



Middleton City Council

Findings of Facts, Conclusions of Law & Order

In the Matter of the application of Middleton Rivers, LLC and Jay Gibbons/South Beck & Baird for preliminary plat with respect to the Channel Crossing Subdivision located at 22457 So. Middleton Road and 0 So. Middleton Road (Tax Parcel Nos. R180350, R18035011, R180340 & 18036010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of July 20, 2022, 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 July 20, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of July 20, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

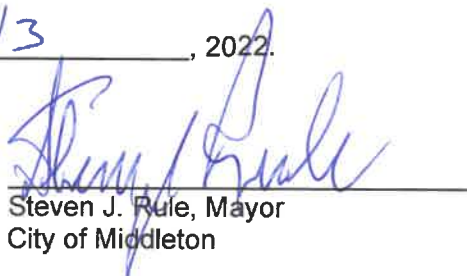
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

C. Decision & 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 of Middleton Rivers, LLC and Jay Gibbons/South, Beck & Baird for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, hearing.

WRITTEN ORDER APPROVED ON: 8/3, 2022.


Steven J. Rule, Mayor
City of Middleton

Attest:


Roberta Stewart
Planning and Zoning Official

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.

Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section 67-8003.

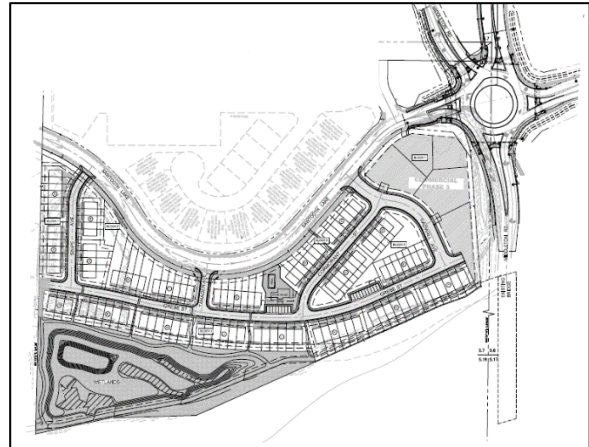
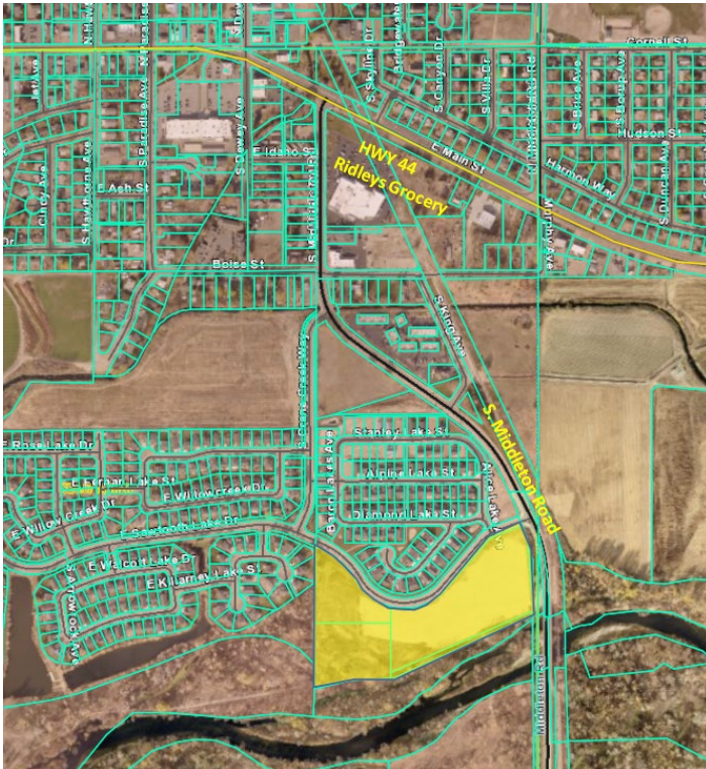


STAFF REVIEW AND REPORT

Middleton City Council

Channel Crossing Subdivision (Previously known as Sawtooth Lakes M-U Subdivision)

Snapshot Summary



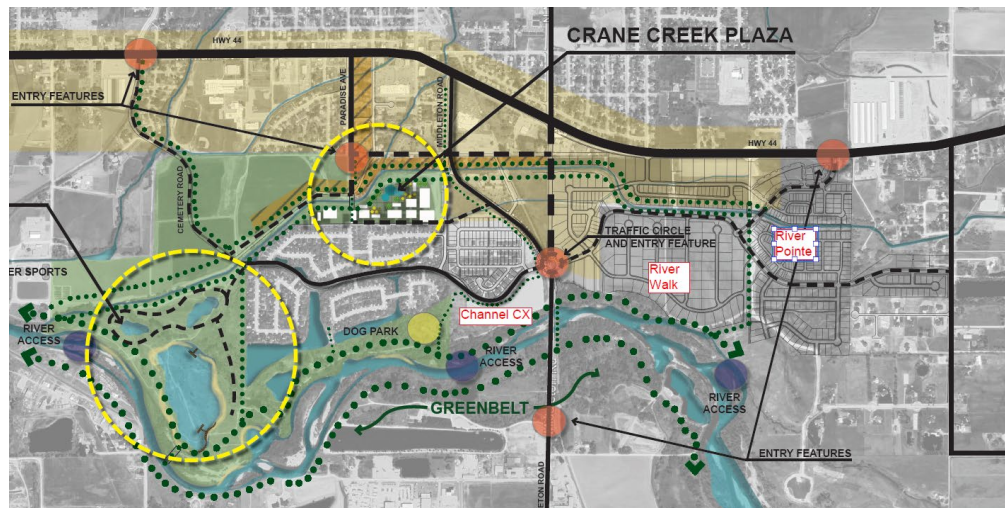
Acreage	Approx. 15 acres
Current Zoning	M-U (Mixed-Use)
Proposed Zoning	M-U (Mixed-Use)
Current Land Use	Mixed Use
Proposed Land Use	Mixed Use
Lots	5 commercial lots; 119 Townhome lots, and 7 common lots
Density	8 lots per acre (12 per acre allowed)
Open Space	Over 30% (Minimum required is 5%)
Amenities	Clubhouse & swimming pool, community pond, Boise River greenbelt trail, and large open greenspace common lots.

A. City Council Hearing Date: July 20,2022

B. Project Description & Application Request: Application by Middleton Rivers, LLC and Jay Gibbons/South Beck & Baird for preliminary plat with respect to the Channel Crossing Subdivision located at 22457 So. Middleton Road and 0 So. Middleton Road (Tax Parcel Nos. R180350, R18035011, R180340 & 18036010). The proposed project is located within City limits and is zoned Mixed Use (M-U). It sits on 15.19 acres of vacant land.

The property was annexed into the City and rezoned M-U in 2016. There was no Development Agreement executed with the annexation/rezone, and there were no conditions of approval that would limit the M-U zoning entitlement in any way. The Findings of Facts, Conclusions of Law and Order ("FCO") for the 2016 Annexation/Rezone noted that the project was "appropriate" for a mix of commercial and residential uses, including high density multi-family residential. (See Annexation FCO attached at Exhibit "A".)

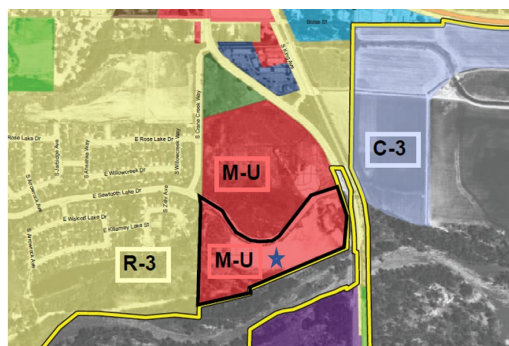
The proposed preliminary plat consists of 119 single-family-attached (“townhome”) lots and seven common lots. At the City’s request, Developer is also providing five commercial lots that will front Middleton Road and complement the new commercial area being created by the River Walk and River Pointe subdivisions as previously approved by City Council. Channel Crossing will also become an integral part of the City’s new “River Walk District”.



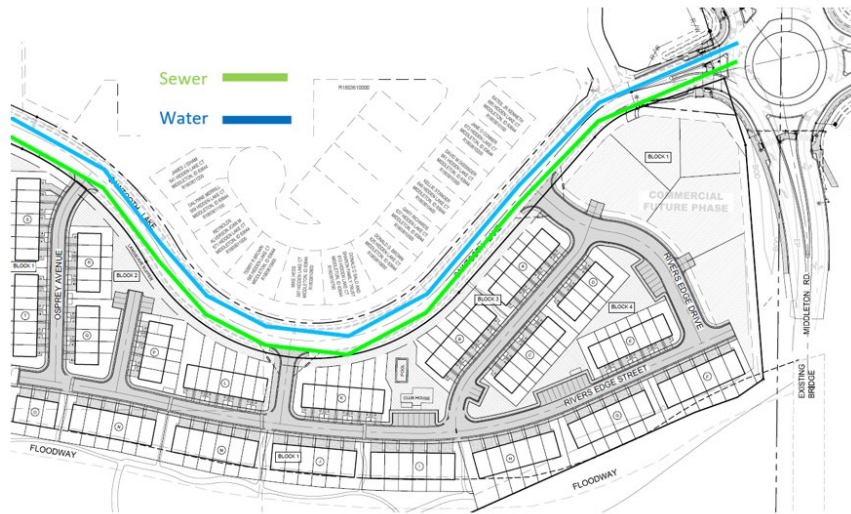
Finally, an administrative floodplain application was filed with the project, and that application is proceeding administratively in tandem with the public hearing applications.

- C. Current Zoning & Property Condition:** As mentioned earlier, the property is within city limits and zoned Mixed-Use (M-U), which allows an intermingling of commercial and residential uses. Townhomes (or “single family-attached” homes) are contemplated in the M-U zone with a special use permit. The Planning & Zoning Commission approved Developer’s application for special use permit at the May 9, 2022, public hearing on the matter, paving the way for Developer to construct townhomes in the event City Council approves the preliminary plat.

The project parcel is surrounded by city parcels zoned M-U to the north, C-3 (heavy commercial) to the east, and R-3 (single family residential) to the west. Floodway, county property, and a significant amount of industrial property are located to the south.



- D. City Services:** City water and sewer are accessible to the project. Sewer and water will tie into the sewer line and water main already located in Sawtooth Lake Drive.

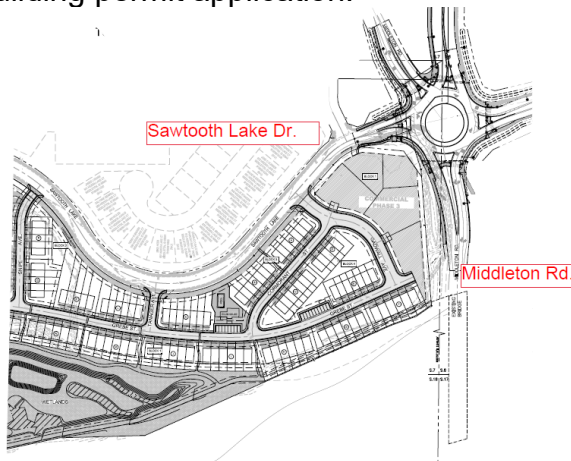


Sewer and water capacity are contemplated in the City's current capacity study, but the City will not reserve sewer and water capacity any earlier than construction drawing approval.

- E. Traffic, Access & Streets:** Access to the subdivision is through So. Middleton Road and E. Sawtooth Lake Drive.

The frontage improvements on E. Sawtooth Lake Drive are in place. The Developer will construct a 24' wide landscape buffer along E. Sawtooth Lake Drive as required by MCC 5-4-10-6.

A large multi-lane roundabout is planned for the intersection of Middleton Road and E. Sawtooth Lake Drive. The City may begin construction on that roundabout and road frontage improvements sometime this Summer 2022. Developer/Applicant will pay its proportionate share of the street improvement by paying a Mid-Star transportation impact fee with each building permit application.



Any portion of the frontage improvements that are not included in the Mid-Star Capital Improvement Plan will be constructed by the Developer, at its own cost, and dedicated to the City.

Developer submitted a Traffic Study. The subdivision's primary impacts are on the intersections of (a) Sawtooth Lakes & Middleton Rd., (b) Hwy 20/26 & Middleton Rd., (c) Bass Lane & Middleton Rd., and (d) No. Lincoln Road & Middleton Rd. All of the recommended improvements are already included in Middleton's transportation plans, which includes the transportation improvements delineated in the Mid-Star Transportation program. The most critical intersections of Sawtooth Lake & Middleton Rd., (City project) and Hwy 20/26 & Middleton Rd., (an ITD project) are scheduled for construction as early as this Summer 2022.

Middleton requires Development "to pay for itself" so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$600,950.00 in Mid-Star Transportation Impact Fees by the time all 119 residential building permits are issued (\$119 x \$5050). Additional transportation impact fees for commercial uses will also total somewhere between \$75,000 and \$200,000, depending on the uses ultimately constructed on site. This money will be used to improve many roads and intersections in and around Middleton.

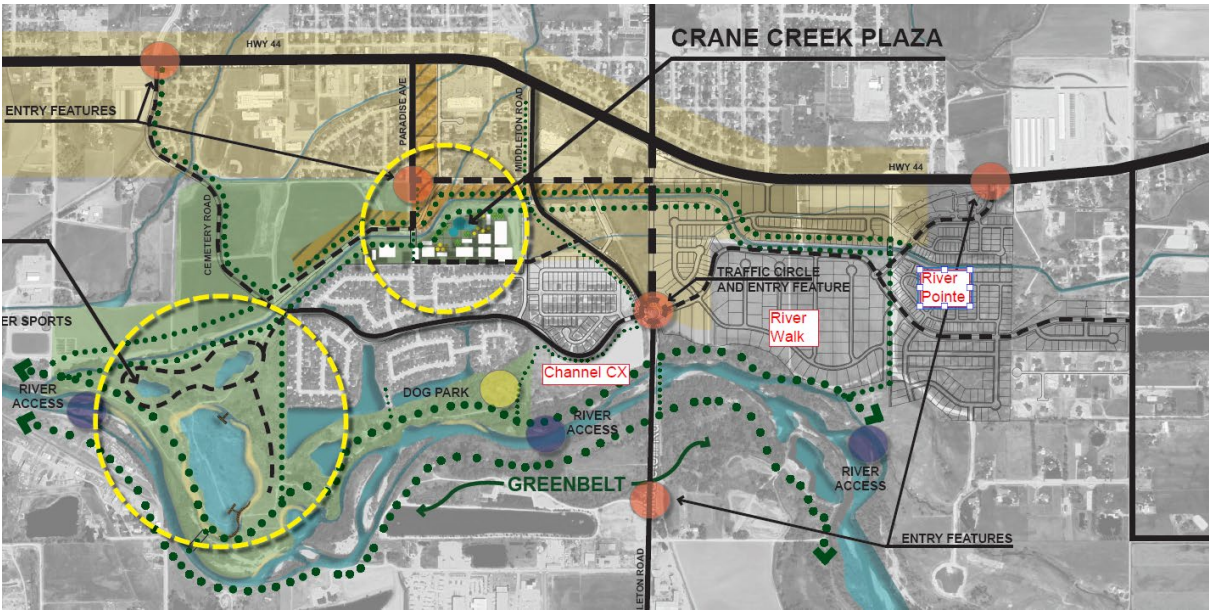
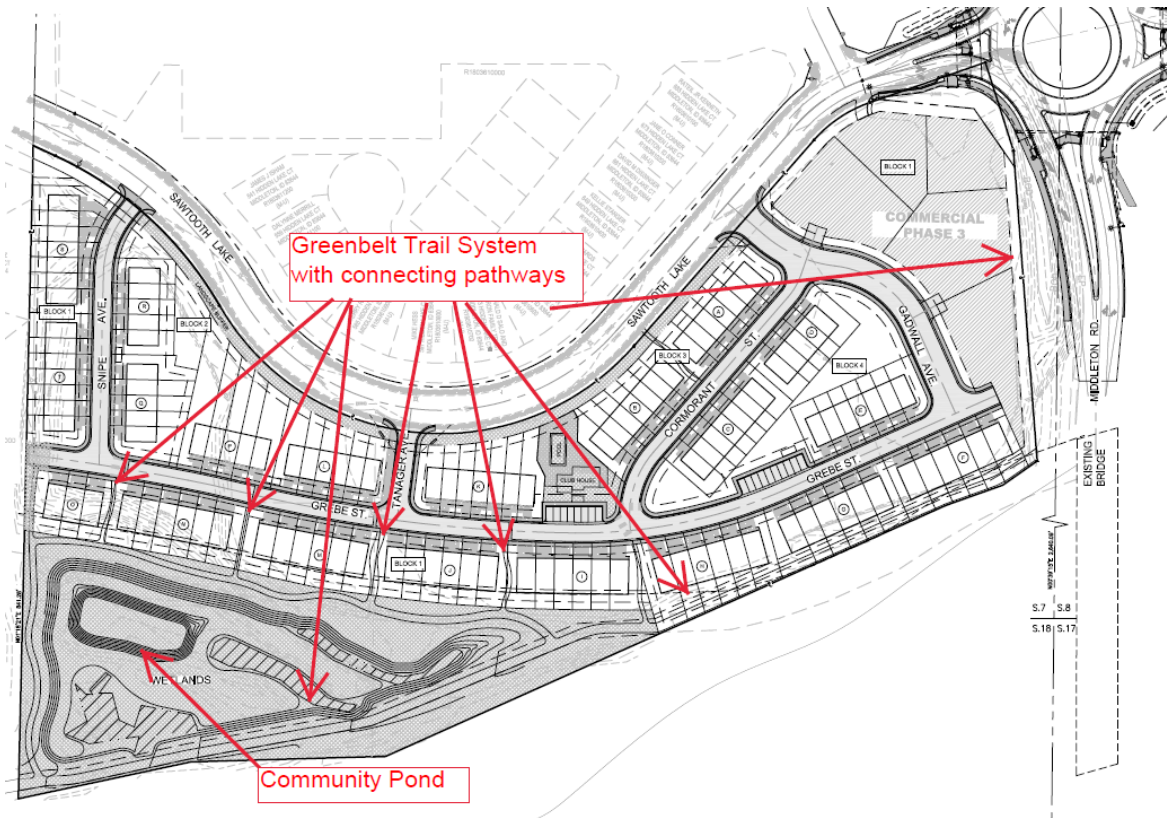
Applicant will also pay approximately \$181,000.00 in additional "pro-rata traffic fees" pursuant to MCC 5-4-3. These fees are based on the percentages set forth in the Traffic Study, and they cover the development's direct impact on intersections near the project that are not already included in the Mid-Star program. Payment of this fee should be a condition of final plat approval for Phase 1.

All told, Developer/Builder will pay approximately \$950,000.00 towards traffic improvements in and around the City of Middleton.

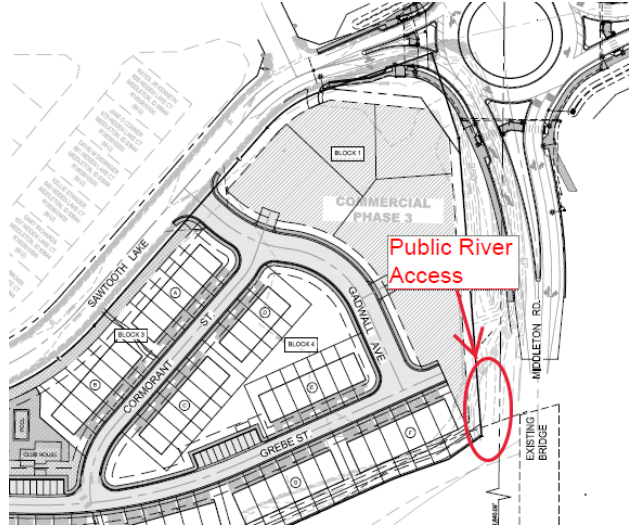
- F. Pathway, Sidewalks & Open Space:** Developer has provided over 30% open space, which greatly exceeds the 5% required by code. The open space includes a large common lot with clubhouse and outdoor swimming pool and two other large common lots with small pathways that are landscaped for open play.

Finally, Developer has utilized a large wetland lot near the Boise River to construct a community pond and install a system of asphalt pathways and trails. The main pathway is a 12' wide greenbelt trail that is located east to west along the Boise River. The pathway will be encumbered with a public access easement, and it will be integrated into the six mile pathway loop planned for the City's "River Walk District." The project's HOA will be responsible for maintaining and repairing the pathway, although that could change as the pathway system for the River Walk District is developed.

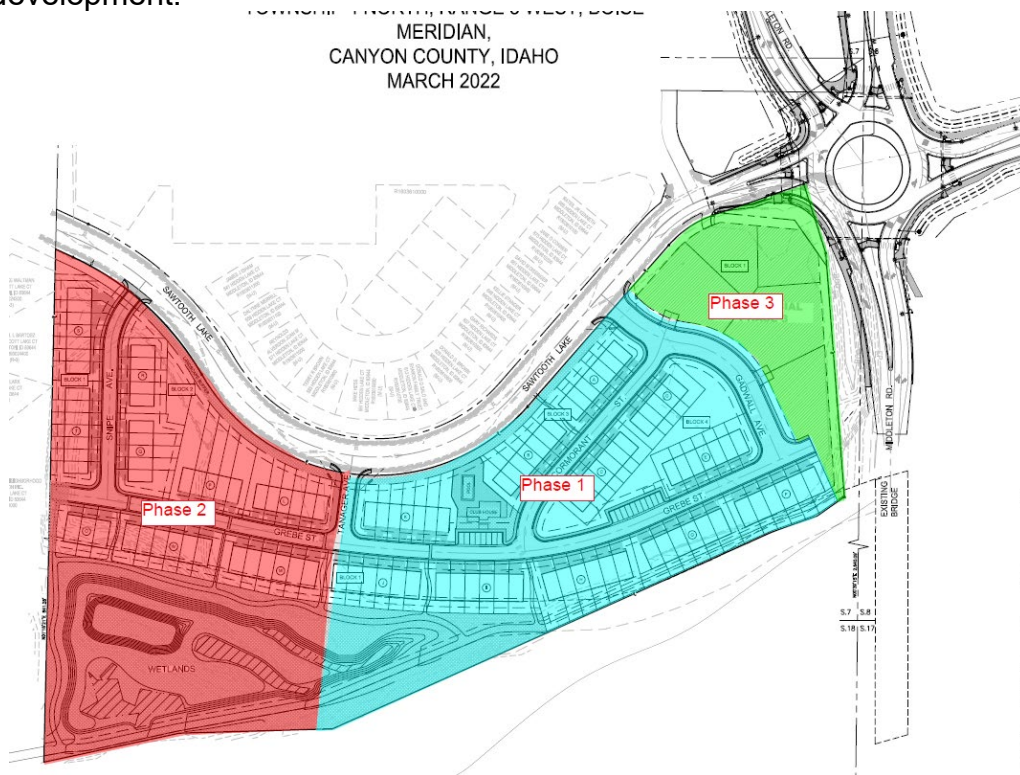
Staff recommends that Developer be required to use only wrought iron fencing along the rear of home lots adjacent to the greenbelt trail to ensure the pathway stays open and attractive. The same requirement was imposed upon the neighboring River Walk and River Pointe subdivisions.



Finally, Developer will provide a public river raft access near the southeast corner of the plat. City is working with the Developer to enlarge the access area by combining adjacent City property with Developer's property to make an area adequate for public use and enjoyment.

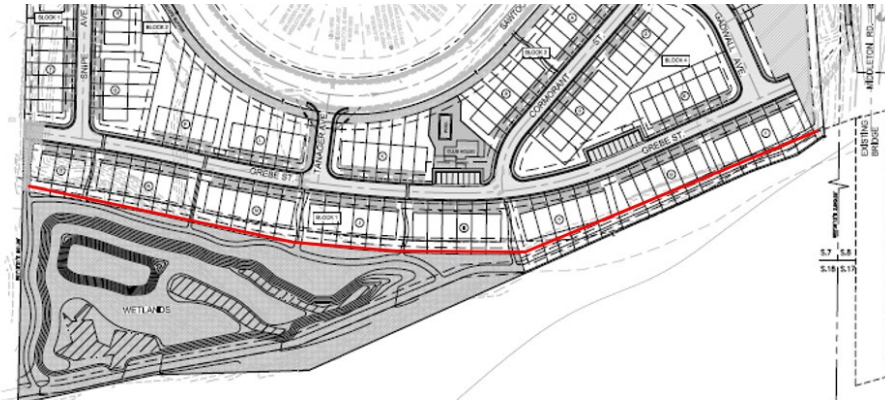


G. Preliminary Plat Application: The preliminary plat shows three phases of development.



[A full copy of the proposed preliminary plat is attached as Exhibit "B".]

The preliminary plat complies with all Middleton codes and standards with one exception: (1) Developer is requesting that perimeter fencing be installed on the rear of some residential lots rather than on the perimeter boundary of the entire subdivision to ensure that the pathways remain open and unobstructed. (MCC 5-4-11-2) (See red line below for proposed fence configuration.)



Middleton governing bodies are allowed to approve “exceptions” or “waivers” to the City’s codes and standards during the preliminary plat process. (MCC 1-15-2).

1-15-2: EXCEPTIONS OR WAIVERS OF STANDARDS:

A. Exceptions or waivers of standards, other than land uses according to [Title 5, Chapter 4](#), Table 1 of this code, may be approved through one of the following public hearing processes:

1. Special use permit,
2. Development agreement accompanying a rezone application,
3. Variance,
4. Condition of approval as part of a land use application, or
5. Approval of a preliminary plat, with or without conditions.

(Ord. 609, 7-3-2018; amd. Ord. 619, 7-17-2019)

City Engineer, Amy Woodruff, has reviewed the Preliminary Plat and worked with Applicant on fine-tuning the plat. City Engineer has approved the preliminary plat, and her “recommendation of approval” letter is attached as Exhibit “G”.

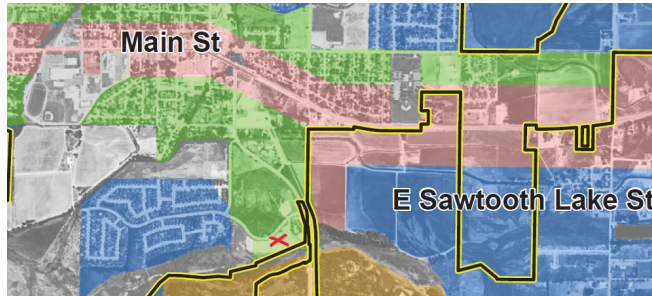
Findings:

Planning Staff finds that the perimeter fence change of location waiver being requested is a reasonable request in light of the fact that:

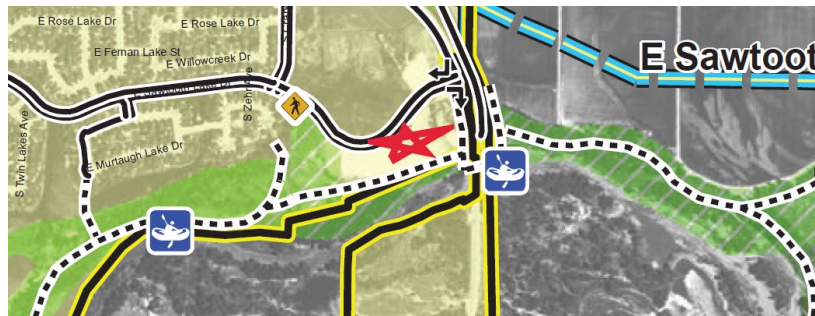
- 1. it will open the greenspace and make a more attractive trail system.*
- 2. The location change will minimize trapped debris and possible increased water levels during a flood event.*

Planning Staff further finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code except for the single waiver noted above.

- H. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Future Land Use Map. The project parcel is designated "Mixed-Use" on the Land Use Map, which matches the mixed residential and commercial uses proposed.



Additionally, the Comprehensive Plan's *Transportation, Schools & Recreation Map* shows a river raft access at the southeastern corner of the Project parcel together with a greenbelt trail. Developer's preliminary plat shows both of the recreational amenities in compliance with the Comprehensive Plan.



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

- a. *Goals 3 and 23: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It will also reduce traffic trips because of the close proximity to commercial/retail development.*
- 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. The Comprehensive Plan encourages commercial uses 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: the 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 playgrounds and pathways that connect to a pedestrian system and provides outdoor recreational activities.*
- g. *Goal 11: The housing type matches the residents' lifestyle in the area the project is located.*
- h. *Goal 16: The public pathways create a scenic and usable waterfront on the north side of the Boise River.*

I. Comments Received from Surrounding Landowners: Staff received public comments from Angeli Butler dated 6/10/2022, David Dissinger dated April 5, 2022, and Janet Richards dated June 16, 2022. (See copy of comments attached as Exhibit "C").

J. Comments from Agencies: COMPASS submitted comments on 3/3/2022. Canyon Highway District 4 sent comments on 4/11/2022. Greater Middleton Parks & Recreation submitted comments on 3/29/2022. And Middleton School District #134 submitted comments on April 8, 2022. (Copies of the Agency comments are attached as Exhibit "D".)

K. Comments from City Engineer and Planning Staff: Copies of Engineering and planning comments are attached as Exhibit "E".

L. Applicant Information: Application was accepted on October 18, 2021. Applicants are Middleton Rivers LLC and Jay Gibbons/South Beck & Baird, 2002 S. Vista Ave, Boise ID 83705 (208) 869-0747.

M. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	5/29/2022
Radius notification mailed to Adjacent landowners within 500'	5/31/2022
Circulation to Agencies	5/27/2022
Sign Posting property	5/27/2022
Neighborhood Meeting	8/23/2021

(Application was tabled at the June 15, 2022, City Council Meeting due to the City Moratorium)

N. Pertinent Codes and Standards:

Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 65 & Title 50, Chapter 13.

O. Planning & Zoning Commission Recommendation: The Planning & Zoning Commission considered the Preliminary Plat application and a Special Use Permit (“SUP”) application in the May 9, 2022, public hearing. The SUP approval is required before Developer can construct townhomes in the M-U zone. And, the Commission approved the SUP application subject to the conditions of approval set forth in the Staff Report.

The Commission also recommended approval of the preliminary plat application subject to the following conditions of approval:

1. Developer/Owner must meet with the staff of Middleton School District 134 to determine if there are any measures or actions Developer/Owner can take to mitigate any impacts on the school district.
2. Developer/Owner complies with all conditions of approval set forth in the Staff Report.

(A copy of the executed FCO & Recommendation is attached as Exhibit F.)

P. Conclusions and Recommended Conditions of Approval:

Per State law and the Middleton City Code, any approval or denial of the preliminary plat application must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses. If the Council agrees with those findings of facts and further agrees with the general facts presented at the public hearing, then the Council may simply make a motion to accept the findings of facts presented by planning staff.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear this application and to approve or deny the application, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making an order or recommendation on the applications. If the July 20th public hearing is 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.

Preliminary Plat Application: If the City Council is inclined to approve the preliminary plat based upon the above findings of facts and conclusions of law, then Planning Staff recommends that any approval be subject to the following conditions:

1. Developer to fulfill and comply with all local, state, and federal requirements for wetland remediation and mitigation.
2. Landscape to be installed in compliance with submitted Landscape Plan, and Pursuant to MCC 5-4-10-6, a traffic buffer that includes fence, berm, and landscaping must be installed along Sawtooth Lake Dr., except at the location of the commercial lots. The combination of berm and fence must extend to a height of at least 9' but no more than 11'.
3. Developer, at its own cost, to construct any right-of-way frontage improvements that are not included in the Mid-Star CIP.
4. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
5. Developer/owner to grant a cross-access easement for vehicle and pedestrian traffic over the commercial lots to ensure there are no land-locked commercial parcels.
6. Developer/owner to work, in good faith, with the City to provide public river access for a rafting "drop-off/pick-up" zone at the southeastern portion of the project near Middleton bridge prior to final plat approval for Phase 1. If, however, the final configuration of the river access cannot be established by Phase 1 final plat approval because the City will not have acquired the parcel adjacent to the project, then Developer will not be required to provide the river access until final plat approval of Phase 3.
7. Developer/HOA to take measures to ensure that townhome parking stalls will not be used by the public for river access.
8. All pathways must be paved with asphalt per Middleton Supplement to ISPWC. The greenbelt pathway must be encumbered by a public access easement. The HOA shall be responsible for the maintenance and repair of the pathways.
9. Only wrought iron style fencing may be used along the greenbelt pathway and connected trail system to keep an open and attractive appearance along the greenspace.
10. Owner/Developer to pay all City required pro-rata share traffic fees as required by MCC 5-4-3 prior to approval of final plat for phase 1.
11. All City Engineer review comments are to be completed and approved.
12. All Planner comments are to be completed and approved.
13. All requirements of the Middleton Rural Fire District are to be completed and approved.
14. Developer to comply with all FEMA, Middleton Floodplain Code, and Floodplain Administrator requirements.
15. Development to grant temporary easement area across Phase 3 to re-route S. Middleton Road traffic during construction of the Sawtooth Lake/S. Middleton Road roundabout. The condition will expire at the completion of construction of

the roundabout or no later than the approval of construction drawings for Phase 3.

Another condition of approval to consider is the condition of approval recommended by the P&Z Commission. The condition would require Developer to meet with the staff of Middleton School District No. 134 to determine if there are any measures Developer/Owner can take to mitigate adverse impacts on the School District. A time-line for this requirement should be established, for instance, a requirement that the meeting occur prior to Construction Drawing approval. Additionally, Developer should be required to report to City Staff the results of the meeting and comply with any actions agreed upon with School Staff.

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

Prepared by Roberta Stewart
Planning & Zoning Director

Dated: 7/15/2022

APPENDIX

EXHIBIT "A"

FCO from 2016 Annexation/Rezone

EXHIBIT "A"



CITY OF MIDDLETON Planning & Zoning Commission

In Re:

Premier Industrial LLC, Forty Two Acres LLC
and Baserri LLC

October 11, 2016 Application
November 14, 2016 Hearing

**Findings of Fact,
Conclusions of Law,
and Recommendation**

SUMMARY OF THE REQUEST

A request by Premier Industrial, LLC, Forty Two Acres, LLC and Baserri LLC to annex into Middleton city limits approximately 26.6 acres and rezone approximately 54.1 acres all to be zoned Mixed Use (M-U). The properties are located on the west side of Middleton Road, south and east of the Middleton Lakes subdivision and north of the Boise River.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. **APPLICANT:** The applicants are Premier Industrial, LLC, Forty Two Acres, LLC and Baserri LLC.
2. **APPLICATION:** An application was received and accepted on October 11, 2016.
3. **NOTICE OF PUBLIC HEARING:** Notice of the public hearing before the Planning and Zoning Commission was published, mailed and posted as follows:

Published notice Idaho Press Tribune:	October 25, 2016
Letters to 300' Property Owners:	October 18, 2016
Letters to Agencies:	October 18, 2016
Property Posted:	November 1, 2016
4. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:

Middleton City Code, Title 5, Chapter 2
Middleton City Code, Title 5, Chapter 2, Table 1 in Section 5-2-3
Middleton City Code, Title 5, Chapter 3: 1-3

Findings, Conclusions, and Recommendation

Premier Industrial, Forty Two Acres, and Baserri LLCs – Annexation & Rezone Application

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CITY OF MIDDLETON Planning & Zoning Commission

5. A portion of the subject property (26.6 acres) is zoned County Agricultural (AG) and is proposed to be annexed into the City and be rezoned to Mixed Use (M-U) zoning. Another portion of the subject property (54.1 acres) is zoned Single Family Residential (R-3) and is proposed to be rezoned to Mixed Use (M-U). The Planning and Zoning Commission is a recommending body to the City Council in this case. Land uses for surrounding properties are:

South:	Boise River, zoned County AG (Agricultural);
East:	Vacant mixed use and vacant residential land use, zoned R-3;
North:	Residential land use (Middleton Lakes subdivision), vacant residential and vacant transit land use, zoned R-3 (Single-family residential); and
West:	Residential land use (Middleton Lakes subdivision) and vacant residential land use, zoned R-3 (Single-family residential) and A-R (Agricultural Residential)

6. Granting this application will not be injurious to neighboring properties in the vicinity.

7. Granting this application will not be detrimental to the public health, safety or welfare and is not in conflict with public interest.

8. Granting this application will not substantially interfere with street or traffic conditions.

9. The request for annexation and rezoning to M-U (Mixed Use) fits in with the City's Comprehensive Plan Future Land Use Map, which shows transit oriented land use on the northern portion of the site and residential land use on the southern portion of the site.

10. The request for annexation and rezoning to M-U (Mixed Use) would be appropriate at the proposed location. The M-U zoning would allow a mix of uses (commercial, transit, open space and single and multi-family residential) to all be in the same zone and would meet the purpose of M-U zoning (to accommodate areas for a variety and mixture of medium and high density residential and commercial uses).

11. Open space west of the multi-family residential (existing wetlands) would help to



CITY OF MIDDLETON Planning & Zoning Commission

buffer the area from the existing Middleton Lakes subdivision to the west.

12. An existing floodplain development permit was issued for this property to excavate a pond. It is proposed that this parcel will be used as a city park in the future matching the future park shown on the City of Middleton Transportation, Schools and Recreation Map.

13. The request would help to meet goals, objectives and strategies in the Comprehensive Plan, such as Transportation Goal 2, Objective C, Strategies 1-3, Parks and Recreation Goals 8 and 9, and Housing Goal 10.

14. No letters from adjacent property owners have been received.

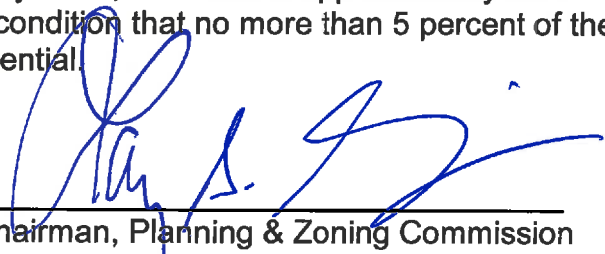
15. Neighbors from the Middleton Lakes subdivision had concerns that multi-family housing would negatively affect property values, aesthetics, traffic, and the proximity to the Boise River.

16. City staff recommends that the Planning & Zoning Commission recommend approval of this request to the City Council.

RECOMMENDATION

Based on the Findings of Fact and Conclusions of Law, the Planning & Zoning Commission recommends that the City Council approve the annexation of approximately 26.6 acres into Middleton City limits, and rezone approximately 54.1 acres all to be zoned Mixed-Use, with the condition that no more than 5 percent of the 80.7 acres to be used as multi-family residential.

DATED: November 14, 2016.


Chairman, Planning & Zoning Commission

Attest:

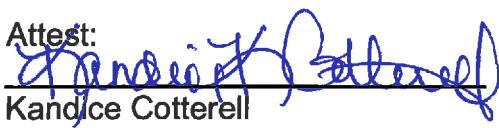

Kandice Cotterell
Deputy Clerk

EXHIBIT "B"

Preliminary Plat

VICINITY MAP

A site plan map showing the intersection of Main St. (Rt. 41) and Boise St. The map includes labels for 'WATSONS DITCH', 'MIDDLETON RD', 'NORTH LAKE DR', and 'PROJECT'.

PROJECT LOCATION

- PRELIMINARY PLAT DATA

UTILITIES

**TYPICAL 26' TOWNHOME STREET SECTION
(PUBLIC) W/ ROLLED CURB**

AGGREGATE BASE
12 INCHES OF 8 INCH MINIMUM
UNPOURED AGGREGATE SUBBASE

**TYPICAL 40' COMMERCIAL STREET
SECTION W/ VERTICAL CURB**

SHEET NUMBER
1 of 7

BLUE PEAK JOB #: 0037

PRELIMINARY PLAT DATA

UTILITIES

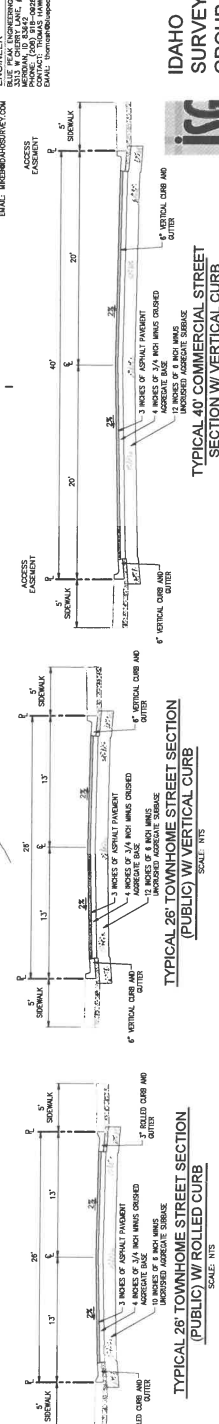
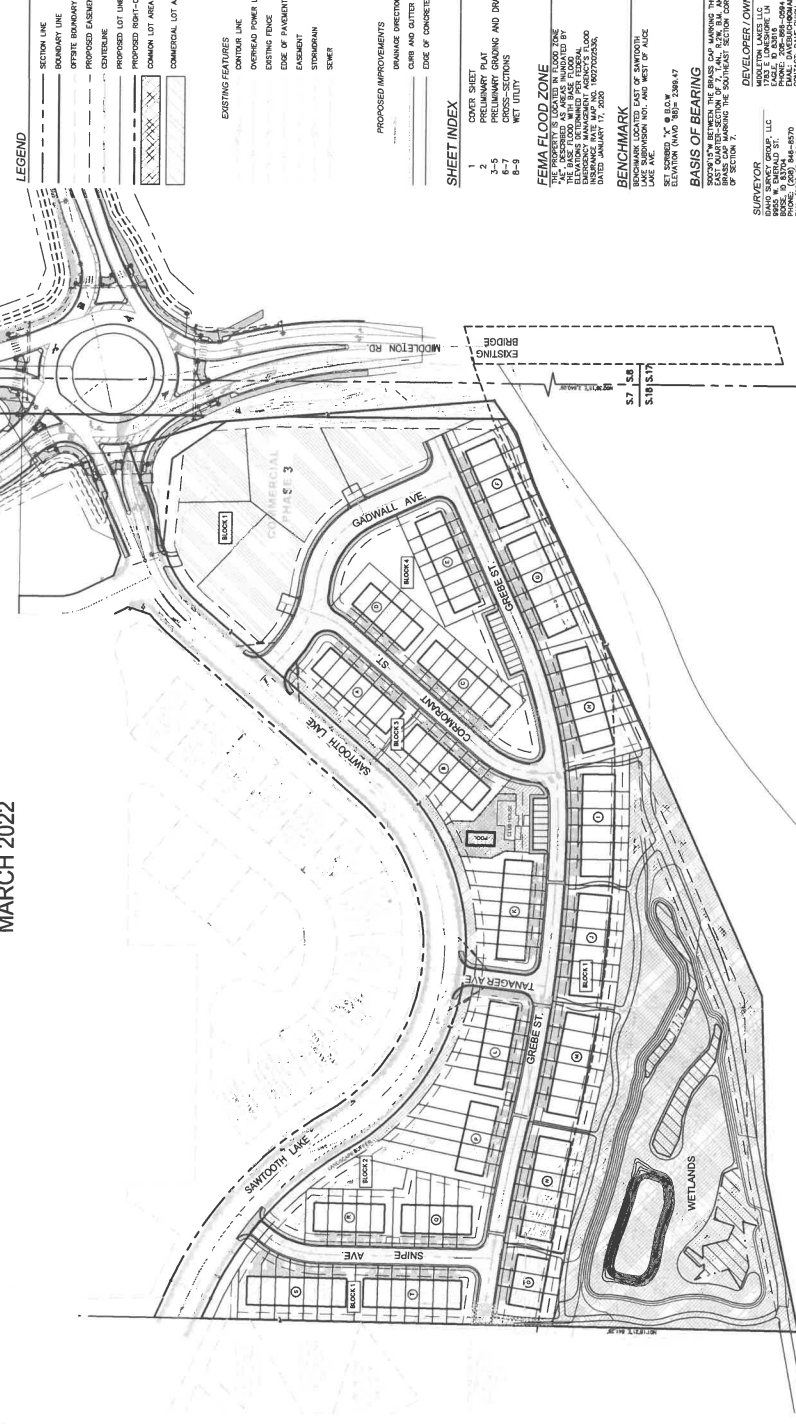
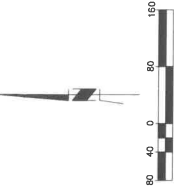
**TYPICAL 26' TOWNHOME STREET SECTION
(PUBLIC) W/ ROLLED CURB**

AGGREGATE BASE
12 INCHES OF 8 INCH MINIMUM
UNPOURED AGGREGATE SUBBASE

**TYPICAL 40' COMMERCIAL STREET
SECTION W/ VERTICAL CURB**

SHEET NUMBER
1 of 7

BLUE PEAK JOB #: 0037

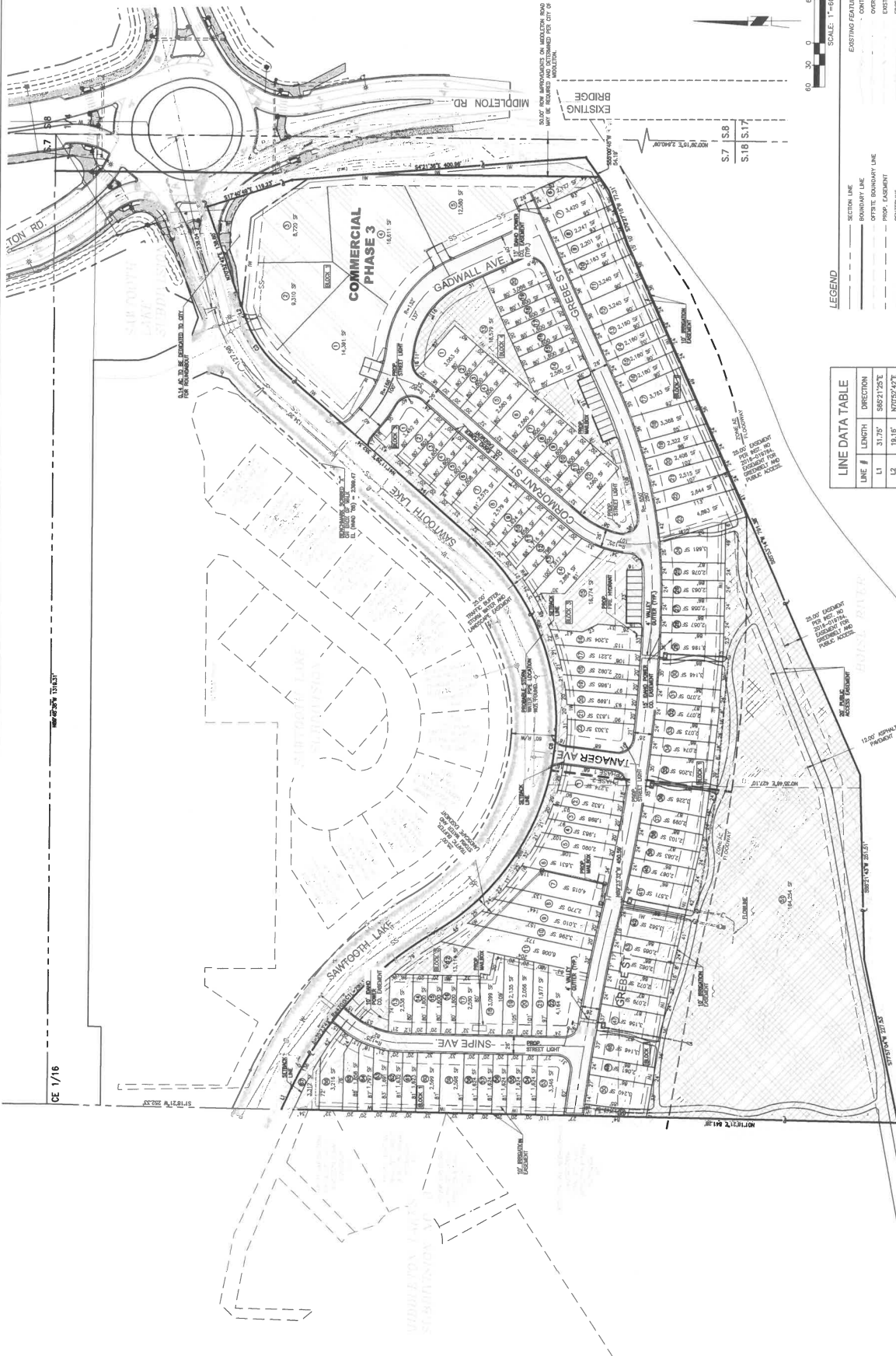


PRELIMINARY - NOT FOR CONSTRUCTION
CHANNEL CROSSING
MIXED-USE SUBDIVISION
MIDDLETON, IDAHO

COVER SHEET

SHEET NUMBER
1 of 7

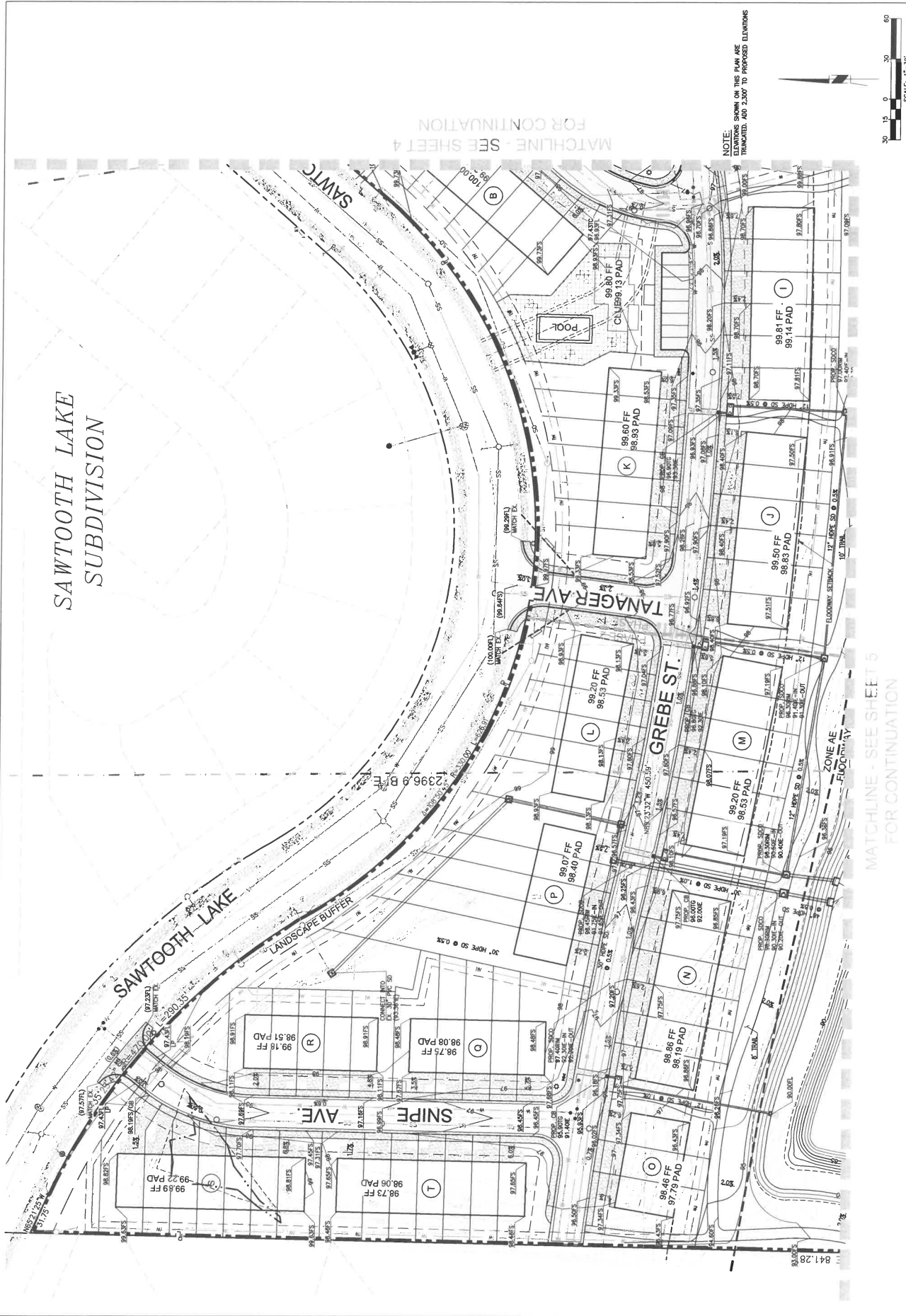
BLUE PEAK JOB # 0837

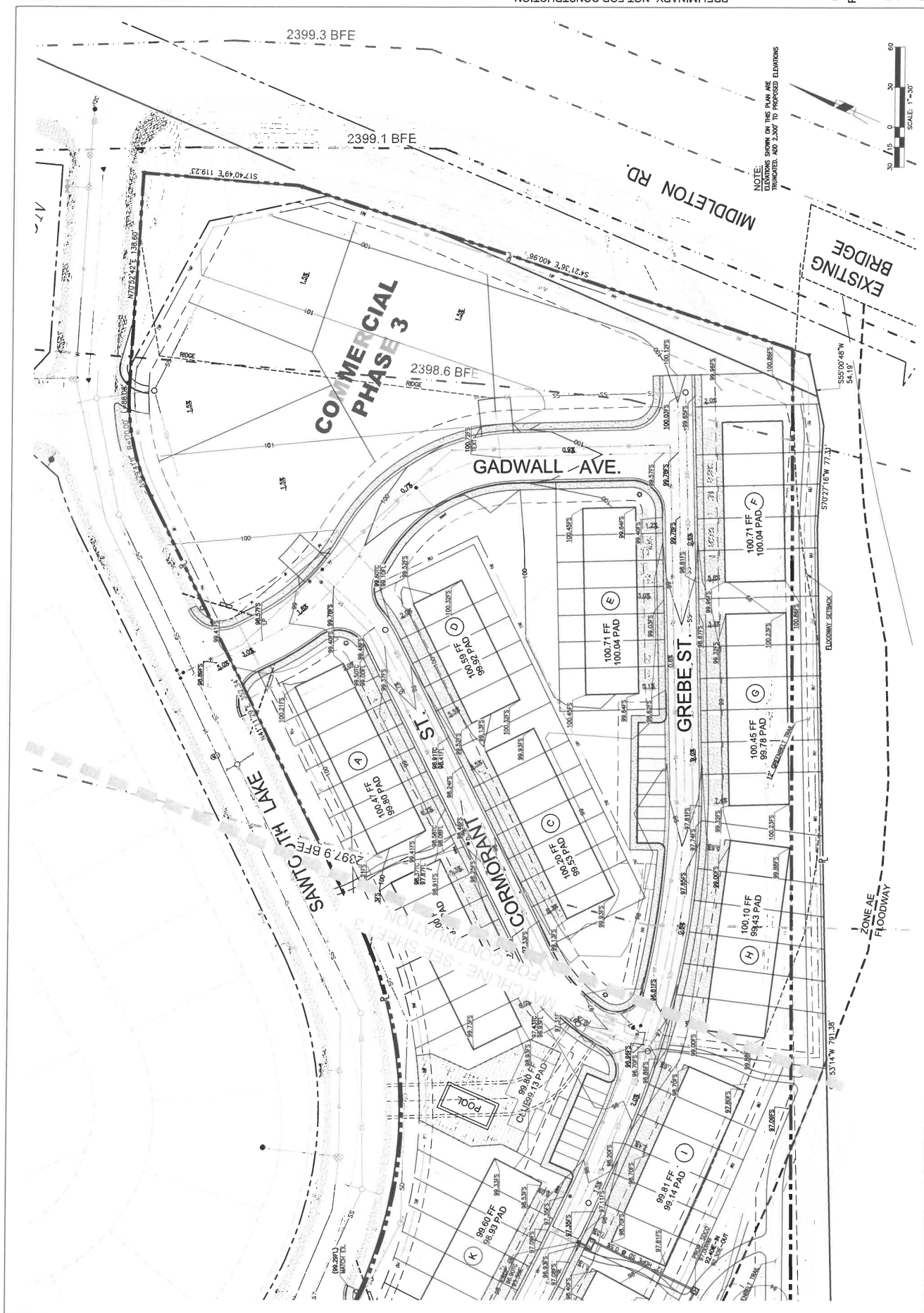


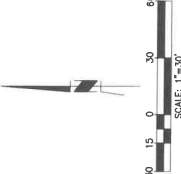
LINE DATA TABLE		
LINE #	LENGTH	DIRECTION
L1	31.75'	S85°21'25"E
L2	19.16'	N70°52'42"E

CURVE #	LENGTH	RADIUS	DELTA	CHORD DIRECTION	CHORD DISTANCE
C1	290.35'	470.00'	35°23'42"	S47°50'34"E	285.75'
C3	88.08'	170.00'	28°41'11"	N56°02'05"E	87.10'
C8	606.91'	330.00'	108°50'45"	S54°23'07"E	536.80'

CERTIFICATE OF SURVEYOR







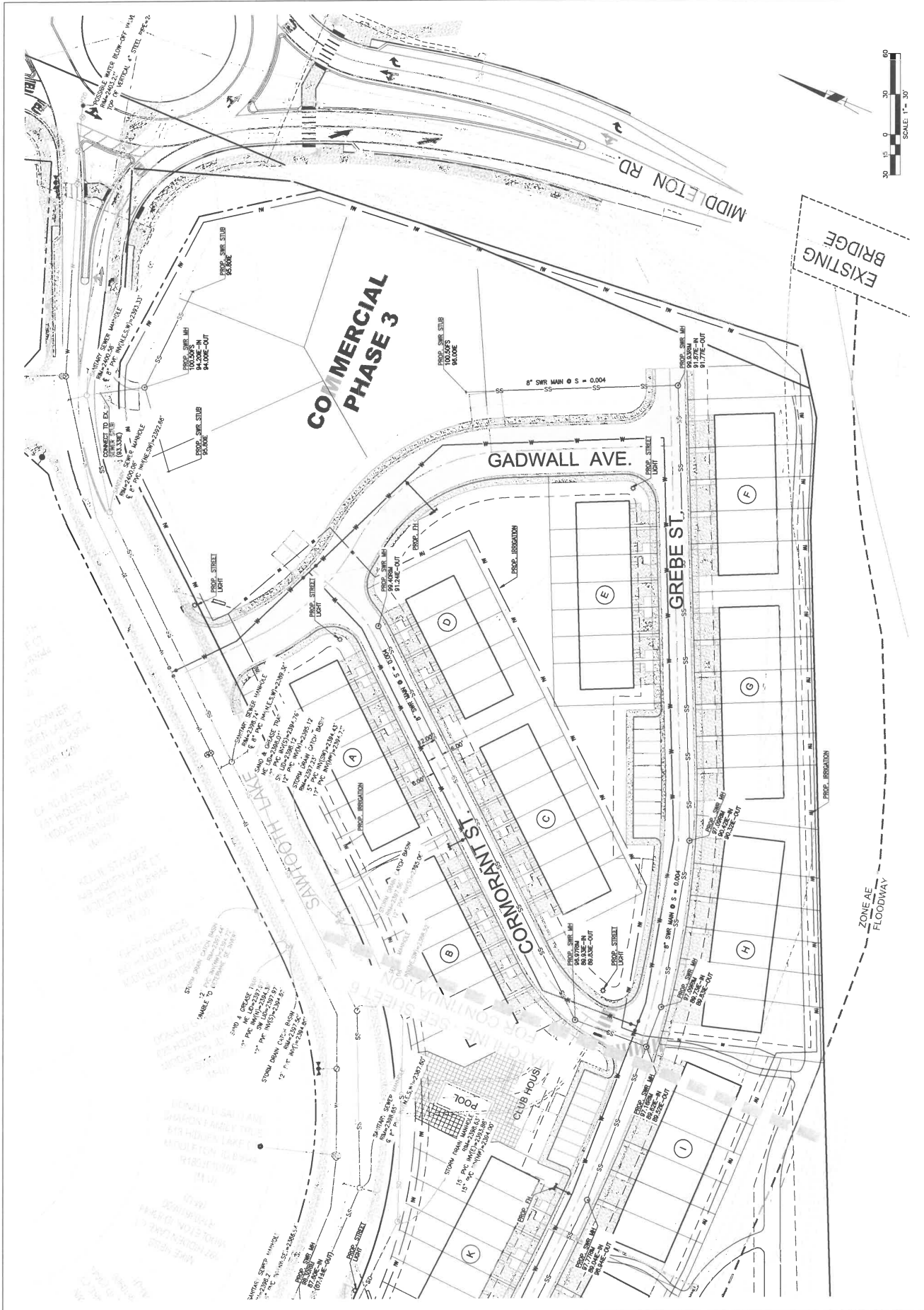


EXHIBIT "C"

Public Comment

From: [Dave Dissinger](#)
To: [Roberta Stewart](#)
Subject: Channel Crossing Subdivision (aka Sawtooth Lake M-U Sub)
Date: Tuesday, April 5, 2022 1:48:25 PM

Hello Roberta,

Thank you for the opportunity to submit my concerns about the Channel Crossing Subdivision via this email. Hopefully these concerns will be reviewed and considered prior to a decision on this development.

My home is at 661 Hidden Lake Court, directly across Sawtooth Lake Drive from the proposed development.

My first very serious concern is with privacy. In the proposal it appears the 3rd story of the 3 story townhouses will view directly into my back yard. I understand the placement of the townhomes will be behind a 25 foot landscape and fencing as well the street but at the height of the 3 story, I believe the owners will have full view of not only my yard but several homes in each direction.

Second, in reviewing the traffic study of 2019, the installation of a round-about would be sufficient to alleviate traffic issues at the intersection of Sawtooth Lake drive and Middleton Road until the year 2030. Although it appears the traffic study did not consider that Middleton road is often backed up from the traffic light at highway 44 and Middleton road all the way to Sawtooth Lake drive during the evening commute. And, it appears the construction of that round-about is dependent in funding and I do not see a definite timeline for the installation. Without that round-about, the additional 244+ vehicles in the commute hours would be very difficult. And based on that study, after 2030 even the round-about would not be enough to address traffic issues on Sawtooth Lake drive and Middleton Road.

And third, I understand the need for housing in the Treasure Valley, but are townhomes such as these appropriate for Middleton? Putting 122 homes onto approximately 13 acres would be quite crowded. The concepts presented in the proposal appear to be better suited for downtown Boise.

Thank you again, Roberta.

Sincerely,

David Dissinger

From: [angeli butler](#)
To: [Roberta Stewart](#)
Cc: [cpatom777@gmail.com](#); [Angeli Butler](#)
Subject: Channel Crossing subdivision
Date: Friday, June 10, 2022 10:45:56 PM

Hi Roberta,

I have a couple of questions and a comment about the proposed plat for the Sawtooth Lake Mixed-Use Subdivision. When discussing the proposal with a local friend, he expressed surprise, having heard that location was going to be a park with a sand launch area for the river. Was that ever the plan for that location? Is the park he described planned elsewhere, and if so, where?

I'd also like to share with you my unease with the proposed plan of 5 commercial lots, 119 single family attached lots, and 7 common lots. I'm no expert, but years ago when we were looking to buy our first home, I did a bit of research into flood plains and water tables. I cannot imagine, knowing how high the water table is at our place further from the river, that these lots won't be at especial risk of experiencing the effects of that, or of potential floods. My concerns with that are twofold: first, risks come with additional expense, which the proposed plan would seem to be foisting off onto families and individuals who are likely to already be financially pressed (given they would be purchasing zero line lot homes), which is just a super slimy move. Second, if I'm right and these proposed town homes are at risk of cracked foundations and even flood damage, this is set up to be a super crappy part of town in the not too distant future. With an economic downturn and slowing of the real estate market, it's easy to imagine these lots being poorly maintained or even largely vacant. Middleton deserves better than that.

I'm all for affordable, accessible housing options in Middleton, but I am completely unconvinced this is the right location.

Finally, my father-in-law, the technical owner of our property, would like to recommend a traffic circle for Middleton Road, I assume at Sawtooth Lake. It would slow down drivers as they approach Main St. and provide more accessibility.

Thank you for your time!

Angeli Butler
903 W Main St.

From: [Utilities](#)
To: [Jennica Reynolds](#); [Roberta Stewart](#)
Subject: FW: Planning & Zoning
Date: Tuesday, June 21, 2022 8:01:35 AM

-----Original Message-----

From: Janet Richards <chkabez@yahoo.com>
Sent: Thursday, June 16, 2022 1:35 PM
To: CITMID <citmid@middletoncity.com>
Cc: gmprdjulie@gmail.com
Subject: Planning & Zoning

Good Morning-

We are residents in Middleton and we appreciate your efforts and time to help our city maintain its standard of rural charm and safety. The emergency moratorium has been needed, we hope it's taken seriously and adhered to.

I am asking you to please take the time to read this, as I share the concerns of us all, with you. We moved here in 2019 and chose Middleton for its rural beauty, safety records, slow pace, small town charm and friendly people. Middleton is very unique and has qualities that the larger cities can't offer.

However, in the short time we have lived here, we have seen a tremendous increase in traffic. Rural charm being overtaken by building.

An increase in vandalism. Unwanted quick growth.

We live in the Sawtooth subdivision. When they suddenly put up the barrier to prevent us from turning left onto Middleton Rd from Sawtooth, the backup on Crane Creek Rd and Middleton Rd increased greatly and continues to do so. The back up is getting worse weekly and is incredibly frustrating!!

With the continued approvals of development, we are very concerned and frankly confused as to why the Channel Crossing Subdivision is being allowed, when many of us have voiced our concerns. As well as the school district and GMPRD.

This approval will create more alarming problems. One of the increased problems GMPRD clearly addressed to you in a letter on 3/29/22 is vandalism. Many of us who back up to Sawtooth Rd had the back of our fences marked up with graffiti a few months ago. One neighbor had her fence kicked in.

Another problem will be unwanted & increased traffic. The man who spoke, representing the developer for the 55 and older community, in the April meeting said several times that we won't have to worry about work traffic from this community. That's not true!!!

Surely you know that people cannot collect social security until age 62. And most do not retire until 65 & older. There will ABSOLUTELY be people traveling to and from work who live in that community. The age bracket of 55 is still very active in the workforce. And anyone who believed what he said, is ignorant.

Channel Crossing will of course increase traffic, put a larger burden on schools, police, fire and city parks. And because of that barrier installed at Middleton Rd and Sawtooth Rd, the residents in Channel Crossing will be forced to drive through Sawtooth subdivision.

Because 1, they will be forced to go to Crane Creek Rd to turn left onto Middleton Rd. And 2, they cannot turn left onto Sawtooth Rd coming off of the bridge.

I should not had to have sent this email spelling out these details. This is all common sense, connect the dot issues

that should be easy to see.

We moved here & saw it was different from where we came from. It was like a breath of fresh air! It seemed that Middleton had a good handle on building, infrastructure, planning and common sense. But something changed. And I don't know if it's political or greed or just exactly what has happened. But it's not good!

From experience what we saw in the city we moved from in California, I can say to you all if this continues, our city is going to be overrun by crime and congestion, and financial burden. Mark my words on this. The charm, safety, uniqueness and standards Middleton has held high and is known for, will be gone. And we are ALL going to suffer in the near future for the decisions being made today.

Something to remember: The developers that are being granted permission to build here don't call Middleton their home. Their hearts have no investment here. They line their pockets, and leave.

Sincerely,
The Richards

EXHIBIT "D"

Agency Comments

Communities in Motion 2050 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 2050* (CIM 2050), 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 2050 goals.

Development Name:

CIM Vision Category:

CIM Corridor:

New Jobs:

New Households:



Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure number of vehicle lanes, and travel speeds.

Pedestrian level of stress
Bicycle level of stress



Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

Activity Center Access
Farmland Preservation
Net Fiscal Impact
Within CIM Forecast



Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations.

Nearest bus stop
Nearest public school
Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation

Automobile Transportation
Public Transportation
Roadway Capacity



Improves performance



**Does not improve or
reduce performance**



Reduces performance

Comments:

Communities in Motion 2050
[2020 Change in Motion Report](#)
[Development Review Process](#)

Web: www.compassidaho.org
Email: info@compassidaho.org



Bicycle and Pedestrian Infrastructure

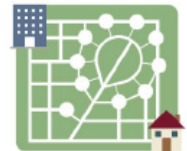
An individual's trip is the entire journey from beginning to end. In many cases, a trip may combine a number of modes. While motorized vehicles will provide longer trips, users complete the first and last portion on their own. For example, almost every vehicle trip includes a walk or bike trip to the parking lot or transit stop. Good street connectivity increase the number of travel options and reduces the distances traveled to reach destinations. One way to measure route directness is take the ratio of the route distance to the straight line-distance. The closer the ratio is to 1, the better for connectivity of the area.

Some steps that can be taken to improve walk/bike infrastructure include:

- ✓ Providing sidewalks, crosswalks, and micropaths to connect destinations
- ✓ Providing an improved pathway along the Boise River as a transportation and recreational option
- Siting pathways and sidewalks as directly as conditions allow or provide wayfinding signs
- Reducing street lengths to discourage speeding on local roads
- Providing sufficient and covered bike parking near destinations



A disconnected system means more trips onto arterial roads, resulting in fewer cyclists and pedestrians and less efficiency for vehicles.



A connected system provides options, including walking, cycling, or driving. More trips can be taken on local roads, avoiding busier arterials.

Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at: www.compassidaho.org/prodserv/fiscalimpact.htm.

Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

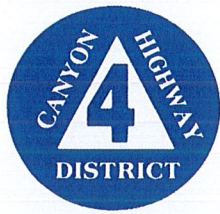
City

County

Highway District

School District

Break Even:



April 11, 2022

City of Middleton, Idaho
Planning & Zoning Commission & City Council
1103 West Main Street
Middleton, ID 83644
Attention: Roberta Stewart, Planning and Zoning Administrator

RE: Sawtooth Lake Mixed-Use Development Preliminary Plat

Canyon Highway District No. 4 (CHD4) has received from city staff a preliminary plat for Sawtooth Lake Mixed-Use Subdivision. The application was received March 31, 2022; there is no date on the preliminary plat, although the title does indicate "September 2021". CHD4 has not previously seen any information on this development.

CHD4 offers the following comments on the preliminary plat provided with the application:

1. By agreement with the City, CHD4 maintains Middleton Road from Sawtooth Drive south to Lincoln Rd along the east boundary of the development. Under this agreement, CHD4 may provide comment on development or other permit activity which may affect traffic operations or maintenance of Middleton Rd.
2. Due to the large number of city developments along and affecting the Middleton Rd corridor, CHD4 requests the City accept for maintenance Middleton Rd from Sawtooth Drive to Lincoln Rd. This exchange of maintenance would serve to streamline development review, utility, and access permitting along this portion of Middleton Rd that is rapidly being annexed into the City.
3. CHD4 recommends the City require a 50-foot width right-of-way west of the section line (east boundary of Section 7 T4N R2W) to accommodate widening of Middleton Rd and the existing bridge across the Boise River to 4 or 5 lanes in accordance with the Mid-Star Capital Improvement Plan.
4. CHD4 has not been provided opportunity to review or comment on any Traffic Impact Study prepared for the project.
5. In general, two weeks notice for review and comment on a development project is inadequate given the current backlog of development applications. In order to provide meaningful review and comment, CHD4 requests 60 days notice for review and comment on development applications affecting District roadways.
6. Extension of city utilities to serve the development should be designed and constructed to minimize the impacts to traffic and existing infrastructure within the Middleton Rd rights-of-way. CHD4 will review improvement drawings for the development as they relate to

these rights-of-way. A utility permit from CHD4 is required for any utility work, frontage improvements, temporary traffic controls, or temporary access to these roadways.

Please feel free to contact with any questions on this matter.

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
Canyon Highway District No. 4

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Agency Notice - Channel Crossing PZ
Date: Tuesday, March 29, 2022 9:48:28 AM
Attachments: [image001.png](#)

Jennica Reynolds

City of Middleton
Deputy Clerk, Planning
208-585-3133
jreynolds@middletoncity.com



From: Julie Collette <gmpurdjulie@gmail.com>
Sent: Tuesday, March 29, 2022 8:31 AM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Subject: Re: Agency Notice - Channel Crossing PZ

To Whom It May Concern at Canyon County Planning & Zoning:

Good morning,

On behalf of our Greater Middleton Parks & Rec Board of Directors and Executive Director, Tim O'Meara, we wanted to reach out to you and let Canyon County know that GMPRD is taking a stance on the growth happening in Middleton and the surrounding areas.

We are opposed to any further developments coming into Middleton at this time. Not only are the parks and recreation districts affected, but the school district and cemetery district as well, are struggling to keep up with the growth. The legislature has not added parks and recreation districts, nor school or cemetery districts to the legal verbiage, allowing the impact fee funding to help incur the costs from the additional growth happening around the city.

We are seeing high numbers of registrations at our sporting events coming from out of state. We have multiple sports clubs and recreation programs needing grass space to play on. We are using an outdated building to play sports in one gym and could use at least two more gyms. We are also seeing higher vandalism this year. We have already spent over \$5,000 dollars on new

camera systems at our parks and buildings to try to keep up with the increase in crime in our little town. Last year we were at 419% over budget for vandalism - spending almost \$900 dollars on repairs. This year alone we are already at 110% of our increased vandalism budget, spending over \$550 dollars on repairs thus far. However, in 2019 we only used 12.9% of our vandalism repairs budget. Spending only \$25 dollars on repairs. These numbers alone speak VOLUMES as to what is happening in our area and the negative impact our growth will continue to have, especially on our youth. Having positive sports programs, open play space, and local community classes helps keep kids out of trouble. We are outgrowing our resources at a record pace!

In order for growth to continue and to gain our support, developers will have to step up in some way to aid these growth related issues and problems.

Thank you for listening to our concerns.

Kind Regards,
Julie-

Julie Collette
District Clerk II/HR
Greater Middleton Parks and Recreation District
310 N. Hawthorne Ave., Middleton, ID 83644
208-585-3461
gmprd.org



On Thu, Mar 24, 2022 at 5:11 PM Jennica Reynolds <jreynolds@middletoncity.com> wrote:

Please see the attached Agency Notice.

Jennica Reynolds

Jennica Reynolds
Deputy Clerk, Planning
City of Middleton
208-585-3133
jreynolds@middletoncity.com



Marc Gee
Superintendent

Lisa Pennington
Assistant Superintendent

Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for All New Development

Middleton School District is currently experiencing significant growth in its student population. As it is now, we have 2 of our 3 elementary schools over capacity (2 portables at Mill Creek, 3 portables at Heights Elementary) with more coming. We are nearing capacity, but have not superseded at this point, at our high school and middle school. As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We are in process of having a demographic study performed for our school district boundaries and preliminary data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .569)** students to come to our school. That is the factor/rate we use to make our projection of student impact for each development.

We encourage the city to be judicious in their approval process recognizing that each new development brings new students to our school and will increase the burden placed on taxpayers within the school district. New facilities, primarily an elementary school, are needed now, but additional students could continue to increase that need.

***Please note a change in this rate from previous correspondence*

Sawtooth Lakes Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Middleton Heights Elementary. With 122 lots, we would anticipate, upon completion, an increase of 69 students between Middleton Elementary, Middleton Middle School, and Middleton High School. See above statement for impact on district resources.

In addition to the increase in student population, no bussing would be provided for Middleton Middle School students. As such, it would be important that the developer include plans for sidewalks connecting to the existing sidewalk system so that students have a safe passage to school. (Bussing would be provided for students attending Middleton High School and Middleton Heights Elementary)

5 South Viking Avenue
Middleton, ID 83644
(208) 585-3027
msd134.org

EXHIBIT "E"

Engineering & Planner Comments



February 17, 2022

TO: Roberta Stewart, Planner

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

RE: SAWTOOTH LAKE MIXED USE PRELIMINARY PLAT

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. I was not able to review Planner comments so comments may be redundant.

1. Please choose a different subdivision name than "Sawtooth Lake Mixed Use". Subdivision names live on in perpetuity and having a clear identification is important. Sawtooth Lake(s) is in use for the three phases of residential development north and is also the fronting road (major collector). It gets very confusing.
1. MCC 5-4-3: Traffic Impact Analysis and mitigation is required. If you have submitted a TIS, we will review and follow up with mitigation needs, if any are identified.
2. MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. Also need current deed and Schedule B.
3. MCC 5-4-4.2. b. Correct the date in the title block.
4. MCC 5-4-4.2. c. Adding phasing plan – one sheet. The commercial isn't "future phase". It is in phase two or is a separate phase. The City's concern is timing of frontage improvements and intersection improvements tied to a future phase. Coordinate further with Planners.
5. MCC 5-4-4.2.f. Revise topography and boundary and reduce the plat to one page showing both legibly. Include ties to corners. Show and number every lot and every block on this sheet as well.
 - a. Use a scale other than 80 if possible. The scale on sheet 1 needs corrected.
 - b. Need benchmarks (may be on different sheet or listed).
 - c. Do not provide contours after grading or building footprint or finished floor elevations on the plat. That may be provided as an exhibit if you would like.
6. MCC 5-4-4.2. h.
 - a. Dimension existing rights of way and clearly label/name. Rivers Edge needs a consistent right of way width.
 - b. Add a typical section for Rivers Edge. Need sidewalk both sides.
7. Label every street on every sheet. Please.



8. MCC 5-4-4.2. i. Label lot owners adjacent to boundary.
9. MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels.
10. 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.
11. Identify all lots to be held in common or non-residential, the use and ownership.
12. Note 3. What is "drain maintenance"?
13. Note 5. Expand to address Idaho Code 31-3805b. Identify the irrigation district. Show the irrigation system layout and point of diversion/pump station location.
14. Note 6. City of Middleton, not Health District.
15. Note 7. Identify common lots, use and ownership.
16. MCC 5-4-4.3. a
 - a. How will commercial phase lots sewer?
 - b. Look at taking the sewer all to the west in Osprey and eliminating the tie in at the middle access. The area is rife with groundwater and a second cut in Sawtooth needs to be avoided if possible.
 - c. Need a manhole at every angle point and 400ft.
 - d. Extend main in Rivers Edge, east end and west end, to sewer Lots 2/3/4/45/46.
 - e. Show the water and sewer correctly in Sawtooth Lake Drive.
 - f. Extend sewer west to boundary in Rivers Edge.
17. MCC 5-4-4.3. b
 - a. Revisit the water and sewer layout near the intersection of Osprey and Sawtooth Lake.
 - b. Connect to Sawtooth main at 90d and add three valves.
 - c. Three valves at tee, four valves at cross, typical of all.
 - d. Extend water west to boundary in Rivers Edge.
18. Stormwater. Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. Include the pad/building C value is 0.90, the rights of way/impervious (all) are 0.95. All stormwater management facilities require pretreatment. Discharge offsite is not permitted. Stormwater facilities are owned by HOA and the provisions for maintenance laid out in CCRs. Identify lots to be used for stormwater management.
19. What is happening with the 30" pipe discharging stormwater north of the dead-end street? What is the easement width for infrastructure outside Sawtooth right of way?
20. Add note: No direct access to Sawtooth Lake Drive.
21. Streetlights every 400 ft maximum, at intersections and cul-de-sacs. Streetlights required on Sawtooth Lake Drive.



22. Correct street names. Street is east/west. Avenue is north/south.
23. Develop sidewalks each side of the roads. Sidewalk will need to tie to Sawtooth Lake Drive sidewalks. Add pedestrian facility from the end of dead-end road (name?) to Sawtooth.
24. The east access road, Rivers Edge Drive, needs to be 500ft from the roundabout. It may be restricted to right in right out in the future.
25. Extend Rivers Edge Street west to provide connectivity to parcel #18034000.
26. Need 250ft separation between intersections on the same side or apply for a variance.
27. The dead-end street requires a cul-de-sac because of the number of lots it accesses. The parking termini won't work. Maybe offset cul-de-sac to the west?
28. Identify the linework crossing streets perpendicular. Valley gutters are 4ft wide.
29. The traffic buffer easement is required adjacent to Sawtooth Lake Drive and width is 24ft.
30. Delete access at Lot 2 commercial.
31. Frontage improvements to Middleton Road may be required, per Middleton Corridor Study.
32. Add note detailing all irrigation and/or drainage to be relocated out of rights of way.
33. Label lot area.
34. Dimension and identify the floodway setback. Is this a catch slope area or will it function as a yard or other?
35. What is line work through pool area?
36. The parking near Lot 12 Block 4 is too close to the intersection. Is it possible to relocate it?



March 15, 2022

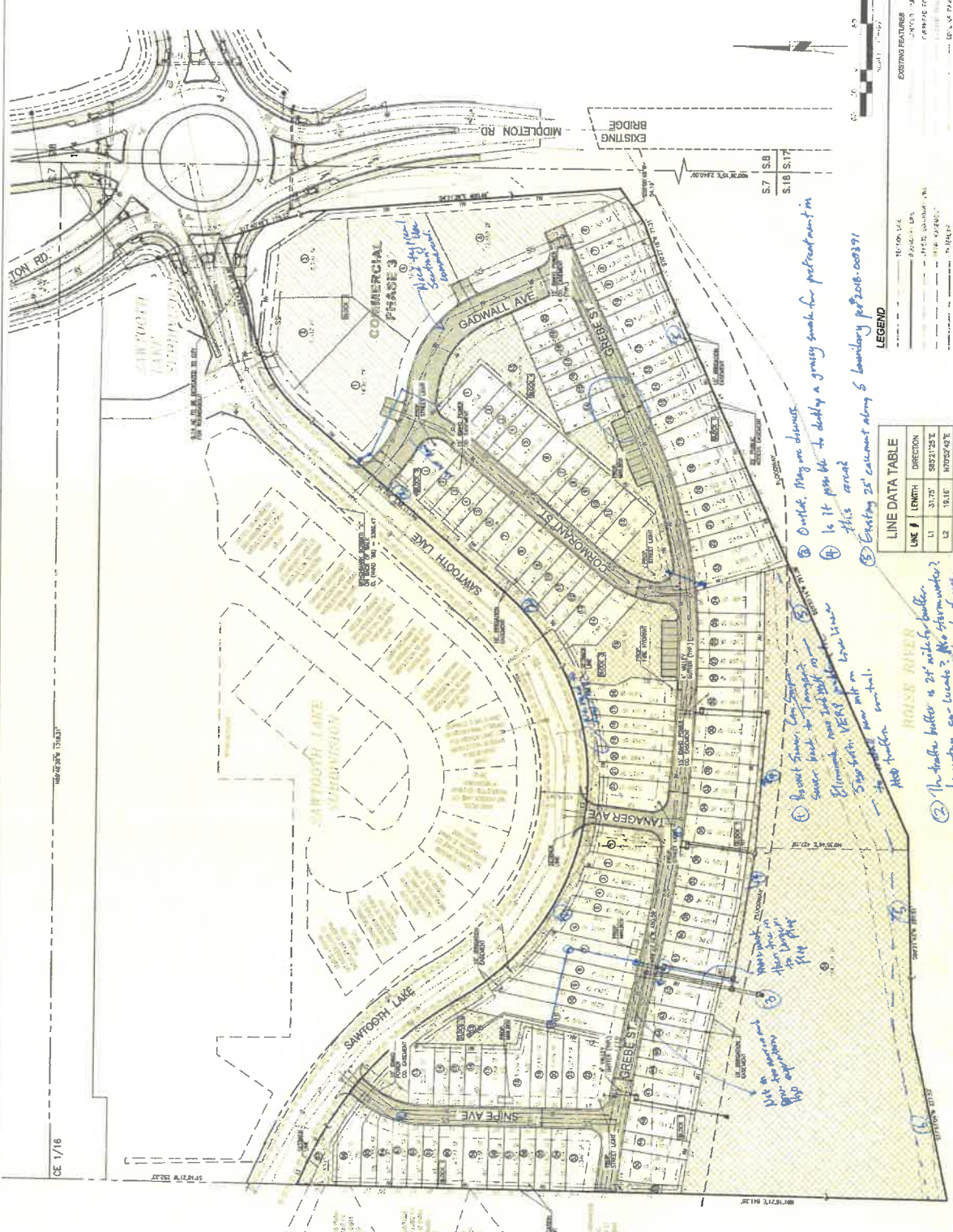
TO: Roberta Stewart, Planner
Thomas Hawksworth, PE, Bluepeak Engineering

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

RE: CHANNEL CROSSING MIXED USE PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat submittal. Many of the comments below are noted on the attached redline.

1. MCC 5-4-4.2. h. Add a typical section for Gadwall. Use commercial section in Middleton Supplemental unless otherwise agreed upon.
2. Identify all lots to be held in common or non-residential, the use and ownership. Am looking for stormwater management areas or utility corridors that are subject to blanket easement language for notes.
3. Note 5. Expand to address Idaho Code 31-3805b – specifically whether lots will subject to assessment or the HOA for the whole parcel or? Identify the irrigation district. Show the point of diversion/pump station location.
4. MCC 5-4-4.3. a Look at taking the sewer all to one connection in Tanager and eliminating the second tie in. It is highly problematic to install a new manhole on a live line, groundwater, traffic control, etc. etc.
5. Stormwater. Please resubmit the report for updated plat.
6. What is happening with the stormwater piping just north of Lot 19/B3? What is the easement width for infrastructure outside Sawtooth right of way? Need 20 ft min.
7. The 24ft traffic buffer easement is required adjacent to Sawtooth Lake Drive and width is 24ft. Coordinate with the City further on irrigation and stormwater piping co-locating. May need an additional note clarifying.
8. Need to make sure the 2nd access at Lot 2 commercial, assumed right out only, can be developed as shown.
9. Frontage improvements to Middleton Road may be required, per Middleton Corridor Study. Add a note please.
10. The parking near Lot 14 Block 4 may be obstructed by the house/dwelling/parked cars looking east. Please revisit the area.



LINE DATA TABLE

LINE #	LENGTH	DIRECTION
L1	31.75'	S82°17'25"E
L2	15.16'	N70°52'47"E

CURVE DATA TABLE

CURVE #	LENGTH	PIRADIUS	DELTA	CHORD DIRECTION	CHORD DISTANCE
C1	260.30'	170.00'	32°23'42"	S47°25'34"E	265.75'
C2	625.91'	330.00'	108°59'45"	S84°23'07"E	538.80'
C3	66.08'	170.00'	29°41'11"	N48°02'55"E	83.10'

CERTIFICATE OF SURVEYOR

- ① Where is origin peg station?
- ② Point of intersection
- ③ As City Engineer Structural Section 36/15

- ④ Outlet. May be done.
- ⑤ Is it possible to develop a grassy swale for pretreatment in this area?
- ⑥ Existing 24" culvert along S boundary per 2018-00291

- ⑦ Right of Way line. See back to 1/2 mile corner. Eliminate road intersection. See back to 1/2 mile corner. See back to 1/2 mile corner.
- ⑧ The better is 24" water-bulk. Irrigation can locate? The stormwater? Check w/ planner. The note it yes.
- ⑨ Let's discuss.

CE 1/16



CITY OF MIDDLETON

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PLANNER COMMENTS – SAWTOOTH LAKES MIXED USE SUBDIVISION (Review of Initial Preliminary Plat received 10/18/2021)

February 7, 2022

1. Per attached email from our Flood Administrator, you will need to submit a floodplain permit application on the attached form along with the \$3000 fee.
2. Need 2 new sets of mailing labels for landowner notice mailing that will occur 2 or 3 weeks from now. The labels must cover landowners within 500' of perimeter boundary. (This is new code that was approved in January 2022. Old code was only 300' perimeter notice, so the labels in my file are inadequate.)
3. Need Title Report Schedule B
4. Is there a Development Agreement for this property? Without Schedule B, I can't be certain.
5. Pursuant to MCC 1-15-8-1, each style of townhome must obtain Design Review approval.
6. Please recognize that there is a multi-lane roundabout along the frontage of your property. The frontage improvements will need to be pursuant to the City design of the roundabout.
7. You are missing street names for 3 streets. Remember that we only allow, "Avenue" for north/south streets; "Street" for east/west street, and "court" for cul de sac. No "Drive", "Blvd", or "Way."
8. Change Rivers Edge Drive to Rivers Edge Avenue
9. Reserve all street names with Tony Almeida at Canyon County
10. I think you'll have to choose another street name than "Osprey". Check with Tony. It is already being used, I think.
11. Please reserve your subdivision name with Tony Almeida at the County too.
12. Your greenbelt trail required by the Comp Plan Map needs to be 12' wide with 20' overlying public access easement. See MCC 5-4-11-2.A.2. FYI, Hess' project across Middleton Road was also required to complete a 12' wide greenbelt path along the entire southern border of his project. The rest of his trails were only 8' wide. Concept plans for the Comp Plan and River Walk district are attached so you can see the locations of the greenbelt trail.
13. The greenbelt needs to traverse along the entire southern boundary and hook into Middleton Road's sidewalk per the new River Walk District design which will be part of the Comprehensive Plan. Moreover, the City Council and City Staff will prefer to see this "tie-into" Middleton Road sidewalk occur along only the southern border of your project rather than winding its way through the townhomes. It would be part of your frontage improvements required by code. This will require the pathway to cut across a thin swath of right of way owned by CHD4 that is located along side Middleton Road ROW. If necessary, we can work through an off-site temporary construction agreement with CHD4 to allow you to enter CHD4 land to complete the portion of the 12' greenbelt trail that needs to tie into Middleton Road.
14. Add a note to clarify that all pathways shown will be paved. I think the pathway along Middleton Road will actually be concrete. I need to clarify per City plan set for Middleton Road construction.
15. Also recognize that there is a very slight chance we will need a river access through the project, but I don't think so. I just need to clarify with City Administration that river access is not required on your property.
16. Please recognize that pursuant to footnote 10 to MCC 5-4-1, Table 2, the townhome height cannot exceed 35'

17. Per the same Table 2, footnote 10, townhome lots have a minimum width of 20' at the front setback line. You have a number of lots that don't meet that standard. Please revise all lots to meet this minimum standard.
18. Per footnote 10, all townhome lots must be a minimum of 1600 sf. You have a lot of lots below 1600 sf. All lots need to be brought up to at least 1600 sf.
19. MCC 5-4-10-2 prohibits dead end roads. Do you want to revise or request a waiver to the code? I think a waiver request will be successful unless City Engineer determines there is a problem with the dead-end roads. If you want waiver, please add a note to Sheet 1 "Preliminary Plat Notes" that indicates that a waiver is being requested for prohibition in MCC 5-4-10-2 against dead-end roads.
20. Delete Note 4 on Sheet 1. It is duplicate of Note 14.
21. Delete Note 7, Sheet 1. It is duplicate of Note 10.
22. On Note 8, please rewrite as follows: *"Minimum building setback lines shall be in accordance with the Middleton City Zoning ordinance at the time of issuance of a building permit."*
23. We will need to seek a waiver to code requirement of perimeter fencing. A perimeter fence will be horrible in light of the greenbelt trail. The waiver should ask for perimeter fence to be on the rear boundary of lots where applicable. Accordingly, change Note 11 to state *"Variance requested to allow fencing to be placed on rear of building lots rather than perimeter boundary where appropriate."*
24. I assume you also want to forego a perimeter fence along the commercial lots. If so, add additional language to notes: *"No perimeter fence required on commercial lots to ensure maximum visual presence on Middleton Road and Sawtooth Lakes Dr."*
25. Add to note 10 the actual Lot and block for each common area lot so it will be identified on the plat, then note that the common lots are owned and maintained by the HOA.
26. Add note that all greenbelt paths and other paved pathways are encumbered by a public access easement.
27. Add mailbox location(s) to plat.
28. Add a note memorializing the current floodplain status.
29. Please recognize that a code change occurred in December that limited the number of living units that could be in a single townhome structure. It is now a maximum of 6 units. Most of your structures have only 6 units, but a few have 7. We are talking with our attorney about whether this code section would apply to you because your application was submitted and accepted prior to the code change.

Roberta L. Stewart

Middleton City Planner

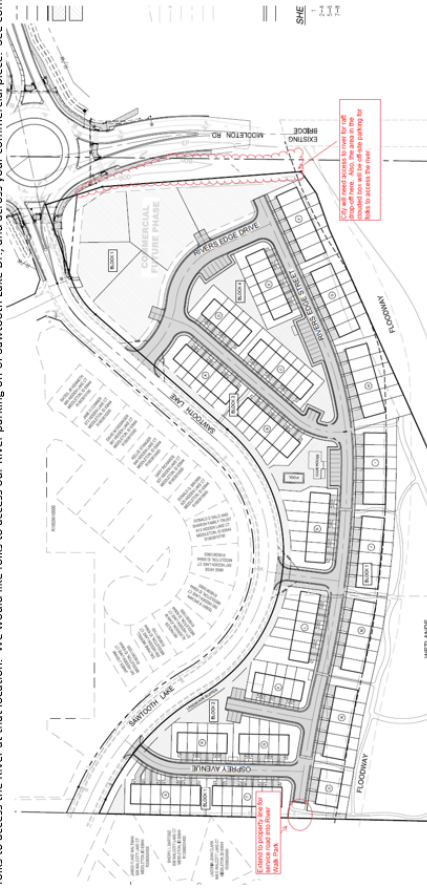
From: Roberta Stewart
Sent: Tuesday, February 22, 2022 4:41 PM
To: Amy Woodruff <amy@civilidynamics.net>; Jay Gibbons <gibbons@abgo.com>
Cc: Becky Crofts <bcrofts@middletoncity.com>
Subject: Sawtooth Lakes - couple loose ends

Importance: High

Hey Amy and Jay: Here's the TIS for Sawtooth Lakes Mixed Use.

Also, I just spoke with City Administration and they would definitely like the Developer to heed Amy's comment to extend the western portion of "River's Edge Road" all the way to the western boundary line. See snippet below. (Jay, that comment is different than my opinion earlier today). That stub road will probably end up being an access or emergency road into our River Walk Park, so it needs to extend to the boundary so we can pick it up from your site and not have to do off-site improvements to complete the road in the future.

Also, City Administration reminded me that it is critical that there be river access for raft "drop-off and pick up" at the south east corner of the preliminary plat. Please also recognize that the swathe of land that extends along the eastern boundary of the pre-plat is a CHD4 ROW that the City is in the process of purchasing to turn into a parking lot for folks to access the River at that location. We would like folks to access our River parking off of Sawtooth Lake Dr., and across your commercial piece. See comments below in Red



Roberta L. Stewart



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PLANNER COMMENTS – CHANNEL CROSSING SUBDIVISION (Review of Revised Preliminary Plat received 3/31/2022)

April 18, 2022

1. As already indicated in Amy Woodruff's comments, you need to note that the landscape buffer along Sawtooth Lake Dr. is 24' wide. The 24' starts at the ROW line. It does not include the ROW.
2. Add a cross-access easement for vehicles and pedestrians in the commercial lot area. You have 2 landlocked parcels. Add a note regarding the cross-access easement and show it appropriately on the pre-plat.
3. Piggy backing off Amy Woodruff's comment #9, please add note *"Subdivision right of way improvements shall be in accordance with the 2016 Middleton Road Corridor Study."*
4. Add the following note: *"The 12' wide greenbelt pathway shall be connected to the 8' wide asphalt/concrete pathway along Middleton Road. This may require a small amount of off-site work on the "wetland parcel" adjacent to Middleton Road depending upon ownership of the parcel at the time of construction. The exact configuration for the connection can be determined at a later date dependent on how City handles the wetlands parcel with 3rd parties."*
5. Add note to page 2 that establishes that the greenbelt pathway inside the 20' access easement is 12' wide. So there will be 2 dimension notes: 1 for the 20' easement, and another for the 12' width of the asphalt pavement. The asphalt pavement that runs north to south in order to connect to Middleton road can be our normal 8' wide inside a 12' easement. Only the greenbelt pathway running east to west must be 12' wide within a 20' easement.
6. Looks like only two flag shaped lots are less than 20' frontage. It is a reasonable "waiver" to the code. I think your note 15 takes care of it. I'll note the variance in my staff report.
7. Change Note 6 to DELETE this portion of the note: *"...or as specifically approved and/or required"*. The setbacks are only what is in the code at the time of building permit issuance. You are showing townhome footprints on this plat. I don't want you to assume that pre-plat approval means the conceptual footprints less than the minimum setback have been "approved." That is why Note 6 should state only: *"Minimum building setback lines shall be in accordance with the Middleton City Zoning ordinance at the time of issuance of a building permit."*
8. Add a note memorializing the current floodplain status.
9. Add a note: *"City requiring river raft access in the general location of the southern portion of Lot 5, Block 1. Final configuration to be determined when City finalizes with a 3rd party the configuration and use of the wetlands immediately adjacent to Lot 5, Block 1."*
10. Re-write Note 9 on fencing as follows: *"A fence is required at the perimeter of the subdivision boundary. Variance requested to place fence on lots to avoid blocking the public greenbelt access."* The language about commercial fencing was unnecessary. I shouldn't have asked you to put that language in initially.

Roberta L. Stewart

Middleton City Planning & Zoning Official

From: [Roberta Stewart](#)
To: ["Thomas Hawksworth"](#)
Cc: [Jay Gibbons](#); [Amy Woodruff](#)
Subject: Add phasing lines to Channel Crossing pre-plat
Date: Monday, May 2, 2022 11:08:00 AM
Attachments: [image001.png](#)

Hey Thomas: I just realized that I cannot see Phases 1 and 2 on the Channel Crossing pre-plat. I can see Phase 3, which is the commercial lots, but where is no line of demarcation between phases 1 and 2 in the residential portion of the plat? Please add to the revision you'll be submitting to the city. Thanks,

Roberta L. Stewart

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PLANNER COMMENTS – CHANNEL CROSSING SUBDIVISION (Review of Revised Preliminary Plat dated 5/16/2022)

May 19, 2022

1. Flesh out Note 23 more as follows: “Right of Way on Middleton Road is to be 50 feet from section line. Improvements may be required and determined per City of Middleton **and the 2016 Middleton Road Corridor Study.**”
2. Thank you for adding dimension note that greenbelt pathway is 12’ wide, but I can no longer see the dimension note that the public access easement overlaying the greenbelt path is actually 20’ wide. The asphalt is 12’ wide; the easement is 20’ wider per code. Please add back in the dimension note regarding the 20’ wide easement

Roberta L. Stewart

Middleton City Planning & Zoning Official

EXHIBIT "F"

Planning & Zoning Commission Findings of Facts, Conclusions of Law,
Order, and Recommendation



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, Recommendation & Order

In the Matter of the applications of Middleton Rivers, LLC and Jay Gibbons/South Beck & Baird for preliminary plat and special use permit with respect to the Channel Crossing Subdivision located at 22457 So. Middleton Road and 0 So. Middleton Road (Tax Parcel Nos. R180350, R18035011, R180340 & 18036010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of May 9, 2022, 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 May 9, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

C. Decision & 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 application of Middleton Rivers, LLC and Jay Gibbons/South, Beck & Baird for preliminary plat subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.

D. Decision & Order:

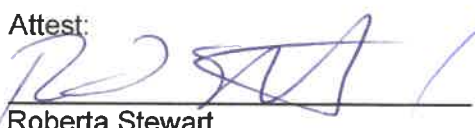
Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby Ordered that:

1. The application of Middleton Rivers, LLC and Jay Gibbons/South, Beck & Baird for special use permit to construct townhomes is approved subject to the following conditions of approval:
 - a) Developer/Owner must meet with the staff of Middleton School District 134 to determine if there are any measures or actions Developer/Owner can take to mitigate any impacts on the school district.
 - b) Approval is subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
2. The application of Middleton Rivers LLC and Jay gibbons/South, Beck & Baird for waiver of perimeter fencing standard (MCC5-4-11-2) is approved subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.

WRITTEN RECOMMENDATION AND ORDER APPROVED ON: 13 June, 2022.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:


Roberta Stewart
Planning and Zoning Official

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration

may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67.

Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).

EXHIBIT "G"

City Engineer Recommendation of Approval Letter



July 15, 2022

TO: Roberta Stewart, Planning and Zoning Official

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

A handwritten signature in blue ink, appearing to read "Amy Woodruff", is placed over the "FROM" line of the letterhead.

RE: CHANNEL CROSSING SUBDIVISION PRELIMINARY PLAT

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

The preliminary plat appears to be prepared in conformance with, and meet, the applicable sections of Middleton City Code and common platting practices. Civil Dynamics recommends City Council approval.