
MIDDLETON CITY COUNCIL
JANUARY 5, 2022

The Middleton City Council meeting on January 5, 2022, was called-to-order at 5:32 p.m. by Mayor Rule.

Roll Call: Mayor Rule, Council President Kiser, Council Members O'Meara and Huggins were present. Council Member Garner was absent as Mayor Rule explained that he had expressed his gratitude for being able to serve on the Council but felt it easier to not attend for the few short minutes that were left of his term. City Attorney Douglas Waterman, City Administrator Becky Crofts and City Planner Roberta Stewart were present.

Pledge of Allegiance, Invocation: Jennica Reynolds

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the agenda as posted January 3, 2022, at 4:30 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Items:

- Discussion regarding City logo and the Middleton Police Badge and Police Patch. Becky Crofts presented **Exhibit A**.

Action Items:

1. Consent Agenda (items of routine administrative business)
 - 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.

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

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

2. Swearing in of City Council Members.

Mayor Rule called the item and Becky Crofts swore in newly elected Council Member David Murray and re-elected Council Member Rob Kiser.

3. Election of Council President.

Mayor Rule called the item and City Attorney Douglas Waterman explained the need of an election of a Council President and what his or her main role is upon election. Mayor Rule then asked if there were any nominations. Council Member Huggins nominated Council Member Kiser.

Motion: Motion by Council Member O'Meara to close the nominations. Motion was seconded by Council Member Huggins. Nominations were closed.

Motion: Motion by Council Member O'Meara to elect Council Member Kiser as City of Middleton Council President. Motion seconded by Council Member Huggins and approved unanimously by roll call vote.

4. Consider the appointment of Rachel Sontag to the City of Middleton Library Board.

Mayor Rule called the item. Mayor Rule explained that the previous board member Don Watt had served the Library Board well for a number of years and that his service is greatly appreciated and will be missed. Mayor Rule then introduced his request for appointment Rachel Sontag and allowed her to address and introduce herself to the Council and those in attendance.

Motion: Motion by Council President Kiser to approve the appointment of Rachel Sontag to the City of Middleton Library Board. Motion was seconded by Council Member O'Meara and approved unanimously.

5. Consider the purchase of City of Middleton Police Badges in the amount of \$1,502.75. **Exhibit B**

Mayor Rule called the item, and Police Chief Alan Takeuchi presented the new design of the badge to the Council and explained that the purchase price included 12 new badges. Council Member Murray asked why this routine purchase was being brought before the Council for approval? Mayor Rule explained that anything greater than \$100 was to be run before the city administration and or the City Council. Council President Kiser in turn asked why every purchase over \$100 wasn't being brought before the council if that was expected of the police department. City Administrator Becky Crofts clarified that this item was largely brought before the council because of the new badge design and because it wasn't part of the original budget discussion.

Motion: Motion by Council President Kiser to approve the purchase of City of Middleton Police Badges in an amount not to exceed \$1,502.75. Motion was seconded by Council Member Huggins and approved unanimously.

6. 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. **Exhibit C**

Mayor Rule called the item City Administrator, Becky Crofts explained that the hydrant had been run over by a contractor doing work off N. Middleton Road and Meadow Park. She went on to further explain that the offsetting revenue had already been received at the city.

Motion: Motion by Council President Kiser to approve a bid from DIRTPRO LLC in the amount of \$13,792.63 for the repair/replacement of a damaged fire hydrant at N. Middleton Rd and Meadow Park. Motion seconded by Council Member Huggins and approved unanimously.

7. Consider awarding Boise River Lift Station Generator Project to Challenger in an amount not to exceed \$88,000.00. **Exhibit D**

Mayor Rule called the item City Administrator, Becky Crofts explained that this system would run through the city SCADA system that is already in place and that the generator would automatically kick on with loss of power.

Motion: Motion by Council President Kiser to award the Boise River Lift Station Generator Project to Challenger in an amount not to exceed \$88,000.00. Motion was seconded by Council Member Huggins and approved unanimously.

8. Consider approving West Highlands No. 13 Final Plat. **Exhibit E**

Mayor Rule called the item. Exhibit E was presented to council by City Planner Robert Stewart. Council Member O'Meara asked if the lot sizes shown on the plat, were the standard. Mrs. Stewart explained that this plat fell under a 2009 development agreement that they city had entered with the developer and that all standards had been met per the agreement.

Motion: Motion by Council President Kiser to approve West Highlands No. 13 final plat. Motion was seconded by Council Member Huggins and approved unanimously by roll call vote.

9. **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, 4-8 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). **Exhibit F**

Mayor Rule called the item at 6:30 p.m. City Planner Robert Stewart presented exhibit F.

Council Questions for City Planner:

Council Member Murray asked what steps were being taken to mitigate traffic issues at the intersection of Highway 44 and Hartley. It was explained that there will be a four-way light being installed at the intersection to help with the congestion and traffic pattern. Council Member Huggins asked if the impact fees in relation to the Mid/Star fire district would also include the city. It was explained that the city would be part of those impact fees. Mayor Rule asked for clarification regarding the commercial lot and the parking area as shown on the plat. Clarification was explained that there is one commercial lot on the front of the property and that the parking area would be used by residents of the development.

Applicant Remarks by Thomas Hawksworth – Blue Peak Engineering

Mr. Hawksworth elaborated that each unit would have its own on-site parking and since there was no defined easement for the ditch a designated lot would be reserved for the ditch itself.

Mayor/Council Questions: Council Member O'Meara asked if the development was planning on maintaining the ditch space, if the top lot was going to be a playground, and if it would be easier to have the street name all be the same. The developer stated that the development was going to maintain the ditch space, that there will be a small playground on the top lot and the City Planner stated that the street names and addressing was being clarified. Council Member Murray asked if there were any plans for the

commercial lot. It was explained that at this time the lot was open without any plans. Mayor Rule asked for an explanation of the pan of pedestrian foot traffic. The representative expressed that both sides of the street will have sidewalks and that lot 18 will have a pedestrian path that connects to 3rd along with 8-foot sidewalks along Hartley.

Public Comment:

Sargent Hilkey – 6 N. Dewey, Middleton – Sargent commented that making the street a loop would make for easier navigation.

Janet Bartianns – 945 Harvest, Middleton – Opposed the development as West Highlands and Stonehaven are already placing a burden on a two-lane road that is struggling to handle the traffic flow as is.

Mike Graffe – 1889 Ridge Way – Middleton - Opposed the development and stated that the city needs to be looking at fire safety with the setbacks as small as they are and with the number of units that are attached to each other.

Todd Ognibene – 1973 Scotch Pine Dr – Middleton – Mr. Ognibene stated that he was not opposed to the development, nut that there needed to be accountability held with the developers regarding further overcrowding of schools and the stress that expansion places on services such as fire and EMS.

Applicant Rebuttal: Thomas Hawksworth – Blue Peak Engineering and Steve Martinez – Trade Winds Construction: Mr. Hawksworth stated that there was a traffic study completed for the project and that the development was contributing its fair share of fees. Mr. Martinez elaborated more that the impact fees that are paid to the city cover the costs of roads, fire, and police but that funds for schools and EMS come from state taxes. Council Member Huggins asked for clarification that each townhome is its own home and pays its own impact fee and gets taxed separately. Mr. Martinize responded that Council Member Huggins was correct. Council Member O'Meara sated that some developments in the past had donated land for future schools and wanted to know if this was something this development could or would be willing to do. Mr. Hawksworth stated that the property itself was so small of a parcel that would not be able to accommodate that. Mayor Rule closed the public hearing at 7:17 p.m.

Motion: Motion by Council President Kiser to accept the General Facts and Conclusions of Law as presented in the staff report regarding Carter John Mixed-Use Subdivision. Motion seconded by Council Member Huggins and approved unanimously.

Motion: Motion by Council President Kiser to approve the preliminary plat for Carter John Mixed-Use Subdivision as presented with the conditions of approval set forth in the staff report and with the proposed street name corrections. Motion was seconded by Council member O'Meara and approved unanimously by roll call vote.

Mayor Rule called for a break at 7:18 p.m. and called the session back in at 7:25 p.m.

- 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. **Exhibit G**

Mayor Rule called the agenda item at 7:19 p.m. City Planner, Roberta Stewart presented exhibit G.

Public Comment: Mike Graffe – 1889 Ridge Way – Middleton – Mr. Graffe stated that giving footnotes in the code gives the developers a work around to city codes.

Motion: Motion by Council President Kiser to continue the public hearing to the regular city council meeting on January 19, 2022, at 5:30 p.m. Motion was seconded by Council Member Huggins and approved unanimously.

Public Comments, Mayor and Council Comments:

- Mike Graffe—1889 Ridgeway- expressed his desire for less dense housing and increasing the minimum lot size. **Exhibit H**
- Todd Ognibene—1973 Scotch Pine Mr. Ognibene He stated that he is in favor of responsible growth but that he would like to see developers have to take more responsibility in being preemptive towards the growth in regard to planning for schools, roadways, fire, police and medical services.
- City Administrator Becky Crofts – informed the council that a written application had been submitted to COMPASS for additional funds for a future traffic light at Middleton Road after the alignment has been completed. The application at this time has been denied so she is asking the council and the community to write letters of support so that the application may be resubmitted. She went on to state that projects are going slower than anticipated as The Idaho Transportation Department is becoming harder and harder to work with. Mrs. Crofts went on to outline the properties of city staff regarding snow plowing on city streets and she let those in attendance know that they information can now be found on the city website.
- Council Member O'Meara—asked that the city special events permit be brought before council for further review and consideration. He also stated that with the loss of the Coleman Homes soccer fields Middleton Greater Parks and Recreation is going to have a hard time accommodating the need for green space for the local soccer clubs this spring and fall.

Adjourn: Mayor Rule adjourned the city council meeting at 8:35 PM.

ATTEST:



Dawn Goodwin, Deputy Clerk
Minutes Approved: January 19, 2022



Rob Kiser, Council President







FULL COLOR LOGO w/ TEXT ONLY LOGO VERSIONS

SymbolArts
6083 South 1550 East
Ogden, UT 84405

SYMBOLARTS®

(801) 475-6000 Phone
(801) 475-5500 Fax
www.symbolarts.com

QUOTE/CONFIRMATION FORM

Quote Date: **8/12/21**

Customer #:	00	Project:	Badges	Phone #:	208-697-3727	Send S/O:	
Customer Name:	Middleton Police Department			Fax #:			
Order/Contact:	Nathan Hilkey			Email:	nhilkey@middletoncity.com		
Bill to (Name):	6 N. Dewey Ave.			Ship to (Name):	6 N. Dewey Ave.		
Bill to (Address):	Middleton, ID : 83644			Ship to (Address):	Middleton, ID : 83644		
Bill to (Address):				Ship to (Address):			
<input checked="" type="checkbox"/> Check box if Shipping is same as billing				No PO Boxes Allowed (Exceptions: APO/FPO/DPO addresses)			

CUSTOMER EVENT DATE INFORMATION		NORMAL LEAD TIMES	
1/3/22	Current Date	<input checked="" type="checkbox"/> NORMAL LEAD TIME	Product SHIPS FROM SymbolArts
4/11/22	Normal Lead Time		Product
4/11/22	Event Date*		Badges
NORMAL LEAD TIME			Ship Date
*If no Event Date enter the Normal Lead Time Date			12-13 Weeks
Normal Lead Time			
Rush Order			

Ships approximately 16-18 weeks after order is placed
SymbolArts does not accommodate rush orders

Payment Terms:	
<input checked="" type="checkbox"/> X	30 - Net 30 w/ Customer PO
Payment Method:	
<input checked="" type="checkbox"/> X	Purchase Order
Exp Date:	
Security:	
Late invoices may be subject to 1.5% monthly late fee	
Deposit Amt:	
Ship Method:	
UPS GROUND	

Product/Badge #	Artwork #	Ver. #	Qty	Unit \$	Die Service Fee	Extended Price	Extended Price
<input checked="" type="checkbox"/> Custom Badge	C-186017	2	12	\$95.00	\$300.00		CONFIRMED \$1,440.00

PROFILE:

SIZE:

BADGES:

Banner Description

Plating

Rev?

- ☒ Curved
☐ Domed
☐ Flat

3.4375

Banner	1	(RANK)	Nickel	
Subbase	2	US and Idaho Flags	Nickel	
Subbase	3	Custom Building	Nickel	
Banner	4	MIDDLETON	Nickel	
Banner	5	POLICE	Nickel	
Banner	6	(NUMBER)	Nickel	
Banner	7			

ATTACHMENTS:

- ☒ Pin
☐ Clip
☐ None
☐ Hat Post (Single)
☐ Hat Post (Double)

LETTERING COLOR:

- ☒ Black
☐ Blue
☐ Red
☐ Green
☐ Other

LETTERING STYLE:

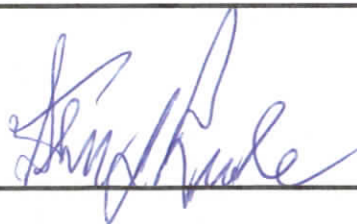
- ☐ Roman
☒ Block
☐ Other

				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00
				\$0.00	\$0.00	\$0.00

SymbolArts Use Only		(CHECKED BOXES ONLY) - SUBTOTAL		\$ 1,440.00
<input type="checkbox"/> 1-SA <input type="checkbox"/> 2-SB		(CHECKED BOXES) (Discount Does Not Apply To Die Service Fee) - LESS DISCOUNT		0%
		(CALCULATED ON SUBTOTAL ONLY) - SALES TAX		\$ -
		(CHECKED BOXES ONLY-REFERENCE CHART ABOVE) - SHIPPING		\$ 62.75
		GRAND TOTAL		\$ 1,502.75

Specific Information for this order:

10 with officer rank numbered 1201-1204,1206-1211
1 sergeant with number 1205
1 chief with number 1200



10/1/2017

<input checked="" type="checkbox"/> X		
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 today's date
Precious metal quotes valid for 6 days from today's 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
mcs.dirtpro@gmail.com

DATE 9/8/2021

TERMS:

ESTIMATE VALID FOR 10 DAYS

PAYMENT DUE & PAYABLE UPON COMPLETION

CUSTOMER:

City of Middleton

tnendive@middletoncity.com

PROJECT:

Damaged Fire Hydrant Replacement
N Middleton Rd / Meadow Park

DESCRIPTION	TOTAL
Sawcutting	\$ 400.00
Labor / Equipment	\$ 2,650.00
Materials / Pipe	\$ 6,636.00
Gravel / Sand	\$ 300.00
A/C Patch	\$ 800.00
Traffic Control	\$ 1,352.75
Highway District Permit	\$ 50.00
Bond	\$ 350.00
P&O	\$ 1,253.88
Total Estimate	\$ 13,792.63
*ESTIMATED PRICE DOES NOT COVER ANY UNFORSEEN FACTORS INCLUDING DAMAGE TO UNDERGROUND UTILITIES 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 HEREIN.	

ID CON NUMBER RCE-36031

ID PWC: 013844-D-1-1

Thank you for your business!!

Bid Acceptance & Agreement to Terms of Payment

(Signature)

Printed Name & Title



305 Cornell St. • Middleton, Idaho 83644 • 208.453.2028

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

City of Middleton – Boise River Lift Station Generator Project

Contractor	Public Works License?	Base Bid	Bid Alternate
Custom Electric	Yes	\$88,000	\$21,000
Challenger Companies, Inc	Yes	\$72,000	\$16,000

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 December 8, 2021 for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for Boise River Lift Station Generator Project.

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

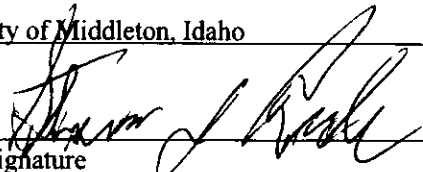
2 copies of the proposed Contract Documents (except Drawings) will be forwarded within 5 days.

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.

City of Middleton, Idaho
Owner
By: 
Authorized Signature
Steve Rule, Mayor
Title



Action Item #8

5605 South 10th Ave. • Caldwell, Idaho 83607 • 208.453.2028

DATE: January 4, 2022
TO: Roberta Stewart, Planner
Cc: Clint Hansen, PLS
FROM: Civil Dynamics PC, City Engineer
Amy Woodruff, PE
RE: West Highlands Ranch No. 13
FINAL PLAT RECOMMENDATION OF APPROVAL

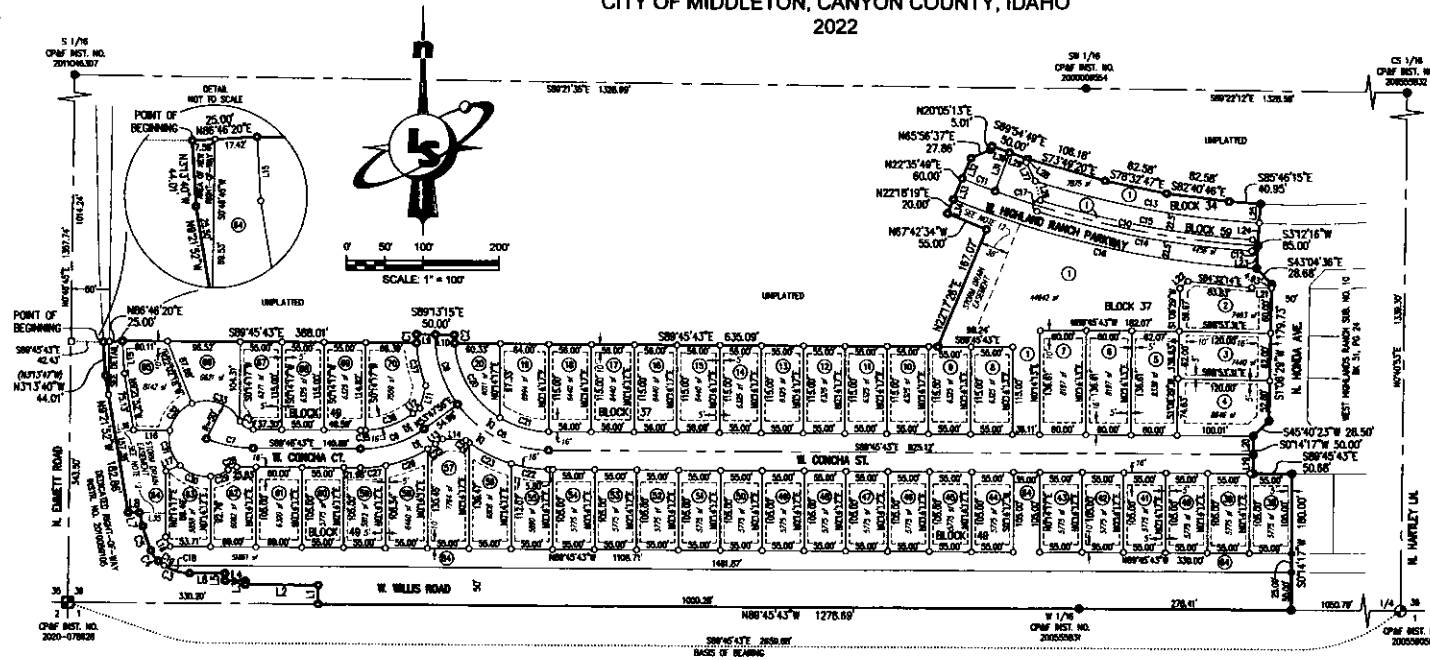
Thank you for the opportunity to review the above captioned final plat. The review is complete and the plat appears to generally meet the requirements of Middleton City Code and common platting practices. All infrastructure is complete and substantially in conformance with the ISPMC. Power service to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

It is recommended the City of Middleton approve the West Highlands Ranch No. 13 final plat.

WEST HIGHLANDS RANCH SUBDIVISION NO. 13

A PORTION OF GOVERNMENT LOTS 3 AND 4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE 3 WEST, B.M.
CITY OF MIDDLETON, CANYON COUNTY, IDAHO
2022

BOOK __, PAGE __



NOTES

- ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES AND BROWNS OVER THE SIXTEEN (16) FEET ADJACENT TO ANY PUBLIC STREET. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
- USE ALL OTHER EASEMENTS SHOWN AND DIMENSIONED. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, PRESSURE IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
- THE OWNER HAS PROVIDED IRRIGATION WATER TO EACH LOT THROUGH A PRESSURIZED IRRIGATION SYSTEM, TO BE OWNED AND MAINTAINED BY THE WEST HIGHLANDS RANCH HOMEOWNERS ASSOCIATION IN COMPLIANCE WITH THE IDAHO CODE SECTION 31-3609(1)(a). ALL LOTS WILL BE SUBJECT TO ADJUSTMENTS OF THE BLACK CANYON IRRIGATION DISTRICT.
- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MIDDLETON OR AS SPECIFICALLY APPROVED.
- MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY OR THE HOMEOWNERS ASSOCIATION.
- THE BOTTOM ELEVATION OF STRUCTURAL FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED ORDAIN WATER ELEVATION.
- LOT 1, BLOCK 34, LOTS 1 AND 35, BLOCK 37, LOTS 84 AND 85, BLOCK 48, AND LOT 1, BLOCK 59 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE WEST HIGHLANDS RANCH HOMEOWNERS ASSOCIATION, OR ITS ASSIGNS. SAID LOTS ARE COVERED BY BLANKET PUBLIC UTILITIES, IRRIGATION, RECREATION ACCESS AND HOMEOWNERS ASSOCIATION LANDSCAPING EASEMENTS. LOT 1, BLOCK 37 IS ALSO COVERED BY A BLANKET EASEMENT FOR PUBLIC ACCESS FOR USE AS A PUBLIC PARK. ALL OTHER LOTS ARE FOR SINGLE-FAMILY DWELLINGS.
- THIS DEVELOPMENT IS SUBJECT TO THE TERMS OF A DEVELOPMENT AGREEMENT RECORDED AS INSTRUMENT NO. 200811822, RECORDS OF CANYON COUNTY, IDAHO.
- DIRECT LOT OR PARCEL ACCESS TO EMMETT ROAD, HIGHLAND RANCH PARKWAY OR WILLIS ROAD IS PROHIBITED.
- ANY FENCES, LANDSCAPING OR ANY OTHER STRUCTURES INSTALLED IN AN EASEMENT AREA MAY BE REMOVED BY THE CITY OF MIDDLETON AND UTILITY COMPANIES AND REPLACED AT THE LANDOWNER'S EXPENSE.
- PORTIONS OF LOT 84, BLOCK 48 AND LOT 1, BLOCK 37 ARE SUBJECT TO CITY OF MIDDLETON STORM DRAIN EASEMENTS AS SHOWN HEREON FOR MAINTENANCE AND OPERATION OF CITY OWNED STORM DRAIN FACILITIES OR OTHER FACILITIES OR INFRASTRUCTURE AS HAS OR WILL BE CONSTRUCTED INCIDENT TO THE CITY OF MIDDLETON'S GENERAL PLAN OF MUNICIPAL UTILITY SERVICE.

LEGEND

- FOUND ALUMINUM CAP MONUMENT
- FOUND BRASS CAP MONUMENT
- FOUND 1/2" REBAR WITH PLS 18042 PLASTIC CAP, OR AS NOTED
- FOUND 5/8" REBAR WITH PLS 18042 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

SURVEYOR'S NARRATIVE

THE BOUNDARY FOR THIS SUBDIVISION WAS DEVELOPED FROM SURVEYED TIES TO CONTROLLING SECTION CORNER MONUMENTATION. THE PLATTED SUBDIVISION BOUNDARIES OF WEST HIGHLANDS RANCH SUBDIVISION NO. 10, INFORMATION FROM RECORD OF SURVEY NUMBERS 200019162, 200201111, 200420075, 200506068, AND 201203018, AND CURRENT DEEDS OF RECORD, THE SURVEYED MONUMENTATION AND CONTROLLING BOUNDARIES FIT THE RECORDS WELL AND WERE ACCEPTED TO ESTABLISH THE BOUNDARY FOR THIS SUBDIVISION SHOWN HEREON.

LINE	LENGTH	BEARING
1.1	25.00	N07°46'45"E
1.2	80.43	N08°45'42"W
1.3	5.00	N07°41'16"E
1.4	27.00	N08°45'42"W
1.5	10.00	N07°41'16"E
1.6	48.37	N08°45'42"W
1.7	18.21	N13°38'28"W
1.8	13.00	N08°13'10"W
1.9	25.00	S08°13'15"E
1.10	25.00	S08°13'15"E
1.11	31.04	S14°09'40"W
1.12	11.36	S53°47'30"W
1.13	11.82	N03°47'30"E
1.14	30.91	S08°14'14"E
1.15	42.07	N13°15'40"W
1.16	48.37	S08°13'32"E
1.17	20.78	N08°13'20"E
1.18	13.88	N08°16'37"W
1.19	25.00	N07°41'17"E
1.20	28.00	N07°41'17"E
1.21	25.86	N08°35'34"W
1.22	14.00	S40°10'25"W
1.23	30.00	N12°16'16"E
1.24	30.00	N12°16'16"E
1.25	25.00	N12°16'16"E
1.26	26.37	N14°32'22"W
1.27	27.88	N03°48'13"W
1.28	5.00	N00°00'00"E
1.29	25.00	S08°54'40"E
1.30	25.00	S08°54'40"E
1.31	50.27	N08°00'17"E
1.32	30.00	N22°35'40"E
1.33	30.00	N22°35'40"E
1.34	20.00	N07°18'19"E
1.35	30.00	S08°13'15"E
1.36	20.00	S08°38'08"W

LINE	LENGTH	BEARING
1.1	11.37	N12°16'16"E
1.2	10.80	N14°17'17"E
1.3	48.80	N03°47'30"E
1.4	18.80	N13°15'40"E
1.5	33.50	N22°46'16"E
1.6	88.04	N14°00'17"E
1.7	63.80	N00°00'00"E
1.8	136.90	N48°17'16"E
1.9	87.30	N14°17'16"E
1.10	353.50	N00°00'00"E
1.11	46.30	N08°48'20"E
1.12	23.50	N00°00'00"E
1.13	288.73	N17°00'16"E
1.14	287.00	N00°00'00"E
1.15	283.40	N12°16'16"E
1.16	400.00	N00°00'00"E
1.17	23.50	N00°00'00"E
1.18	38.30	N00°00'00"E
1.19	10.00	N00°00'00"E
1.20	118.87	N14°17'16"E
1.21	67.30	N14°17'16"E
1.22	48.87	N17°16'20"E
1.23	61.77	N17°16'20"E
1.24	5.75	N17°16'20"E
1.25	12.00	N00°00'00"E
1.26	58.80	N00°00'00"E
1.27	53.30	N13°15'40"E
1.28	12.16	N00°00'00"E
1.29	24.50	N00°00'00"E
1.30	44.30	N00°00'00"E
1.31	50.81	N00°00'00"E
1.32	46.30	N00°00'00"E
1.33	73.77	N00°00'00"E
1.34	21.73	N00°00'00"E
1.35	6.41	N00°00'00"E
1.36	68.73	N15°00'00"E
1.37	57.13	N14°17'16"E

CURVE	LENGTH	RADIUS	DELTA	BEARING	CHORD
C1	11.37	174.71	213.38°	N10°00'00"W	11.36
C2	10.80	124.71	500.25°	S14°32'12"E	10.80
C3	48.80	65.27	405°48'	N00°00'00"E	45.62
C4	18.80	37.24	280°18'	N33°44'41"W	18.84
C5	33.50	222.48	67°04'	N08°00'00"W	33.50
C6	88.04	140.00	38°38'16"	N72°00'00"E	87.54
C7	63.80	100.80	22°38'38"	S78°25'34"E	63.18
C8	136.90	148.71	53°13'31"	S81°38'57"E	134.00
C9	87.30	148.71	57°30'57"	S17°54'57"E	85.87
C10	353.50	1200.00	165°52'50"	S70°17'16"E	352.30
C11	46.30	1200.00	21°14'	S08°48'20"E	46.31
C12	23.50	7.50	180°00'00"	N33°43'37"E	15.00
C13	288.73	1170.00	14°40'42"	S72°13'17"E	286.92
C14	287.00	1280.58	13°37'14"	S78°38'40"E	286.37
C15	283.40	1182.50	13°37'14"	N78°38'40"E	283.87
C16	400.00	1200.00	180°00'00"	S77°14'13"E	400.15
C17	23.50	7.50	180°00'00"	S17°17'00"E	15.00
C18	38.30	65.27	32°02'34"	S73°38'40"E	38.04
C19	10.00	65.27	85°13'35"	S53°13'35"E	10.00
C20	118.87	124.71	54°38'33"	S13°53'28"E	114.51
C21	67.30	124.71	59°52'31"	S14°19'28"E	66.30
C22	48.87	174.71	18°17'20"	N00°00'00"E	48.70
C23	61.77	174.71	20°15'28"	S03°16'40"E	61.45
C24	5.75	174.71	15°17'00"	S02°12'22"E	5.75
C25	12.00	165.00	41°13'	N05°53'40"E	12.87
C26	58.80	165.00	20°14'45"	N08°37'28"E	58.26
C27	53.30	165.00	11°32'38"	N04°17'40"E	53.30
C28	12.16	20.00	345°16'	S72°47'24"W	11.80
C29	24.50	50.00	280°04'	N08°24'40"E	24.31
C30	44.30	50.00	50°50'15"	S71°06'47"E	42.82
C31	50.81	50.00	57°38'21"	S16°49'08"E	48.47
C32	46.30	30.00	38°38'04"	S40°08'12"W	46.00
C33	73.77	50.00	84°31'37"	N09°46'20"W	67.36
C34	21.73	20.00	82°52'22"	S08°38'08"E	20.88
C35	6.41	311.30	31°13'	N08°38'28"E	6.41
C36	68.73	115.00	33°14'41"	S70°25'18"E	65.79
C37	57.13	174.71	18°16'40"	S12°16'38"E	56.80

CLINTON W. HANSEN
PLS 11118



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SHEET 1 OF 3

WEST HIGHLANDS RANCH SUBDIVISION NO. 13

BOOK _____, PAGE _____

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 2869.08 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. BUNNETT 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 89°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°43'35" AND A LONG CHORD BEARING N 1°05'04" W A DISTANCE OF 11.36 FEET TO A POINT;

THENCE S 89°13'16" E A DISTANCE OF 50.00 FEET TO A POINT ON A CURVE;

THENCE A DISTANCE OF 10.80 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°43'22" E A DISTANCE OF 10.89 FEET TO A POINT;

THENCE S 89°45'43" E A DISTANCE OF 635.08 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°38'49" 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 89°54'46" E A DISTANCE OF 50.00 FEET TO A POINT;

THENCE S 73°49'20" E A DISTANCE OF 106.16 FEET TO A POINT;

THENCE S 76°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 86°40'15" 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 25.00 FEET TO A POINT;

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

THENCE S 1°08'29" 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°46'43" 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" E A DISTANCE OF 1278.86 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 85.43 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°46'42" W A DISTANCE OF 46.37 FEET TO A POINT OF CURVATURE;

THENCE A DISTANCE OF 46.00 FEET ALONG THE ARC OF A 65.27 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 40°54'28" AND A LONG CHORD BEARING N 89°13'02" W A DISTANCE OF 45.62 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE A DISTANCE OF 18.98 FEET ALONG THE ARC OF A 37.24 FOOT RADIUS CURVE RIGHT, SAID CURVE HAVING A CENTRAL ANGLE OF 26°06'18" AND A LONG CHORD BEARING N 35°41'41" W A DISTANCE OF 18.84 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE A DISTANCE OF 33.58 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 33.58 FEET TO A POINT OF TANGENCY;

THENCE N 13°58'23" W A DISTANCE OF 16.21 FEET TO A POINT;

THENCE N 89°13'15" W A DISTANCE OF 16.05 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 13.85 ACRES MORE OR LESS.

ALL THE LOTS IN THIS SUBDIVISION WILL RECEIVE WATER SERVICE FROM THE CITY OF MIDDLETON. THE CITY OF MIDDLETON 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 ERRECTED WITHIN THE LIMITS OF SAID EASEMENTS.

IN WITNESS WHEREOF WE HAVE HEREUNTO SET OUR HAND THIS 19th DAY OF June, 2011

TOLL SOUTHWEST LLC, AN IDAHO LIMITED LIABILITY COMPANY

Susan Stanley
BY SUSAN STANLEY, DIVISION PRESIDENT

ACKNOWLEDGMENT

STATE OF IDAHO }
COUNTY OF ADA } S.S.

ON THIS 19th DAY OF June, 2011, 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 11-15-2011
RESIDING AT Boise
Susan Stanley
NOTARY PUBLIC FOR THE STATE OF IDAHO

CERTIFICATE OF SURVEYOR

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



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SHEET 2 OF 3

WEST HIGHLANDS RANCH SUBDIVISION NO. 13

BOOK _____, PAGE _____

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 (QPE) REPRESENTING THE CITY OF MIDDLETON AND THE QPE 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.

Brigitte Campbell 4/20/21
SOUTHWEST DISTRICT HEALTH DEPARTMENT DATE

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 DATE

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 DATE

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.

David R. Kinzer 6/22/21
CANYON COUNTY SURVEYOR L# 50-1305 DATE
DAVID R. KINZER PE/PLS 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. 50-1306, 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


CLINTON W. HANSEN
PLS 11118




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Carter John Mixed-Use Subdivision
Preliminary Plat Application - Middleton City Council 01/05/2022



PROJECT LOCATION




DESCRIPTION	DETAILS
Acres	1.00
Current Zoning	Mid-High Density
Proposed Zoning	Mid-High Density
Current Land Use	Mid-High Density
Proposed Land Use	Mid-High Density
Other	10 Townhome lots, 1 commercial lot, and 1 common lot
Donor	10 lots per acre allowed by DA
Accessories	10 lots per acre allowed by DA

1

Traffic, Access & Streets:

- The project provides two accesses off Hartley Lane. The streets are public and will be dedicated to the City of Middleton.
- Developer will, at its own cost, improve the 50' half road portion of Hartley Lane that fronts the project.
- Developer completed a traffic impact study (TIS), and Developer will pay \$34,061 in pro-rata traffic impact fees to improve nearby intersections. Pursuant to the new Mid-High Density CIP, Developer will also pay \$5,000 for each residential building permit, which amounts to \$267,650 paid towards improvement of Middleton intersections and roadways. Developer will also pay between \$10,000 to \$20,000 in Mid-High Density Traffic Impact Fees 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.




4

Project Description: This is an application for preliminary plat for a subdivision with 53 townhome lots and a commercial lot that fronts Hartley Lane. Amenities include a lot and two expansive common lots that provide open green space.

Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 87 townhomes. Owner is choosing to construct only 53 townhomes. The DA also requires Developer to provide a commercial lot fronting Hartley that will accommodate neighborhood commercial uses.

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




Tractor Supply & Precision Tire

2

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 lot and green space, and 2 large grassy detention areas that will also serve as open play areas or gathering spaces.


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 Isles has not had an opportunity to submit comments on this preliminary plat. City Council may still approve the preliminary plat with a condition of approval that Developer comply with all Fire Department comments approved by the City. This will result in our City Engineer collaborating with Middleton Fire during the Construction Drawing Phase. City Engineer will not approve Developer's construction drawings unless Middleton Fire signs off on fire hydrants and other components of the construction drawings.



5

City Services: Sewer services 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.



City Water
City Sewer


3

Preliminary Plat: The preliminary plat does not show a phasing plan, and 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 reviewed the preliminary plat and recommended approval of the preliminary plat. See recommendation letter attached to paper copy of plat.

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, as will be discussed in more detail below.

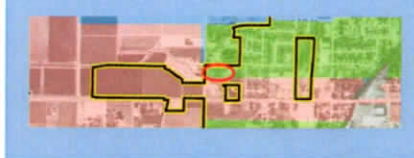


6

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 2 and 22: 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.



7

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

1. All townhome footprints shown on the preliminary plat are deemed only conceptual and are not accurate. Applicant is subject to the setbacks for the M-U Zone set forth in the Middleton City Code at the time of building permit issuance.
2. All streets shown on the preliminary plat are public streets.
3. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
4. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
5. Owner/Developer to pay the required pro-rata share traffic fee in the amount of \$34,061.00 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.
10. Fencing along the rear boundary of Lots 19-25, Block 1 is to be black wrought iron fencing. All other fencing may be fencing of Developer's choice.

Finally, if the Council denies the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(5), the Council should state on the record what Applicant can do, if anything, to gain approval of the application.



10

Comments Received from Surrounding Landowners: None.

Comments from Agencies: COMPASS submitted a 9/9/21 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 were attached to the Staff Report as Exhibit "C".

Comments from City Engineer and Planning Staff: Were provided as Exhibit "D" to the Staff Report.

Applicant Information: Applicant Owner is David Bulch/Hartley Lane LLC. Representative is James Escobar, AIA, 725 E. 2nd St., Meridian ID 83642 - jescobar@designfirst.com, 208.884.224. Application was accepted on March 16, 2021.

Notices & Neighborhood Meeting:

- | | |
|---|------------|
| • 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 |

Planning Staff finds that Notice was given in compliance with Idaho State law and the Middleton City Code.

Applicable Codes and Standards: Idaho State Statute Title 67, Chapter 66, Idaho Standards for Public Works Construction and Middleton Supplement thereto, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.



8

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 was attached to the Staff Report as Exhibit "E".

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 the City Council.

1. **As to General Facts,** Planning staff has set forth General Facts in the Staff Report and in this presentation. If the Council agrees with these General Facts, the Council may make a motion to accept those General Facts.
2. **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 this application. If the January 5th public hearing is held 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.



9

C. General Public Hearing Procedure

- At the commencement of the public hearing, the Commission/Council or the Chairperson/Mayor may establish a time limit to be observed by speakers, applicants, 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 three (15) minutes for spokespersons, not to exceed three (3) minutes per person or three (15) minutes for spokespersons. After the Chairperson/Mayor pre-allocates a spokesperson, applicant states testimony that applicant does not comply with plans, ordinances and standards, not to exceed ten (10) minutes.
- No person shall be permitted to speak before the Commission/Council at a public hearing until such person is recognized by the Chairperson/Mayor.
- Testimony should directly address the subject being considered during the hearing before the Commission/Council.
- Testimony should not be repetitive with other entries in the record.
- Testimony should not be derogatory to any person.
- Testimony should comply with applicable law restrictions.
- 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.
- All public hearing proceedings shall be recorded electronically and all persons speaking shall speak before a microphone in such a manner as will ensure that the recorded testimony is complete and audible. A transcript, verbatim record of quasi-judicial hearings shall be made and kept for a period of not less than (6) months after the date of the final decision.
- Procedures for Legislative Public Hearings:** Public hearings on legislative matters brought pursuant to requirements established by the Local Law 150 Hearing Act should take place after the City has completed its review of the application. There is no public hearing of a legislative public hearing, a draft of the legislative proposal should be prepared and be available for public inspection no later than five days before the date of the public hearing is published.

The information was inserted along with the other public procedures.

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7. The Commission/Council ~~shall~~ **certifies** the status for additional information or makes a verbal ~~recommendation or decision~~ **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 ~~is a recommendation that can be appealed, approved, or denied.~~ **approved, approved with conditions, or denied.** The ~~Commission/Council~~ **Commission/Council** 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 to the Council ~~that the Council shall decide an application is approved, approved with conditions, or denied. If denied, the Commission/Council must identify what the applicant can modify in the application in order to be approved.~~

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

10. Reconsideration, Appeal and Review: ~~40. Applicants, or an affected property owner as defined in Idaho Code 67-6501, shall have fourteen (14) days after a written final decision is rendered to request reconsideration by the final decision maker. Such request must identify specific deficiencies in a final decision. Failure to request reconsideration may constitute a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to any affected property owner who has requested notice of the final decision. (Ord. 609, 7-3-2019).~~

Improved sentence structure, grammar and paragraph description

Clarified the specific manner the appeal period is triggered. It is the date the CCO is signed.

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DE: Order of Events for Hearings for Quasi-Judicial Public Hearings: Quasi-judicial hearings involve site-specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the zoning code or a change in the planning and zoning official's duties). The order of events for a quasi-judicial public hearing should follow the order of events set forth below:

- 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/Councilmember, it shall be discussed at the beginning of the hearing and, if the Commission/Council finds a conflict of interest exists, the decision-making Commission/Councilmember shall step away from the Commission/Council and not participate in deliberations or decisions for that item, and shall report the Commission/Council after action on that item is concluded. Any information received by a Commission/Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing.
- Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.
- The planning and zoning official or designee reports why the application complies or does not comply with plans, ordinances and standards.
- Individuals/speakers 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 hearing.

Improved description and moved definitions of quasi-judicial and quasi-judicial application to the beginning of the code section.

8

Public Hearing vs. Public Meeting

This section was an imperfect attempt to create a "public meeting" process for preliminary plans that complied 100% with the Code. Parts of this section currently conflict with MCC 5-4-401 that requires all pre-plats to comply with the public hearing process.

Time changes mean that our code will necessarily state that all preliminary plans will be subject to the public hearing process.

Referred reference to pre-plats, updated throughout this section and moved to MCC 5-4-4, which is the section of the code dealing with preliminary plat requirements and procedures.

1-14: 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:

- At a public meeting, not a public hearing, the commission shall consider an applicant's compliance with City plans, code and standards, and recommend the Council approve, conditionally approve, or deny the application. The recommendation shall specify:
 - The ordinance and standards used in evaluating the application;
 - The reasons for approval or denial; and
 - The actions, if any, that the applicant could take to gain approval.
- The commission shall make a recommendation within thirty (30) days of the conclusion of the public meeting.

B. The City, together with the commission's findings and recommendation, shall be forwarded to the Council.

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public 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:

- Those testifying the application complies.
- Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report.
- Those testifying the application does not comply.
- 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.
- The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council action.
- Commission/Council deliberates toward a decision. Commission/Council may ask the planning and zoning official or designee questions during this time.

No changes in this section.

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B. Council Action:

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

C. Pre-Development Approval: ~~Pre-Development Approval for long plat applications shall be submitted in preliminary order following the phases on the approved preliminary plat. If any, and in intervals of not more than 30 days. The City shall not accept an application for a final plat until the City has issued a notice of completion to the subdivision. That notice shall have been submitted for that phase. The subdivision shall follow the "Idaho Standards for Public Works Construction" and the subdivision compliance in the "Idaho Standards for Public Works Construction" at all times the final plat application is accepted by the City. If phase lines, numbers and/or development data change during development, the subdivision shall obtain City approval of an amended preliminary plat prior to filing an application for final plat. (Ord. 609, 7-3-2019; and Ord. 610, 7-17-2019)~~

Moved these provisions to MCC 5-4-4, which is the section of the code dealing specifically with Preliminary Plats.

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MCC 3-4-4 is the section that deals with preliminary plans. Additions clarify what that one-page is subject for the public hearing process. Also, changed the number of full-size copies of plans due at application from 3 to 3 copies.

5-4-1. PRELIMINARY PLAT:

A. Application: In addition to the application requirements in subsection 5-4-1.1, the City, an applicant shall file with the City a copy of the complete application. See, one (1) electronic full-size PDF copy, and two (2) paper full-size copies of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public hearing, shall mail to all landowners within three hundred feet (300') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices. After all City comments are addressed by the applicant, and prior to any public hearing, the applicant shall submit one (1) electronic full-size PDF copy to the City.

1. Form Of Preparation: The information hereafter 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), subdivision engineer or surveyor who prepared the plat.

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Minced these provisions from 3-24-5 as "Notice" to MCC 5-4-1, which is the section of the code dealing specifically with Preliminary Plat requirements.

Also clarified the actual consequences of losing a pre-plat expire. Added a 1 year submission for a pre-plat upon request to the Planning & Zoning Officer and City Council.

1. **Inspection System:** A statement describing the proposed inspection system of delivery, and preliminary bond that appear on the preliminary plat.

2. **Compliance:** Subdivisions that comply with the neighborhood meeting, application and public hearing provisions, as described in this 1. Chapter 14 of the Code.

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

4. **Additional Comments:** The subdivision shall follow the "Public Hearing, Public Hearing Committee," and the "Planning & Zoning Officer" in order to obtain City Council approval of the final plat. Additional comments are accepted in the City.

5. **Assessment Provisions:** (MCC 5-4-1.1) If, at any time, the subdivision owner, developer, or other person, shall obtain City Council approval of the subdivision, the City shall assess the subdivision as follows:

1. **Final Assessment:**

a. **Final and final:** A preliminary plat is valid for one (1) year. Approval of a preliminary plat shall be valid until and only if the applicant fails to obtain the City Council's approval on the final plat for the subdivision or for the plat for the subdivision within one (1) year of the approval of the preliminary plat.

b. **Plat Assessment:** If the preliminary plat will be developed in phases, the final plat shall be submitted as a preliminary plat. Approval must occur within the City Council's approval of the final plat for each phase within one year of the final plat.

c. **Assessment Extension:** When a preliminary plat is approved by the City Council, the Planning & Zoning Officer may extend or suspend the assessment of the plat, and the applicant may extend the City Council's approval on a final plat. The City Council may approve an extension of the assessment of the plat for a period of one (1) year if the applicant submits a written request for extension prior to the expiration of the previous assessment period.

d. **Failure to meet deadline:** If the above deadline is not met and the applicant does not submit a final plat, the applicant must submit a written request for extension to the City Council. The City Council may extend the deadline for the final plat.

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No changes here

6. If the subdivision is to be developed in phases, phase lines, numbers and development data on phases shall be shown on the plat. If changed during development, the subdivision shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

7. Scale: north arrow and date of preparation including date of any subsequent revisions.

8. **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.

9. **Topography:** based on current USGS data; 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.

10. **Location of water wells, streams, canals, irrigation laterals, private ditches, drains, swales, lakes or other water features:** direction of flow, and the regulatory floodplain and floodway boundaries.

11. **Location, widths and names of all existing and proposed:** planned 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: easements, utility rights-of-way and easements of public access, public areas, and permanent structures such as water wells, septic systems and ditches.

12. **Name of any recorded adjacent subdivision, and corner of land not in a subdivision:** having a common boundary with the lot.

13. **By note:** the zoning classification of the lot and adjacent lots; so that the lot includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with zoning classification.

14. **By note:** the lot average of the subdivision; the total number of lots, cumulative and by phase; the total number of building lots by phase; and the total number of common area lots by phase.

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Removed obsolete zoning districts

5-1-4. ZONING DISTRICTS ESTABLISHED:

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

1.1	Neighborhood Commercial	NC
1.2	Light Commercial	LC
1.3	Medium Commercial	MC
1.4	Heavy Commercial	HC
1.5	Office/Professional	OP
1.6	Single-Family Residential	SFR
1.7	Two-Family Residential	2FR
1.8	Medium-Density Residential	MDR
1.9	High-Density Residential	HDR
1.10	Industrial	I
1.11	Manufacturing	M
1.12	Heavy Industrial	HI
1.13	Special Use	SU

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 street, alley or public way, it shall be construed as following the centerline thereof.

2. Where a boundary line is indicated as approximately following a street, alley or public way, it shall be construed to be such boundary line, plus or minus 10 feet (10').

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No changes

1. The subdivision boundary shall be based on an actual field survey including professional stamp. Boundary problems shall be resolved and resubmitted without penalty as prohibited. Show any public dedications of rights-of-way or easements.

2. **Names of all property owners adjacent to the exterior boundary of the proposed subdivision:**

a. Location and type of utility systems, such as: sewer, water, electric, gas, and fire hydrants.

b. Typical lot dimensions to include dimensions of all corner lots and lots of convenience sections of roads, each lot, block and phase numbered consecutively and individually.

c. **Designation of all land to be dedicated for public use with purpose intended:** 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.

d. **Identify any special development areas as defined in section 5-4-1.2 of the chapter:**

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

3. **Proposed Utility Methods:**

a. **Sanitary Disposal:** The subdivision shall furnish the subdivision design files 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 subdivision shall furnish the design, operation, volume and quality of the water supply, recommended facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.

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

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Removed some additional Zoning Districts

5-1-4. ZONING DISTRICTS:

The following zoning districts are hereby established:

A. **Neighborhood Commercial (NC):** The purpose of the Neighborhood Commercial (NC) Zone is to accommodate commercial uses that are primarily neighborhood-oriented, such as: retail, services and other uses.

B. **Light Commercial (LC):** The purpose of the Light Commercial (LC) Zone is to accommodate commercial uses that are primarily neighborhood-oriented, such as: retail, services and other uses.

C. **Medium Commercial (MC):** The purpose of the Medium Commercial (MC) Zone is to accommodate commercial uses that are primarily neighborhood-oriented, such as: retail, services and other uses.

D. **Heavy Commercial (HC):** The purpose of the Heavy Commercial (HC) Zone is to accommodate commercial uses that are primarily neighborhood-oriented, such as: retail, services and other uses.

E. **Office/Professional (OP):** The purpose of the Office/Professional (OP) Zone is to accommodate office and professional uses.

F. **Single-Family Residential (SFR):** The purpose of the Single-Family Residential (SFR) Zone is to accommodate single-family residential uses.

G. **Two-Family Residential (2FR):** The purpose of the Two-Family Residential (2FR) Zone is to accommodate two-family residential uses.

H. **Medium-Density Residential (MDR):** The purpose of the Medium-Density Residential (MDR) Zone is to accommodate medium-density residential uses.

I. **High-Density Residential (HDR):** The purpose of the High-Density Residential (HDR) Zone is to accommodate high-density residential uses.

J. **Industrial (I):** The purpose of the Industrial (I) Zone is to accommodate industrial uses.

K. **Manufacturing (M):** The purpose of the Manufacturing (M) Zone is to accommodate manufacturing uses.

L. **Heavy Industrial (HI):** The purpose of the Heavy Industrial (HI) Zone is to accommodate heavy industrial uses.

M. **Special Use (SU):** The purpose of the Special Use (SU) Zone is to accommodate special use areas.

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Comments Received from Surrounding Landowners: None


Comments from Agencies: None

Notice & Neighborhood Meeting: _____ Date: _____

- Response Notification 12/16/2021
- Circulation to Agencies 12/16/2021

Planning Staff feels that Notice was given in compliance with Idaho State law and the Modesto City Code.


Applicable Codes & Standards: Idaho State Statute Title 67, Chapter 60.
Idaho Standards for Public Works Construction and Minimum Requirements.
Modesto City Code 1-5, 1-14, & 1 was not met.



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PRE Recommendation: The Planning & Zoning Commission recommends these proposed changes to City Code as a public hearing on December 6, 2021. The Commission recommends approval of all proposed changes, with the additional changes included:

1. Proposed Section 1-14-1(B)(1) be revised to state that notice for an applicant requesting a permit in the County must occur 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 immediately within three hundred feet (300') of the parcel boundary. (Staff recommends that City Council consider making the proposed 500' requirement apply to all public hearing applications regardless of whether the subject property is within or outside City limits.)
2. Proposed Section 1-5-11-1(B)(1) be revised to state that Open Space definition include "irrigated" areas. (Staff recommends updated 82. Hardware assumes the parcel can be used for open space and not include any irrigation areas. Open Space is defined more at least than by the previous definition of definition.)




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Conclusions and Recommended Conditions of Approval:

The City Council should have any decision on general facts and conclusions of law. Planning Staff has not been able to determine that the proposed code changes do not conflict with the City Comprehensive Plan.

As to conclusions of law, Planning Staff feels that the City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff feels that all public notice requirements were met. Planning Staff further felt that the purpose of the state, state Code and Modesto City Code to be consistent in making a decision on the application.

If the City Council is inclined to recommend approval of the proposed code changes, Planning Staff recommends that Council adopt the Planning & Zoning Commission recommendation to increase the distance for needed notice from 500' to 300'. Staff recommends that the increased notice apply to applications within and outside of City limits.



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One (1) acre

...

R-1

43,560 sq ft.

R. 2

21,780 sq ft.

21,780 sq ft.

R-3

14,520 sq
ft.

14,520 sq
ft.

14,520 sq
ft.

of lots allowable
under current R-3
@ 8,000 sq ft. minimum
lot size

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.