

# Middleton City Council

## Findings of Facts, Conclusions of Law, and Order



**In the Matter of the Request of Hess Properties LLC and KM Engineering LLP for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment for the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R33938011 and R339380):**

### **A. Findings of Fact:**

1. Hearing Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
3. Application and Property Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
4. Required Findings per Middleton City Code 1-14-2(E)(7) and 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and the Idaho State Code, Title 67 and Title 50: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

### **B. Conclusions of Law:**

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public via written comment and public testimony, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing for both the P&Z Commission public hearing and the City Council public hearing were given according to law, and the City has kept a record of the application and related documents.
4. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.
5. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the

public if the attached conditions of approval are imposed.

6. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of October 6, 2021, which Report is incorporated herein by this reference.

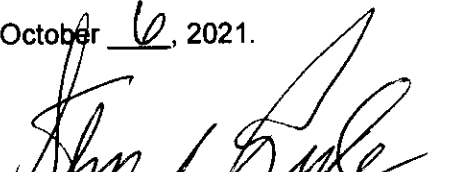
**C. Decision and Order:**

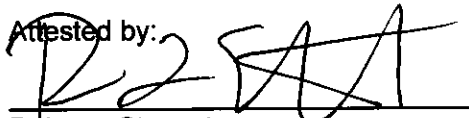
Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, **it is hereby ordered that:**

1. The application for annexation/rezone is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
2. The application for preliminary plat is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
3. The application for Development Agreement is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
4. The application for Comprehensive Plan map amendment is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.

WRITTEN DECISION APPROVED ON:

October 6, 2021.

  
Steven J. Rule, Mayor

Attested by:   
Roberta Stewart  
Planning and Zoning Department

## **EXHIBIT "A" - STAFF REPORT**

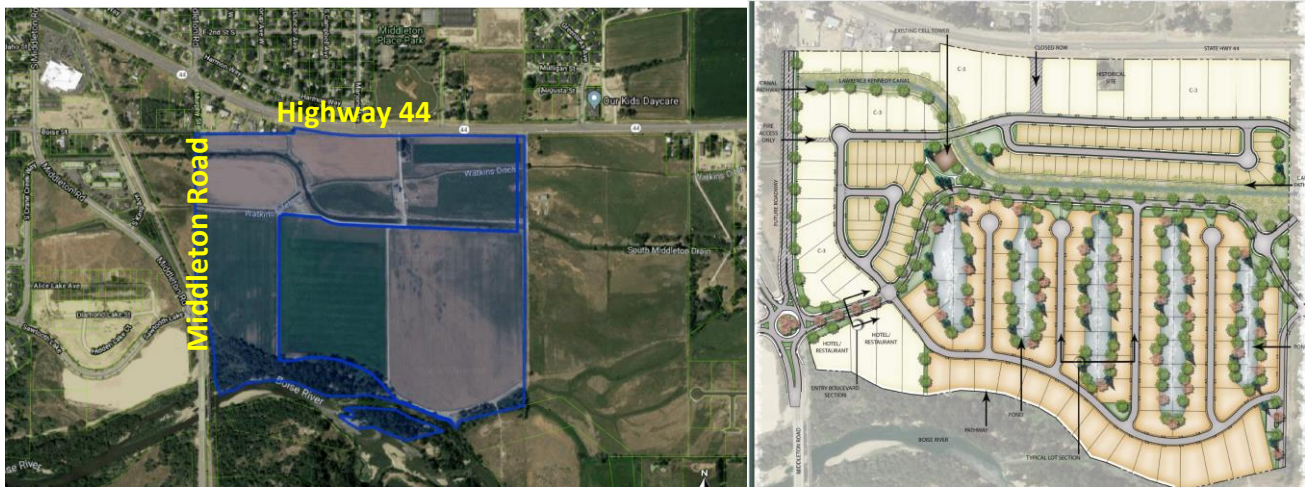


# STAFF REVIEW AND REPORT Middleton City Council

## River Walk Crossing Subdivision

City Council Public Hearing Date: October 6, 2021

### Snapshot Summary:



<b>Acreage</b>	119 acres
<b>Current Zoning</b>	Canyon County "Agricultural"
<b>Proposed Zoning</b>	R-2 Residential (57 acres).; C-3 Heavy Commercial (36 acres); & M-U Mixed Use (26 acres)
<b>Current Land Use</b>	Restaurant, Retail & Recreation
<b>Proposed Land Use</b>	Commercial / Residential
<b>Lots</b>	36 commercial lots --- 81 single family homes --- 80 patio style homes for 55+ homebuyer --- 17 common lots – 1 cell tower lot – 1 historical lot
<b>Density</b>	Net density 1.9 acres.
<b>Open Space</b>	11.95 acres – 10.06%
<b>Amenities</b>	Extensive 10' and 12' walking paths & community sports court amenity

- A. Application Requests:** Applicant submitted four applications: (1) preliminary plat, (2) annexation and rezone from Canyon County "Agricultural" zone to C-3, R-2 and M-U zones, (3) Development Agreement and (4) Comprehensive Plan Map Amendment to change the Future Land Use Map. Applicant has also submitted a floodplain application that is proceeding administratively along with these applications.
- B. Project Description:** Subdivision with (a) 36 commercial lots, (b) 81 single family home lots, (c) 80 patio style home lots for 55+ homebuyers , (d) 18 common lots, (e)



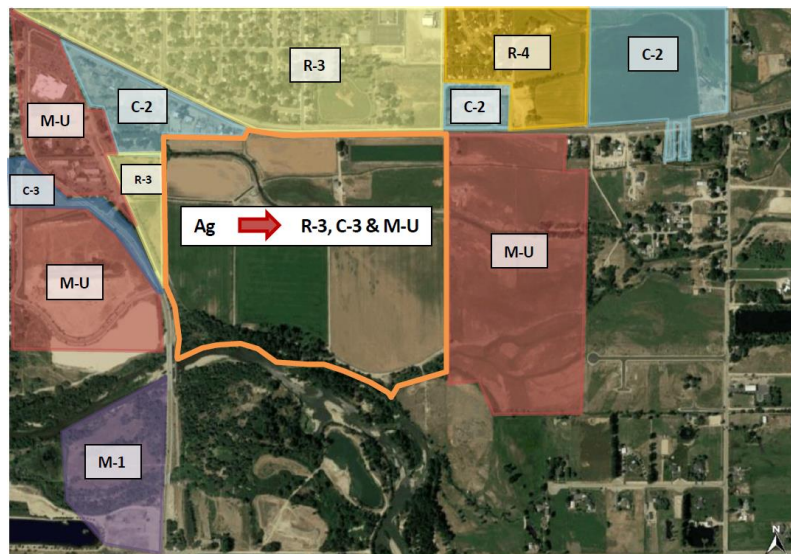
one cell tower lot and (f) one historical lot on 119 acres of vacant land located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R339380 and R3393811).

The requirement for a 55+ community will be created by a deed restriction in compliance with Idaho State law. This requirement is in the proposed Development Agreement, and it will ensure that the patio style homes remain a 55+ community.

Finally, the project also includes extensive 10' and 12' wide asphalt pathways that are part of the proposed Middleton River Walk recreational trail.

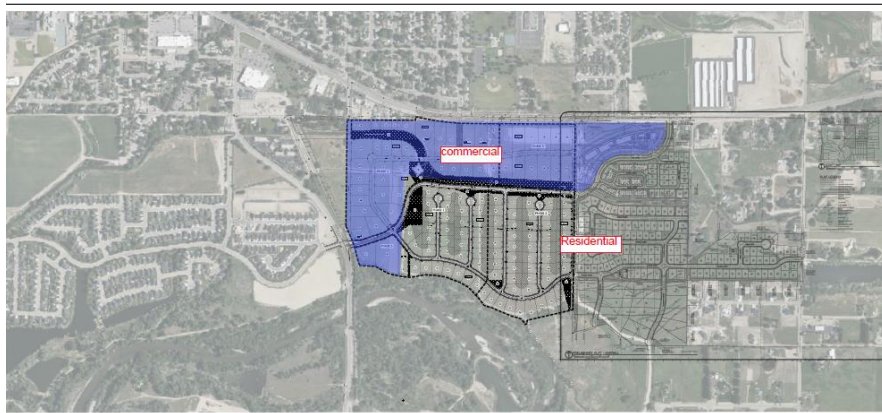
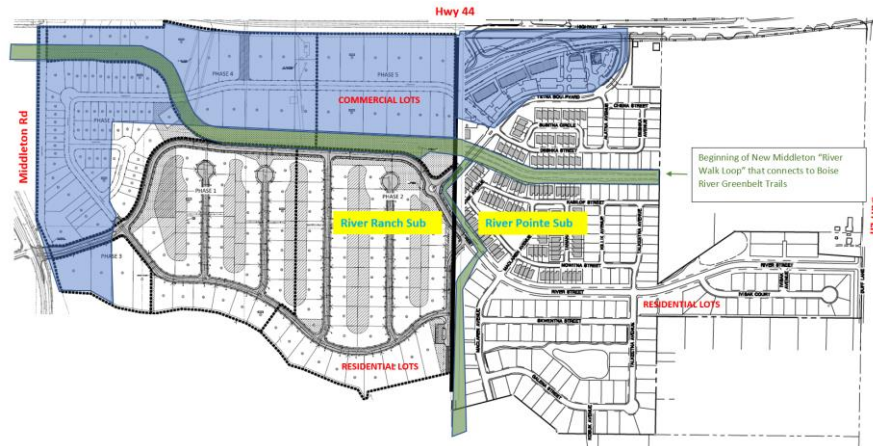
- C. History, Current Zoning & Property Condition:** The project property is currently located in Canyon County and is zoned “agricultural.” The parcel has been used for farming for a large number of years.

The project is surrounded on the north, west, and east by City property. Mixed Use zoned property is located on the east and west side of the property, and this zoning permits a mixture of commercial and residential uses. Residential R-3 is located to the north and pockets of C-2 commercial zoning surrounds the project.



The Future Land Use Map in the 2019 Comprehensive Plan has designated the project parcels “Restaurants, Retail, and Recreation”. Based on this land use designation, the previous governing boards intended this property to be used for commercial and other intensive uses.

River Walk Crossing is being developed in collaboration with another large subdivision to the east known as River Pointe Subdivision. River Pointe is an 88 acre “Mixed Use” project that includes commercial lots blended together with single family homes and 55+ townhomes/patio homes. Both projects will create a new and vibrant commercial center for Middleton along with a new multi-mile River Walk pathway that will provide numerous gathering places for social and recreational uses.



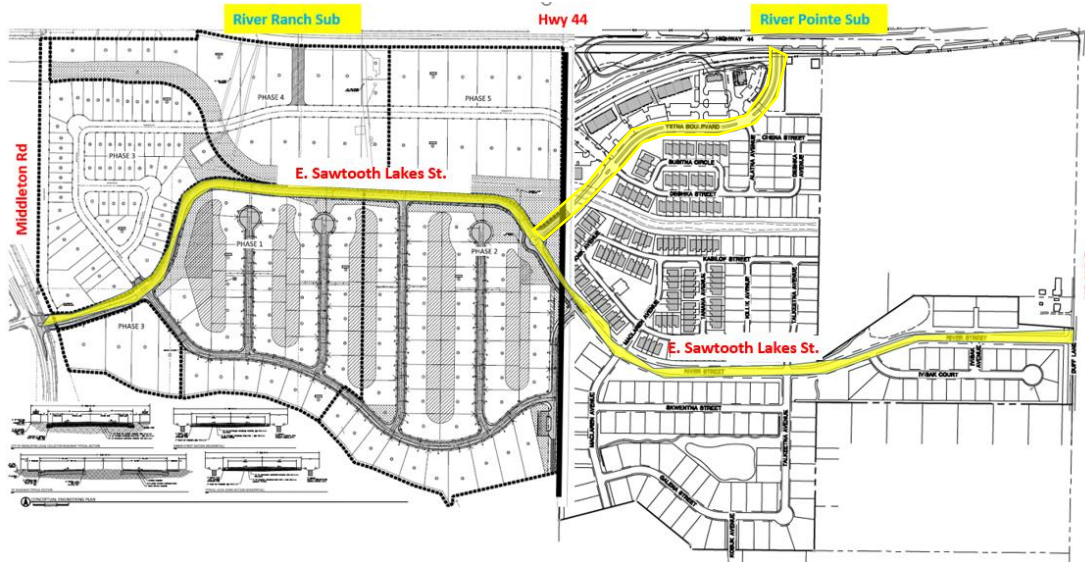
- D. City Services:** Domestic water and sanitary sewer are located in Middleton Road adjacent to the project. See blue and green entries on diagram below.

*Planning Staff finds that City services are located nearby and can be easily extended to serve the proposed project. The extension of City services is orderly, economical, and efficient.*

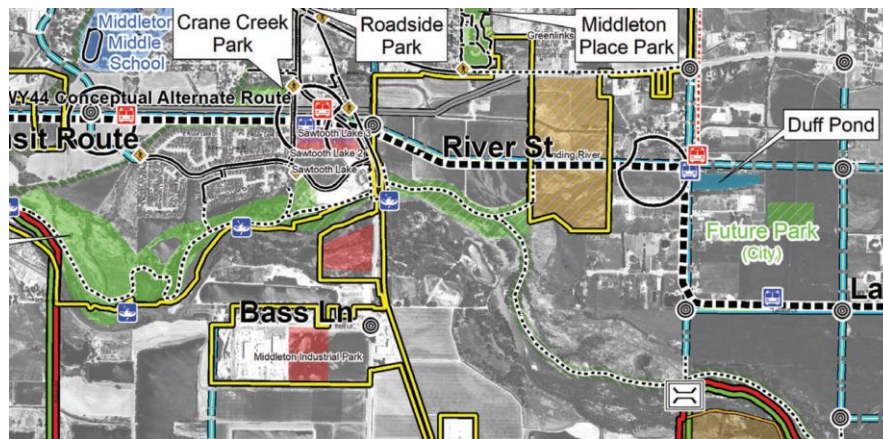




- E. Traffic, Access & Streets:** Access to the project is through Middleton Road, Hwy 44, and E. Sawtooth Lakes St..



E. Sawtooth Lakes Street is a collector street that is a “planned” street set forth in the 2019 Comprehensive Plan’s *“Transportation, Schools & Recreation Map”*. (See snippet of Map below.) It is an important street that will facilitate circulation and create needed connectivity. It will also greatly relieve traffic pressure on the Highway 44 downtown corridor by providing an alternate east/west route. Because it will be instrumental in handling traffic, it will have no driveway access, and parking will not be allowed on the street.



- F. Traffic Fees to Minimize impacts on the Community.** The Developer of the River Walk project will pay for much of its impacts on traffic and the surrounding community by improving roadways that front the property and by paying Traffic Impact fees and Traffic Proportionate Share fees. Under the new Mid Star Traffic Impact fee schedule (which was recently recommended for approval by this Commission), the River Walk Developer will contribute \$813,050 to the improvement of nearby intersections by paying \$5050 for each residential building permit (161 homes x \$5050). As to the

commercial portion of the project, there are 36 commercial lots. The Impact fees are based upon uses and span \$3500 per unit to \$20,000 per unit depending on the use. Although it is difficult to predict exactly what types of uses will be developed in the commercial area, the commercial impact fees collected could add up to approximately \$300,000 to \$500,000 for a total of \$1.3 million in traffic impact fees.

In addition to the \$1.3 million in Mid-Star traffic impact fees, the Developer will be required to pay "Proportionate Share" traffic fees for intersections not included in the Mid Star CIP Schedule. Those fees may total between \$100,000 and \$200,000, but the final amount cannot be determined until ITD re-calculates the proportionate share fees in light of the recent passage of the Mid-Star Impact fee schedule.

*Although the fees cannot be firmly established for a few more weeks, City Council can still approve the applications and protect the City's right to collect these fees by simply requiring as a condition of approval the payment of all proportionate share fees prior to final plat approval for Phase 1. This is also included in the Development Agreement.*

*Planning Staff further recommends that a requirement to construct all City required improvements on Hwy 44 and Middleton Road be made a condition of preliminary plat approval.*

- G. Open Space, Pathways & Sidewalks:** Applicant has exceeded the 5% Open Space requirement by providing 10.06% of open space in the form of extensive walking paths and small gathering places along the trails. These extensive pathways are in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation* Map, and they will be integrated into the City's new River Walk Loop that is being designed.

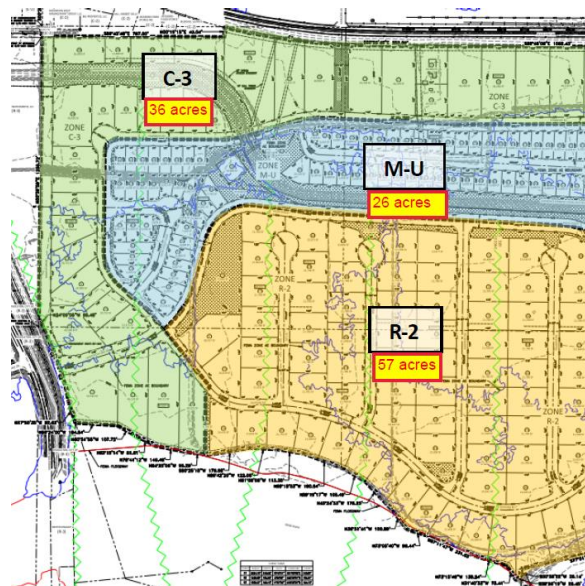






Developer will also provide a community amenity in the form of a sports court or other comparable amenity as shown on the preliminary plat.

- H. **Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided in the preliminary plat and are approved by the City Engineer.
- I. **Middleton Rural Fire District:** The Middleton Rural Fire District has reviewed the preliminary plat. Deputy Chief Islas approved the preliminary plat with the standard comments. He further noted that Phases 1 and 2 may develop without a 2<sup>nd</sup> access in light of the large boulevard entry, but no improvement may occur in Phase 3 and beyond until a full second access is constructed.
- J. **Annexation and Rezone:** Applicant is requesting the annexation and rezone of 119 acres. The rezone request is for C-3 "Heavy Commercial (36 acres), R-2 "Large Lot Residential" (57 acres), and M-U "Mixed Use" (26 acres).





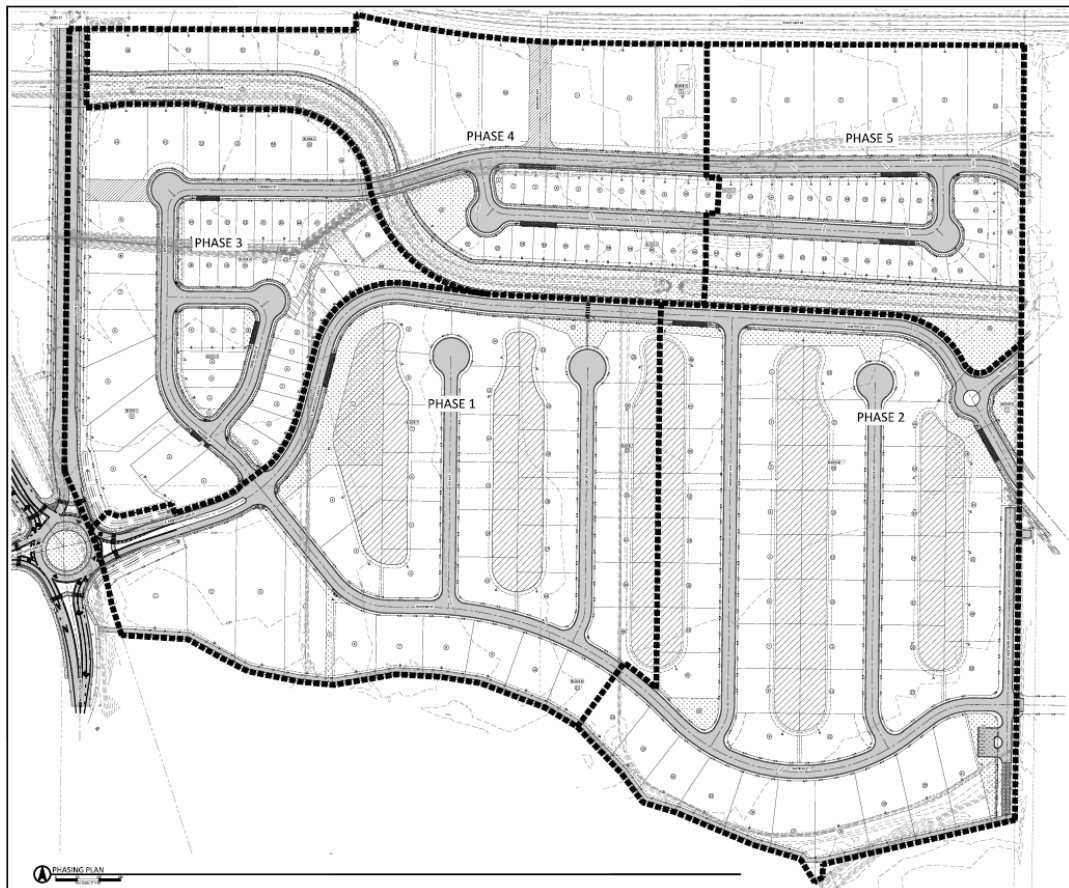
There are primarily three requirements for Annexation: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, and (3) the annexation is deemed to be orderly and efficient, in the best interest of the City, and not materially detrimental to the health, safety and welfare of Middleton residents.

**FINDINGS:**

*Planning Staff finds that Applicant's project meets all three Annexation requirements: (1) The property is contiguous; (2) sewer and water are available as shown earlier, and (3) the annexation does not adversely affect the City but benefits the City because (a) it supports orderly growth, (b) it provides a variety of housing lots, (c) it creates extensive recreational pathways, and (d) it creates safe streets for vehicle and pedestrian circulation.*

*As to rezone, Planning Staff finds that the rezone application is in harmony with the City's Comprehensive Plan as will be shown in more detail below.*

- K. Preliminary Plat Application:** Developer is proposing five phases for the development of the plat:



A true copy of the River Walk Crossing Preliminary Plat under review is attached hereto as Exhibit "A".

The City Engineer has reviewed the preliminary plat and approved the contents. The Engineer's "Recommendation for Approval" letter is attached as Exhibit "B".

*Findings:*

*Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC and Supplement to ISPWC, and Idaho State Code except for those items specifically set forth as waivers to the code in the Development Agreement.*

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

- L. Development Agreement:** Any annexation and rezone generally requires a Development Agreement ("DA"). A copy of the proposed DA is attached to this Staff Report as Exhibit "C". The provisions generally set forth in the DA are as follows:
1. Project parcel to be annexed and rezoned to C-3, M-U and R-2.
  2. A concept plan generally matching the current preliminary plat shall be attached to the DA and incorporated by reference. Developer must develop the property generally consistent with the Concept Plan.
  3. Patio style homes on M-U lots will be deed restricted to 55+ homebuyer/occupancy in compliance with Idaho State Law.
  4. Because the patio style homes will be for 55+ homebuyers, setbacks requested are (1) 20' front yard, (2) 15' rear yard, (3) 5' side yard, and (4) 20' side street yard. (For comparison sake, M-U zone has a rear setback of 20' and a side interior setback of 12', so the requested setbacks are narrower than M-U setbacks.)
  5. Developer is not required to improve the frontage of the property along Middleton Road because it is slated to be improved through impact fees collected via the 2021/2022 Mid-Star Service Area Capital Improvement Plan. If, at a later date, Owner and City agree that Owner should construct all, or a portion of the planned Middleton Road improvements, then City shall credit Owner for any improvement work over and above Owner's proportionate share of the improvement work.
  6. Developer must construct, at its own cost, all road frontage improvements required by the City for Hwy 44. The improvements are not required until final plat for phase 4.
  7. Owner/Developer shall pay all traffic impact and pro-rata/proportionate share fees required by the City. The pro-rata fees shall be paid prior to final plat approval for phase 1.

8. Developer may develop Phases 1 and 2 without a 2<sup>nd</sup> access (as approved by Middleton Rural Fire Dist.) but must construct a 2<sup>nd</sup> access prior to final plat of phase 3.
9. Because of the large amount of commercial lots and need for market flexibility, Owner will not be required to go through the formal preliminary plat process to amend the phasing and lot configuration in the C-3 zone section of the plat. Instead, Owner can apply administratively to the Planning & Zoning Department with a \$1000 application fee to change phase configurations.
10. All 10' and 12' pathways must have a public access easement shown on the plat to ensure public recreational access. The pathways must be constructed prior to approval for Phase 3. Owner shall be responsible for repairing and maintaining the pathways.
11. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm on streets that contain both commercial and residential uses. Instead, Developer must install a 15' landscape buffer on one side of the street or other. For areas where a residential lot directly abuts a commercial lot, the developer must install the 8' berm buffer required by MCC 5-4-10-7.
12. The existing cell tower may remain on site and operate at its current level, but if the use or intensity is changed, the owner must apply to the City for a Special Use Permit.
13. Developer will be allowed a minimum centerline radius of 90'.
14. Developer shall provide an east/west collector road.
15. Only black wrought iron fencing will be allowed in the project.
16. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building facades on Highway 44 and Middleton Road.
17. Owner is permitted two wall signs per commercial unit.
18. Developer is permitted to extract gravel for residential ponds if it obtains all City, State and Federal Permits and submits to the city all forms and plans required by MCC 1-15-16-2. Construction hours are Monday through Saturday 7 a.m. to 6 p.m., but once homeowners occupy Phase 1 homes, the hours must change to Monday through Friday 7 a.m. to 6 p.m.
19. CC&Rs shall set forth responsibility for maintaining common areas.

20. If Developer does not obtain final plat or Phase 1 within 2 years of preliminary plat approval (or 3 years with a 1 year extension request), then Developer will be in default, and the City can apply to modify or terminate the DA. The underlying zoning will remain the same despite the termination/modification. Additionally, the preliminary plat will automatically become null and void.
21. Developer must bring each phase to final plat within 2 years (or 3 years with a 1 year extension request). If developer fails to do so, the preliminary plat will automatically be null and void.
22. MCC 5-3-1(A) requiring all lots to front a public right of way is waived as to Lots 18-22, Block 1 in light of the public cross-access easement created on the preliminary plat.
23. Developer shall grant a public access easement across the entirety of common lot Lot 22/Block 6 to permit public access to the Boise River for use as drop-off/pick-up zone and parking area. Developer shall be responsible for paving the entire area with pavement or applying area with compacted gravel. The Developer and/or HOA shall be responsible for maintaining the common lot.

*Findings:*

*Planning Staff finds that the Development Agreement application complies with the Comprehensive Plan. See more detail below in Section M.*

- M. Comprehensive Plan & Land Use Map:** The Future Land Use Map (“FLUM”) in the 2019 Comprehensive Plan shows the project parcel as “Restaurant, Retail, and Recreation.”



Although those uses will surely be in the project, there is also a residential component planned for the project. In light of that, Applicant is requesting that the FLUM show a

“Commercial” use in the C-3 zoned portion of the project and “Residential” use in the M-U and R-2 portions of the project.

*Finding:*

*Planning Staff finds that the change on the Future Land Use Map from “Restaurant, Retail & Recreation” to “Commercial” and “Residential” is in harmony with the Comprehensive Plan. Specifically, it complies with Goal 4 to concentrate commercial uses between Crane Creek Way and Duff Lane and to allow mixed uses within the city. Additionally, the proposed changes to the FLUM comply with Goal 11 to provide diverse housing and in-fill housing.*

City Council is also tasked with determining whether the other three applications for annexation/rezone, preliminary plat, and development agreement are in harmony with the “Goals, Objectives, and Strategies” of the 2019 Middleton Comprehensive Plan.

*Findings:*

*Planning Staff finds that the project and all applications are in harmony as follows:*

- a. Goal 3: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It also will reduce traffic trips because of the close proximity to commercial/retail development. Designing E. Sawtooth Lakes Street without driveway access also greatly assists with traffic flow and safety.*
- 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. The project also provides a buffer between residential and commercial development. Commercial development is encouraged to be near major roads. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
- c. Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.*
- d. Goal 7: Project promotes commercial development and employment opportunities.*
- e. Goal 8: the project establishes a new commercial area without detracting from existing businesses.*
- f. Goal 10: Project provides parks and open space. The project also aggregates open space in large open spaces rather than dispersing open space into smaller sections.*
- g. Goal 16: The public pathways along the Kennedy Drain create a scenic and usable waterfront on the north side of the Boise River.*

*Finally, Planning Staff finds that the pathways and streets proposed are in compliance with the Comprehensive Plan Maps, including the Transportation, Schools, and Recreation Map.*



- N. Comments Received from Surrounding Landowners:** 8/4/2021 letter from CPC Paving noting that it operated a mining/hot plant immediately south of the River Walk Subdivision. (Comment Letter is attached hereto as Exhibit “D”)
- O. Comments from Agencies:** Comments from Middleton Rural Fire have already been discussed above. Idaho Department of Water Resources submitted an email dated 9/16/21 regarding need to enforce FEMA floodplain provisions. COMPASS forwarded a 7/29/2021 comment wherein it objected to this application because of the removal of the SH-44 alternate bypass. COMPASS noted that the bypass is critical to regional planning, and traffic will be adversely affected if the bypass is eliminated from the city. ITD also forwarded letters indicating its objection to the removal of the Hwy 44 alternate bypass. Canyon Highway District #4 reviewed the plat and submitted its standard comments about collecting proportionate share fees and requiring right of way dedication. It further expressed concern that the Duff Lane/Hwy 44 intersection will need improvement to counteract the traffic impacts. It further noted technical recommendations for the Middleton Road roundabout and realignment. It should also be noted that COMPASS, ITD and CHD4 have all objected to the removal of the 44 alternate bypass at the public hearing for the City’s Comprehensive Plan Map Amendment. (Copies of all agency comments are attached hereto as Exhibit “E”.)
- P. Comments from City Engineer, Planning Staff & Floodplain Administrator:** Comments have already been discussed above. Copies of comments from City Engineer, Planner and the Floodplain Administrator are attached to this Staff Report as Exhibit “F”.
- Q. Applicant Information:** Application was received and accepted on December 23, 2020. The Applicant is Hess Properties, LLC/KM Engineers, / 9233 W. State Street, Boise, ID 83714 / 208.639.6939 / sleonard@kmengllp.com
- R. Notices & Neighborhood Meeting:**
- |   | <b>Dates:</b> |
|---|---------------|
| Newspaper Notification  | 09/19/2021    |
| Radius notification mailed to Adjacent landowners within 300’ | 09/16/2021    |
| Circulation to Agencies                                       | 09/15/2021    |
| Sign Posting property   | 09/16/2021    |
| Neighborhood Meeting  | 11/24/2020    |

*Planning Staff finds that notices for the Planning & Zoning Public Hearing and City Council public hearing were appropriate and given according to law.*

**S. Applicable Codes and Standards:**

Idaho State Statute Title 67, Chapter 65 and Title 50, Chapters 2 and 13, 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.

- T. P&Z Recommendation:** The Planning & Zoning Commission considered the River Walk applications at an August 9, 2021 public hearing. The Commission recommended approval of the applications for annexation/rezone, development agreement, preliminary plat, and Comprehensive Plan map amendment subject to the conditions of approval set forth in the staff report for that public hearing. Additionally, the Commission recommended that all four applications be subject to the condition that after preliminary plat approval, Developer work with ITD to be compliant with the 2019 Comprehensive Plan maps showing the Hwy 44 alternate highway. (A copy of the signed P&Z FCO is attached as Exhibit "G".)

**U. Conclusions and Recommended Conditions of Approval:**

City Council is tasked with considering four separate applications for Annexation/ Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment. The Council may approve or deny the applications and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to each separate application.

**As to Findings of Facts,** Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. (See findings of facts above in parentheses.) Staff will also set forth the findings of facts in the presentation at the Public Hearing. If Council agrees with Staff's findings of facts, then Council can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

**As to Conclusions of Law,** Planning Staff finds that the Council has the authority to hear these applications in order that they may be approved or denied and that the public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the applications. If the October 6th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Council is inclined to approve the applications based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All requirements of the Middleton Rural Fire District are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. Add Dave Sterling LOMR language for floodplain
6. Developer to comply with all terms of the approved Development Agreement.  
(if the Commission is not inclined to approve portions of the DA, those discrete portions can be removed or excepted from the DA via a motion calling out the specific provisions to be removed.)
7. Sewer and water capacity are reserved at the time City approves the construction drawings for each individual subdivision phase.

Finally, if Council denies any of the applications, pursuant to Middleton City Code 1-14(E)(8), Council must state on the record what Applicant can do, if anything, to gain approval of the application(s).

Prepared by Middleton City Planner, Robert Stewart

Dated: October 1, 2021

# **APPENDIX**

# EXHIBIT "A"

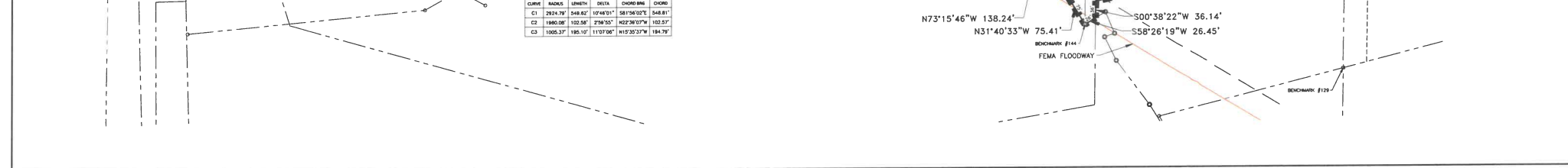
Proposed Preliminary Plat







**VICINITY MAP**



CONTRACTOR SHALL VERIFY ALL BENCHMARKS PRIOR TO BEGINNING CONSTRUCTION AND SHALL NOTIFY ENGINEER WITH ANY DISCREPANCIES.

CONTRACTOR IS RESPONSIBLE FOR ALL CONSTRUCTION STAKING.

LOT CODE  
PAGE 1  
PAGE 2  
PAGE 3  
PAGE 4  
PAGE 5

**LEGEND**

- BOUNDARY LINE
- - - - - OFFSITE BOUNDARY LINE
- - - - - SETBACKS
- ROAD CENTERLINE
- PROPOSED LOT LINE
- R/W ——— R/W PROPOSED RIGHT-OF-WAY LINE
- EASEMENT

- [illegible]

- [illegible]

**LEGAL DESCRIPTION**

A PORTION OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 AND A PORTION OF GOV. LOTS 3 AND 4 OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 WEST, BORSE MEMORIAL, CITY OF MIDDLETON, CANYON COUNTY, IDAHO.

CONTACT INFORMATION	
<b>OWNER/DEVELOPER</b> NEXS PROPERTIES	<b>ENGINEERING &amp; SURVEYING CONSULTANT</b> KIM ENGINEERING, LLP

22858 ROSICKY WAY  
CRAWFORD, IDAHO 83607  
PHONE: (208) 409-0864  
CONTACT: TYLER HESS  
EMAIL: tyler@hesspropertiesidaho.com

5725 NORTH DISCOVERY WAY  
BOISE, IDAHO 83713  
PHONE: (208) 639-9838  
FAX: (208) 639-8930  
CONTACT: DAVID ZUBIZARRETA, P.E.

**OWNER**  
WATKINS PROPERTIES L P  
10038 TURNER DR  
87664

**SURVEY CONTROL NOTES**

1. ALL SURVEY DATA IS BASED ON THE NAD83 STATE PLANE COORDINATE SYSTEM (IDaho WEST 1103) AND NAD83 VERTICAL DATUM.

**STATE OF IDAHO**  
**PROFESSIONAL ENGINEER**  
**8626**  
**JON PACHNER**

**kmm**  
**ENGINEERING**  
 5725 DISCOVERY WAY  
 BOWEN, IDAHO 83713  
 PHONE (208) 329-6699  
[www.kmmeng.com](http://www.kmmeng.com)

DATE: 10/1/13  
 PROJECT: 19-063  
 SHEET NO. PP 1.0





**LEGEND**

- FEMA FLOODWAY
- FEMA ZONE AE BOUNDARY
- FEMA BASE FLOOD ELEVATION
- FEMA FLOODWAY
- FEMA ZONE AE 100 YEAR FLOODPLAIN
- FEMA ZONE AE 500 YEAR FLOODPLAIN

RIVER WALK CROSSING SUBDIVISION  
MIDDLETON, IDAHO  
FLOODPLAIN PLAN

**km**  
ENGINEERING

DATE: 10/1/21  
PROJECT: 19-001  
SHEET NO: PP1.1





- LEGEND**
- BOUNDARY LINE
  - OFFSITE BOUNDARY LINE
  - PROPOSED LOT LINE
  - FOUND 1/2 INCH REBAR
  - FOUND 5/8 INCH REBAR
  - FOUND BRASS CAP
  - FOUND ALUMINUM CAP
  - CALCULATED POINT
  - PIVOTAL
  - ANGL
  - PROPOSED IMPROVEMENTS
  - PRESSURE IRRIGATION MAIN
  - SEWER LINE
  - SEWER MANHOLE
  - STORM DRAIN LINE
  - STORM DRAIN MANHOLE
  - WATER LINE
  - FIRE HYDRANT
  - WATER VALVE
  - STREET LIGHT
  - COMMON AREA LOT
  - SHARED DRIVEWAY
  - CLOSED R.O.W.
  - POND
  - PROPOSED DRAINAGE FACILITY
  - EXISTING FEATURES
  - SANITARY SEWER LINE
  - WATER LINE
  - GAS LINE
  - OVERHEAD POWER LINE
  - GRAVITY IRRIGATION LINE
  - SEWER MANHOLE
  - WATER VALVE
  - WATER METER
  - FIRE HYDRANT
  - POWER POLE
  - POWER BOX
  - EDGE OF PAVEMENT
  - EDGE OF GRAVEL

**PHASING PLAN**  
1" = 100'  
Plan Scale: 1" = 100'

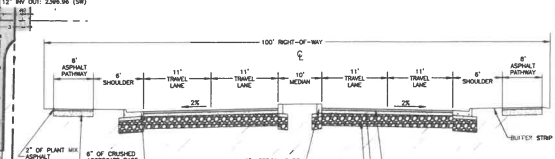
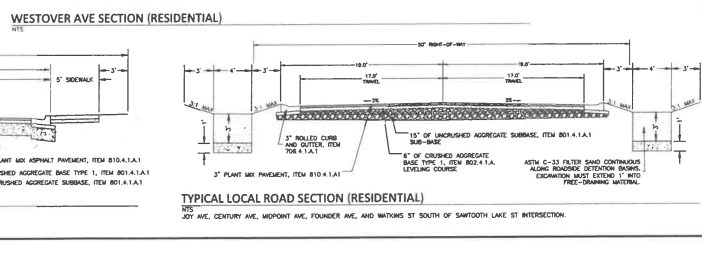
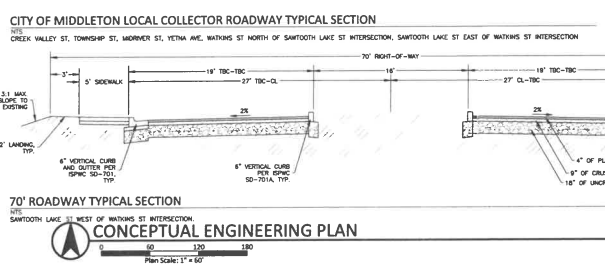
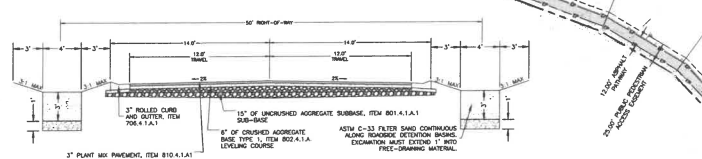
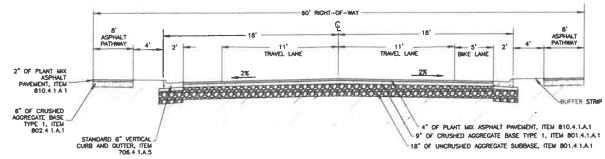
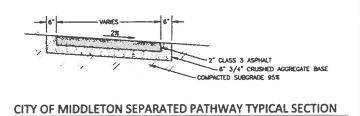
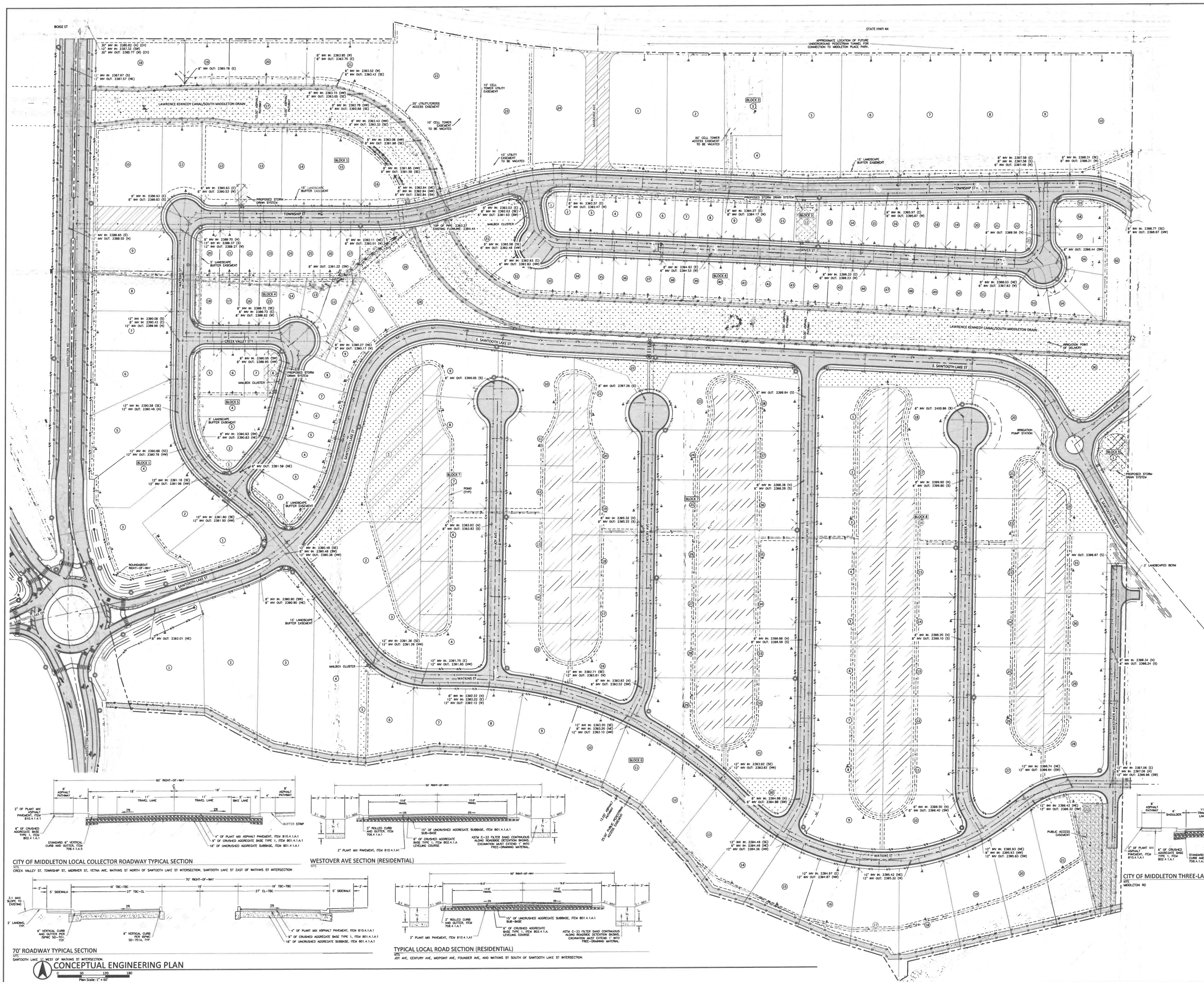
RIVER WALK CROSSING SUBDIVISION  
MIDDLETON, IDAHO  
PHASING PLAN

**km**  
ENGINEERING  
101-14-17  
1700 S. HARRISON WAY  
BOISE, IDAHO 83703  
PHONE (208) 688-8888  
www.km-engineering.com

DATE: JAN/01  
PROJECT: 19-083  
SHEET NO.: PP1.2

LEGEND

- BOUNDARY LINE  
OFFSITE BOUNDARY LINE  
PROPOSED LOT LINE  
FOUND 1/2 INCH REBAR  
FOUND 3/8 INCH REBAR  
FOUND BRASS CAP  
FOUND ALUMINUM CAP  
CALCULATED POINT  
PI. NAIL  
AEL
- PROPOSED IMPROVEMENTS  
PRESSURE REGULATION VALVE  
SEWER LINE  
SEWER MANHOLE  
STORM DRAIN LINE  
STORM DRAIN MANHOLE  
WATER LINE  
FIRE HYDRANT  
WATER VALVE  
STREET LIGHT  
COMMON AREA LOT
- EXISTING FEATURES  
SEWAGE TREATMENT PLANT  
WATER LINE  
GAS LINE  
HEADWATER POWER LINE  
GRAVITY IRRIGATION LINE  
SEWER MANHOLE  
WATER VALVE  
WATER METER  
FIRE HYDRANT  
POWER POLE  
POWER BOX  
EDGE OF PAVEMENT  
EDGE OF GRAVEL



RIVER CROSSING SUBDIVISION  
MIDDLETON, IDAHO  
CONCEPTUAL ENGINEERING PLAN

**km**  
ENGINEERING

10-1-20  
10-1-20  
10-1-20

PP 2.0

## Exhibit "B"

### Engineer Recommend Approval Letter

This letter will be entered into the Record as Exhibit "B" during the hearing.

# Exhibit "C"

## Proposed Development Agreement

## **DEVELOPMENT AGREEMENT**

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**), and WATKINS PROPERTIES, LP, a \_\_\_\_\_ in the State of \_\_\_\_\_ and HESS PROPERTIES LLC, an Idaho Limited Liability Company (hereinafter referred to collectively as "**Owner**").

### **RECITALS**

WHEREAS, Owner owns +/- 129 acres legally described in Exhibit A attached hereto, which real property is commonly referred to in the Canyon County Assessor's records as Parcel Nos. R3393800000 and R33938011 ("**Property**"); and

WHEREAS, Owner has applied to the City to annex and rezone the Property; and

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

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

### **AGREEMENT**

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



## **ARTICLE I LEGAL AUTHORITY**

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

## **ARTICLE II ZONING ORDINANCE AMENDMENT**

The City will adopt an ordinance amending the Middleton Zoning Ordinance to rezone the property as follows: property described in Exhibit “B” shall be rezoned from County “Agricultural” to C-3 (Heavy Commercial); property described in Exhibit “C” shall be rezoned from County “Agricultural” to M-U (Mixed Use); and property described as Exhibit “D” shall be rezoned from County “Agricultural” to R-2 (Large Lot Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform with the Developer’s cooperation.

## **ARTICLE III CONDITIONS OF DEVELOPMENT**

**3.1 Applications.** Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, preliminary plat and final plat reviews, and/ or any special use permits, if applicable, and any other applicable applications as may be required by the Middleton City Code, which shall comply with the Middleton City Code, as it exists at the time such applications are made except as otherwise provided within this Development Agreement.

**3.2 Concept Plan.** The Concept Plan attached hereto as Exhibit “E” represents Owner's current concept for completion of the project. Owner shall be bound by this Concept Plan and shall develop the project generally consistent with the Concept Plan. However, as the project evolves, the City understands that certain changes in that concept may occur. If the City determines that any such changes are significant due to potential impacts on surrounding property or the community, City shall require Owner to apply, in compliance with City Code, for a Development Agreement Modification to address the proposed changes to the Concept Plan.

**3.3 M-U Zone and Setbacks.** Only single-family homes may be built in the M-U Zone. Minimum setbacks for said single-family homes shall be twenty (20) feet in the front yard; fifteen (15) feet in the rear yard, five (5) feet in the interior side

yard, and twenty (20) feet in any street side yard. Cornices, canopies, and eaves that do not increase the enclosed building area, may project into any setback up to two (2) feet. Unenclosed covered patios and porches may project into the front/rear setbacks up to five (5) feet.

**3.4 Deed Restrictions.** Single-family home lots in the M-U Zone shall be exclusively held for purchase and occupancy by persons who are 55 years or older or to the extent allowed under Idaho State law. All requirements related to the 55+ homebuyer requirement for the homes located in the M-U Zone shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho.

**3.5 Middleton Road Frontage Improvements.** The portions of Middleton Road that front the Property are slated to be improved through impact fees collected via the 2021/2022 Mid-Star Service Area Capital Improvement Plan. Although off-site frontage improvements are generally required pursuant to Middleton City Code, Owner shall not be responsible for constructing these improvements. If, at a later date, Owner and City agree that Owner should construct all, or a portion of the planned Middleton Road improvements, then City shall credit Owner for any improvement work over and above Owner's proportionate share of the improvement work.

**3.6 Highway 44 Road Frontage Improvements.** Owner shall, at its own cost, improve all City required street frontages on Highway 44. Such improvements must be completed and accepted by the City before final plat approval for Phase 4 (as the phase is shown on the approved preliminary plat).

**3.7 Traffic Pro-rata/Proportionate Share Fees.** Owner shall pay all traffic impact and traffic pro-rata/proportionate share fees required by the City prior to approval of Phase 1 final plat.

**3.8 Completion of E. Sawtooth Lakes Street.** Final plat for Phase 3 shall not be approved until a second access is constructed for the project. Owner may develop Phases 1 and 2 entirely without constructing a 2<sup>nd</sup> access that connects to Duff Lane, Middleton Road, Highway 44 or Boise Street. Owner agrees to enter into, and record, an agreement with the owner of the adjacent River Pointe Subdivision to complete, in the event that the River Pointe Subdivision is not developed, the portions of E. Sawtooth Lakes Street and/or Yetna Avenue located on the River Pointe Subdivision parcel to ensure access to either Duff Lane or Hwy 44. Final Plat for Phase 1 shall not be approved until Owner provides City with a copy of the recorded agreement between Owner and the River Pointe owner.

**3.9 East/West Collector.** Developer shall provide an east/west collector that connects to the subdivision to the east and provides access to Duff Lane. Parking shall

not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector.

**3.10 Pathways.** The 10' wide asphalt pathways along the Kennedy Lateral shall be open for public use. Owner shall ensure that a public use easement is shown on the preliminary plat and final plat or otherwise created by a recorded instrument.

If the City so requires, Owner agrees to construct the pathways along the Kennedy Lateral below the embankment and nearer to the water level.

Owner shall improve and construct said pathways and obtain a license/easement from the pertinent Irrigation District(s) prior to approval of final plat for Phase 3 as the phase is shown on the approved preliminary plat. Owner and/or its successors and assigns are responsible for maintaining and repairing the portions of the pathway located within the Property.

**3.11 Extraction of Gravel.** Owner shall have the right to excavate the ponds as shown on the preliminary plat. Any extraction shall be in compliance with the following conditions:

1. Comply with all submittal requirements of MCC 1-15-16-2 "Submittal Requirements for Mining Applications" and submit (1) a site plan with phasing plan, (2) an "operations plan", (3) SWPPP (4) traffic plan (on site and off site) and (5) reclamation plan before submittal to other agencies.
2. Obtain a NOI prior to permit approval and beginning excavation.
3. Obtain Water Rights permit for ponds to remain on site and provide the City with a copy of the water right/permit.
4. Construction hours shall be Monday through Saturday 7 a.m. to 6 p.m. Once the first home is occupied in Phase 1, excavation in Phase 2 may only occur Monday through Friday 7 a.m. to 6 p.m.
5. Obtain all permits from Army Corp of Engineers and/or Idaho Department of Water Resources related to FEMA Special Flood Hazard Areas.
6. Access shall be via No. Middleton Road.
7. Comply with all mitigation and other standards of the City Code, particularly MCC 1-15-16-3 Standards for Mineral Extraction and Nuisance standards of MCC 8-1.
8. Excavation of ponds may occur until September 1, 2027, although this time-period may be extended for 1 additional year upon written request to the Planning & Zoning Official. Before final plat can be approved for any phase, the pond in that particular phase must be completed and filled and all excess materials must be removed from the phase.

**3.12 Cell Phone Tower Facility.** A cell tower facility has existed on the Property for a number of years. The cell tower facility may continue in its current location and at its present capacity. In the event the cell tower facility use is

intensified or substantially changed, Owner shall apply per the requirements of the City Code for a special use permit to change the wireless communication activity. In the event Owner transfers the ownership of the property where the cell tower is currently located, Owner will ensure that the transfer documents include the requirements of this Development Agreement.

**3.13 Landscape Buffer.** Owner is not subject to the landscape buffer requirement of Middleton City Code 5-4-10-7(A) for all areas where a residential lot does not directly abut with a commercial lot but are located on the same street or similar proximity. Instead, Owner shall construct a landscape buffer at least 15' wide, and the landscaping may or may not include berming and/or fencing. The 15' wide buffer shall be required along all streets that are shared with both a commercial use and a residential use. The 15' wide buffer must be located entirely on one side of the street. It cannot be split between each side of the street.

At locations where a commercial lot directly abuts a residential lot, the landscape buffer requirement found in MCC 5-4-10-7(A) shall apply.

**3.14 Wrought Iron Fencing.** Only black wrought iron fencing shall be allowed in the project. This includes the perimeter fence required by MCC 5-4-11-2. The perimeter fence may be less than the six (6) foot height prescribed in MCC 5-4-11-2, but the fence height must be a minimum height of four (4) feet. These fencing requirements do not apply to any privacy walls constructed around patios or near the building structure.

**3.15 Design Requirements for Commercial Structures/Uses.** Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Middleton Road and Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least three (3) different design elements or architectural features. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt, modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

**3.16 Signage.** Owner may exceed the one wall sign limit found in the Middleton City Code and may be permitted signs on both the rear elevation and front elevation of a commercial building that has its rear elevation fronting Highway 44 or Middleton Road.

**3.17 CC&Rs.** The conditions, covenants and restrictions for the Property shall contain at least the following:

- a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and

amenities. Owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the City.

- b) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

**3.18 Floodplain.** Owner shall comply with all applicable provisions of Title 4, Chapter 3 Flood Control Regulations and Title 5, Chapter 4, Section 13, Subsection 2, Subdivision Within Floodplain, of the Middleton City Code.

**3.19 Floodway.** All buildings shall be setback a minimum of 50 -feet from the floodway line as identified In Title 4, Chapter 3, Section 7, Subsection 5 Specific Standards of Middleton City Code.

**3.20 Administrative Application for C-3 Zone Changes.** In light of the large commercial component of this project and the need for commercial flexibility, Owner shall be allowed some flexibility with respect to the phasing and lot line configurations of the C-3 portion of the project. Specifically, Owner shall be allowed to pay a fee of \$1000 and make an administrative application to the City Planning & Zoning Official to change the phasing boundaries and/or number of phases in the C-3 Zone. Additionally, the administrative request may apply to alter lot lines to decrease or increase the number of commercial lots and make minor or insignificant reconfigurations of roadway and/or utilities within the affected Phase. If the Planning & Zoning Official deems the changes to lot lines, roadways, and utilities too significant, Owner must utilize the Amended Preliminary Plat process found in the Middleton City Code.

**3.21 Centerline Radius.** Owner shall be allowed a roadway minimum centerline radius of ninety (90) feet.

**3.22 Final Plat Deadline & Termination of Agreement.** Owner shall obtain City Engineer's signature on the final plat for Phase 1 within two years of the date the preliminary plat is approved. Upon written request prior to the expiration of said two year period, Owner may apply administratively with a written request for a one year extension to obtain City Engineer's signature on the final plat for Phase 1. Notwithstanding the provisions in Article IV, if Owner does not obtain the City Engineer's signature on the final plat for Phase 1 within two years of the date the



preliminary plat is approved or within the time-period of a one year extension, then Owner will be in material breach of this Agreement. Additionally, the preliminary plat shall become null and void. The City, after complying with the notice and hearing requirements contained in the Middleton City Code and Idaho Code, may then choose to extend, modify, or terminate this Agreement. The City may initiate the foregoing proceedings and may do so at any time following a material breach hereof. Termination of this Agreement shall not affect the zoning that is in place at the time of the termination, and the zoning for the Property shall remain the same. No delay in initiating proceedings to extend, modify, or terminate this Agreement following a material beach by Owner shall constitute a waiver of said breach.

**3.23 Two Year intervals for Final Plat.** Other than phase 1 final plat dealt with in Paragraph 3.22 above, Owner shall submit a final plat application on each phase within two years of final plat approval on the previous phase. Upon written request prior to the expiration of said two year period, Owner may apply administratively with a written request for a one year extension to submit a final plat application. If Owner does not timely apply for a one year extension or does not subsequently submit the final plat application within the requested one year extension time period, then the preliminary plat for said phase and all subsequent phases shall become null and void, and Owner must resubmit the preliminary plat for said phases in order to continue to develop the Property.

**3.24 Easement for Land-locked Parcels.** Per MCC 5-3-1(A), all lots in a subdivision must front public right of way. Developer shall be entitled to a waiver of this code section with respect to Lots 18-22, Block 1 (northwest corner of the pre-plat immediately north of the Kennedy Drain). Instead, Developer shall create a 20' wide cross-access easement to give access to the parcels.

**3.25 Public Easement on River Access Common Lot:** Developer shall create a public access easement over the entirety of the common lot shown as Lot 22, Block 6 on the Preliminary Plat for the purpose of granting public access to the Boise River. The lot shall be paved with asphalt or compacted gravel to permit easy access by the public and vehicles. Developer and/or Homeowners Association shall be responsible for constructing the drop-off zone and maintaining it thereafter.

**3.26 Community Amenity:** As part of a community amenity, Developer shall construct the court amenity (or amenity(ies) that is deemed matching or better) as shown on Lot 31/Block 4 of the Preliminary Plat.

#### **ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT**

**4.1** If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may

be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code.

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

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

4.2 If after a breach, the City Council determines that the zoning should be changed to another zone, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such change or other authorized action and will cease uses not allowed or permitted within the changed zone.

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

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

## **ARTICLE V GENERAL PROVISIONS**

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

5.2 Any amendment or addendum to this Agreement shall be in writing and made only after the City has complied with the notice and hearing provisions of Idaho Code §67-6509 and Middleton City Code Title 5, Chapter 2.

5.3 Any notice that a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same registered or certified mail with a return receipt requested, or by Federal Express or other

reputable overnight delivery service. Notice shall be given to the parties at the following addresses or such other address and to such other persons as the parties may designate after giving notice. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

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

Developer: Watkins Properties L P  
10038 Turner Drive  
Middleton, Idaho 83644

Hess Properties, LLC  
15031 Spyglass Lane  
Caldwell ID 83607

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

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

5.6 Each commitment and restriction described in this Agreement shall be a burden on the Property and run with the land, and shall be appurtenant to and for the benefit of the Property, adjacent property and other residential land near the Property.

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

The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale



Notary Public  
My Commission Expires: \_\_\_\_\_

**WATKINS PROPERTIES LP:**

By: \_\_\_\_\_

State of IDAHO )  
County of \_\_\_\_\_) SS.

I, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me \_\_\_\_\_, who, being first duly sworn, declared that he signed.

Notary Public  
My Commission Expires: \_\_\_\_\_

**HESS PROPERTIES LLC:**

By: \_\_\_\_\_

State of IDAHO )  
County of \_\_\_\_\_) ss.

I, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me \_\_\_\_\_, who, being first duly sworn, declared that he signed.

Notary Public



## Exhibit "D"

### Comments from the Public



August 4<sup>th</sup>, 2021

TERRY McENTEE, PRESIDENT  
PAT McENTEE, VICE PRESIDENT

P.O. BOX 15010 - ZIP 83715  
5040 SOUTH APPLE  
BOISE, IDAHO

PHONE  
(208) 338-0818

FAX  
(208) 338-1329

E-MAIL: [info@CentralPaving.com](mailto:info@CentralPaving.com)  
Website: [www.CentralPaving.com](http://www.CentralPaving.com)

City of Middleton  
Planning and Zoning Department  
PO Box 487  
Middleton, ID 83644

**Re:** Public Hearing Notice – Annexation/Rezone, Preliminary Plat, Development agreement, and Comprehensive Plan Map Amendment (River Walk Crossing Subdivision)

Planning and Zoning Commission:

In response to the letter we received regarding the public hearing notice for the River Walk Crossing Subdivision, we would like to bring to your attention our mining/hot plant operation located on the property to the south end of the proposed subdivision. Central Paving Co., Inc. owns and operates a gravel pit and has a conditional use permit to erect and operate an asphalt hot plant. Our activities include the use of heavy equipment such as loaders, excavators, rock crushing equipment, asphalt hot plant, and tractor trailers. As you know this type of work can be disturbing for a residential area. We feel this is an important factor to consider due to the nature of the purposed development. Please reach out if you wish to discuss this matter further or have additional questions.

Sincerely,  
Rebecca Strickland

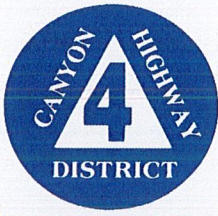
A handwritten signature in dark ink, appearing to read 'R Strickland', written over a horizontal line.

Controller

# Exhibit "E"

## Comments from Agencies





**CANYON HIGHWAY DISTRICT No. 4**

15435 HIGHWAY 44  
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135  
FAX 208/454-2008

June 28, 2021

Middleton City Council and  
Planning and Zoning Commission  
1103 West Main Street  
Middleton, ID 83644  
Attention: Roberta Stewart, P&Z

Hess Properties, LLC  
c/o KM Engineering  
5725 N. Discovery Way  
Boise, Idaho 83713  
Attention: Joe Pachner, P.E.

**RE: River Ranch Crossing Subdivision  
Preliminary Plat- Middleton Rd & Traffic Impacts**

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for the proposed River Ranch Crossing Subdivision dated July 2, 2021, and offers the following comments:

**General**

1. CHD4 has jurisdiction over, and operates and maintains Middleton Rd south of Sawtooth Drive adjacent to the proposed development on the westerly boundary. Additionally, CHD4 operates and maintains Duff Lane and Lincoln Rd which will be indirectly affected by the proposed development. By policy, CHD4 may consider adopting adjacent city standards for road section, access controls, and other urban features for projects within city area of impact and within one mile of city limits. This subject property is proposed for annexation into the City of Middleton.
2. CHD4 requests that the City include as part of any development agreement for the project a clause requiring dedication of public right-of-way for Middleton Rd (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.
3. The City should, through exactions or other fees, determine and require a proportionate share of the costs necessary to improve capacity at local intersections affected by new traffic from the development, including but not limited to Middleton Rd/Sawtooth Drive and Middleton Rd/Lincoln Rd. No other local funding sources for these improvements is currently available to CHD4.
4. The preliminary plat does not include consideration for re-alignment of SH 44 south of existing downtown Middleton. If alternatives for development of this bypass route are not included with this (and other nearby) preliminary plats or development plans, no other reasonable alternative alignment for SH 44 is available due to existing development north and south of the city. This will significantly limit the opportunity to add additional east-west traffic capacity within city limits to serve new growth and development. If the opportunity for a bypass/alternate route is abandoned now, it is gone forever in all practical terms.
5. Ember Street closely matches an existing road name in Canyon County (Ember Rd, located between Middleton & Duff north of Purple Sage Rd) and may cause confusion for emergency responders. As this road is not continuous, and will never connect to the existing Ember Rd, consider an alternate name.



### Access

1. Middleton Rd is designated as a principal arterial on the functional classification maps adopted by CHD4, Canyon County, and the City of Middleton. The Sawtooth Drive collector road access to Middleton Rd is consistent with the Middleton Rd Corridor Plan (2016) adopted by the City and CHD4. There does not appear to be any other public road access proposed by the development, although future connection to Duff Lane through River Pointe Subdivision to the east appears to be planned.
2. The proposed Sawtooth Drive access to Middleton Rd appears to be offset approximately 45-feet south of the existing Sawtooth Drive approach to the west. CHD4 recognizes this offset is planned to accommodate a roundabout at the Sawtooth/Middleton intersection in the future; however this geometry will not accommodate any interim access as the left turn movements for the two Sawtooth Drive approaches will overlap, causing conflicts and potential safety concerns. To correct this conflict, the roundabout should be constructed prior to or in conjunction with the east Sawtooth approach, or the east Sawtooth approach should be temporarily located to align with the west Sawtooth approach until a roundabout can be constructed. Alternatively, the Sawtooth Drive approaches could be limited to right-in-right-out for interim operation.
3. The Ember Street connection east to River Street does not appear consistent with the preliminary plat for River Pointe Subdivision dated May 5, 2021.

### Traffic Impacts

CHD4 has reviewed the Traffic Impact Study (TIS) dated November 24, 2020 for River Ranch Crossing, and provides the following comments:

1. The TIS dated 11/24/20 appears to include a re-alignment of SH 44 through portions of the development, and references a connection to SH 44 via "Marjorie Drive" referenced as a "Closed Right-of-Way". If this connection is not planned for use, the traffic impacts assumed for the Sawtooth Drive connection to Middleton Rd, and the future connection through River Pointe Subdivision to Duff are likely understated in the TIS.
2. The TIS states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.
3. The TIS states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

Please feel free to contact me with any questions on these comments.

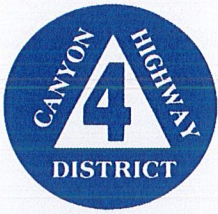
Respectfully,



Chris Hopper, P.E.  
District Engineer

CC: File: Middleton\_Middleton Rd- River Ranch Crossing Subdivision





**CANYON HIGHWAY DISTRICT No. 4**

15435 HIGHWAY 44  
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135  
FAX 208/454-2008

August 5, 2021

Middleton City Council & Planning and Zoning Commission  
1103 West Main Street  
Middleton, ID 83644  
Attention: Roberta Stewart, P&Z

**RE: River Pointe Subdivision Preliminary Plat  
River Walk Crossing Subdivision Preliminary Plat  
Middleton Rd & Duff Lane**

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the following items related to preliminary plats for the proposed River Pointe Subdivision and River Walk Crossing Subdivision:

River Pointe:

- Preliminary Plat dated May 5, 2021
- Revised Traffic Impact Study dated April 14, 2021
- Updated Technical Report from ITD dated February 14, 2021

River Walk Crossing:

- Preliminary Plat dated June 2, 2021
- Traffic Impact Study dated November 24, 2021
- Technical Report from ITD dated March 4, 2021

CHD4 provides the following comments on these applications:

**General**

By agreement with the City, CHD4 operates and maintains Middleton Road and Duff Lane adjacent to the proposed developments. It is our understanding that the subject properties are or will be annexed into the City of Middleton.

The City is currently considering significant revisions to the comprehensive plan and transportation planning maps, including removal of a bypass route for SH 44 south of the existing city center. The River Point plat shows area reserved for right-of-way for this bypass, while the River Walk Crossing plat does not. It is difficult to provide comprehensive comments on traffic impacts from these developments given the uncertainty of the SH 44 principal arterial corridor. Comments provided below are general in nature due to this uncertainty, and additional comment may be provided in the future.

CHD4 requests that the City include as part of any development agreement for the projects a clause requiring dedication of public right-of-way for Middleton Road or Duff Lane (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.



### **Traffic Impacts**

The two developments combine to produce a reported 16,866 trips per average weekday at buildout, with three (or possibly four) connections to the existing highway system at Middleton Rd, SH 44, and Duff Lane. This increase in traffic will have a significant impact on all three highways adjacent to the development, and on adjacent and downstream intersections.

Middleton Rd along the west boundary of the developments is a two lane rural road between the city center and Lincoln Rd. The existing road is nearing capacity with current 2021 traffic volumes. The Mid-Star Capital Improvement Plan adopted by the City in July 2021 includes projects to widen Middleton Rd to 5 lanes, and to construct roundabouts at the intersections of Lincoln Rd and Sawtooth Drive. This plan is not currently funded, although the city is considering modification to its impact fee ordinance to enact development impact fees sufficient to make these improvements. Construction of any improvements included under the Mid-Star CIP will take place well after traffic impacts from the proposed developments are experienced. CHD4 has no capacity projects programmed for this corridor in the next five years.

Duff Lane along the east boundary of the developments is a two lane rural road with narrow shoulders and limited right-of-way width between the proposed Watkins Street access from the developments. No capacity improvements to Duff Lane are currently programmed by CHD4, nor are included in the Mid-Star CIP. The TIS for River Pointe estimates a total of 73 trips in the 2025 PM peak hour using the Duff Lane/Watkins Street intersection, and 114 trips using Duff Lane at SH 44. These volumes are well within the typical operational capacity of a two-lane highway (300 trips/hr), however it represents only approximately 4% of the total peak hour trips generated by the site. This estimate may not accurately represent usage of this intersection, and the Duff Lane corridor between Watkins St and SH 44, when only two or three other points of access to the highway system are available to the developments. CHD4 recommends re-evaluation of the estimated usage of this approach to Duff Lane when a decision on the SH 44 alternative route is finalized, and timing of development of the Marjorie Ave approach to SH 44 is clarified.

Numerous intersections nearby or affected by the developments are already operating near or below acceptable Levels of Service (average vehicle delay) during the peak hour periods, including SH 44/Middleton, SH 44/Duff, Middleton/Sawtooth, and Middleton/Lincoln. Each of these (except SH 44/Middleton) is included on the Mid-Star CIP for capacity improvements, and will be eligible for funding through development impact fees. Implementation of these projects may lag years behind the traffic impacts generated by the developments, as the fees are not collected until building permit issuance, and traffic associated with building construction can equal or exceed that from the finished development. Levels of service at these surrounding intersections should be expected to further degrade from the current conditions unless these projects can be advanced through other funding sources to occur in sequence with development of the subject properties.

The TIS for River Pointe states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

The TIS for River Walk Crossing states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.

Comments previously provided by CHD4 for River Walk Crossing (June 28, 2021) and River Point (May 27, 2021) are still applicable to these projects.

CHD4 requests the City Council and Planning & Zoning Commission consider these comments, and condition the proposed development to address impacts to the area's transportation system.

Please feel free to contact me with any questions on these comments.

Respectfully,

A handwritten signature in blue ink, appearing to read 'CH', with a long horizontal flourish extending to the right.

Chris Hopper, P.E.  
District Engineer

CC: File: Middleton\_Duff Lane- River Pointe Subdivision/ River Walk Crossing Subdivision



# Communities in Motion 2040 2.0 Development Review

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

**Development Name: River Pointe and River Walk Crossing**








**Agency: Middleton**

**CIM Vision Category: Future Neighborhoods**

**New households: 274**

**New jobs: ±80**

**Exceeds CIM forecast: No**

	CIM Corridor: <b>Highway 44</b> Pedestrian level of stress: <b>R</b> Bicycle level of stress: <b>R</b>	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: <b>1,080</b> Jobs within 1 mile: <b>540</b> Jobs/Housing Ratio: <b>0.5</b>	A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: <b>3.4 miles</b> Nearest fire station: <b>2.5 miles</b>	Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
	Farmland consumed: <b>Yes</b> Farmland within 1 mile: <b>844 acres</b>	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
  	Nearest bus stop: <b>&gt;4 miles</b> Nearest public school: <b>0.7 miles</b> Nearest public park: <b>0.1 miles</b> Nearest grocery store: <b>0.5 miles</b>	Residents who live or work less than <b>½ mile</b> from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

## Recommendations

The proposed River Pointe and River Walk Crossing subdivision is situated on the south of State Highway 44 in the direct alignment of the SH-44 bypass. As you know, COMPASS works closely with member agencies to develop the regional long-range transportation plan for Ada and Canyon Counties. This plan identifies the vision for growth and the transportation system to support that growth. The long-range transportation plan also enables transportation agencies to maximize the use of the limited transportation dollars in a comprehensive and coordinated approach. The SH-44 bypass has been included in the region's long-range transportation plans since 2003. The current long-range transportation plan, *Communities in Motion 2040 2.0* (CIM 2040 2.0), identified the SH-44 bypass in Middleton as key to the overall efficiency and safety of this corridor. SH-44, including the Middleton bypass, is currently considered the third highest state system priority in CIM 2040 2.0, after Interstate 84 and US Highway 20/26.

Not only has this project been included in the long-range transportation plans since 2003, but it had its genesis a few years earlier in a corridor study that began in 1999. The corridor study later became an environmental assessment (EA). Multiple agencies have been working together to support the development, completion, and eventual adoption of the SH-44 EA. For the past eighteen years, decisions about regional land uses and the transportation system have been influenced by/depend on the future bypass.

This spring the Idaho Legislature passed HB362, which Governor Little signed on May 10, 2021, to increase sales tax distribution to the Transportation Expansion and Congestion Mitigation Fund, to allow for large infrastructure projects. This increase allows at least \$80M per year for capacity projects, with the added ability to bond. If the SH-44 EA can be completed and approved, the project could move forward with the newly available funding.

As recent and future growth will bring added traffic to SH-44, the bypass is needed to maintain a state route as an efficient corridor to access jobs, services, and other communities, while ensuring Middleton's downtown is safe for pedestrian access to nearby schools and businesses. COMPASS has committed almost \$4.7 million dollars in the regional transportation improvement program to construct South Cemetery Road, from Highland Drive to Willow Creek, linking SH-44 and Middleton Road. If the bypass does not come to fruition, there could be unintended consequences, such as drivers choosing to use the Cemetery Road extension to avoid the impending congestion through the City of Middleton due to growth. The bypass was designed to carry/serve this additional traffic. Local land use and transportation plans were developed based on this understanding of the need for a SH-44 bypass in Middleton. Without this bypass, we anticipate a degradation of other roads and an inability to effectively and safely serve future growth. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266).

More information about COMPASS and *Communities in Motion 2040 2.0*:

Web: [www.compassidaho.org](http://www.compassidaho.org)

Email [info@compassidaho.org](mailto:info@compassidaho.org)

More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>



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

Regionally Significant: ☒

☒ Inflated

Key #: 20266

Requesting Agency: ITD

Project Year: 2023

Total Previous Expenditures: \$463

Total Programmed Cost: \$8,760

Total Cost (Prev. + Prog.): \$9,223

**Project Description :** Add an additional westbound and eastbound lane to improve congestion and reduce crashes along State Highway 44 (State Street), from State Highway 16 to Linder Road near the City of Eagle.

### COMPASS PM:

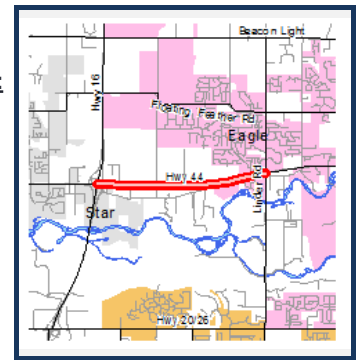
Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

### Federal PM:



Funding Source		TECM	Program					State Hwy - Safety & Capacity (Capacity)	Local Match	100.00%
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share	
2021	0	90	0	0	0	0	90	0	90	
2023	0	0	0	0	765	7,905	8,670	0	8,670	
<b>Fund Totals:</b>	<b>\$0</b>	<b>\$90</b>	<b>\$0</b>	<b>\$0</b>	<b>\$765</b>	<b>\$7,905</b>	<b>\$8,760</b>	<b>\$0</b>	<b>\$8,760</b>	

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

Regionally Significant: ☒

☒ Inflated

Key #: 20574

Requesting Agency: ITD

Project Year: 2024

Total Previous Expenditures: \$1,400

Total Programmed Cost: \$11,836

Total Cost (Prev. + Prog.): \$13,236

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

### COMPASS PM:

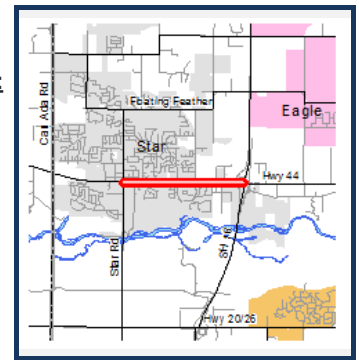
Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

### Federal PM:



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



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MIDDLETON RURAL FIRE DISTRICT

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STAR FIRE PROTECTION DISTRICT

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DATE: June 22, 2021

TO: City of Middleton, Planning & Zoning  
City of Middleton, Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: River Ranch Crossing

**Fire District Summary Report:**

**Overview:** This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

**Fire Response Time:** This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, Idaho. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development.

**Accessibility:** Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

One- or two-family dwelling residential developments: Development of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with at least two separate and approved fire apparatus access roads.

*Note: The current proposed entrance design off Middleton Rd to E. Sawtooth Lake Dr. will be sufficient for development of phases 1 & 2. Development of phases 3, 4 and 5 will require additional access.*

The fire district requires that Autoturn models be submitted for review. Autoturn models should reflect the utilization of a 36' long fire engine and 50' ladder truck.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.



The developer shall provide a designated access point(s) to watercourse and bodies of water as requested by the Fire District for emergency services. Access shall have an unobstructed width of not less than 12 feet exclusive of shoulders with an unobstructed vertical clearance of not less than 13 feet 6 inches. The drivable surface shall be capable of supporting the imposed load of fire apparatus weighing at least 35,000 pounds. The access shall be protected from unauthorized vehicles using MaxiForce collapsible bollards. The access shall also be marked with signs on both ends of the access point reading "Emergency and Authorized Vehicles ONLY".

The applicant shall work with City of Middleton, Canyon County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

**Specialty/Resource needs:** None

**Water Supply:**

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
  - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
  - f. Fire hydrants shall be provided to meet the requirements of the City of Middleton.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.



River Ranch Crossing

MIDDLETON RURAL FIRE DISTRICT



STAR FIRE PROTECTION DISTRICT

**Inspections:**

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

**Additional Comments:**

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

(208) 286-7772  
11665 W. STATE ST., SUITE B  
STAR, IDAHO 83669



**Your Safety • Your Mobility  
Your Economic Opportunity**

**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

June 28, 2021

Roberta Stewart  
City of Middleton, Planning & Zoning  
1103 W. Main St.  
P.O. Box 487  
Middleton, ID 83644  
Phone: (208) 585-3133  
[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)

VIA EMAIL

RE: River Ranch Crossing – ITD Site Plan Comments

Dear Ms. Stewart,

The Idaho Transportation Department (ITD) appreciates the opportunity to review the proposed River Ranch Crossing Preliminary Plat (dated 6/2/2021) that is planned for distribution at the city of Middleton's upcoming July 12<sup>th</sup> public hearing. We realize the city also requires ITD's formal traffic impact study (TIS) comments prior to the public hearing that will describe acceptability of the proposed SH-44 access across from Marjorie Avenue as well as any other improvements needed to mitigate for impacts to the State Highway System. Based on the provided Preliminary Plat, ITD is unable to provide any comments on the TIS.

The department is actively moving forward with the draft SH-44 corridor plan with intent to secure approval of the associated environmental document from the Federal Highway Administration (FHWA). The corridor plan includes the Middleton Alternate Route, which bisects River Ranch Crossing. River Ranch Crossing's Preliminary Plat does not provide any setback for the future alternate route. ITD does not expect the city to require the developer to dedicate land towards the future alternate route, but it is necessary for future right-of-way to be preserved. Project costs will increase astronomically to the point of making the alternate route unfeasible if residential houses and/or commercial buildings are allowed to construct within future right-of-way limits.

We also compared River Ranch Crossing's Preliminary Plat with the city of Middleton's Comprehensive Plan and Maps adopted on December 4, 2019, and available from the City's website. The Preliminary Plat does not comply with the comprehensive plan. The map titled, "Map 3: COMPREHENSIVE PLAN – Transportation, Schools, and Recreation Map includes the road features "ITD HWY 44 Conceptual Alternate Route" and River Street. The alternative route is not included on the River Ranch Crossing Preliminary Plat. River Street is included in the



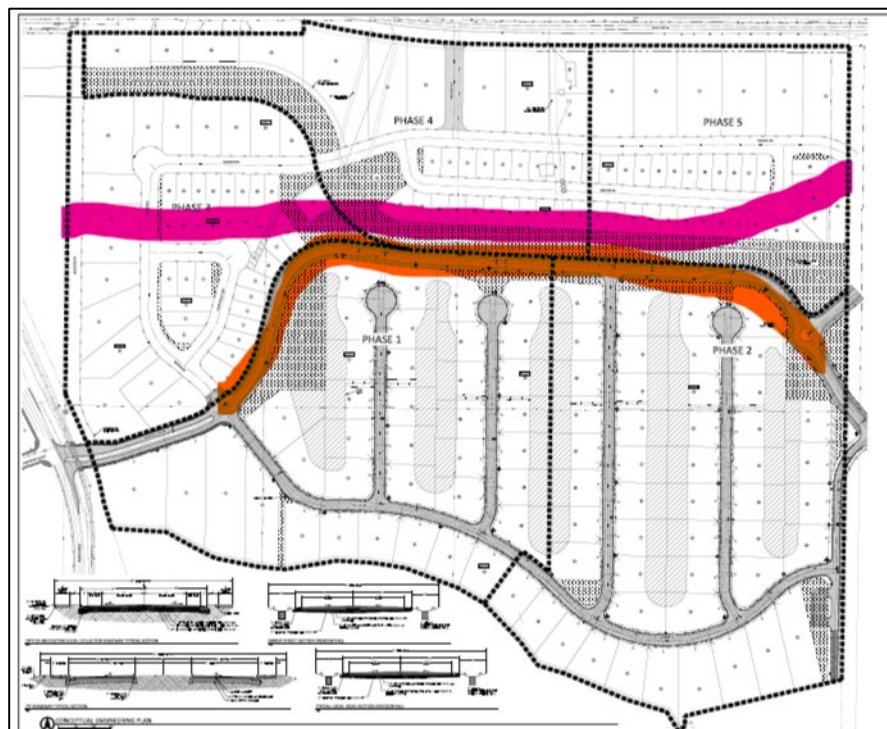
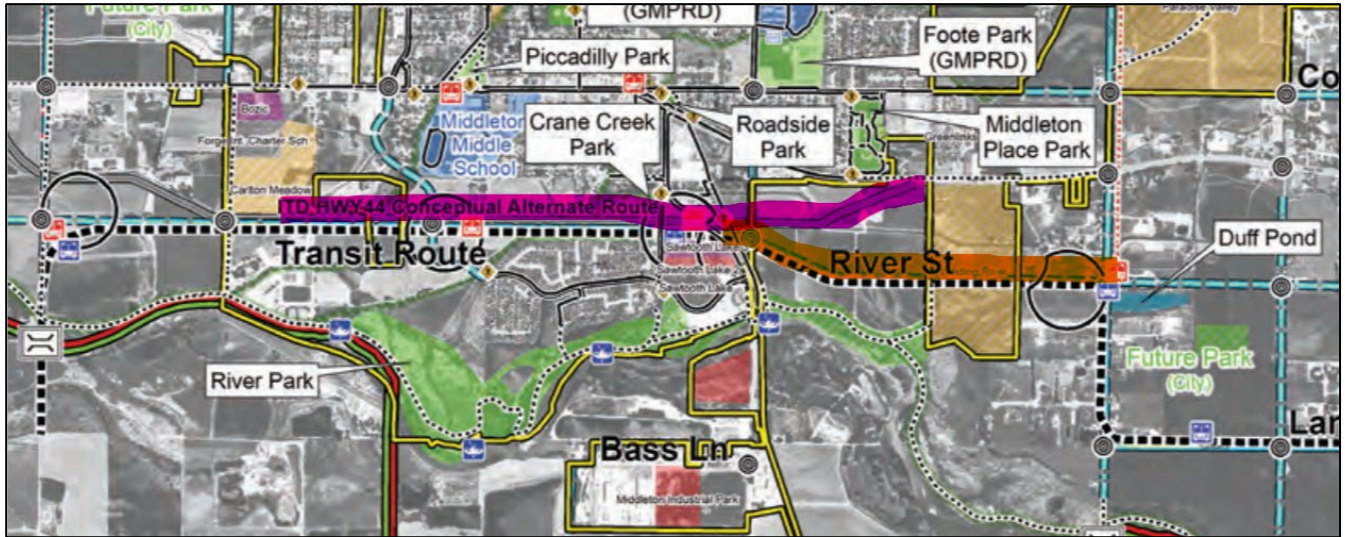
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P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

Preliminary Plat but does not maintain the intent of what is shown in Map 3 that serves as an arterial route between the SH-44 Alternate Route and Duff Lane. Please see diagrams below.





**Your Safety • Your Mobility  
Your Economic Opportunity**

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P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • [itd.idaho.gov](http://itd.idaho.gov)

Included on the City's website, Planning and Zoning page, Comprehensive Plan, 2019 Comprehensive Plan Updated Maps, is the "City of Middleton Crane Creek Park" map that includes a 100-foot wide "River Street (Future)" feature. River Street as shown in the Preliminary Plat is only 60-feet wide.

At this time, ITD is unable to complete our review of the River Ranch Crossing TIS based on the above-described concerns. We support economic development within the city of Middleton, but cannot support a development that is in conflict with the SH-44 corridor plan that we have been working on for years with our local agency partners.

Please accept this letter as ITD's formal objection to the development unless significant changes to the preliminary are implemented.

I ask that as the city of Middleton evaluates future development, it be mindful of how the development's traffic accesses SH-44 and whether it is in alignment with the draft SH-44 corridor plan. This plan has been developed to serve the needs of your growing community and the needs of travelers on the State highway. ITD looks forward to working with the City as you plan and grow your community and together we continue ITD's mission of "Your Safety. Your Mobility. Your Economic Opportunity."

Sincerely,

Erika R. Bowen, P.E.

ITD – District 3

Development Services Technical Engineer

Cc:

Caleb Lakey – ITD

Matt Stoll – COMPASS

Dan Lister – Canyon County

**From:** [Erika Bowen](#)  
**To:** [Roberta Stewart](#)  
**Cc:** [Joe Pachner](#); [Stephanie Hopkins](#); [Becky Crofts](#); [Amy Woodruff](#); [Tyler Hess](#); [Sarah Arjona](#); [Mark Wasdahl](#); [Jayme Coonce](#); [Caleb Lakey](#); [Dan Lister](#); [mstoll@compassidaho.org](mailto:mstoll@compassidaho.org); [Jake Melder](#)  
**Subject:** RE: [EXTERNAL] Revised River Ranch Crossing for ITD review  
**Date:** Monday, June 28, 2021 8:40:10 AM  
**Attachments:** [image003.png](#)  
[19-053 Preliminary Plat 06.2.2021 Signed COPY.pdf](#)  
[6-28-2021 River Ranch Crossing Site Plan - ITD Comments.pdf](#)

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Hi Roberta-

ITD reviewed the provided preliminary plat that will be presented to the Planning and Zoning Commission on July 12<sup>th</sup>. At this time ITD is unable to complete our review of the River Ranch Crossing Traffic Impact Study based on a number of concerns regarding the Preliminary Plat and how it does not comply with the City of Middleton's Comprehensive Plan nor ITD's draft SH-44 corridor plan. Please find details of our concerns in the attached letter.

Thanks,

*Erika R. Bowen, P.E.*

ITD District 3 Development Services Technical Engineer

---

**From:** Roberta Stewart <rstewart@middletoncity.com>  
**Sent:** Thursday, June 17, 2021 1:52 PM  
**To:** Sarah Arjona <Sarah.Arjona@itd.idaho.gov>; Erika Bowen <Erika.Bowen@itd.idaho.gov>; Mark Wasdahl <Mark.Wasdahl@itd.idaho.gov>; Jayme Coonce <Jayme.Coonce@itd.idaho.gov>  
**Cc:** Joe Pachner <Joe@kmengllp.com>; Stephanie Hopkins <shopkins@kmengllp.com>; Becky Crofts <bcrofts@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Tyler Hess <tyler@hesspropertiesidaho.com>  
**Subject:** [EXTERNAL] Revised River Ranch Crossing for ITD review

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Hi Erika and Sarah: you have been working with Stephanie Hopkins of KM Engineers on review of this River Ranch Crossing preliminary plat in Middleton, Idaho. It is the large commercial/residential plat that is closely connected to Brian Burnett's River Pointe Subdivision, which you recently reviewed.

This is the 4<sup>th</sup> version of River Ranch's plat, and it is the version that we will be taking to the Planning & Zoning Commission for public hearing on July 12, 2021. It is not terribly different from the last version you reviewed, but it is different. One of the differences is the fact that the Hwy 44 bypass Right of Way is missing per emails between Mayor Rule and Caleb Lakey. Earlier, Sarah had asked that the right of way be re-inserted into the plat, but the City is not requiring that right of way, as you know.

We are requesting that you re-review and revise as necessary your earlier Traffic Findings and Technical Report. If you need me to resend Burnett's River Pointe pre-plat to see how the 2

subdivisions connect, please let me know and I will send it right away. Thanks for your help.

*Roberta L. Stewart*

PLANNER

City of Middleton, Planning & Zoning  
1103 W. Main St.  
P.O. Box 487  
Middleton, ID 83644

Tele - (208) 585-3133  
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[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)

[www.middleton.id.gov](http://www.middleton.id.gov)



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**From:** Sarah Arjona <[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)>

**Sent:** Monday, April 19, 2021 10:36 AM

**To:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>; Erika Bowen <[Erika.Bowen@itd.idaho.gov](mailto:Erika.Bowen@itd.idaho.gov)>; Mark Wasdahl <[Mark.Wasdahl@itd.idaho.gov](mailto:Mark.Wasdahl@itd.idaho.gov)>; Jayme Coonce <[Jayme.Coonce@itd.idaho.gov](mailto:Jayme.Coonce@itd.idaho.gov)>; Becky Crofts <[bcrofts@middletoncity.com](mailto:bcrofts@middletoncity.com)>; Rachel Speer <[rspeer@middletoncity.com](mailto:rspeer@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Spencer Kofoed <[Spencer@tcpidaho.com](mailto:Spencer@tcpidaho.com)>; Tyler Hess <[tyler@hesspropertiesidaho.com](mailto:tyler@hesspropertiesidaho.com)>; Mary Wall <[mwall@breckonld.com](mailto:mwall@breckonld.com)>; Jon Breckon <[jbreckon@breckonld.com](mailto:jbreckon@breckonld.com)>; 'Brian Burnett' <[invest1977@yahoo.com](mailto:invest1977@yahoo.com)>

**Cc:** Joe Pachner <[Joe@kmengllp.com](mailto:Joe@kmengllp.com)>

**Subject:** RE: [EXTERNAL] River Ranch Crossing and River Pointe layouts

Stephanie,

Can you provide a site plan with the SH-44 future alternate route overlay please?

Thank you,

*Sarah Arjona*  
*Development Services Coordinator*  
*ITD District 3*  
*(208) 334-8338*

---



**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>

**Sent:** Monday, April 19, 2021 10:27 AM

**To:** Erika Bowen <[Erika.Bowen@itd.idaho.gov](mailto:Erika.Bowen@itd.idaho.gov)>; Sarah Arjona <[Sarah.Arjona@itd.idaho.gov](mailto:Sarah.Arjona@itd.idaho.gov)>; Mark Wasdahl <[Mark.Wasdahl@itd.idaho.gov](mailto:Mark.Wasdahl@itd.idaho.gov)>; Jayme Coonce <[Jayme.Coonce@itd.idaho.gov](mailto:Jayme.Coonce@itd.idaho.gov)>; Becky Crofts <[bcrofts@middletoncity.com](mailto:bcrofts@middletoncity.com)>; Rachel Speer <[rspeer@middletoncity.com](mailto:rspeer@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Spencer Kofoed <[Spencer@tcpidaho.com](mailto:Spencer@tcpidaho.com)>; Tyler Hess <[tyler@hesspropertiesidaho.com](mailto:tyler@hesspropertiesidaho.com)>; Mary Wall <[mwall@breckonld.com](mailto:mwall@breckonld.com)>; Jon Breckon <[jbreckon@breckonld.com](mailto:jbreckon@breckonld.com)>; 'Brian Burnett' <[invest1977@yahoo.com](mailto:invest1977@yahoo.com)>

**Cc:** Joe Pachner <[Joe@kmengllp.com](mailto:Joe@kmengllp.com)>

**Subject:** [EXTERNAL] River Ranch Crossing and River Pointe layouts

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Hi all,

Please see attached for two exhibits that depict the River Ranch Crossing Subdivision and the River Pointe Subdivision. These exhibits demonstrate the connectivity between the two proposed subdivisions and proposed points of access for each separately.

We look forward to further discussion regarding both projects today.

Thank you,

Stephanie Hopkins

Land Planner

**KM ENGINEERING**

5725 N. Discovery Way | Boise, ID 83713

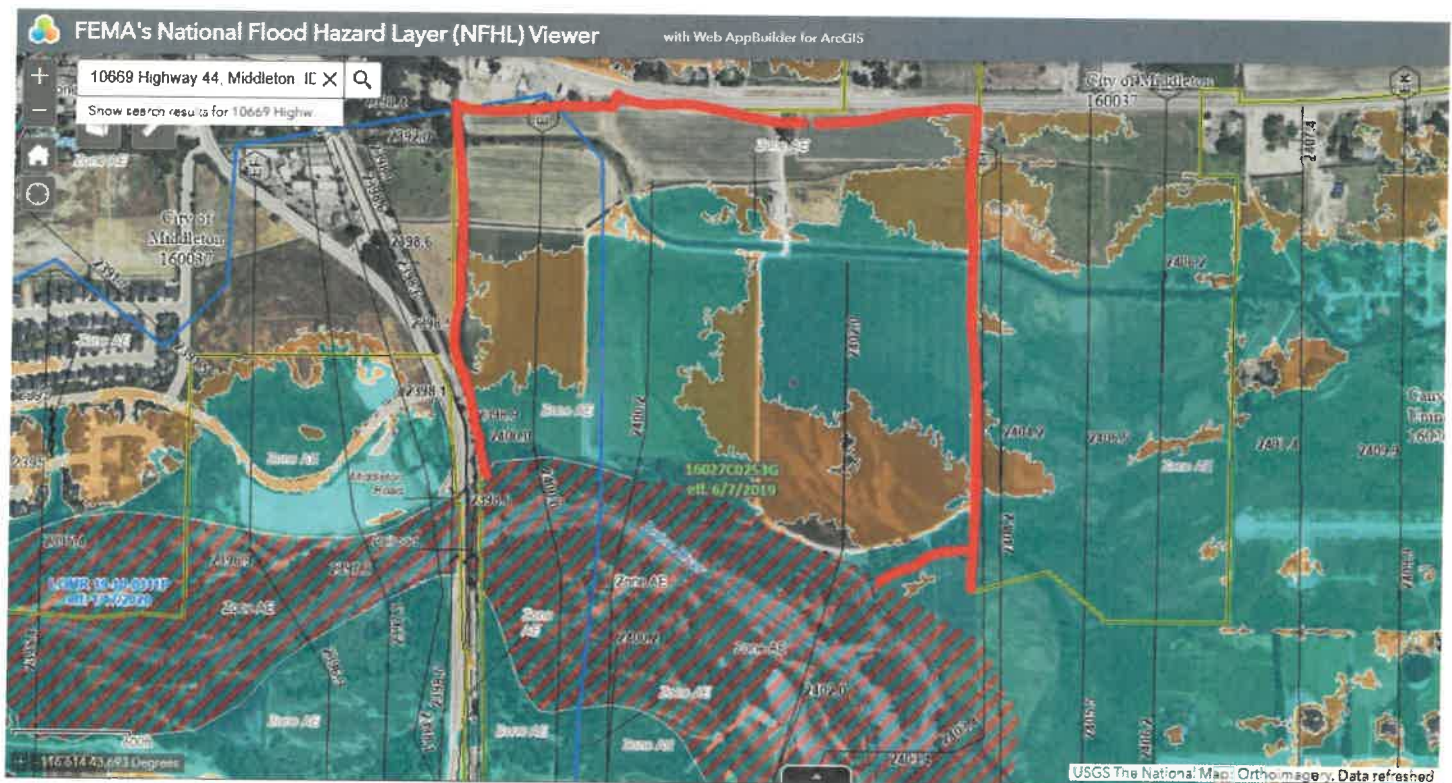
208.639.6939



## Roberta Stewart

**From:** O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>  
**Sent:** Thursday, September 16, 2021 1:16 PM  
**To:** Roberta Stewart  
**Subject:** re: River Walk Public Hearing - CC 10-6-2021  
**Attachments:** Notice - Agencies - CC.pdf

Roberta,



The following National Flood Insurance Program (NFIP) regulations will apply to this project:

**Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.**

... Minimum standards for communities are as follows:

(a) ... the community shall:

- (1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;
- (2) Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;
- (3) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall
  - (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

- (ii) be constructed with materials resistant to flood damage,
- (iii) be constructed by methods and practices that minimize flood damages, and
- (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that

(i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,

(ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas

(i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

(ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) ... the community shall:

(1) Require permits for all proposed construction and other developments including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:

(i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame

ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) ... the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);

(3) Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement) elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level,

(i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and

(ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development,

when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

- (i) The lowest floor of the manufactured home is at or above the base flood elevation, or
- (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

- (i) Be on the site for fewer than 180 consecutive days,
- (ii) Be fully licensed and ready for highway use, or
- (iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(d) the community shall:

- (1) Meet the requirements of paragraphs (c) (1) through (14) of this section;
- (2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;
- (3) Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
- (4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

Should you have any questions please do not hesitate to contact me.

Thank you,  
Maureen O'Shea, AICP, CFM  
NFIP State Coordinator  
Idaho Dept. of Water Resources  
322 E Front St, P.O. Box 83720, Boise, ID 83720

Office # 208-287-4928

Cell # 208-830-4174

[Maureen.OShea@idwr.idaho.gov](mailto:Maureen.OShea@idwr.idaho.gov)

[www.idwr.idaho.gov/floods](http://www.idwr.idaho.gov/floods)

---

**From:** IDWRInfo <idwrinfo@idwr.idaho.gov>

**Sent:** Wednesday, September 15, 2021 20:43

**To:** O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>; Miller, Nick <Nick.Miller@idwr.idaho.gov>

**Subject:** River Walk Public Hearing - CC 10-6-2021

Maureen & Nick,

- Middleton City Zoning Commission
- Application Type: Notice of Public Hearing /
- Hearing Date: October 6, 2021 @ 5:30 PM, 1103 W. Main St. Middleton, ID
- Please submit your comments and recommendations to City of Middleton @ PO Box 487, Middleton, ID 83644
- 208-585-3133 or rstewart@middletoncity.com

-Kris

Office Specialist II

*Idaho Department of Water Resources*

P: (208) 287-4802

<https://idwr.idaho.gov/>



Please see the notice for public hearing scheduled for 10-6-2021.



# Exhibit "F"

## Comments from City Engineer and Floodplain Administrator



June 21, 2021

TO: Roberta Stewart, Planner, City of Middleton

FROM: Civil Dynamics PC, City Engineer

By: Amy Woodruff, PE

**RE: River Ranch Crossing Subdivision – Revised Preliminary Plat**

---

Thank you for the opportunity to review the above referenced preliminary plat submittal. The plat(s) are incomplete. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

MCC 5-4-3: Traffic Impact Analysis. Required unless waived through other mitigation.

MCC 5-4-4.2.f. Add benchmark information.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0.

MCC 5-4-4.2.p. Please specifically identify all land to be dedicated to the public with purpose indicated. Please list lots and use.

MCC 5-4-10-2.J Correct street names – typical of all sheets. Street is east-west, avenue is north-south, and court is cul-de-sac. There are no other designations.

Overlay the roundabout design at the intersection of Sawtooth Lake Drive and S Middleton and configure the lots/rights of way accordingly. Contact us if you need CADD files or other information. If the River Ranch Sawtooth access comes on prior to the roundabout, the construction drawings will be approved using the 70' section on PP2.0 but the roundabout rights of way will be dedicated.

Note 5. Separate out as needed. No lot drainage or irrigation in front easement area.

Show utilities in SH44 right of way.

Add note no direct lot access to S Middleton or Sawtooth Lake Drive.

Note 2 revise.

Add note access for Lot 18/19/ 20/21/22 Block 1 to be full cross access/ingress/egress finalized at final plat. Identify and show utilities for service to all.

Irrigation layout is required.

Submit a stand alone phasing plan. The heavy dashed line obscures utilities and details.

Extend 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Connect to water at Boise Street and S Middleton.

Extend all utilities to Phase 3, Phase 4 and Phase 5. 12" water may be required in commercial zone.



Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy.

Show hydrant location, streetlight location, and add a note or show fiber installation.

Streetlights required on S Middleton.

Need a street section for S Middleton. Use City's three lane urban.

Swales are not permitted for stormwater management. Stormwater cannot come in irrigation facilities or on site ponds.

Submit cross section for the mining sites/ponds.

Dimension all rights of way including ITD right of way.

Identify what is happening at northwest corner/boundary area with Boise Avenue (if extended) and access to Lot 18- Lot 22, Block 1.

Secondary access is needed either at Boise Street area or at Township Rd. extended. If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot and the 90d turn established. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments. Add call out if applicable.

Typical 60 ft street section (local road), please add section, including structural components.

Centerline radii and intersection radii are required to meet City code. Please review and revise or follow up with variance or address in development agreement.

Dimension rights of way - all.

Clearly show pathway(s) with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing.

Well to be abandoned note: Add per IDWR.

Identify and callout septic to be abandoned.

Review the title report and clearly show the easements listed or submit a narrative detailing how each is shown or not applicable.

Boundary is missing bearing/distance east area. Plat boundary needs stamped.

September 21, 2021

TO: Roberta Stewart, Planner, City of Middleton

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



RE: **River Walk Subdivision – Preliminary Plat Review**

Thank you for the opportunity to review the above referenced preliminary plat submittal. All comments below are a condition of preliminary plat prior to Council hearing.

1. Show complete topography on the preliminary plat.
2. How does Lot 1 Block 6 access? Lots are required to access on a public right of way. It cannot access off Middleton Road or the leg of the roundabout.
3. Irrigation to the common lots is required.
4. Submit preliminary engineering design/inverts for sewer. The connection at the 30" in Boise needs to match top pipe. Confirm the crossing of Lawrence Kennedy at Middleton Road and at Township Street. **What is the bottom of ditch elevation compared to top pipe elevation?**
5. Swales are not permitted for stormwater management and a variance to allow swales will not be supported. The only stormwater management allowed is retention basins. Please revise the preliminary plat as needed to provide area sufficient for retention basins.
6. **Secondary, public, improved access** is needed either at Boise Street area or at Township Rd. extended (or approved other). Closed right of way is not approvable. Revise note 11 as needed to remove "closed". Please be informed: City code requires a secondary access at 51 lots (max 50). 17 lots of Phase 2 will be developed without secondary access either through River Pointe or to S Middleton or other.
7. Centerline radii and intersection radii are required to meet City code. **60 ft will not be supported by the City and Middleton Rural Fire.**
8. Add a note the exterior boundary will be fenced per an approved fencing plan.





August 2, 2021

TO: Roberta Stewart, Planner, City of Middleton

FROM: Civil Dynamics PC, City Engineer

By: Amy Woodruff, PE

RE: **River Ranch Crossing Subdivision – Preliminary Plat 2<sup>nd</sup> Review**

---

Thank you for the opportunity to review the above referenced preliminary plat submittal. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward. All comments below are a condition of preliminary plat prior to Council hearing.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0. The table needs to identify the number of lots for each phase/use: commercial, residential, common lots, etc.

MCC 5-4-10-2.J Correct street names – typical of all sheets. Add street name at the east end of River intersection/roundabout.

How does Lot 1 Block 6 access?

Irrigation layout is required. Need to provide irrigation water to the lots and area north of the Lawrence Kennedy if water rights are appurtenant. If no water right, add a note or otherwise detail the status.

Label 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy. This is a condition of preliminary plat prior to Council hearing.

Please update the street section for S Middleton. Use the Middleton Road corridor plan section (revised comment).

Swales are not permitted for stormwater management and a variance to allow swales will not be supported. Need to provide preliminary stormwater management design for the area north of Lawrence Kennedy.

Secondary, public, improved access is needed either at Boise Street area or at Township Rd. extended (or approved other). If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments? This is the parcel directly west and across Middleton Road. An irrigation ditch bisects the River Walk property and continues west to this parcel. Add easement or call out if applicable.

Centerline radii and intersection radii are required to meet City code. 60 ft will not be supported by the City and Middleton Rural Fire. 10 mph speed limit doesn't seem realistic or something the PD wants to manage.

Clearly show **pathway(s)** with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing. Add pathway cross section.

What is the status of Lot 3 Block 2? Provide access and extend water and sewer service.





# CITY OF MIDDLETON

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

August 04, 2021

Hess Properties, LLC  
15031 Spyglass Lane  
Caldwell, Idaho 83607

Re: Floodplain Development Comments for River Walk Crossing Sub, R33938 and R33938011, Middleton ID 83644

Hess Properties, LLC:

This letter is in response to your floodplain development permit application for the subject subdivision.

Please complete your Floodplain Development Permit Application:

- 1) Please Sign and Date application
- 2) Please provide the City with Panel 16001C0125J and how it applies to your development as on description of work item 4
- 3) Because you answered description of work item 6 as YES you must also mark item 7 YES or NO
- 4) Remove base flood elevations on "complete for new structures and building sites. See note 7 below.
- 5) On "complete for subdivisions and planned unit developments" section item 2 you marked YES on question, "does the plat or proposal clearly identify base flood elevations (BFE's). The plan shows squiggly lines where the BFE's are located per FEMA mapping. That is NOT appropriate. The lines should be straight and in the same locations as the FEMA map indicates (see attached FIRMette). Also see note 7 below.

Please revise your preliminary plat to show the following items:

- 6) As your property boundary is within 50' of the floodway please show a line designating the 50' no-build offset, per City Code (CC) 4-3-7-5-E.
- 7) Designate the BFE (base flood elevation) for EACH buildable lot, by lot and block. The BFE will be the elevation on the highest corner of any lot.
- 8) Add a note on the plan that all construction and lots in the floodplain must meet CC 4-3 standards.



# CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main Street, Middleton, ID 83644

208-585-3133 Fax (208) 585-9601

[citmid@middletonidaho.us](mailto:citmid@middletonidaho.us)

[www.middleton.id.gov](http://www.middleton.id.gov)

- 9) Add a note on the plan that designates exactly which lots on the plan are inside the Boise River floodplain, FEMA Panels #253. And that residential lots, lowest floor and building utilities must be built a minimum of 1.0' above BFE. For commercial lots, lowest floor must be built 2.0' above the BFE or be built floodproofed to 2' above BFE.
- 10) Add a note that all structures built in the special flood hazard area (SFHA) must have elevation certificates provide. One before construction can commence and one after construction is completed and before CofO will be issued.
- 11) Designate on the plan which areas are in the AE zone, 0.2% zone by screening or hatching or some other means per attached FIRMette.

Sincerely,

*Bruce Bayne*

Bruce Bayne

208-585-3133

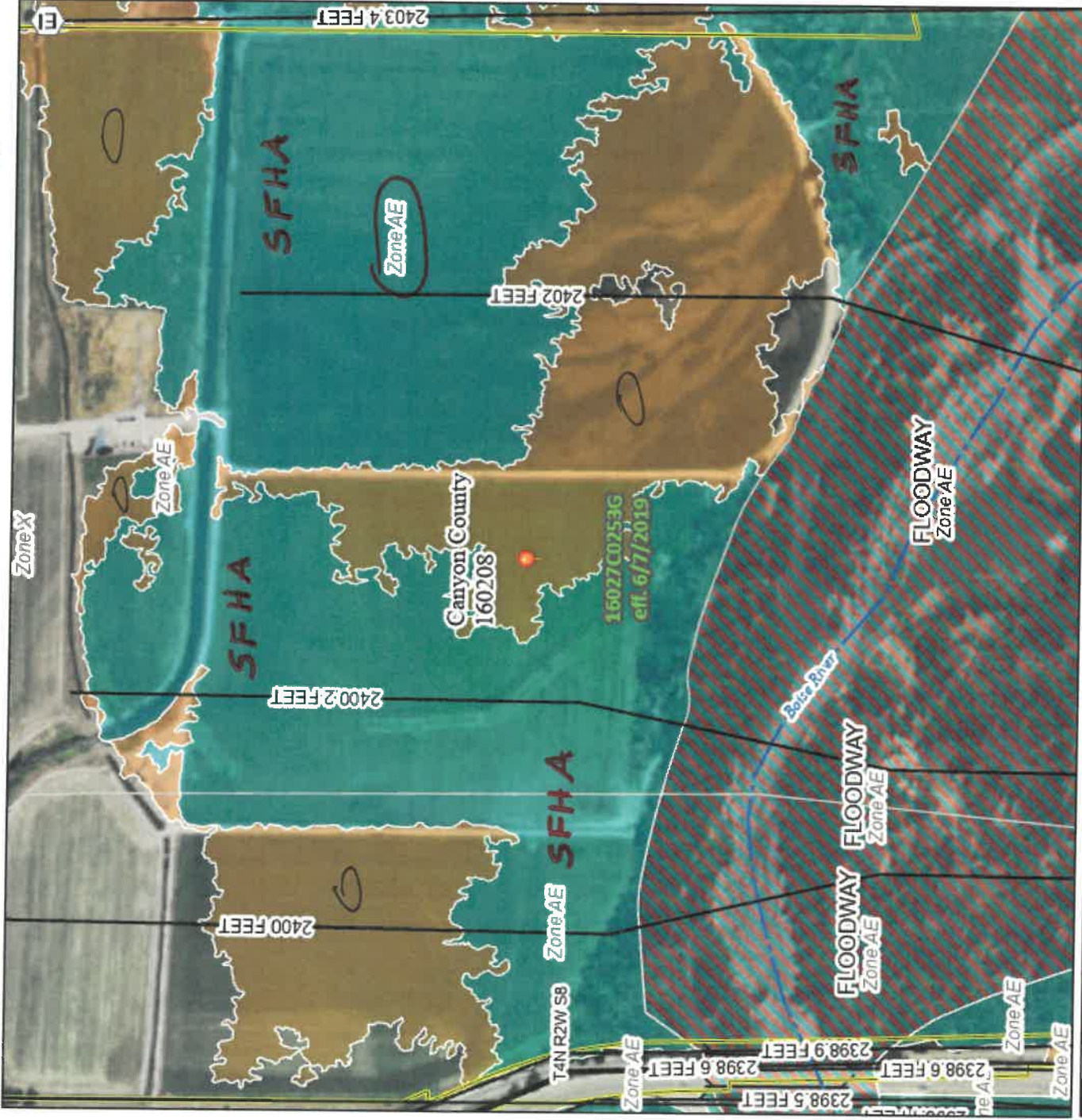
[bbayne@middletoncity.com](mailto:bbayne@middletoncity.com)

Attachment:

# National Flood Hazard Layer FIRMette



116°36'47"W 43°42'8"N

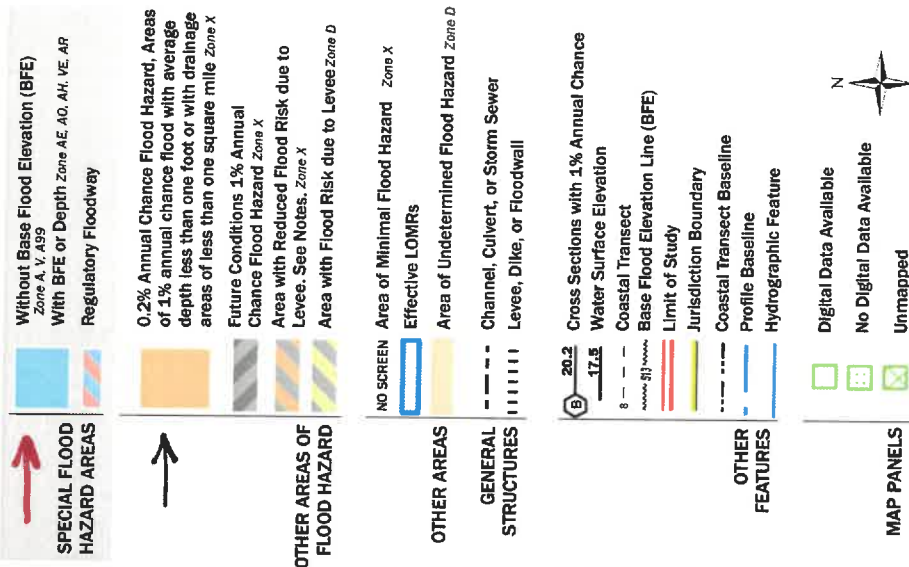


0 250 500 1,000 1,500 2,000 1:6,000 Feet

Basemap: USGS National Map: OrthoImagery: Data refreshed October, 2020

## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/4/2021 at 12:49 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



## CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV

## Planning and Zoning Department

### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

#### Applicant:

<u>Hess Properties, LLC.</u>	<u>208.409.0864</u>	<u>tyler@hesspropertiesidaho.com</u>
Name	Phone	Email
<u>15031 Spyglass Lane</u>	<u>Caldwell, Idaho</u>	<u>83607</u>
Mailing Address	City, State	Zip

#### Property Owner(s):

<u>Hess Properties, LLC. &amp; Watkins Properties, L P</u>	<u>208.409.0864</u>	<u>tyler@hesspropertiesidaho.com</u>
Name	Phone	Email
<u>15031 Spyglass Lane</u>	<u>Caldwell, Idaho</u>	<u>83607</u>
Mailing Address	City, State	Zip Code

#### Representative:

<u>KM Engineering, LLP. - Stephanie Leonard</u>	<u>208.639.6939</u>	<u>sleonard@kmengllp.com</u>
Name	Phone	Email
<u>9233 West State Street</u>	<u>Boise, Idaho</u>	<u>83714</u>
Mailing Address	City, State	Zip Code

#### Site Information:

<u>10669 Highway 44</u>	<u>Middleton, Idaho</u>	<u>83644</u>
Street Address	City, State	Zip Code

Assessor's Tax Parcel No(s): R3393800000 & R3393801100

Total Acres of Site: +/- 130 Subdivision: n/a Lot(s): \_\_\_\_\_ Block(s): \_\_\_\_\_

#### Description of Work (Complete for all Work):

##### 1. Proposed Development Description

- ☒ New Building
- ☐ Manufactured Home
- ☐ Improvement to Existing Building
- ☐ Filling
- ☐ Other: \_\_\_\_\_





## CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, Fax: 208-585-9601

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## Planning and Zoning Department

### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

2. Size and location of proposed development (attach site plan):

+/-130 acres at the SE corner of Middleton Road and SH-44

3. Is the proposed development in a Special Flood Hazard Area (Zones A or AE)?

☒ Yes

☐ No

4. Per the floodplain map, what is the zone and panel number of the area of the proposed development?

Zone(s): AE Panel No. 16027 C0253G & 16001 C0125J ?

5. Are other Federal, State or local permits obtained?

☐ Yes

☒ No

6. Is the proposed development in an identified floodway?

☒ Yes Southwest part of site, outside proposed building envelopes.

☐ No

7. If yes to No. 6, "No Rise Certification" with supporting data attached?

☐ Yes

☒ No - will be submitted with final design and/or building permit

#### Complete for New Structures and Building Sites:

1. Base Flood Elevation at the site: ~~2,402~~ feet NGVD
2. Required lowest floor elevation (including basement): ~~2,403~~ feet NGVD
3. Elevation to which all attendant utilities, including all heating and electrical equipment will be protected from flood damage: ~~2,403~~ feet NGVD

#### Complete for Alterations, Additions, or Improvements to Existing Structures:

1. What is the estimated market value of the structure? \$ \_\_\_\_\_
2. What is the cost of the proposed construction: \$ \_\_\_\_\_
3. If the cost of the proposed construction equals or exceeds 50% of the market value of the structure, then the substantial improvement provision shall apply.

#### Complete for Non-Residential Floodproofed Construction:

1. Type of floodproofing method: \_\_\_\_\_
2. The required floodproofing elevation is: \_\_\_\_\_ feet NGVD
3. Floodproofing certification by a registered engineer is attached  
☐ Yes  
☐ No





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## Planning and Zoning Department

### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

#### Complete for Subdivisions and Planned Unit Developments:

1. Will the subdivision or other development contain 50 lots or 5 acres  
☒ Yes  
☐ No
2. If yes, does the plat or proposal clearly identify base flood elevations?  
☒ Yes  
☐ No
3. Are the 100-year floodplain and floodway delineated on the site plan?  
☒ Yes  
☐ No

I hereby certify that all the information requested and as submitted is correct to the best of my knowledge. I understand that additional information or requirements may be required per the Floodplain Administrator.

\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Date

#### FOR OFFICE USE ONLY

1. Permit Approved – Before Construction: \_\_\_\_\_ Date
2. Elevation Certificate Attached – Before Construction: \_\_\_\_\_ Date
3. CONDITIONS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. Local Administrator Signature: \_\_\_\_\_ Date
5. Permit Approved – After Construction \_\_\_\_\_ Date
6. Elevation Certificate Attached – After Construction: \_\_\_\_\_ Date
7. As-Built Lowest Floor Elevation: \_\_\_\_\_ feet NGVD
8. Work Inspected By: \_\_\_\_\_ Date
9. Local Administrator Signature: \_\_\_\_\_ Date

**From:** [Dave Sterling](#)  
**To:** [Roberta Stewart](#); [Pat Colwell](#)  
**Cc:** [Amy Woodruff](#); [Becky Crofts](#)  
**Subject:** RE: River Walk Crossing - Floodplain  
**Date:** Sunday, October 3, 2021 12:39:57 PM  
**Attachments:** [image002.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image001.png](#)

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Roberta,

I have reviewed the attached documents. It appears that the applicant updated the pre-plat and provided responses to Bruce's comments. I believe you can move forward with the hearing on the 6<sup>th</sup>.

At time of CD's they should submit a grading plan that includes the Floodplain limits, Floodway Limits, the lot elevations, and minimum finish floor elevations for all lots within the floodplain. This information should be retained by the City for use in reviewing the future elevation certificates that will be needed for building permits.

Please let me know if you have any questions. Thanks.

DAVID STERLING, PE (ID, OR) | *Project Manager*



2471 S. Titanium Place | Meridian, Idaho 83642

O 208-323-2288 | C 208-860-7946

[www.to-engineers.com](http://www.to-engineers.com)



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**From:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>

**Sent:** Tuesday, September 28, 2021 4:28 PM

**To:** Dave Sterling <[dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)>; Pat Colwell <[pcolwell@to-engineers.com](mailto:pcolwell@to-engineers.com)>

**Cc:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Becky Crofts <[bcrofts@middletoncity.com](mailto:bcrofts@middletoncity.com)>

**Subject:** River Walk Crossing - Floodplain

Hey Dave and Pat: The River Walk Crossing subdivision is a large commercial and residential subdivision at the corner of Hwy 44 & Middleton Road. It is Tyler Hess' and the Watkins' project. Bruce had started the floodplain application before he left. The preliminary plat has been updated with BFE information per his request. This application is going before City Council next Wednesday night. Do I need to do anything at this point, or can we finish this administrative floodplain application after City Council approval? Their floodplain application is attached. Bruce's prior comments are also attached along with the preliminary plat in issue.

I'm just trying to make sure I can get this preliminary plat approved without having the floodplain

permit signed by one of you guys.

*Roberta L. Stewart*

PLANNER

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

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Fax – (208) 585-9601

[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)

[www.middleton.id.gov](http://www.middleton.id.gov)



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Exhibit "G"

Planning & Zoning Commission

FCO

# **Middleton Planning & Zoning Commission**

## **Findings of Facts, Conclusions of Law, and Decision & Recommendation**

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**In the Matter of the Request of Hess Properties LLC and KM Engineering LLP for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment for the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R33938011 and R339380):**

### **A. Findings of Fact:**

1. Hearing Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
3. Application and Property Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
4. Required Findings per Middleton City Code 1-14-2(E)(7) and 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and the Idaho State Code, Title 67 and Title 50: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

### **B. Conclusions of Law:**

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public via written comment and public testimony, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing were 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 applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.
6. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the



public if the attached conditions of approval are imposed.


7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 9, 2021, which Report is incorporated herein by this reference.

**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:

1. City Council approve the annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
2. City Council approve the preliminary plat application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
3. City Council approve the Development Agreement application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
4. City Council approve the Comprehensive Plan map amendment subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
5. All four applications are further subject to the condition that prior to preliminary plat approval, Applicant works with the Idaho Transportation Department staff to ensure that the preliminary plat complies with the southern alternate route shown on the Comprehensive Plan Maps.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: September 13, 2021.

  
Ray Waltemate, Chairman  
Planning and Zoning Commission

Attested by:

  
Roberta Stewart  
Planning and Zoning Department