



AGENDA

Middleton Planning & Zoning Commission Meeting

Date: Monday, July, 11, 2022

Time: 5:30 p.m.

Location: City Hall Chambers - 1103 W Main St., Middleton, Idaho

Call To Order, Pledge of Allegiance, Roll Call

Action Items

1. Introduction and swearing in of New Commissioner: Allen Tremble. – Roberta Stewart
2. Consent Agenda (items of routine administrative business)
 - a. Consider approving June 13, 2022, regular meeting minutes.
 - b. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation for approval for City's application to amend Middleton City Code.
3. **Public Hearing: (Request to be tabled)** An application by Briggs Miller and Kyle Miller for preliminary plat, with respect to the Heights Landing Subdivision located at 23443 Cemetery Road (Tax Parcel Nos. R17904010 and R17904000). The proposed preliminary plat consists of 12 residential lots and 1 common lot on 4.1 acres of land currently in city limits and zoned R-3. – Roberta Stewart
4. **Public Hearing: (Request to be tabled)** An application by Wade Thomas, IAG, LLC and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots and 4 common lots on approximately 6.665 acres of land currently in city limits and zoned R-3. – Roberta Stewart

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Jennica Reynolds, Deputy Clerk, Planning

Date: July 7, 2022, at 3:00 p.m.

Please contact the city at 208-585-3133 if you have special needs or require assistance.

2a

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
JUNE 13, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The June 13, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:32 p.m. Chairman Waltemate, Vice Chairman Summers and Commissioners Crofts and Christiansen were present. Commissioner Brock was absent. Legal Counsel Douglas Waterman, Planning & Zoning Official Roberta Stewart and Planning Deputy Clerk Jennica Reynolds were also present.

Action Items:

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving May 9, 2022, regular meeting minutes.**
 - b. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation & Order (FCR/FCO) for Reed's Landing Subdivision.**
 - c. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation & Order (FCR/FCO) for Channel Crossing Subdivision.**
 - d. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation (FCR) for Zamco Annexation/Rezone.**

Motion: Motion by Vice Chairman Summers Waltemate to approve the consent agenda items 1a-d. Motion seconded by Commissioner Crofts and passed unanimously.

- 2. Public Hearing: (Request to be tabled) An application by Briggs Miller and Kyle Miller for preliminary plat, with respect to the Heights Landing Subdivision located at 23443 Cemetery Road (Tax Parcel Nos. R17904010 and R17904000). The proposed preliminary plat consists of 12 residential lots and 1 common lot on 4.1 acres of land currently in city limits and zoned R-3. – Roberta Stewart**
- 3. Public Hearing: (Request to be tabled) An application by Wade Thomas, IAG, LLC and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots and 4 common lots on approximately 6.665 acres of land currently in city limits and zoned R-3. – Roberta Stewart**

Motion: Motion by Chairman Waltemate to table public hearings for Action Items 2 & 3 to a date certain of July 11, 2022. Motion seconded by Vice Chairman Summers and approved unanimously.

- 4. Public Hearing: Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1 (b) 4-5-7, (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, (f) 5-4-10-7. – Roberta Stewart.**

Chairman Waltemate opened the public hearing at 5:35 p.m.

Planning and Zoning Official Roberta Stewart presented a Powerpoint of the proposed changes to the code. (Exhibit 1)

Chairman Waltemate opened public comment at 6:00 p.m.

Mike Graefe: Asked about city ownership of roads in subdivisions, perimeter streets and landscape buffers.

Chairman Waltemate closed the public comment at 6:05 p.m.

Discussion with Commissioners regarding changes and clarification.

Motion: Motion by Chairman Waltemate to approve the Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1 (b) 4-5-7, (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, (f) 5-4-10-7. Motion seconded by Commissioner Christiansen and approved unanimously.

Chairman Waltemate closed the public hearing at 6:11 p.m.

Public Comments, Commission and Staff Comments

Mike Graefe – Need to change codes to address density.

Mike McDougal: We need a tool or mechanism for complete roads to be built.

Janet Gibson: Does the Mayor talk with Star to address growth?

Chairman Waltemate briefly addressed each question.

Adjourn: Chairman Waltemate adjourned the meeting at 6:31 p.m.

Ray Waltemate, Chairman

ATTEST: Jennica Reynolds
Deputy Clerk, Planning

Approved: July 11, 2022

Proposed Amendments to Middleton City Code

1-14-1 NEIGHBORHOOD MEETINGS:

...
C. Meeting Standards:
1. Neighborhood meetings shall be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 9 p.m.


Intention for current round of code amendments:
Councilmember Huggins

Words Matter

1

4-6-7: HARD SURFACING:


Off street parking areas, driveways and private roads shall be hard surfaced with concrete or asphalt paving and shall have an adequate drainage system installed designed per the City's stormwater management policy and ordinance.



2

5-4-7: FINAL PLAT:

A. ...
3. The City Council may accept an irrevocable letter of credit, cash or other security in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping, irrigation system, and lighting improvements in the event that inclement weather prohibits the successful installation of said improvements. Landscaping and irrigation improvements must be completed within twelve (12) months of the approval of the final plat, and the final plat shall be returned to the City for review and approval by the City. Failure to complete the improvements within said time frame shall grant the City the authority, at its sole discretion, to remove the final plat and complete the improvements with funds derived from the City. The City Council may grant an extension to a developer to accommodate, reasonable, delays regarding the developer, but only if the developer submits such an extension at least only 30 days prior to the date on which the improvement is required to be completed.




3

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, corridor layout, City approved access points, intersection, of traffic lanes, and connectivity throughout the development and to adjacent properties.
B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.
C. **Adjacent Roads:** The developer is responsible for installing all street frontage adjacent to the development site or adjacent to the development as required below, regardless of whether access is given to all of the adjacent streets.
1. At utility, installation costs, including irrigation, relocation costs, associated with improving street frontage adjacent to the site shall be borne by the developer.
2. Development shall, without compensation, additional right-of-way to provide the right-of-way, width required by City codes and standards.
3. In a future project, adjacent streets shall be improved and dedicated as a public right-of-way, as to phase three (3). Any adjacent street improvements to phase three (3) and shall be constructed and dedicated to later than phase three (3). Final plat approval shall be given by the City Council. City Council may, at its discretion, require improvement and dedication of all adjacent streets by phase one (1) final plat approval.

Main purpose: clarify language to no question that developers not construct frontage improvements and dedicate them to the City.
Clarified frontage requirements in a phased development. Code was confusing. (City Ord 5-4-10-2)



4

5-4-10-2: ROADS: (cont)

5. Required Improvements:
a. **Adjacent Streets (Existing or New):**
1. Required improvements to an adjacent street shall consist of pavement widening to the full width of the existing street, including curb, gutter and sidewalk (minimum eight (8) feet detached or five (5) feet attached), plus twelve (12) feet of additional pavement widening, including the sidewalk, extending to the street to provide an adequate roadway surface. City Council may approve an amount less than twelve (12) feet for pavement widening, provided that the developer shall provide a minimum of six (6) feet of the twelve (12) foot pavement widening to create an adequate roadway surface. Pavement shall be concrete or the ultimate surface, a three (3) foot wide gravel shoulder and a bottom ditch aimed to accommodate the roadway storm runoff shall be constructed on the unpaved side. The shoulder and bottom on the unpaved side may be eliminated if easements or other conditions prevent or unreasonably impede construction of the same.
2. Other improvements to existing streets adjacent to a proposed development project may be required. These improvements may be limited to construction or replacement of sidewalks, curbs and gutter, construction or replacement, replacement of adjacent sidewalks, curb, gutter and sidewalk, installation or reconstruction of drainage, storm, pavement repairs, signs, traffic control devices, and other similar items.

Engineer and staff outlined specific standards for this to road frontage improvements.
Paragraph 5 clarifies that if the frontage improvements are already constructed, developer may not have to repeat any improvements or make improvements to bring the frontage up to standard.

5

5-4-10-2: ROADS: (cont)

b. **Off-Street Driveways:** If the proposed development is not served by a public street that is fully improved to City standards (curb, gutter, sidewalk, and a minimum of eight (8) feet of pavement, then prior to final plat of phase one (1), the developer shall provide forty (40) feet of pavement with three (3) foot gravel shoulders from the site to a public street adjacent to the City, or the developer shall provide twenty-five (25) feet of pavement with three (3) foot gravel shoulders and a minimum six (6) foot wide detached asphalt/concrete parking facility from the site to a public street specified by the City.
1. Half road dedication shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the road shall be located in the same manner as a full road.
2. Whenever there is an existing half road right-of-way adjacent to a site to be subdivided, the developer shall be required to improve, as necessary, a half road section plus twelve feet (12') of right-of-way.

Subsection 5 clarifies how the road improvements are handled for a dedicated parcel or parcel directly accessed by a private easement or road.

6

5-4-10-2: ROADS: (cont)

(c) **Rights-Of-Way Width:**
1. Street right-of-way width is to be measured from property line to property line (final road right-of-way) and property line to centerline (half right-of-way). The minimum right-of-way for the following roads shall be:

Arterial And Collector	Half Road Right Of Way	Total Road Right Of Way
Bellevue Road	100 feet	200 feet
Capitol Blvd	100 feet	200 feet
Carver Lane	100 feet	200 feet
Chapman Road	100 feet	200 feet
Council Street and of Jordan Ln	100 feet	200 feet
Council Street and of Jordan Lane	40 feet	80 feet

Added roads and clarity to ROW Matrix

7

5-4-10-2: ROADS: (cont)

Arterial And Collector	Half Road Right Of Way	Total Road Right Of Way
Bellevue Road	100 feet	200 feet
Capitol Blvd	100 feet	200 feet
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Added roads and clarity to ROW Matrix

8

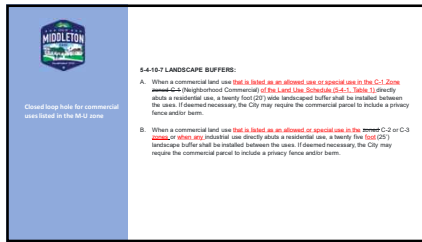
5-4-10-6: TRAFFIC BUFFER REQUIREMENTS:

The purpose of a traffic buffer is to reduce the visual impact of collector and arterial roadways on a residential area. A combination of the following shall be used: a solid fence or wall 30 feet and 10 landscaping.
A. **Buffer Dimensions:** Traffic buffers shall be accomplished by a combination of berm (existing height: minimum 3 feet, maximum 5 feet, 2.5' to 5' slope required), (cont) adjacent street, 10 feet of curb and concrete (existing height) to a height of not less than five feet (5') or greater than sixteen feet (16') in a twenty four foot (24') minimum sidewalk. **cont'd**
dedicated for traffic buffer use. Traffic buffers shall be harmonious with adjacent existing techniques, materials, and colors.

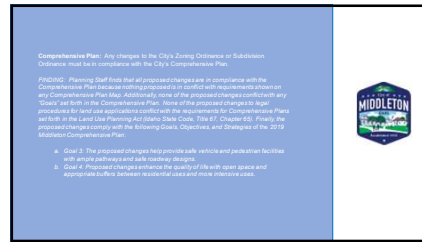
Berm long hole Road
Common lot option only



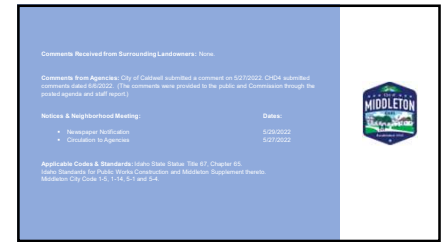
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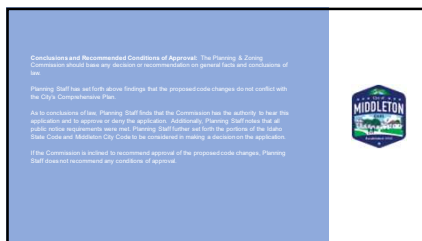
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[illegible]



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation

In the Matter of the Request of the City of Middleton for amendment to the following City Codes: (a) 1-14-1, (b) 4-5-7 (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, and (f) 5-4-10-7:

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of June 13, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process and Application Facts: See Staff Report for the hearing date of June 13, 2022 (Exhibit "A").
3. Required Findings per Middleton City Code 1-14-2(E)(7); Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13; Idaho Standards for Public Works Construction; Middleton Supplement to the ISPWC; and Middleton City Code Sections 1-5, 1-14, 5-1 and 5-4: See Staff Report for the hearing date of June 13, 2022 (Exhibit "A").

B. Conclusions of Law:

1. That the Planning & Zoning Commission and City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13; Idaho Standards for Public Works Construction; Middleton Supplement to the ISPWC; and Middleton City Code Sections 1-5, 1-14, 5-1 and 5-4.

C. Decision and Recommendation:

Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby recommended that City Council approve the request of the City of Middleton to amend City Code sections (a) 1-14-1, (b) 4-5-7 (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, and (f) 5-4-10-7 with the following condition of approval:

1. Section 5-4-10-2(C)(5)(b) to be revised to add the word “paved” before the words “pedestrian facility.”

WRITTEN RECOMMENDATION APPROVED ON: July _____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Official



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Proposed Amendments to Middleton City Code



- A. **Planning & Zoning Public Hearing Date:** June 13, 2022
- B. **Application Request:** Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1, (b) 4-5-7, (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, and (f) 5-4-10-7.
- C. **Requested Code Changes:**
1. **MCC 1-14-1 Neighborhood Meeting Procedures:** MCC 1-14-1 sets forth the procedures and timing to complete a Neighborhood Meeting prior to submitting a land use application. During a public hearing in late 2021, Planning Staff proposed a code revision to limit Neighborhood Meetings to Monday through Thursday, with a starting time between 6 p.m. and 8 p.m. The proposed revision stated that applicants “*may*” conduct the Neighborhood Meeting during this time period. During the public hearing, Council Member Huggins rightly pointed out that it should state “*shall*” conduct the Neighborhood Meeting during this time period. Staff agrees and is bringing this current proposed revision to fix the problem by replacing the word “*may*” with the word “*shall*”.

(A copy of the redline changes to Section 1-4-1 is attached to this Staff Report as Exhibit “A”).
 2. **MCC 4-5-7 Commercial Lot Paving & Stormdrain Requirements:** Section 4-5-7 mandates that all parking lot areas on a commercial/industrial lot be “concrete” or “asphalt.” Recently multiple builders have attempted to use recycled asphalt as a “hard surface,” which is not the “hard surface” contemplated by the City Code.

Therefore, Planning Staff is clarifying that the hard surface of concrete and/or asphalt must be actual “paving” in order to avoid any confusion in the future.

The proposed revision further “shored up” language regarding stormwater treatment facilities by stating specifically that stormwater facilities must be designed per City policy and ordinances.

(A copy of the redline changes to Section 4-5-7 is attached to this Staff Report as Exhibit “B”)

3. **MCC 5-4-7 Surety and Bonding Requirements:** City Attorney recently pointed out that our current code for bonding did not have a default time limit to ensure that bonded improvements were completed in a timely fashion. City attorney drafted a proposed code revision that requires all bonded improvements to be completed within 12 months of bond issuance. The proposed revision also provides that City Council may approve an extension of the 12 month period if unavoidable delays impact the developer and the developer timely applies for an extension.

The proposed amendment also added “fencing” to the list of items that could be bonded.

(A copy of the redline changes to Section 5-4-7 is attached to this Staff Report as Exhibit “C”.)

4. **MCC 5-4-10-2 Road Standards:** City Staff and Engineer desired to “shore up” or clarify language in City Code requiring Developers to complete all frontage improvements on roadways adjacent to subdivision projects. The revisions also clarify the standards required for the improvements. City Engineer and Staff propose the following revisions:
 - a. Clarification that all costs for moving the utilities will be borne by Developer.
 - b. Firm statement that Developer shall dedicated all improved right of way to the City without compensation.
 - c. Frontage improvement will occur on a phase-by-phase basis up to Phase 3. For phases 4 and above, all frontage work must be completed by Phase 3. Council can, in its sole discretion, mandate that all frontage work be completed by phase 1 despite the existence of future phases. (City Code was vague on when frontage improvements were due. City engineer has been requiring frontage improvements and dedication on a phase-by-phase basis. This language codifies City’s current practice and accelerates all frontage to be completed by Phase 3.)
 - d. Revisions add “clear cut” technical requirements regarding the extent of the ½ road improvements.
 - e. Clarified technical street requirements for a new road extended to a landlocked parcel.
 - f. Added additional roads and description to the Right of Way matrix.

(A copy of the redline changes to Section 5-4-10-2 is attached to this Staff Report as Exhibit “D”.)

5. **MCC 5-4-10-6: Traffic Buffers:** When a subdivision is located along a collector or arterial road, the City requires a 24’ wide landscaped buffer between the busy street and the residential lots. Under the current code, that buffer can be contained in a simple easement owned by the HOA or contained in a separate common lot owned by the HOA. When the buffer is contained within an HOA easement, the easement is often placed on a private homeowner’s lot, resulting in a problematic inter-mixing of the homeowner’s and HOA’s irrigation and landscaping. It can also increase liability to a private owner for injuries that occur in the HOA easement on the owner’s private lot.

Staff’s proposed revision will remove the easement option and require that the buffer be contained in only a common lot. This will remove the overlapping uses described above.

Engineer and Staff have also proposed language to define the dimensions of the required berm inside the buffer to ensure City streetscapes have a more uniform look in the future.

(A copy of the redline changes to Section 5-4-10-6 is attached to this Staff Report as Exhibit “E”.)

6. **MCC 5-4-10-7 Landscape Buffers:** This section on landscape buffers requires that there be a 20’ wide landscape buffer between a residential zone and a C-1 zone (“Neighborhood Commercial”). When the residential zone abuts the heavier commercial zones (C-2 and C-3) or an industrial zone, then the landscape buffer is widened to 25’.

The current code language, however, does not describe any buffer between a residential zone and the Mixed Use (M-U) zone, which can contain commercial uses. Therefore, Staff proposes a revision to MCC 5-4-10-7 to base the trigger for a buffer on “uses” rather than “zones”. This will automatically incorporate the uses in the M-U Zone.

The proposed revisions do not change the buffers. The result is still the same. This revision merely closes a loophole for commercial uses in the M-U zone.

(A copy of the redline changes to Section 5-4-10-7 is attached to this Staff Report as Exhibit “F”.)

- D. **Comprehensive Plan:** Any changes to the City’s Zoning Ordinance or Subdivision Ordinance should be in compliance with the City’s Comprehensive Plan.

Planning Staff finds that all proposed changes are in compliance with the Comprehensive Plan because nothing proposed is in conflict with requirements shown

on any Comprehensive Plan Map. Additionally, none of the proposed changes conflict with any “Goals” set forth in the Comprehensive Plan. None of the proposed changes to legal procedures for land use applications conflict with the requirements for Comprehensive Plans set forth in the Land Use Planning Act (Idaho State Code, Title 67, Chapter 65). Finally, the proposed changes comply with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan:

- a. Goal 3: The proposed changes help provide safe vehicle and pedestrian facilities with ample pathways and safe roadway designs.*
- b. Goal 4: Proposed changes enhance the quality of life with open space and appropriate buffers between residential uses and more intensive uses.*

E. Comments Received from Public: None.

F. Comments from Agencies: City of Caldwell email dated 5/27/2022. CHD4 email dated 6/6/2022. Copies of agency comments are attached as Exhibit “G”.

G. Notices	Dates:
Newspaper Notification	5/29/2022
Circulation to Agencies	5/27/2022

H. Applicable Codes and Standards:

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

I. Conclusions and Recommended Conditions of Approval: The Planning & Zoning Commission should base any decision or recommendation on general facts and conclusions of law.

Planning Staff has set forth above findings that the proposed code changes do not conflict with the City’s Comprehensive Plan.

As to conclusions of law, Planning Staff finds that the Commission has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the application.

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

Prepared by Middleton City Planner, Robert Stewart

Dated: 6/8/2022

EXHIBITS

EXHIBIT “A”

1-14-1 NEIGHBORHOOD MEETING:

....

C. Meeting Standards:

1. Neighborhood meetings ~~may~~ **shall** be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 8 p.m.

EXHIBIT “B”

4-5-7: HARD SURFACING:

Off street parking areas, driveways and private roads shall be hard surfaced with concrete or asphalt paving and shall have on site stormwater treatment facilities designed per the City's stormwater management policy and ordinance.

EXHIBIT “C”

5-4-7: FINAL PLAT:

A. ...
...

3. The City Council may accept an irrevocable letter of credit, cashier's check or other bond guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping, ~~and irrigation system~~, and fencing improvements in the event that inclement weather precludes the successful installation of said improvements. ~~landscaping and irrigation.~~ A bonded improvement must be completed within twelve (12) months of the approval of the final plat, and the bond will not be released until the improvement is completed and approved by the City. Failure to complete the improvement within said time frame shall give the City the authority, at its sole discretion, to exercise the bond and complete the improvement with funds derived therefrom. The City Council may grant an extension to a developer to accommodate unavoidable delays impacting the developer, but only if the developer requests such an extension at least sixty (60) days prior to the date on which the improvement is required to be completed.

EXHIBIT “D”

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Adjacent Streets ~~Half Road Dedication~~:

1. The developer is responsible for improving all street frontages adjacent to the development site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
2. All utility relocation costs, including irrigation relocation costs, associated with improving street frontages adjacent to the site shall be borne by the developer.
3. Developer/Owner shall dedicate, without compensation, additional right-of-way to provide the right-of-way width required by City code and standards.
4. In a phased project, adjacent streets shall be improved and dedicated on a phase-by-phase basis up to phase three (3). Any adjacent street improvements for phases four (4) and above shall be constructed and dedicated no later than phase three (3) final plat approval unless otherwise approved by City Council. City Council may, at its discretion, require improvement and dedication of all adjacent streets by Phase one (1) final plat approval.
5. Required Improvements:
 - a. Adjacent Streets (Existing or New):
 - i. Required improvements to an adjacent street shall consist of pavement widening to one-half the required width, including curb, gutter and sidewalk (minimum eight (8') foot detached or five (5') foot attached), plus twelve (12') feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface. City Council may approve an amount less than twelve (12) foot for pavement widening past centerline if the one-half road design does not require all of the twelve (12) foot pavement allotment to create an adequate roadway surface. Pavement shall be crowned at the ultimate centerline. A three (3') foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on

the unimproved side. The shoulder and borrow on the unimproved side may be eliminated if ownership or site conditions prevent or unreasonably impede construction of the same.

- ii. Minor improvements to existing streets adjacent to a proposed development project may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- b. Off-Site Streets: If the proposed development is not served by a public street that is fully improved to City standards (curb, gutter, sidewalk) or with a minimum of thirty (30) feet of pavement, then prior to final plat of phase one (1), the developer shall provide thirty (30) feet of pavement with three (3) foot gravel shoulders from the site to a public street specified by the City; or the developer shall provide twenty four (24) feet of pavement with three (3) foot gravel shoulders and a minimum six (6) foot wide detached asphalt/concrete pedestrian facility, from the site to a public street specified by the City.

1. ~~Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.~~

~~2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').~~

D. Rights-Of-Way Width:

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Blessinger Road	50 feet	100 feet
Can-Ada Road	50 feet	100 feet
Canyon Lane	50 feet	100 feet
Cemetery Road	50 feet	100 feet
Concord Street <u>east of Hartley Ln.</u>	50 30 feet	100 60 feet
<u>Concord Street west of Hartley Lane</u>	40 feet	80 feet

Cornell Street	50 feet	100 feet
Douglas Avenue	50 feet	100 feet
Duff Lane	50 feet	100 feet
El Paso Road	50 feet	100 feet
Ember Road	50 feet	100 feet
Emmett Road	50 feet	100 feet
Foothills Road	50 feet	100 feet
Freezeout Road	50 feet	100 feet
Hall Avenue	50 feet	100 feet
Hartley Lane	50 feet	100 feet
Harvard Street	50 feet	100 feet
Kingsbury Road	50 feet	100 feet
Landruff Lane	50 feet	100 feet
Lansing Lane	50 feet	100 feet
Lee Avenue	50 feet	100 feet
Meadow Park Street	50 feet	100 feet
Middleton Road	50 feet	100 feet
Peel Street	50 feet	100 feet
Purple Sage Road	50 feet	100 feet
River Street	50 feet	100 feet
Willis Road	50 feet	100 feet
Wood Avenue	50 feet	100 feet
9th Street	50 feet	100 feet

EXHIBIT “E”

5-4-10-6: TRAFFIC BUFFER REQUIREMENTS:

The purpose of a traffic buffer is to reduce the visual impact of collector and arterial roadways on a residential area. A combination of the following shall be used: a) solid fence or wall; b) berm; and c) landscaping.

- A. Buffer Dimensions: Traffic buffers shall be accomplished by a combination of berm (varying height: minimum 3 feet, maximum 5 feet; 2.5:1 side slopes measured from adjacent street top back of curb) and fence (varying height) to a total height of not less than nine feet (9') or greater than eleven feet (11') in a twenty four foot (24') (minimum) ~~easement-~~ common lot dedicated for traffic buffer area. Traffic buffers shall be harmonious with adjacent screening techniques, materials, and colors.

EXHIBIT “F”

5-4-10-7 LANDSCAPE BUFFERS:

- A. When a commercial land use that is listed as an allowed use or special use in the C-1 Zone ~~zoned C-1~~ (Neighborhood Commercial) of the Land Use Schedule (5-4-1, Table 1) directly abuts a residential use, a twenty foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.
- B. When a commercial land use that is listed as an allowed or special use in the ~~zoned~~ C-2 or C-3 zones or when any industrial use directly abuts a residential use, a twenty five foot (25') landscape buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.

EXHIBIT “G”

Agency Comments

From: [Jerome Mapp](#)
To: [Jennica Reynolds](#)
Cc: [Roberta Stewart](#)
Subject: RE: Agency Notice -Amendments to Middleton City Zoning Ordinance and Subdivision Ordinance
Date: Friday, May 27, 2022 12:01:24 PM
Attachments: [image001.png](#)

Good amendments. You have the City of Caldwell's support. Roberta, I will be retiring from the City of Caldwell on July 29. Jerome



M. Jerome Mapp, Director
Planning & Zoning, City of Caldwell
208-455-4666
jmapp@cityofcaldwell.org

From: Jennica Reynolds <jreynolds@middletoncity.com>
Sent: Friday, May 27, 2022 11:41 AM
To: Alicia Krantz - MSD <akrantz@msd134.org>; Allen Funkhouser <allenfun50@hotmail.com>; Alan Perry <aperry@cityofcaldwell.org>; Lisa Richard <lrichard@cityofcaldwell.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Carl Miller <cmiller@compassidaho.org>; carl@blackcanyonirrigation.com; CC Water Company <irr.water.3@gmail.com>; Chris Hopper <chopper@canyonhd4.org>; Deann Gerthung (deann.gerthung@canyoncounty.id.gov) <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development <D3Development.services@ITD.idaho.gov>; ITD - Sarah <Sarah.Arjona@itd.idaho.gov>; Jenny Titus - Vallivue <jenny.titus@vallivue.org>; 'jmapp@cityofcaldwell.org'; Joseph Palmer - Vallivue <joseph.palmer@vallivue.org>; Julie Collette <gmprdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; Lenny Riccio <lriccio@canyonhd4.org>; Leticia Villagomez - Sparklight <Leticia.Villagomez@sparklight.biz>; Lisa Boyd - Vallivue <lisa.boyd@vallivue.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Middleton Mill Ditch Co <irrigation.mm.mi@gmail.com>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Shawn Nickel <snickel@staridaho.org>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>; Stephen Fitzner (Southwest District Health <stephen.fitzner@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Agency Notice -Amendments to Middleton City Zoning Ordinance and Subdivision

Ordinance

Please see the attached notice of public hearing.

Jennica Reynolds

City of Middleton

Deputy Clerk, Planning

208-585-3133

jreynolds@middletoncity.com



From: [Chris Hopper](#)
To: [Roberta Stewart](#)
Subject: Amendments to Subdivision Ordinance
Date: Monday, June 6, 2022 5:28:33 PM
Attachments: [CHD4 Comments 6.6.22 Website - Proposed City Code Amendments.pdf](#)

Hi Roberta-

I had two comments on the proposed changes to your subdivision ordinance, neither of them earthshaking but something to think about. Let me know if you have any questions on these.

Respectfully,

Chris Hopper, P.E.

District Engineer

Canyon Highway District No. 4
15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135

1-14-1 NEIGHBORHOOD MEETING:

....

C. Meeting Standards:

1. Neighborhood meetings ~~may~~ **shall** be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 8 p.m.

4-5-7: HARD SURFACING:

Off street parking areas, driveways and private roads shall be hard surfaced with concrete or asphalt **paving** and shall have on site stormwater treatment facilities designed per the City's stormwater management policy and ordinance.

5-4-7: FINAL PLAT:

A. ...
...

3. The City Council may accept an irrevocable letter of credit, cashier's check or other bond guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping, ~~and~~ irrigation system, and fencing improvements in the event that inclement weather precludes the successful installation of said improvements, landscaping and irrigation. A bonded improvement must be completed within twelve (12) months of the approval of the final plat, and the bond will not be released until the improvement is completed and approved by the City. Failure to complete the improvement within said time frame shall give the City the authority, at its sole discretion, to exercise the bond and complete the improvement with funds derived therefrom. The City Council may grant an extension to a developer to accommodate unavoidable delays impacting the developer, but only if the developer requests such an extension at least sixty (60) days prior to the date on which the improvement is required to be completed.

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Adjacent Streets ~~Half Road Dedication~~:

1. The developer is responsible for improving all street frontages adjacent to the development site or internal to the development as required below, regardless of

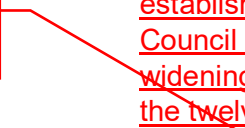
whether access is taken to all of the adjacent streets.

2. All utility relocation costs, including irrigation relocation costs, associated with improving street frontages adjacent the site shall be borne by the developer.
3. Developer/Owner shall dedicate, without compensation, additional right-of-way to provide the right-of-way width required by City code and standards.
4. In a phased project, adjacent streets shall be improved and dedicated on a phase-by-phase basis up to phase three (3). Any adjacent street improvements for phases four (4) and beyond shall be constructed and dedicated no later than phase three (3) final plat approval unless otherwise approved by City Council. City Council may, at its discretion, require improvement and dedication of all adjacent streets by Phase one (1) final plat approval.
5. Required Improvements:

a. Adjacent Streets (Existing or New):

- i. Required improvements to an adjacent street shall consist of pavement widening to one-half the required width, including curb, gutter and sidewalk (minimum eight (8') foot detached or five (5') foot attached), plus twelve (12') feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface. City Council may approve an amount less than twelve (12) foot for pavement widening past centerline if the one-half road design does not require all of the twelve (12) foot pavement allotment to create an adequate roadway surface. Pavement shall be crowned at the ultimate centerline. A three (3') foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side.
- ii. Minor improvements to existing streets adjacent to a proposed development project may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

Ultimate C/L is often the property line, which will locate the 3' shoulder and borrow ditch on adjacent property



- b. Off-Site Streets: If the proposed development is not served by a public street that is fully improved to City standards (curb, gutter, sidewalk) or with a minimum of thirty (30) feet of pavement, then prior to final plat of phase one (1), the developer shall provide thirty (30) feet of pavement with three (3) foot gravel shoulders from the site to a public street specified by the City; or the developer shall provide twenty four (24) feet of pavement with three (3) foot gravel shoulders and a minimum six (6) foot wide detached asphalt/concrete pedestrian facility, from the site to a public street specified by the City.

1. ~~Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.~~

~~2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').~~

D. **Rights-Of-Way Width:**

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Blessinger Road	50 feet	100 feet
Can-Ada Road	50 feet	100 feet
Canyon Lane	50 feet	100 feet
Cemetery Road	50 feet	100 feet
Concord Street <u>east of Hartley Ln.</u>	50 30 feet	100 feet
<u>Concord Street west of Hartley Lane</u>	40 feet	100 feet
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Foothills Road	50 feet	100 feet
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Hall Avenue	50 feet	100 feet
Hartley Lane	50 feet	100 feet
Harvard Street	50 feet	100 feet
Kingsbury Road	50 feet	100 feet
Landruff Lane	50 feet	100 feet
Lansing Lane	50 feet	100 feet

For collector roadways, the city's standard 3-Lane Urban Section can be constructed within an 80-ft right-of-way, with room for an 8-ft landscape strip between curb and pathway. This 80-ft r/w would match CHD4 typical rural r/w requirements.

Lee Avenue	50 feet	100 feet
Meadow Park Street	50 feet	100 feet
Middleton Road	50 feet	100 feet
Peel Street	50 feet	100 feet
Purple Sage Road	50 feet	100 feet
River Street	50 feet	100 feet
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- A. Buffer Dimensions: Traffic buffers shall be accomplished by a combination of berm (varying height: minimum 3 feet, maximum 5 feet; 2.5:1 side slopes) and fence (varying height) to a total height of not less than nine feet (9') or greater than eleven feet (11') in a twenty four foot (24') (minimum) ~~easement~~ common lot dedicated for traffic buffer area. Traffic buffers shall be harmonious with adjacent screening techniques, materials, and colors.

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