
**MIDDLETON CITY PLANNING AND ZONING
SPECIAL MEETING
COMMISSION MINUTES
FEBRUARY 15, 2024**

Pledge of Allegiance, Roll Call & Call to Order: The February 15, 2024, Planning and Zoning Commission Meeting was called to order by Chairmen Summers at 5:33 p.m. Commissioners Summers, Tremble, Watkins, and Sparrow were present. Commissioner Crofts was absent. Planning & Zoning Official Ms. Stewart, City Attorney Mr. Waterman, and Planning Deputy Clerk Ms. Day were also present.

Action Items:

1. **Public Hearing: Consider recommending approval of Ordinance 689: An Ordinance to be enacted by the Middleton City Council amending Title 5, Chapter 4, Section 5-4-4 of the Middleton City Code pertaining to the general requirements and criteria for preliminary plat approval; providing for an effective date; providing for severability; and repealing all ordinances, resolutions, orders and parts thereof, in conflict herewith.**

Ms. Stewart presented Staff Report. (Exhibit B)

Ms. Stewart submitted Letter from Black Canyon Irrigation District. (Exhibit A)

Chairmen Summers opened the public hearing at 5:43 p.m.

Discussion among Commissioners, Ms. Stewart and Mr. Waterman

Chairmen Summers opened public testimony at 6:06 p.m.

Mike Graefe: Testified

Chairmen Summers closed public testimony at 6:10 p.m.

Brief discussion between Commissioners, Ms. Stewart, and Mr. Watermen.

Chairmen Summers closed public hearing at 5:41 p.m.

Motion: Motion by Chairmen Summers to recommend approval of Ordinance 689 with the recommendation to change the words "Public Service" to "City Service." Motion seconded by Commissioner Tremble. Chairmen Summers called for a vote: Commissioner Tremble - Yes, Commissioner Watkins Yes, Chairmen Summers – Yes and Commissioner Sparrow No and approved by three to one vote.

Public Comments

Mike Graefe: Declined testifying.

Commission and Staff Comments

Commissioner Watkins wants the city to consider adding additional criteria for irrigation district approval and school capacity.

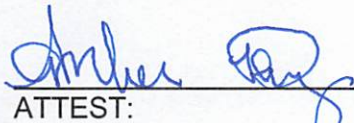
Chairmen Summers agreed with Commissioner Watkins.

Motion to adjourn meeting by Commissioner Sparrow.

Adjourn: Chairman Summers adjourned the meeting at 6:28 p.m.



Heidal Summers, Chairwomen



ATTEST:
Deputy Clerk, Planning

Approved: March 25, 2024

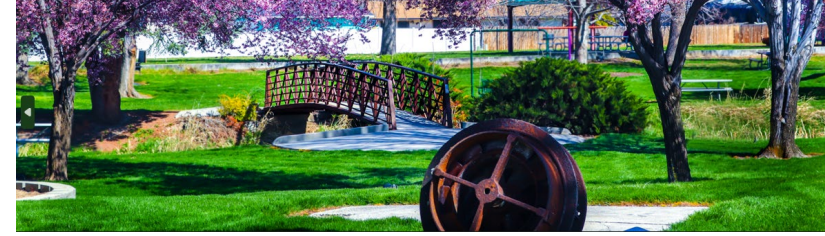


Proposed Amendment to Middleton City Code Section MCC 5-4-4

Ordinance 689



MCC 5-4-4 Criteria for Preliminary Plat approval

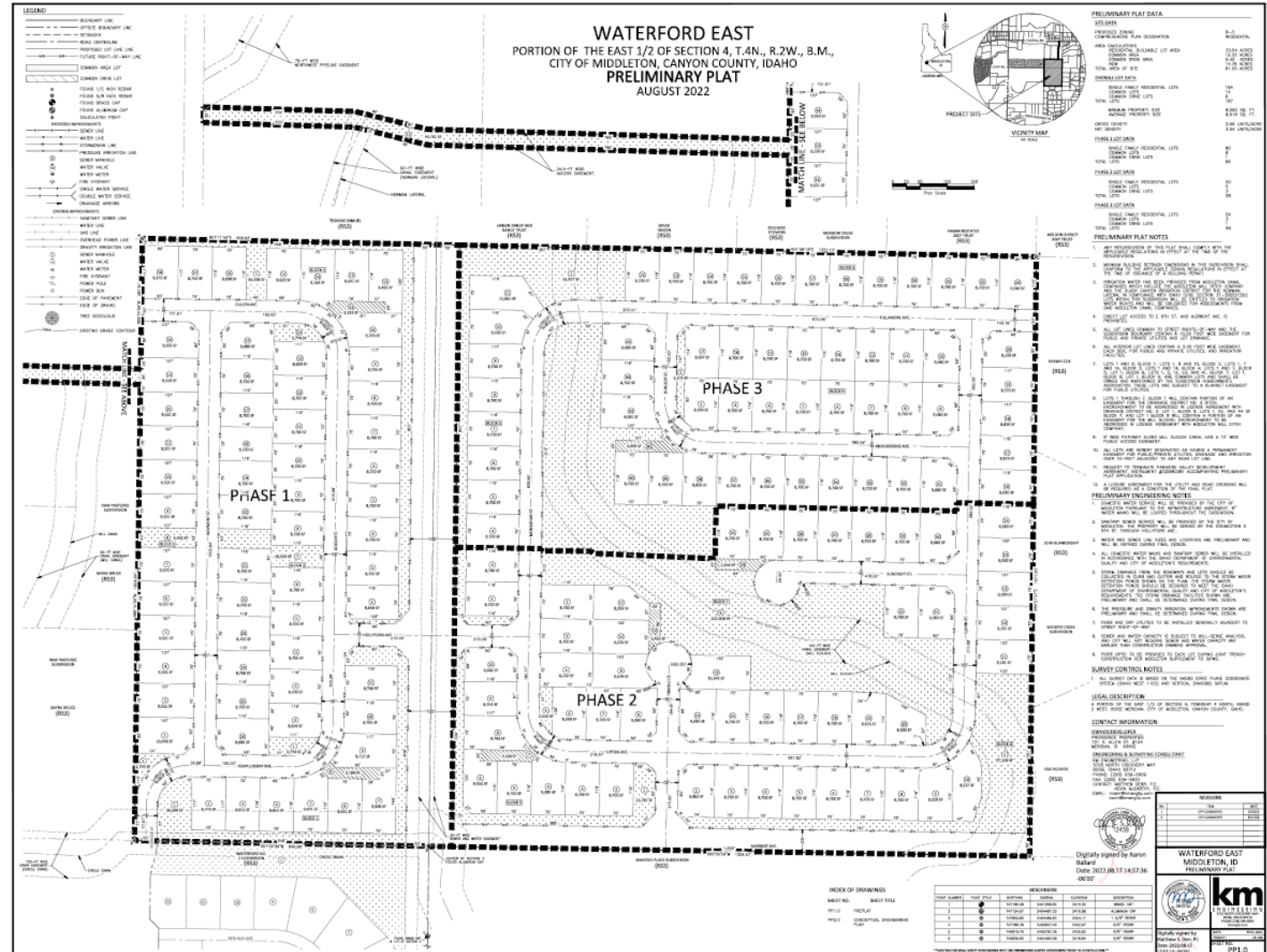


Application Request:

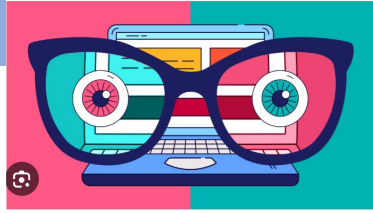
Request from City of Middleton for amendment and revision to Middleton City Code section 5-4-4 regarding the preliminary plat process.

Currently MCC 5-4-4 pertains to what technical data and presentation requirements should be included in a preliminary plat, e.g., survey data required, dimensions to be shown, paper size of plat...etc. Therefore, the governing boards only consider whether the pre-plat complies with the dimensions and technical data required.

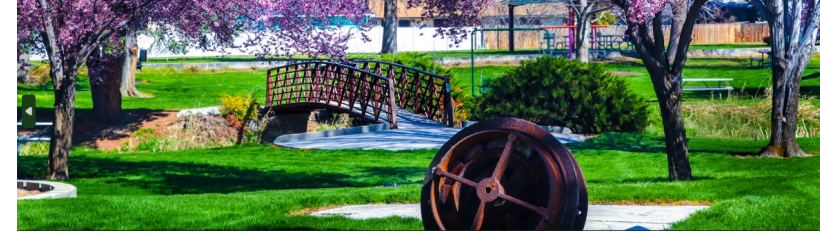
The proposed revision to MCC 5-4-4 will add specific items and criteria that governing boards must consider before approving or denying a preliminary plat.



MCC 5-4-4 Criteria for Preliminary Plat approval



Peruse MCC 5-4-4



5-4-4: PRELIMINARY PLAT:

...

G. Standards for Approval/Denial of Preliminary Plats:

1. The planning and zoning commission shall make recommendations regarding, and the city council shall approve, conditionally approve, or deny, preliminary plat applications based upon the following (and shall make written findings based upon the same):

a. The plat is in compliance with the Middleton City Code and standards;

b. The plat is consistent with the city comprehensive plan;

c. Public services and utilities, including water and sewer capacity, are available and adequate to accommodate the proposed subdivision;

d.) The plat is consistent with the city transportation master plan; and

e.) The subdivision preserves natural, scenic or historic features, if applicable.

The availability and adequacy of public services and utilities (water and sewer) shall be based upon the reasonable calculation of the City Engineer and City Public Works Director, based upon generally accepted methodologies. Utility availability shall be determined based upon City water system and City sewer system capacity, current facility use, and all previously approved development or other allocation of facility capacity.”

MCC 5-4-4 Criteria for Preliminary Plat approval

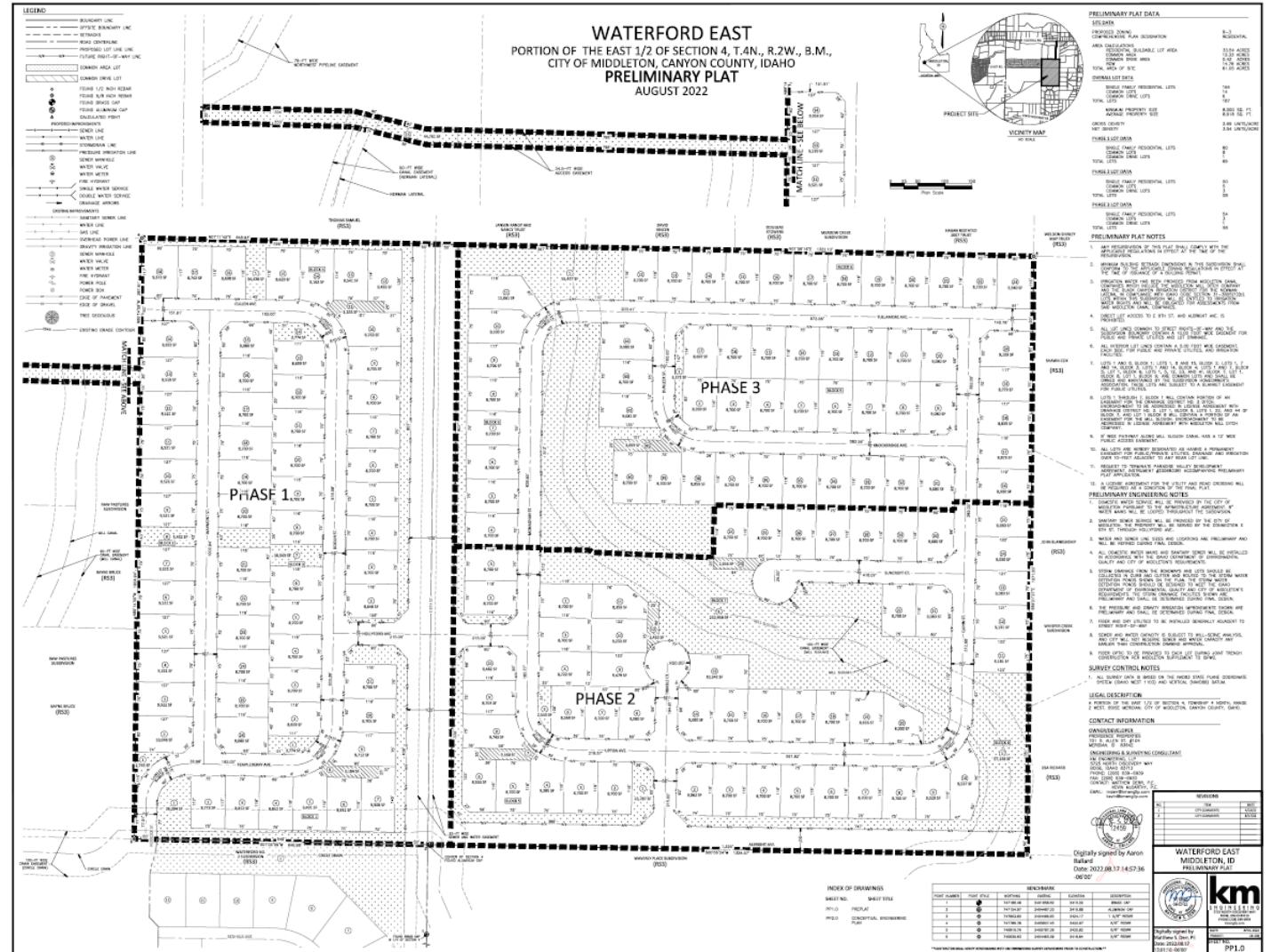


Comprehensive Plan:

Any changes to the City's Subdivision Ordinance should be in compliance with the City's Comprehensive Plan. (Idaho State Statute 67-6511 & MCC 1-14-3.)

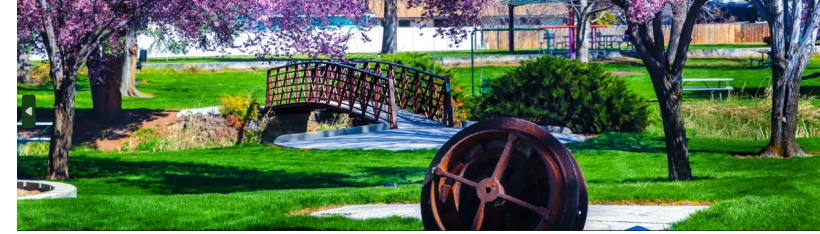
Planning Staff finds that the proposed changes to MCC 5-4-4 are in harmony with the Comprehensive Plan because nothing proposed is in conflict with the Comprehensive Plan's goals, objectives or standards.

In fact, the newly added criteria set forth in subsection (G) will help the governing bodies focus more acutely on the vision and goals set forth in the Comprehensive Plan.



PP1.0

MCC 5-4-4 Criteria for Preliminary Plat approval



Comments Received from Public: None.

Comments from Agencies: None.

Notices

Dates:

Newspaper Notification

1/31/2024

Circulation to Agencies

1/31/2024

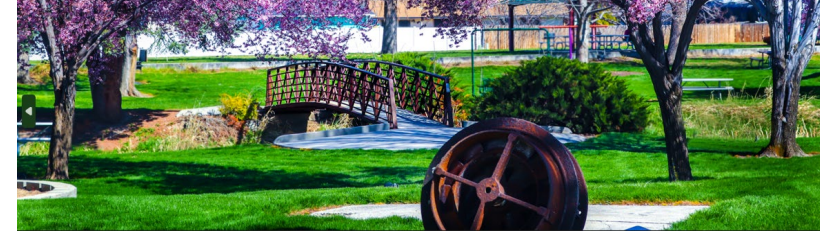
Posted on Website "Public Hearing Tab"

1/31/2024

Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65 and Title 50, Chapter 13. Middleton City Code 1-3, 1-14, 4-5, 5-1, 5-2, 5-3 and 5-4.

MCC 5-4-4 Criteria for Preliminary Plat approval



Conclusions and Recommended Conditions of Approval: Per State law, the P&Z Commission should base any recommendation on findings of facts and conclusions of law.

Planning Staff has set forth above a finding that the proposed code change does not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that the Commission has the authority to recommend to City Council approval or denial of the proposed code changes. Additionally, Planning Staff finds 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 application.

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

Exhibit “B”



STAFF REVIEW AND REPORT
Middleton Planning & Zoning Commission

Proposed Amendment to Middleton City Code 5-4-4



A. P&Z Commission Public Hearing Date: February 15, 2024

B. Application Request: Request from City of Middleton for amendment and revision to Middleton City Code section 5-4-4 regarding the preliminary plat process. Currently MCC 5-4-4 pertains primarily to what technical data and presentation requirements should be included in a preliminary plat, e.g., survey data required, dimensions to be shown, paper size of plat...etc. Specific criteria for approving or denying a preliminary plat is not spelled out in “black and white.” The proposed revision to MCC 5-4-4 will add specific items and criteria that governing boards must consider before approving or denying a preliminary plat.

Planning Staff proposes the addition of Subsection (G) to MCC 5-4-4 as follows:

“ ...

G. Standards for Approval/Denial of Preliminary Plats:

1. The planning and zoning commission shall make recommendations regarding, and the city council shall approve, conditionally approve, or deny, preliminary plat applications based upon the following (and shall make written findings based upon the same):

a. The plat is in compliance with the Middleton City Code and standards;

b. The plat is consistent with the city comprehensive plan;

c. Public services and utilities, including water and sewer capacity, are available and adequate to accommodate the proposed subdivision;

d.) The plat is consistent with the city transportation master plan; and

e.) The subdivision preserves natural, scenic or historic features, if applicable.

The availability and adequacy of public services and utilities (water and sewer) shall be based upon the reasonable calculation of the City Engineer and City Public Works Director, based upon generally accepted methodologies. Utility availability shall be determined based upon City water system and City sewer system capacity, current facility use, and all previously approved development or other allocation of facility capacity.”

C. Comprehensive Plan: Any changes to the City’s Subdivision Ordinance should be in compliance with the City’s Comprehensive Plan. (Idaho State Statute 67-6511 & MCC 1-14-3.)

Planning Staff finds that the proposed changes to MCC 5-4-4 are in harmony with the Comprehensive Plan because nothing proposed is in conflict with the Comprehensive Plan’s goals, objectives or standards. In fact, the newly added criteria set forth in subsection (G) will help the governing bodies to address more acutely the vision and goals set forth in the Comprehensive Plan.

D. Comments Received from Public: None.

E. Comments from Agencies: None.

F. Notices

Dates:

Newspaper Notification	1/31/2024
Circulation to Agencies	1/31/2024
Posted on Website “Public Hearing Tab”	1/31/2024

G. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 and Title 50, Chapter 13. Middleton City Code 1-3, 1-14, 4-5, 5-1, 5-2, 5-3 and 5-4.

H. Conclusions and Recommended Conditions of Approval: Per State law, the P&Z Commission should base any recommendation on findings of facts and conclusions of law.

Planning Staff has set forth above a finding that the proposed code change does not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that the Commission has the authority to recommend to City Council approval or denial of the proposed code changes. Additionally, Planning Staff finds 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 application.

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

Roberta Stewart
Middleton Planning & Zoning Official

2/12/2024

Proposed

ORDINANCE NO. 689

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

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

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

5-4-4: PRELIMINARY PLAT:

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

...

G. Standards for Approval/Denial of Preliminary Plats:

1. The planning and zoning commission shall make recommendations regarding, and the city council shall approve, conditionally approve, or deny, preliminary plat applications based upon the following (and shall make written findings based upon the same):

- a. The plat is in compliance with the Middleton City Code and standards;
- b. The plat is consistent with the city comprehensive plan;
- c. Public services and utilities, including water and sewer capacity, are available and adequate to accommodate the proposed subdivision;
- d.) The plat is consistent with the city transportation master plan; and
- e.) The subdivision preserves natural, scenic or historic features, if applicable.

The availability and adequacy of public services and utilities (water and sewer) shall be based upon the reasonable calculation of the City Engineer and City Public Works Director, based

upon generally accepted methodologies. Utility availability shall be determined based upon City water system and City sewer system capacity, current facility use, and all previously approved development or other allocation of facility capacity.

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

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

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

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

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

ATTEST:

Jackie L. Hutchison, Mayor

City Clerk (or Deputy)

Exhibit “A”

60,000 IRRIGABLE ACRES

ORGANIZED IN 1910

Ex A

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

February 14, 2024

City of Middleton
Planning and Zoning Department
1103 W Main St
Middleton, ID 83644
(208) 454-7458

RE: Code Amendment
Applicant: City of Middleton
Planner: Roberta Stewart

The Black Canyon Irrigation District (District) has reviewed the attached Notice and has the following initial comments regarding this code amendment.

We appreciate the City's desire to enhance their code language for pre-plat approval.

The District would like to propose that other utilities, specifically irrigation facilities, related to Black Canyon Irrigation District, provide concurrence for approval on preliminary plats within the City.

As we have recently seen, depending on the subdivision size or project layout, irrigation facilities, including their potential relocation, may have a very large impact on the City's review and approval. Working concurrently with each other to resolve these issues prior to pre-plat, removes a lot of future conflict and is in the best interest of all parties. We would propose the following amendment addition or something alike to help insure early cooperation and coordination:

G.1.c. Public service groups and their respective utilities, include irrigation, water, and sewer capacity, are available and adequately to accommodate the proposed subdivision;

We appreciate your continued coordination with the District and look forward to making these long-term infrastructure changes beneficial for all parties.

Sincerely,

Donald Popoff

Donald Popoff P.E.
District Engineer
Black Canyon Irrigation District



Public Comment

February 15, 2024 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
MIKE GRAEFE	1689 RINE WAY	208-527-6227	