITY OF MIDDLETON

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December 23, 2021

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

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

Roberta L. Stewart, Middleton City Planner

Exhibit "E"

P&Z Commission Recommendation



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

A. Findings of Fact:

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

B. Conclusions of Law:

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

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

C. Decision and Order:

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

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

WRITTEN RECOMMENDATION APPROVED ON: October 1/8, 2021.

Ray Waltemate, Chairman Planning and Zoning Commission

Attest: **Roberta Stewart**

Planning and Zoning Department

EXHIBIT "F"

Engineering Recommendation Letter



January 3, 2022

TO: City of Middleton Roberta Stewart, Planner

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

RE: CARTER JOHN SUBDIVISION - PRELIMINARY PLAT

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

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Proposed Amendments to Middleton City Code

- A. City Council Public Hearing Date: January 5, 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".)

2. **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 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 preplat 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.

An additional proposed change includes an exception to rear setback rules for inground 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 references 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 5-4-3 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.
- d. Goal 9: Create a River District between Duff and Whiffin (Pathway requirements.)
- e. *Goal 14:* Preserve a high quality of life and livability in Middleton by ensuring Development pays for itself and creation of pathways and facilities to ensure a healthy lifestyle.
- E. Comments Received from Public: None.
- **F. Comments from Agencies:** CHD4 submitted comments on 12/16/2021 regarding 90' turning radius. CHD4 noted that the radius should not be lowered more than 75'.
- G. Comments from City Engineer and Planning Staff: None.

- **H. P&Z Recommendation:** The Planning & Zoning Commission considered these proposed changes to City Code at a public hearing on December 6, 2021. The Commission recommended approval of all proposed changes, with the additional changes inserted:
 - 1. Proposed Section 1-14-1(B)(1) be revised to state that notice for an application involving a parcel in the County must cover property within five hundred feet (500') of the parcel(s) boundary. If the parcel that is the subject of the application is within City limits, then the notice will be sent to only property owners/occupants within three hundred feet (300') of the parcel boundary.

(Staff recommends that City Council consider making the increased 500' requirement apply to all public hearing applications regardless of whether the subject property is within or outside City limits.)

2. Proposed Section 5-4-10-10(B) be revised to state that Open Space definition include "irrigated" areas. (*Staff recommends against #2. Hardscape spaces like plazas can count towards open space and not include any irrigated areas. Open Space is defined more by uses than by the presence or absence of landscaping.*)

I.	Notices	Dates:
	Newspaper Notification Circulation to Agencies	12/19/2021 12/15/2021

J. Applicable Codes and Standards:

Idaho State Statue 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.

K. Conclusions and Recommended Conditions of Approval: The City Council should base any decision on general 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 City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the applications.

If the City Council 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: 12/28/2021

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. <u>At least three (3) of the five m</u>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, <u>annexation</u>, development agreement, comprehensive plan<u>text and/or map</u> amendments, <u>preliminary plat</u>, 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 <u>of the neighborhood meeting</u> 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. <u>Applicant's mailed notice must be postmarked at least ten days prior to the</u> <u>neighborhood meeting.</u> 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<u>one-one</u> 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: <u>The Neighborhood Meeting shall be held not more than 90 calendar</u> <u>days nor less than five calendar days prior to submission of the application</u>, <u>The neighborhood</u> <u>meeting shall be conducted at least five (5) and not more than thirty (30) calendar days before filing the application</u>.

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 uUpon receipt of a complete application and fee, and if a public hearing is required, the City shall follow the notice and hearing procedures in Idaho Code section 67-6509, which notice includes publishing legal notice in the official newspaper of general circulation in Middleton and sending notice of the application and public hearing to all political subdivisions providing services in Middleton.
 - 2. For all legislative public hearings, which are hearings brought pursuant to the Local Land Use Planning Act (Idaho State Code Title 67, Ch. 65) and require a decision that has a broad application, a draft of the legislative proposal should be prepared and made available for public inspection no later than the day the notice of public hearing is published in the newspaper of general circulation. Such applications include applications to amend the City zoning and subdivision ordinances or Comprehensive Plan text or map.
 - 3. For all quasi-judicial public hearings, which are applications such as a rezone or preliminary plat that pertain to a specific site or parcel, City shall also provide the following notice at least fifteen (15) days prior to the public hearing:
 - <u>a.</u> 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.

2. No person shall be permitted to speak before the Commission/Council at a public hearing until such person is recognized by the Chairperson/Mayor.

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

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

5. Testimony should not be derogatory to any person.

6. Testimony should comply with applicable time restrictions.

7. If oral testimony fails to comply with the aforementioned standards, the Chairperson/Mayor may declare such testimony out- of-order and require it to cease.

8. All public hearing proceedings shall be recorded electronically and all persons speaking shall speak before a microphone in such a manner as will assure that the recorded testimony is complete and audible. A transcribable, verbatim record of quasi-judicial hearings shall be made and kept for a period at least six (6) months after the date of the final decision.

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

<u>D</u>E. <u>Order of Events for Procedures For Quasi-Judicial</u> 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 1 specific parcel of land). Quasi-judicial pP</u>ublic hearings should follow the order of events set forth below.

1. Chairperson/Mayor or designee announces the item for Commission/Council consideration, and opens the public hearing. The Commission/Council shall not begin deliberations until all testimony and evidence has been presented. No person shall be permitted to speak at a public hearing until such person has been recognized by the Chairperson/Mayor. If there is a question of "conflict of interest", as defined by Idaho Code section 67-6506, for any Commission/Council finds a conflict of interest exists, the disclosing

Commissioner/Councilmember shall step away from the Commission/Council and not participate in deliberations or decisions for that item, and shall rejoin the Commission/Council after action on that item is concluded. Any information received by a Commissioner/Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing.

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

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

4. Individuals/spokespersons testify why an application complies or does not comply with plans, ordinances and standards. Speakers shall not be interrupted by the audience. Questions from the decision makers should be asked of the person testifying before that person leaves the

podium whenever possible. Public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer questions asked. The question and answer period shall not be included in the speaker's time limit. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the Hearing Officer. Testimony should be in the following order:

a. Those testifying the application complies,

b. Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report,

c. Those testifying the application does not comply,

d. Rebuttal testimony from the applicant. Decision-makers should ask any final questions. Only information from the record can be rebutted. If the applicant testifies about new facts, then others testifying must be given an opportunity to respond to the new facts.

5. The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council motion.

6. Commission/Council deliberates toward a decision. Commission/Council may ask the planning and zoning official or designee questions during this time.

7. The Commission/Council <u>may</u> continues the matter for additional information or makes a verbal <u>recommendation</u>/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 <u>or recommendation may be an approval</u>, <u>approval with conditions</u>, <u>or denial</u>. The <u>recommendation/decision</u> 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.

<u>E.</u> <u>Final Decision.</u> <u>9.</u> 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 haves 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 <u>written</u> final decision <u>is</u> <u>executed</u> 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 an<u>v</u> affected property owner<u>s</u> who ha<u>ve</u>s 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.

B. Council Action:

1. At a public meeting, not a public hearing, and upon receipt of the commission's recommendation <u>if required</u>, 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; <u>annexation</u>, development agreements; <u>preliminary plats</u>, 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 <u>1-14-2(B)</u>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, <u>and-two (2)</u>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 <u>hearingmeeting</u>, 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 <u>hearingmeeting onabout</u> 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.

I. 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.

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

F. Time Limitations:

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

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

3. 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:

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

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
זמננטט מווטיטו אופרכוווט אמווטו		-	-	-	-	A	-	-		-	-	-	-
Taxidermy			1	А	A	А	1						1
Terminal yard, trucking					A	А			10			1	1 -
Tire shop			A	A	A	A	1	1	0		3		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			1.1.1.1	A.	A	A					1		S
Veterinary hospital or clinic		A	A	A	A	А	10-	1					A
Veterinary (small animal only)	():	1	1	-		11 -	3	1	1		A		-
Warehousing wholesaling	18			Α	Α	Δ	1.0						1

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

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
Security residence (manufactured home)	-			s	5	S		-				-	s
Sexually oriented business					-	S				-	-		1
Sign shop		s	A	A	A	A					A		A
Single-family dwelling, attached 8	- I				-							S	S
Single-family dwelling/group residence per Idaho Code 67-6532	A						A	A	A			A	A
Staging area		s	A	A	A	A							S
Studio, dance, music, voice (indoor)		A	A	A	A	A	S	s	S		A	s	A
Tattoo and/or piercing parlor	11.00	1	1.	1	11.	A	1.2		1	1.0		-	
Taxidermy		1.1		A	A	A	1.0	1			1.0		
Terminal yard, trucking					A	A							

Notes:

 $\Delta = \Delta llowed$ uses

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 <u>5-4-11-2</u> 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		55	U	0	0	0	0	Ū.	90%
TOD		55'	0'	0'	0'	0'	0	0'	00%
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:

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. See Section 5-4-10-7 regarding landscape buffers required between commercial/industrial uses and residential uses.

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 and porches shall not project into any required setback more than 10 feet.

7. All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.

8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.

9. See section <u>5-4-11-2</u> of this code.

10. Single-family dwelling, attached:

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

11. Minimum 1,000 square feet per dwelling unit.

<u>12.</u> An in-ground swimming pool may be located in only the rear and side yards of any residential lot. The inground 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:

<u>1.</u> All subdivisions containing more than twenty five (25) equivalent dwelling units shall <u>requireprovide</u> a traffic impact analysis, prepared and stamped by a licensed traffic engineer. <u>The traffic impact analysis shall be and</u> submitted with the preliminary plat application. <u>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.</u>

2. AA traffic impact analysis mayshall also be required on a case-by-case basis for with 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.

<u>3.</u> 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 rightof-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 <u>ninetyone hundred twenty five</u> feet (<u>90425'</u>) for local roads. <u>City may</u>

approve, on a case-by-case basis, a smaller turning radius if a knuckle or other mitigating feature is designed into the curve.

3. Minimum spacing between centerline of roads on the same side of a roadway shall be two hundred fifty feet (250'). Minimum spacing between centerline of roads on the opposite side of a roadway shall be one hundred twenty five feet (125').

4. A tangent at least one hundred fifty feet to two hundred feet (150' - 200') long shall be provided between reverse curves on arterial and collector roads.

5. Road intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.

6. Access for any use along section and quarter section line roads shall be limited by the City to maximize traffic efficiency and may be limited to one access per one thousand three hundred twenty feet (1,320').

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. <u>A.</u> When a commercial land use zoned C-1 (Neighborhood Commercial) directly abuts a residential use, a twenty foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm. Commercial use zones shall contain a minimum eight foot (8') high perimeter landscaped berm, or landscaped berm and fence, buffer between it and a residential use or zone.
- When a commercial land use zoned C-2 or C-3 or industrial use directly abuts a residential use, a twenty five (25') landscape buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.

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 <u>Mmap</u>. Pathways that are not along a road shall be on a <u>twelve foottwenty foot</u> (<u>120'</u>) wide<u>public access</u><u>lot or</u> easement, <u>or</u> dedicated to the City, and shall be constructed of asphalt, <u>eightten</u> feet (<u>810'</u>) wide<u>and centered on the lot</u>. <u>Developer, its</u> <u>assigns and/or Homeowners Association shall be responsible for installing, repairing and</u> <u>maintaining the pathways</u>.

2. In addition to the pathways identified on the Middleton Comprehensive Plan Transportation, Schools and Recreation <u>M</u>map, <u>City may require</u> developers <u>shall plan for andto</u> construct sidewalks and pathways designed to connect neighborhoods with schools, parks and downtown, <u>and such pathways shall be on a public access easement twelve feet (12') wide or</u> <u>dedicated to the City</u>. <u>Developer, its assigns and/or Homeowners Association shall be</u> <u>responsible for repairing and maintaining the pathways</u>.

B. Parks: Parks locations are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation <u>Mmap</u>. 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. For residential developments five acres or larger that do not include parks as shown on the Middleton Transportation, Schools & Recreation MapConnects 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 multifamily 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, (ISPWC) and the Middleton supplement to the ISPWC.

<u>1.</u>—Subdivisions in an R-1 Zone: Local roadway, <u>curb, gutter and</u> sidewalks, <u>and street</u> <u>lighting</u> are not required. <u>Local roadway public roads may be narrowed</u>, and no parking on the <u>public roads</u>. <u>Right of way may be narrowed if there are not sidewalks</u>. A <u>minimum of</u> three-car garage and lighting the entire front of house are_is</u> requiredried on each residential lot. <u>Reminder</u>, 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.

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

<u>4</u>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.

- 52. Sidewalks, Pathways, Bicycle Lanes, and Greenbelt:
 - <u>a.</u> 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;
 - <u>c.</u> 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, <u>locatedcentered</u> on a minimum twenty foot (20') wide <u>common lot subject</u> to a public accessor easement, <u>or</u> dedicated <u>toot</u> the city for public access., in the greenbelt.

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

<u>74</u>. 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.

<u>85</u>. 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.

<u>96</u>. 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.

<u>10</u>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.

<u>118</u>. 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.

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

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

1<u>4</u>1. 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.

1<u>6</u>3. 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.

1<u>7</u>4. 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)