

Middleton City Council

Findings of Facts, Conclusions of Law, and Decision & Order



In the Matter of the Application of Wade Thomas of IAG Capital LLC and Bob Unger of Unger Enterprises for preliminary plat with respect to The Mill at Middleton Subdivision located at 0 N. Dewey Avenue (Tax Parcels Nos. 33892, 33888, and 33876).

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of April 6, 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 April 6, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of April 6, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of April 6, 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 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, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329 and 50-222.
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.

7. That this order is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of April 6, 2022, Exhibit "A".

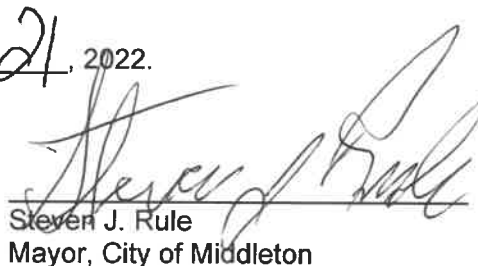
C. Decision and Order:

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 **decided and ordered:**

That the application of Wade Thomas/AIG Capital LLC and Bob Unger/Under Enterprises for Preliminary Plat with respect to The Mill at Middleton is approved subject to the following condition of approval:

1. Applicant/Developer to comply with all conditions of approval set forth in the Staff Report for the April 6, 2022, public hearing.

WRITTEN ORDER APPROVED ON: April 21, 2022.


Steven J. Rule
Mayor, City of Middleton

Attest:


Roberta Stewart
Planning and Zoning Director

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.

EXHIBIT "A"

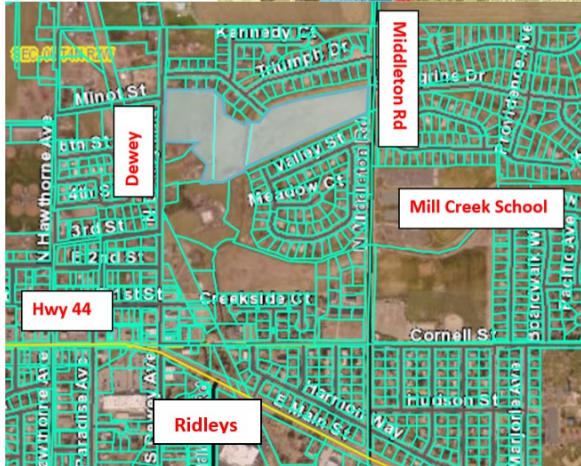


STAFF REVIEW AND REPORT

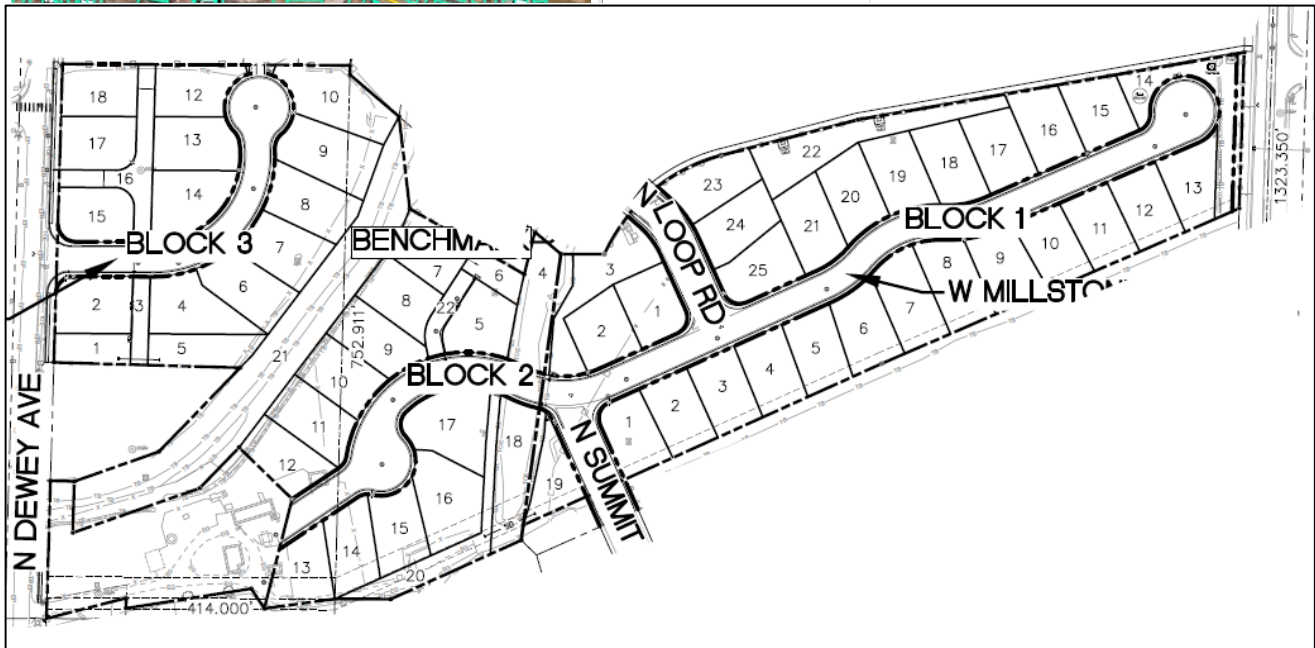
Middleton City Council

The Mill at Middleton Subdivision

Snapshot Summary



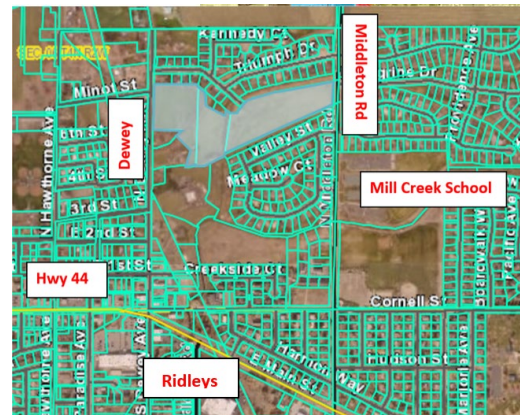
| DESCRIPTION | DETAILS |
|-------------------|--|
| Acreage | Approx. 17 acres |
| Current Zoning | R-3 (Single Family Residential) |
| Proposed Zoning | R-3 (Single Family Residential) |
| Current Land Use | Residential |
| Proposed Land Use | Residential |
| Lots | 50 single family lots & 15 common lots. |
| Density | 3.0 homes per gross acre |
| Open Space | 5.98% plus pathway on K. Meadows lot |
| Amenities | Four large common lots for gathering, playground, shade ramada, picnic tables, long meandering pathway with seating areas. |



- A. City Council Public Hearing Date:** April 6, 2022
- B. Project Description:** Residential subdivision with 50 single family home lots and 15 common lots on 16.65 acres of vacant land located at 0 N. Dewey Avenue (Tax Parcels Nos. 33892, 33888, and 33876). Amenities include four large common lots for gathering, playground, shade ramada, picnic tables, and extensive meandering pathway.

A portion of the property currently included in the project parcel is the location of the historic barns and buildings of the old Middleton Mill. (See blue shaded area on rendering below.) Developer has entered an agreement with a 3rd party to transfer that portion of the project parcel to the 3rd party so they can preserve the historic barns and mill site. In order for this to occur, the Developer has submitted an administrative application for lot line adjustment to create the new lot. Staff recommends that the successful finalization of this lot line adjustment be a condition of preliminary plat approval.

- C. Application Requests:** The only application before the governing bodies is an application for preliminary plat. The lot line adjustment application will be handled by administrative staff.
- D. Current Zoning & Property Condition:** The property is within city limits and zoned R-3. It is surrounded by city property zoned R-3 and R-4. The subdivision is surrounded on three sides by older subdivisions, making it an in-fill project.



- E. City Services:** City water and sewer are easily accessible to the project. The utilities are located in Dewey Avenue, Middleton Road, and Triumph Drive, immediately adjacent to the project site.

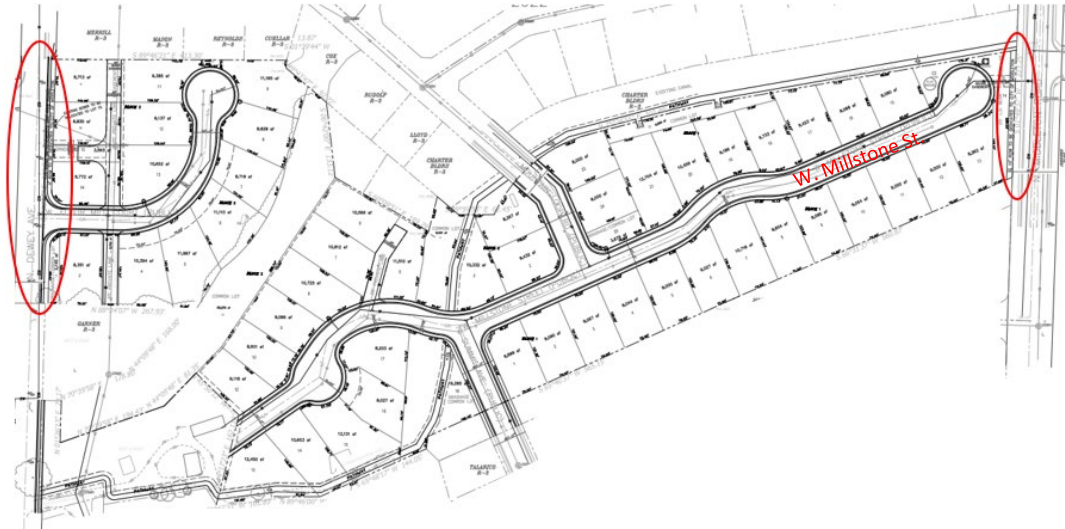


F. Traffic, Access & Streets:

Access to the subdivision is through Triumph Drive in the Kennedy Meadows Subdivision to the north, Dewey Avenue to the west, and Summit Avenue to the south. City Engineer has required Developer to terminate W. Millstone Street in a cul de sac rather than allowing access directly on to Middleton Road. Middleton Road is a minor arterial, which requires access to be limited to keep traffic flowing. Additionally, the Millstone access was only a few feet south of the Triumph Drive access, creating a dangerous traffic conflict.



The Middleton City Code requires all Developers to improve any right of way fronting the Developer's parcel. This Developer will be required to improve, at its own cost, the ½ road portions of Dewey Avenue and Middleton Road at subdivision boundary locations shown below.



Developer has also voluntarily agreed to improve the ½ road portion of Dewey Avenue that will not be adjacent to the project site once the lot line adjustment application is finalized and the historic mill lot is owned by another party. In order to do so, Developer has entered into an agreement with the party who will ultimately own the Mill site to provide Developer access to the mill property to complete the road improvements on Dewey. The Agreement further requires the mill site owner to dedicate to the City any portion of the improved right of way not already owned by the City. Completion and dedication of this “off-site” road improvement work at Dewey should be made a condition of preliminary plat approval.



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 \$252,500 in Mid-Star Transportation Impact Fees by the time all 50 building permits are issued. This money will be used to improve many roads and intersections in and around Middleton.

Applicant has also completed a Traffic Study. Pursuant to the impact percentages set forth in the Traffic Study, Developer will also pay an additional \$31,004.00 in Traffic pro-rata fees to cover its impacts on nearby intersections directly impacted by the subdivision. This fee will be collected as a condition of approval for final plat.

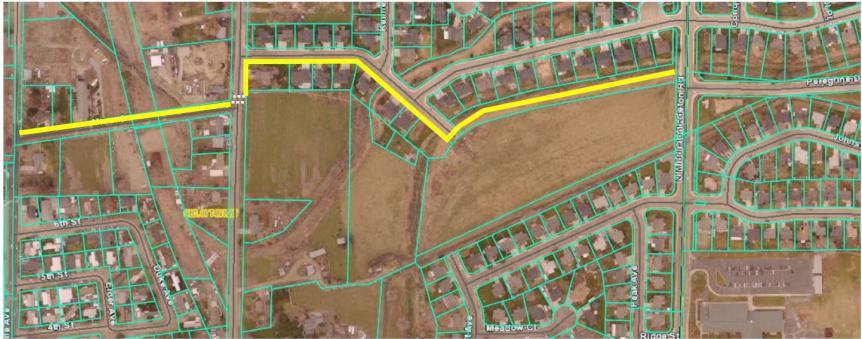
- G. Pathway, Sidewalks & Open Space:** Developer has provided approximately 6% open space in compliance with the code by providing four large common lots for social gathering and by improving an extensive 8’ wide asphalt pathway on Kennedy Meadows property. Two of the common lots contain a playground, shade ramada, multiple picnic tables and benches.

Developer will also construct an 8’ wide asphalt pathway that will tie together pedestrian access between Middleton Road and Dewey Avenue in compliance with the City’s pathway plan. This pathway is to be constructed on property inside the Kennedy Meadows Subdivision that was set aside a number of years ago for this very purpose. The City of Middleton holds a 20’ access easement in the location shown below. The Developer will need the City’s permission to construct the pathway in the City’s easement area. As part of this application, City Planning Staff is requesting the City to approve the temporary construction license attached hereto as Exhibit “A”.

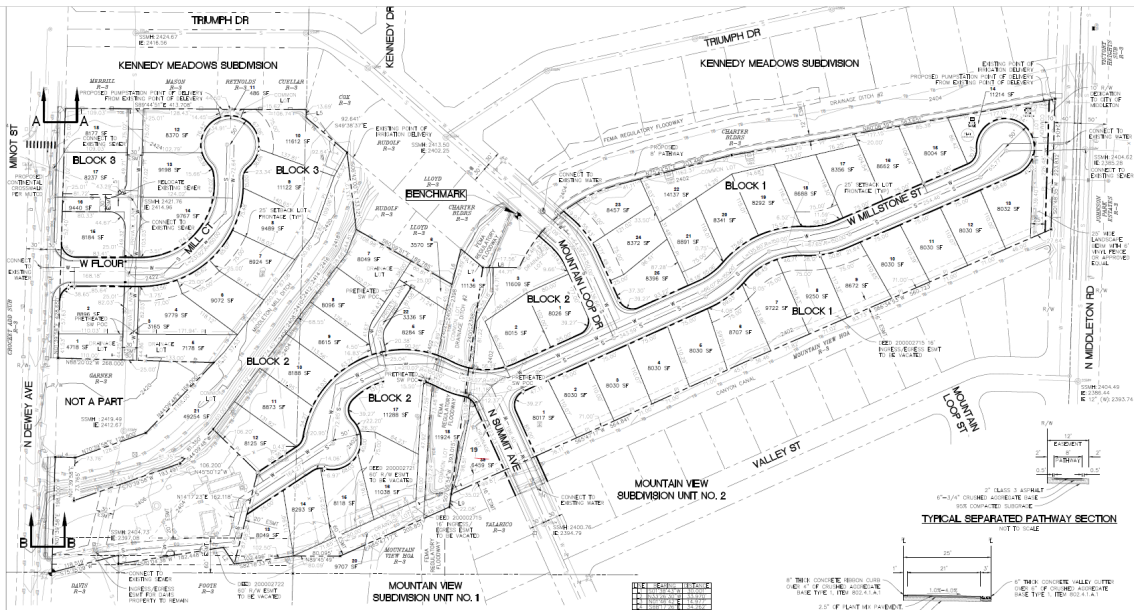


Once completed, the pathway will tie into sidewalks through Kennedy Meadows Subdivision and end up at the paved pathway on Minot Street. In order to get pedestrians safely across Dewey to Minot Street, City should require Developer to stripe a crosswalk across Dewey Avenue. Completing the pathway on Kennedy Meadows property and striping the crosswalk to Minot Street should be made conditions of preliminary plat approval.

The completed pathways will bring the project into compliance with the City’s pathway plan shown on the Comprehensive Plan’s Transportation, Schools and Recreation Map.



H. Preliminary Plat Application: The preliminary plat shows a single phase for development.



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

The only finding required for a preliminary plat approval is the finding that the preliminary plat complies with all City codes and standards.

City Staff finds that the Mill preliminary plat complies with all Middleton codes and standards with two exceptions: (1) the length of the cul de sac road exceeds 600' (MCC 5-4-10-2.E) and (2) perimeter fencing will be installed on the rear of some lots rather than on the perimeter boundary of the subdivision (MCC 5-4-11-2).

Middleton governing bodies are allowed to grant exceptions or waivers to the code during the preliminary plat process. (See MCC 1-15-2 below.) Therefore, Council can approve the preliminary while waiving the requirements for cul de sac length and fencing.

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)

As to the waiver for cul de sac length, Applicant had earlier proposed an access from Millstone Street on to Middleton Road, but because Middleton Road is a minor arterial, City Engineer required Applicant to remove the access and to terminate the street in a cul de sac. The project parcel has a very elongated shape. When the elongated shape is combined with the cul de sac, it becomes clear that an overly long cul de sac road cannot be avoided. Middleton Fire and City Engineer have reviewed and approved the cul de sac design.



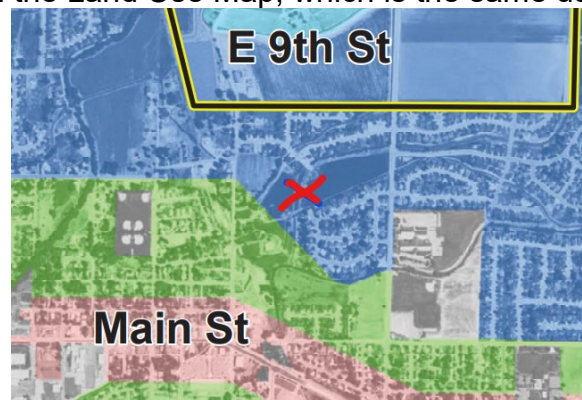
As to the fencing waiver, adding fencing to the rear of home lots at certain locations rather than the subdivision boundary will open up much larger swathes of green space

that flank the public pathway. In other words, it creates a more open and attractive trail system.



City Engineer, Amy Woodruff, has reviewed the preliminary plat and has recommended approval of the pre-plat. (See copy of Ms. Woodruff's "Recommendation Letter" attached as Exhibit "C".)

- I. **Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which is the same use planned for the site.



Additionally, Applicant's project complies with the City's transportation and pathways plan as already noted above. It also complies with the *Goals, Objectives, and Strategies* of the *Comprehensive Plan* as follows:

- a. *Goals 15 and 20:* The Project will help preserve history, memorabilia and folklore for the people of Middleton.
- b. *Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements, pathways and sidewalks shown on the preliminary plat.

- c. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- d. *Goal 10:* Project provides playgrounds and pathways that connect to a pedestrian system and provides outdoor recreational activities.
- e. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located.

J. Comments Received from Surrounding Landowners: Numerous comments were received from surrounding lot owners and occupants. See copies of all comments and minutes from the Neighborhood Meeting attached as Exhibit "D"). Primary comments were:

- a. Subdivision will cause additional traffic.
- b. Do not want traffic to travel through Kennedy Meadows and Mountain View subdivisions.
- c. Subdivision will obstruct views.
- d. Subdivision will increase danger to children walking to Middleton Mill School.

Staff also received a telephone call from Bryan Freeman, a Vietnam Vet. Mr. Freeman lives in the Mountain View subdivision to the south of The Mill. He stated that he needs quiet surroundings because of his war injuries, and he objects to the subdivision because it will cause a lot of traffic and noise.

K. Comments from Agencies: Middleton Rural Fire District submitted comments on February 11th and March 22nd, and on March 22nd, Deputy Chief Islas approved The Mill subdivision.

On March 23rd, Staff received an email from Julie Collette of Greater Middleton Parks & Recreation District. She stated that the District is opposed to any further residential development until the Parks District and School District are better funded by Developers. Ms. Colette noted that there are more people involved with sporting clubs and events, and the District is in great need of more playing fields and gyms. Also, the cost of vandalism has greatly increased. The District has simply outgrown its resources.

A comment letter was received from COMPASS. It stated that the Subdivision will add "stress" to bicycle and pedestrian access on Middleton Road. It further noted that a bus transit station should be built on Hwy 44/Main Street.

A comment letter was received from Middleton Mill Ditch Co. It outlined the typical instructions on how Developer should handle ditch easements and other considerations. (Copies of all Agency comments are attached as Exhibit "E".)

L. Comments from City Engineer and Planning Staff: Copies of Engineering and planning comments are attached as Exhibit “F”.

M. Applicant Information: Application was accepted on July 23, 2021. Applicants are Wade Thomas of IAG Capital, LLC and Bob Unger of Unger Enterprises. 9226 W. Arnold Rd., Boise, ID 83714. (208) 861-5220.

| N. Notices & Neighborhood Meeting: | Dates: |
|---|---------------|
| Newspaper Notification | 3/20/2022 |
| Radius notification mailed to Adjacent landowners within 500' | 3/22/2022 |
| Circulation to Agencies | 3/21/2022 |
| Sign Posting property | 3/22/2022 |
| Neighborhood Meeting | 6/8/2021 |

O. Applicable 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.

P. Planning & Zoning Recommendation: The Planning & Zoning Commission considered this preliminary plat application on February 14, 2022. The Commission recommended denial of the application until Developer and City administration can devise a plan to make Dewey Avenue safer for pedestrians and vehicle traffic. (The signed Findings of Facts, Conclusions of Law & Recommendation is attached as Exhibit “G”. The approved minutes from the hearing are attached as Exhibit “H”.)

The Commission’s recommendation for denial stemmed from the COMPASS comment that the Subdivision would put “stress” on pedestrian and bicycle activity in the area and because Dewey Avenue was missing sidewalks at multiple locations.

There are a few things to remember when considering the Commission’s recommendation of denial.

1. When Council zoned the subject parcel R-3, it should have already considered the traffic impacts of that density on the surrounding area.
2. The Middleton City Code requires Developers to improve only the road and sidewalk directly fronting their project. (Supplement, page 22 (h)). The City

generally does not require a Developer to improve frontage on other property the Developer does not own because the Developer has no control over other parcels. This results in roadway and sidewalks getting built in piecemeal fashion. Over time, however, sections of sidewalks and roadway or filled in, but the timing is based upon incoming subdivisions.

Q. Conclusions and Recommended Conditions of Approval:

City Council must consider general facts and conclusions of law when determining whether a land use application should be approved or denied. Council should also establish a legal record by stating on the record which facts and which conclusions of law they relied upon in making their final decision.

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

As to Conclusions of Law, Planning Staff finds that the 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 Code to be considered in making a decision on the application. If the April 6th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept the conclusions of law by making and approving a motion to accept the conclusions of law presented by staff.

After establishing the record by accepting the facts and conclusions of law presented, Council must then decide whether to actually approve the application, with or without conditions, or deny the motion. If Council decides to approve the motion, Staff recommends that any approval be subject to the following conditions:

1. Developer shall construct, at its own cost, the 8' wide asphalt pathway inside the City easement on Kennedy Meadows property.
2. Developer and City shall execute the Temporary Construction License attached as Exhibit "A" so Developer can construct the asphalt pathway on Kennedy Meadows property.
3. Developer shall stripe a crosswalk across Dewey Avenue to link the subdivision to the asphalt pathway along Minot Street.
4. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
5. The lot line adjustment that carves off the old Mill site parcel must be approved and finalized prior to submittal of the Construction Drawing application.

6. Developer shall construct, at its own cost, the 30' wide half road section of Dewey Avenue along the length of the old mill site as an off-site project. If any portion of the newly constructed right of way is not already owned by the City, then the soon-to-be owner of the mill site shall dedicate that portion to the City via a recorded document. Final plat may not be approved until the ½ road right of way is constructed and any portion not already owned by the City is dedicated to the City.
7. Owner/Developer shall construct, at its own cost, all other required frontage improvements on Middleton Road and Dewey Avenue and dedicate to the City any portion of the right of way not already owned by the City.
8. Owner/Developer shall construct the portion of Summit Avenue across the Canyon Canal to connect The Mill subdivision to the Mountain View subdivision to the south.
9. Owner/Developer to pay the City required pro-rata share traffic fees in the amount of \$31,004.00 prior to approval of final plat.
10. All City Engineer review comments are to be completed and approved.
11. All Planner comments are to be completed and approved.
12. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
13. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

If the Council chooses to deny the preliminary plat application, then Council should state on the record what actions Applicant can take to gain approval of the application. (MCC 1-14(E)(8)).

Prepared by Middleton Planner, Roberta Stewart

Dated: 3/31/2022

Exhibit "A"

Proposed temporary construction Agreement

TEMPORARY CONSTRUCTION LICENSE

This Temporary Construction License Agreement (“Agreement”) is made this ____ day of _____ 2022, (“Effective Date”) by and between the City of Middleton, a municipal corporation of the State of Idaho (“City”) and IAG Capital, LLC, an Idaho limited liability company (“Developer”).

RECITALS

WHEREAS, the City is the holder of a twenty foot greenbelt easement (“Greenbelt Easement”) running along the southern boundary of certain real property in the Kennedy Meadows Subdivision, City of Middleton, State of Idaho, which property is more fully described as:

Lot 06, Block 1 and Lot 14, Block 2 of Kennedy Meadows Subdivision according to the official plat thereof recorded on March 11, 2005 as Instrument No. 200512573, records of Canyon County, Idaho.

WHEREAS, said Greenbelt Easement runs parallel to the southern boundary of said real property at a distance of twenty feet (20’) therefrom, as depicted on the final plat for the Kennedy Meadows Subdivision, a true and correct copy of which is attached hereto as Exhibit A and incorporated by this reference; and,

WHEREAS, Developer desires to construct a paved pathway within said Greenbelt Easement (“Improvements”); and,

WHEREAS, the City desires to grant developer a license for the construction thereof.

NOW, THEREFORE, IN CONSIDERATION OF THE FOLLOWING COVENANTS AND PROMISES, THE PARTIES AGREE AS FOLLOWS:

1. GRANT OF LICENSE. City hereby conveys to the Developer a temporary construction easement for the purpose of construction the Improvements and related activities including, without limitation, pathway construction, grading, drainage improvements, and landscaping.

2. LICENSE DESCRIPTION AND TERM. The licensed areas shall be the same area as the Greenbelt Easement (“Licensed Premises”). The term of this license shall commence on the Effective Date and shall continue for thirty six (36) months.

3. NON-EXCLUSIVE EASEMENT. This license shall be non-exclusive and shall not preclude City or its employees, contractors, or other agents from use of the Licensed Premises.

4. CONDUCT OF WORK AND RESTORATION OF EASEMENT PREMISES. The Developer shall comply with all rules and regulations, whether federal, state, county, or municipal relating to the occupancy and use of the Licensed Premises. On revocation, surrender or other termination of this license, the Developer shall quietly and peaceably surrender the Licensed Premises occupied by the Developer and shall promptly and diligently repair any damage to the Licensed Premises caused by the activities of the Developer (or any contractor, employee, or agent of the Developer).

5. INSURANCE. The Developer shall at all times have insurance of the types set forth herein and in the amount of \$1,000,000.00 and shall furnish to City a certificate or certificates of

TEMPORARY CONSTRUCTION LICENSE - 1

insurance evidencing such insurance acceptable to City. The following insurance is required:

- A. Comprehensive General Liability Insurance; and
- B. Workers Compensation Insurance meeting statutory requirements.

6. **ASSIGNMENT.** Developer may assign any of the rights or obligations created hereunder without the prior written consent of the City. The terms of this Agreement shall be binding upon and shall inure to the benefit of the permitted successors in interest or the legal representatives of the parties.

7. **ATTORNEY'S FEES.** If any action is filed or maintained by either party in relation to this Agreement, the substantially prevailing party shall be awarded its reasonable costs and attorney's fees, which rights shall survive termination of this Agreement.

8. **RELATIONSHIP OF THE PARTIES.** The parties to this Agreement are not and shall not be construed to be partners, joint venturers or agents of one another with respect to the installation of improvements or any other activities associated with this Agreement.

9. **DUPLICATE ORIGINALS.** This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original and all of which taken together shall constitute one and the same agreement.

10. **INTEGRATION.** This Agreement is the full and complete expression of the agreement of the parties with respect to the subject matter hereof, embodies the entire Agreement of the parties and there are no promises, terms, conditions, or obligations other than those contained or referenced herein; and this Agreement shall supersede all previous communications, representations or agreements, either verbal or written, between the parties.

CITY OF MIDDLETON

DEVELOPER

Steven J. Rule, Mayor

BY: _____

ITS: _____

ATTEST:

Becky Crofts, City Clerk

Exhibit "B"

Proposed Preliminary Plat

SHEET INDEX

| | |
|-----------|------------------|
| SHEET NO. | DESCRIPTION |
| 1 | PRELIMINARY PLAT |
| PP-02 | |

TOPOGRAPHY SOURCE

THE SOURCE OF TOPOGRAPHIC INFORMATION IS A SURVEY COMPLETED BY THE U.S. ARMY CORPS OF ENGINEERS AND SUFFERING ON 06/20/2021.

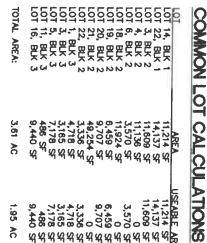
VERTICAL DATUM IS BASED ON GRS 80.

TOPOGRAPHY WAS OBTAINED FROM THE U.S. ARMY CORPS OF ENGINEERS AND SUFFERING ON 06/20/2021.

BENCHMARK

5/4-INCH-BEAM
STATE PLANE COORDINATES
E: 2398562.587 FT
N: 2398562.587 FT
ELEV.: 2404.0 FT
MARK: 1/4" DIA. IRON ROD
IN CONCRETE

LOCATED IN THE SE 1/4, OF SECTION 6
T.4N, R.2W., BM., CTFY OF MIDDLETON
CANYON COUNTY, IDAHO, 2022



| COMMON LOT CALCULATIONS | | |
|-------------------------|-----------|-------------|
| LOT 14, BLK 1 | AREA | USABLE AREA |
| LOT 22, BLK 1 | 11.73 SF | 11.24 SF |
| LOT 2, BLK 2 | 11,609 SF | 11,609 SF |
| LOT 4, BLK 2 | 11,336 SF | 11,336 SF |
| LOT 6, BLK 2 | 3,570 SF | 3,570 SF |
| LOT 18, BLK 2 | 11,922 SF | 11,922 SF |
| LOT 16, BLK 2 | 6,459 SF | 6,459 SF |
| LOT 20, BLK 2 | 9,707 SF | 9,707 SF |
| LOT 22, BLK 2 | 3,336 SF | 3,336 SF |
| LOT 1, BLK 3 | 7,318 SF | 7,318 SF |
| LOT 3, BLK 3 | 4,718 SF | 4,718 SF |
| LOT 11, BLK 3 | 9,480 SF | 9,480 SF |
| LOT 15, BLK 3 | 9,480 SF | 9,480 SF |
| TOTAL AREA: | 3.61 AC | 1.93 AC |

VICINITY MAP
NOT TO SCALE

- LEGEND**
EXISTING
- VICINITY MAP**
NOT TO SCALE

- | | | |
|---------------------------|----------------------------------|------------------------------|
| PROPERTY BOUNDARY LINE | EXISTING SEWER MANHOLE | EXISTING POWER METER |
| EXISTING DEED OR LOT LINE | EXISTING FIRE HYDRANT | EXISTING TELEPHONE RISER |
| SECTIONAL LINE | EXISTING WATER BBR/7/ALUET | EXISTING SIGN |
| EASEMENT | EXISTING WATER METER | EXISTING FENCE POST |
| EXISTING BUILDING | EXISTING WATER VALVE | EXISTING DECIDUOUS TREE |
| EXISTING EDGE OF CONCRETE | EXISTING STORM MANHOLE | EXISTING SHRUB |
| EXISTING EDGE OF PAVEMENT | EXISTING STORM DRAIN CATCH BASIN | FOUND 5/8" REBAR AS NOTED |
| EXISTING EDGE OF CEMENT | EXISTING UTILITY POLE | FOUND 1/2" REBAR AS NOTED |
| EDGE OF WATER LINE | EXISTING SERVICE POLE | FOUND PK WAL/JWG WAL |
| EXISTING SEWER LINE | EXISTING POLE ANCHOR | FOUND ALUMINUM CAP MOUNTMENT |
| EXISTING STORM LINE | EXISTING ELECTRICAL BOX | FOUND BRASS CAP MOUNTMENT |
| EXISTING OVERHEAD POWER | EXISTING ELECTRICAL TRANSFORMER | CALCULATED POINT |
| EXISTING TOP OF BANK | | BENCHMARK |
| EXISTING FLOW LINE | | |
- NOTES**
1. ALL DIMENSIONS COMMON TO A SURVEY POINT OF SURVEY HAVE A "V" GENERAL ACCESS AND UTILITY EASEMENT ALONG THE LOT LINE.

- [illegible]

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- DEVELOPMENT FEATURES**
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|-----------------------------|--------------|
| TOTAL ACRES | 16.65 AC |
| SHADE-TREE LOTS | 50 |
| TOTAL SINGLE-FAMILY DENSITY | 300 UNITS/5 |
| TOTAL SINGLE-FAMILY DENSITY | 3.61 AC/217% |
| EXISTING ZONING | 15B (A-1) |
| EXISTING ZONING | 15B (A-1) |
- DEVELOPMENT FEATURES**
- STREET LIGHT
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COVER SHEET

NE JOB #: 321-02
DATE: 03/28/20
DRAWN BY:
CHECKED BY:

| REVISION | DATE | BY |
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THE MILL AT MIDDLETON SUBDIVISION
PRELIMINARY PLAT



Exhibit "C"

Engineering Recommendation Letter



March 29, 2022

TO: Roberta Stewart, Planner

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

RE: The Mill at Middleton Subdivision - Preliminary Plat Recommendation of Approval

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

We recommend Mayor and City Council approve the preliminary plat.

Exhibit "D"

Comments from Public

From: [Kylie Billingsley](#)
To: [Roberta Stewart](#)
Subject: Comments for Hearing This Evening
Date: Monday, February 14, 2022 4:16:30 PM

Dear Planning and Zoning Committee:

I am writing in regards to the The Mill at Middleton Subdivision with a public hearing scheduled for Monday, February 14th at 5:30 PM.

Our community in Kennedy Meadows has several concerns about this subdivision being built without necessary safeguards in place for our community as a whole before steps are taken to develop this land. Below are some major concerns:

1. Houses built adjacent to the Old Middleton Mill Site next to the Canal will likely face mass flooding at one point. Long-timers in Middleton will tell you that the Canal next to the Middleton Mill would blow out roughly every 10-20 years or so requiring parts of the Mill to be replaced/rebuilt. Homes with parcels adjacent the Mill property currently have massive water seepage / flooding problems from the Canal further showing its vulnerability to giving way at some point. Given the major safety concerns that this poses with such a high number of homes being built in this area we are requesting that the Canal be reinforced by the developer in conjunction with the ditch company prior to homes being built in that area. Should this not be remedied a copy of this letter along with all parties involved with pushing through the development will be provided to new homeowners should they wish to pursue legal counsel in the future for water related damages.

1. Increased traffic in front of the elementary school and in our small neighborhoods is a concern. I like that I do not have to worry about my 5 year old going to play with the neighbors across the street, but that will undoubtedly change with the increases in housing and traffic. If you talk with almost any homeowner on Triumph Drive the number one concern they have about the new development is related to child safety given the increase in traffic in our neighborhood. We have a neighborhood that values children playing and walking to school together, and the safety of these children is our number one concern.

1. Right now we face teacher shortages and teacher burnout like no other time in history. Just last month there was a class that a high school student taught at the high school because there was not a substitute available. More needs to be considered to support our schools with the influx of students from the housing boom in Middleton. If Middleton continues to allow unbridled construction in the wake of an already over-burdened school system, the ultimate message we are sending to our hard-working teachers and the future generation of our town is that money is more important than they are.

The majority of individuals in Middleton are not completely opposed to growth in our town, we simply would like growth in line with our values. Maintaining the safety of all citizens (including future citizens) while keeping in mind the next generation, whom we all need to protect and educate, should be at the forefront of those serving our community and making these decisions. I don't believe anyone in this town wants more crime, traffic and an educational system that cannot keep up with the influx of students. We would all like this to continue to be a desirable place to live.

Thank you for taking the time to read this.

Sincerely,

Kylie Billingsley, PhD

--

Kylie Billingsley, Ph.D.
Licensed Psychologist

Pediatric Assessment and Therapy
Certificate in Neuropsychological Assessment
drkylieb@gmail.com

Confidentiality Notice:

This e-mail and any files or previous e-mail messages transmitted with it, may contain confidential information that is privileged or otherwise exempt from disclosure under California Evidence Code, Division 9, 1157. If you are not the intended addressee, nor authorized to receive for the intended addressee, you are hereby notified that you may not use, copy, disclose or distribute to anyone the information contained in or attached to this message. If you received this message in error, please immediately advise drkylieb@gmail.com by reply email and delete this message, its attachments and any copies. It is important to be aware that e-mail communication can compromise the privacy and confidentiality of such communication. E-mails, in particular are vulnerable to such unauthorized access due to the fact that servers have unlimited and direct access to all e-mails that go through them. Please notify Dr. Billingsley if you decide to avoid or limit in any way the use of e-mail. Please do not use e-mail for emergencies. Thank you.

From: [Kallee Ellis](#)
To: [Roberta Stewart](#); [Becky Crofts](#); [Steve Rule](#)
Subject: Unger Enterprises - Kennedy Meadows
Date: Tuesday, June 8, 2021 9:44:04 AM

Chris and Kallee Gibson
607 Triumph Drive
Middleton Idaho 83644
208-891-2410

To Whom it May Concern:

We are residents of Kennedy Meadows on Triumph Drive. Our backyard faces the open pasture. We are so sad, along with our kids, to be losing the beautiful view. With the new development going in there are great concerns.

Our past, current, and greatest new concern is the traffic going through the neighborhood. Even before the construction and rerouting through our neighborhood for the Middleton and Cornell closure. It has always been treated as a main street in our town. We are a subdivision! Our speed limit is 25MPH and it needs to be 20MPH, the same as every other neighborhood. We need slow signs for all the children in this neighborhood. Having children ourselves it is a great concern. The speed bumps do not help one bit! We live in front of one. We are going to end up with a truck or car in our front yard if they keep going as fast as they do! The speed limit needs to be changed.

With new residents coming in, there will be more children. Our children walk and ride bikes to Mill Creek Elementary. With added traffic this is becoming an alarming concern. There needs to be a better crossing system for the school. The crosswalker can not even be seen with all the traffic at that time, especially during day light savings. There are months when it is extremely dark in the mornings. There are many times people are speeding during school in and out times and dont stop when kids are trying to cross. There needs to be a cross walk light placed, the flags do not work for pedestrian and kids to cross there. The school speed limit needs to be changed to 20MPH just like any other school limit. It SHOULD NOT be the same limit as the town's main streets! Now that Cornell and N Middleton will no longer be a 4-Way Stop the children need somewhere to cross to go to school. We all need something more efficient and not just a flag to stop traffic.

In Kennedy Meadows, the homes that have backyards facing the creek and pasture do not have backyard fencing. This is in our HOA to keep it open. The homes to be built need to have adequate privacy walls, fencing, and foliage for privacy for both neighborhoods. With the proposed walking path, there needs to be a separation from our backyards and creek. Please keep the No Trespassing City service road for separation. We take pride in our open backyards and having the water. There are many ducks, birds, and other wildlife we want to still have. All the neighborhood kids play in the creek! It's a meeting place to have fun! It will fall on us to keep everything clean and free of debris! We do not want littering, loitering, and unwanted nuisances.

We all know that change will happen eventually, but we all want it done the right way. For the

safety of our children, neighborhoods, and neighbors, we hope that you will take all these matters seriously. We can not keep adding new homes without adequate infrastructure, proper plans, and safety measures.

With great concerns,

Chris and Kallee Gibson

[Sent from Yahoo Mail on Android](#)

From: [kenhouser](#)
To: [Roberta Stewart](#)
Subject: Unger Enterprises Project
Date: Monday, June 7, 2021 7:39:44 PM

My wife and I moved to Middleton to enjoy a quiet rural lifestyle in a town with a small town feel. We bought a home with a beautiful view. Now it's becoming suburbia with a big traffic problem on our street. Triumph dr. has become a major artery and can only get worse with 52 more homes added.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Randy Mason](#)
To: [Roberta Stewart](#); [Becky Crofts](#); [Rachel Speer](#)
Subject: Fwd: Middleton Road & Dewey Avenue Project
Date: Monday, June 7, 2021 7:54:32 AM

Being a concerned neighbor to the proposed Unger Enterprises, LLC Middleton Road & Dewey Avenue project we are including you on our correspondence to the Mayor and Council Members. Please see our concerns below. Thank you.

Sincerely,

Randy & Delma Mason
381 Triumph Drive

----- Forwarded message -----

From: **Randy Mason** <rdmason.381@gmail.com>
Date: Sun, Jun 6, 2021 at 10:23 AM
Subject: Middleton Road & Dewey Avenue Project
To: <srule@middletoncity.com>, <rkiser@middletoncity.com>, <chuggins@middletoncity.com>, <tomeara@middletoncity.com>, <jgarner@middletoncity.com>

Mr. Mayor and Council Members,

We are writing to express our concerns regarding the proposed subdivision planned by Unger Enterprises, LLC between Middleton Road and Dewey Avenue. It appears from the information provided that a major part of the traffic from the new subdivision would be directed to Triumph Drive west bound to Dewey Avenue. Triumph Drive, as you know, already carries substantial traffic due to the fact that it is the only street that currently connects Middleton Road and Dewey Avenue. Many young families with children live in the Kennedy Meadows subdivision and the added traffic is a concern. We would ask that the City request that the developer reconsider their proposed street plan. Possibly doing only a cul-de-sac off of Mountain Loop diverting most other traffic to Middleton Road which is better equipped to handle the added traffic. Is the developer being asked to do any improvements to Dewey Avenue with regards to the additional homes that will have direct access to that street? We are excited to see our city prosper and through good City management and planning Middleton will continue to be a great place to enjoy for everyone. Please feel free to contact us if you need any further feedback regarding our concerns.

Sincerely,

Randy & Delma Mason
381 Triumph Drive

6/8/21 6 PM Unger Ent. Bob

Have not submitted anything to City
Wants to send City info until submit 7/14

IAG-Boise (developer)

48-52 lots

avg. lots 9,500 sq. ft

Some 12,000-13,000 sq. feet

Are traffic calming bumps going to
be on roads?

there will be an HOA

The client will sell the lots to a
builder and expected to be of same
quality as Kennedy Meadows
\$450,000 - \$650,000 range

Flour mill & the barn buildings
part of the site where 2 homes
are planned to go

Public hearing expected in August

will make a comment sheet and
submit to city

Access Maffin Rd to Diner makes
Triumph to a full Boulevard
of non-stop traffic →

Bob with Unger said he would
report all the concerns brought up
at this

Bob ~~said~~ will submit 1st of July
City will take a few weeks to
review.

We would like the Old mill
to stay & keep there as a
historical site. Keep there
& only build the path ^{flow} through
it. People want the Old mill
to stay.

Submitted by
Gina L.C. Crain
577 Kennedy Ct
Middleton, ID 83644

From: [Jeremy Rudolph](#)
To: [Roberta Stewart](#)
Cc: [Becky Crofts](#)
Subject: Re: Subject Property - Middleton Road & Dewey Avenue Project located in the SE 1/4 of Section 6, T.4N., R.2W., B.M.
Date: Thursday, July 22, 2021 4:52:01 PM
Attachments: [image001.png](#)

Thank you for your response Roberta. It is very much appreciated.

I sincerely hope some of this is taken into consideration. I look forward to hearing back from someone on #10.

Many thanks,

Jeremy

Mr. Jeremy Rudolph
JeremyRudolph1@gmail.com



650-296-8659

On Thu, Jul 22, 2021 at 3:34 PM Roberta Stewart <rstewart@middletoncity.com> wrote:

Hi Jeremy: we received your email about the possible new development near Kennedy Court. We will save your email and present it to the P&Z Commissioners and City Council so your opinion is important to the process. Thanks,

Roberta L. Stewart

PLANNER

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov



From: Jeremy Rudolph <jeremyrudolph1@gmail.com>

Sent: Thursday, July 22, 2021 10:36 AM

To: Roberta Stewart <rstewart@middletoncity.com>; Becky Crofts <bcrofts@middletoncity.com>; Rachel Speer <rspeer@middletoncity.com>; awoodruff@middletoncity.com

Subject: RE: Subject Property - Middleton Road & Dewey Avenue Project located in the SE 1/4 of Section 6, T.4N., R.2W., B.M.

From:

- Concerned Homeowner Jeremy Rudolph at 507 Triumph Drive, Middleton, Idaho, 83644
- 0 Dewey Ave, Middleton Idaho, 83644
- Landowners at 424 Boise Street, Middleton, Idaho 83644

RE: Subject Property - Middleton Road & Dewey Avenue Project located in the SE 1/4 of Section 6, T.4N., R.2W., B.M.

Dear Roberta, Becky, Rachel and Amy,

Investment Analytics Group (IAG), LLC is a developer who is planning on purchasing (or has already purchased) 17.89 acres of property located between Middleton Road and Dewey Avenue in Middleton, Idaho. IAG is working with Unger Enterprises, LLC to architect, modify and develop the land into approximately 52 Single Family Lots and 8 common lots.

On Tuesday, June 8th, 2021 AT 6PM, Unger Enterprises held a meeting at the dead end of

Mountain Loop and invited the surrounding neighbors. Attendance from residents in the neighborhood was high (approximately 40-50 people in attendance). Every neighbor outside of one vocal neighbor, was against this property being developed.

I would personally like to note, state and record my position against this proposed development. While you each review as individuals and stewards of the city, I would like to request multiple items that you / the city & county take into consideration as you review any current AND / OR future proposed plan(s) for development of this property.

1. Roadways into this subdivision - Living on Triumph Drive, 1 home away from a dead end was one reason our family recently chose to move to this community. Opening this road and providing an additional path between Triumph and Dewey, will create additional traffic in front of our home, making it completely unsafe for our son to be in front of our home. Additionally, Triumph is already used by many vehicles as the only road of access between Middleton Road and Dewey as a shortcut road for the school.

- If this project should move forward, our request is to keep this particular piece of road on Triumph as a DEAD END and require the developer to beautify this section of the dead end instead of simply putting 6ft fencing up. If 3 access points are required, we propose this run from Dewey to Middleton directly with installed speed bumps to prevent vehicles from driving too quickly.

2. School access - We understand depending on which side of Middleton road you reside, this is a determinant of which school a resident's child will attend. Kindly requesting city requires in / out access points be positioned appropriately in this regard and dead end remains on Triumph.

3. Potential Water / Flooding Issues - Our home and our neighbors home to the east are two of the largest homes in the area and the only two directly facing South and overlooking subject property with view of the Middleton Mill. Additionally, our homes each include additional ~.2 acre parcels (ours is 0 Dewey Ave) attached parcels on the rear adjacent to subject property. On our current adjacent parcels, we currently have flooding issues and are concerned the development of this subject property will exacerbate the flooding issue on our adjacent parcels - this is specific to the middle piece of the subject property, south of 507 Triumph drive, which includes the Historic Middleton Mill. We are currently unsure if the subject property has these same types of flooding issues and if the land is fit for development. We request the city and county review the land for standing water / wells to see if the subject property is fit for development and rezoning / re-platting.

1. If this project should move forward, requesting developer requirements to pay for install as well as the new HOA community be required to maintain french drainage system piping in water from our adjacent parcels into the main pipe, which is being installed over the current creek. If the creek does not get piped, requesting developers still be required for the system as described above.

4. Natural Creek - Developer proposes to pipe creek and fill on subject property. Requesting developers be required to beautify this portion of creek path and keep it in place in lieu of piping and filling.
5. Middleton Mill Historical Site - Middleton Mill historical site is currently located on subject property. If this site is a protected site, we would like to understand how much and what portion of the land is protected. Additionally, if it is not currently protected, as a homeowner, I would like to understand all of what is required to protect and / or designate a historical site / location in the Town of Middleton and County of Canyon. Could you please share more information on this?
6. Community Property / Beautification - If this project should move forward, requesting developers be required to install a minimum of two parks with playground equipment within this community.
7. Spacing between parcels - Currently plans propose 5 foot spacing between each of the homes and the line splits on adjacent sides between each of the parcels. If this project should move forward, I would like to propose a minimum of 10 feet of spacing between home and adjacent line split between each of the parcels.
8. Community input on surroundings - If this project were to move forward, we would like to have required input and mutual agreement with the developer on the surrounding fence color and adjacent fence to our back parcel on 0 Dewey.
9. Walking path between on ditch road - If project moves forward and if possible, we would like to require a "walking path" beautification and maintenance requirement along the ditch (canal) between Dewey Street and Triumph Drive adjacent to the west of our property. Currently, there is no proposed development or beautification. On both sides of the canal, we would like to request that the trees along the canal embankment and trees and plants adjacent to the canal embankment be required to be kept in place by the City of Middleton and Canyon County.
10. City Meeting(s) - requesting date and time city and county meeting(s) will be held to discuss and agenda / topics. If there are specific protocols and / or requirements for citizens of the community within these meetings, we would appreciate to be alerted prior in preparation for these meetings and be notified of all dates and times.

With the understanding that Treasure Valley is growing rapidly, we appreciate your time and consideration for reviewing these requests. Assuming this project is approved to move forward, we believe these requests will help keep our community safe, keep our town beautiful, and allow for reasonable compromise for all involved parties.

Kind Regards,

Jeremy

Mr. Jeremy Rudolph

JeremyRudolph1@gmail.com



650-296-8659

From: [Jeremy Rudolph](#)
To: [Roberta Stewart](#); [Becky Crofts](#); [Rachel Speer](#); awoodruff@middletoncity.com
Subject: RE: Subject Property - Middleton Road & Dewey Avenue Project located in the SE 1/4 of Section 6, T.4N., R.2W., B.M.
Date: Thursday, July 22, 2021 10:36:01 AM

From:

- Concerned Homeowner Jeremy Rudolph at 507 Triumph Drive, Middleton, Idaho, 83644
- 0 Dewey Ave, Middleton Idaho, 83644
- Landowners at 424 Boise Street, Middleton, Idaho 83644

RE: Subject Property - Middleton Road & Dewey Avenue Project located in the SE 1/4 of Section 6, T.4N., R.2W., B.M.

Dear Roberta, Becky, Rachel and Amy,

Investment Analytics Group (IAG), LLC is a developer who is planning on purchasing (or has already purchased) 17.89 acres of property located between Middleton Road and Dewey Avenue in Middleton, Idaho. IAG is working with Unger Enterprises, LLC to architect, modify and develop the land into approximately 52 Single Family Lots and 8 common lots.

On Tuesday, June 8th, 2021 AT 6PM, Unger Enterprises held a meeting at the dead end of Mountain Loop and invited the surrounding neighbors. Attendance from residents in the neighborhood was high (approximately 40-50 people in attendance). Every neighbor outside of one vocal neighbor, was against this property being developed.

I would personally like to note, state and record my position against this proposed development. While you each review as individuals and stewards of the city, I would like to request multiple items that you / the city & country take into consideration as you review any current AND / OR future proposed plan(s) for development of this property.

1. Roadways into this subdivision - Living on Triumph Drive, 1 home away from a dead end was one reason our family recently chose to move to this community. Opening this road and providing an additional path between Triumph and Dewey, will create additional traffic in front of our home, making it completely unsafe for our son to be in front of our home. Additionally, Triumph is already used by many vehicles as the only road of access between Middleton Road and Dewey as a shortcut road for the school.
 - If this project should move forward, our request is to keep this particular piece of road on Triumph as a DEAD END and require the developer to beautify this section of the dead end instead of simply putting 6ft fencing up. If 3 access points are required, we propose this run from Dewey to Middleton directly with installed speed bumps to prevent vehicles from driving too quickly.
2. School access - We understand depending on which side of Middleton road you reside, this is a determinant of which school a resident's child will attend. Kindly requesting city requires in / out access points be positioned appropriately in this regard and dead end remains on Triumph.
3. Potential Water / Flooding Issues - Our home and our neighbors home to the east are

two of the largest homes in the area and the only two directly facing South and overlooking subject property with view of the Middleton Mill. Additionally, our homes each include additional ~.2 acre parcels (ours is 0 Dewey Ave) attached parcels on the rear adjacent to subject property. On our current adjacent parcels, we currently have flooding issues and are concerned the development of this subject property will exacerbate the flooding issue on our adjacent parcels - this is specific to the middle piece of the subject property, south of 507 Triumph drive, which includes the Historic Middleton Mill. We are currently unsure if the subject property has these same types of flooding issues and if the land is fit for development. We request the city and county review the land for standing water / wells to see if the subject property is fit for development and rezoning / re-platting.

1. If this project should move forward, requesting developer requirements to pay for install as well as the new HOA community be required to maintain french drainage system piping in water from our adjacent parcels into the main pipe, which is being installed over the current creek. If the creek does not get piped, requesting developers still be required for the system as described above.
4. Natural Creek - Developer proposes to pipe creek and fill on subject property. Requesting developers be required to beautify this portion of creek path and keep it in place in lieu of piping and filling.
5. Middleton Mill Historical Site - Middleton Mill historical site is currently located on subject property. If this site is a protected site, we would like to understand how much and what portion of the land is protected. Additionally, if it is not currently protected, as a homeowner, I would like to understand all of what is required to protect and / or designate a historical site / location in the Town of Middleton and County of Canyon. Could you please share more information on this?
6. Community Property / Beautification - If this project should move forward, requesting developers be required to install a minimum of two parks with playground equipment within this community.
7. Spacing between parcels - Currently plans propose 5 foot spacing between each of the homes and the line splits on adjacent sides between each of the parcels. If this project should move forward, I would like to propose a minimum of 10 feet of spacing between home and adjacent line split between each of the parcels.
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10. City Meeting(s) - requesting date and time city and county meeting(s) will be held to discuss and agenda / topics. If there are specific protocols and / or requirements for citizens of the community within these meetings, we would appreciate to be alerted prior in preparation for these meetings and be notified of all dates and times.

With the understanding that Treasure Valley is growing rapidly, we appreciate your time and consideration for reviewing these requests. Assuming this project is approved to move

forward, we believe these requests will help keep our community safe, keep our town beautiful, and allow for reasonable compromise for all involved parties.

Kind Regards,

Jeremy

Mr. Jeremy Rudolph

JeremyRudolph1@gmail.com



650-296-8659

Exhibit "E"

Agency Comments

Boise Office

1101 W. River St.
Suite 110
Boise, Idaho 83702
Tel. (208) 629-7447

Challis Office

1301 E. Main Ave.
P.O. Box 36
Challis, Idaho 83226
Tel. (208) 879-4488

Twin Falls Office

236 River Vista Place
Suite 301
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC



David P. Claiborne *

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Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera **

Brian A. Faria**

Patxi Larrocea-Phillips

Matthew A. Sturzen

**Katie L. Vandenberg-Van
Vliet**

James R. Bennetts (retired)

*Attorneys licensed in Idaho
* Also licensed in Washington
** Also licensed in Oregon*

Roberta Stewart
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Re: The Mill at Middleton Subdivision

Dear Ms. Stewart:

The Canyon County Water Company (referred to as "Ditch Company") has a ditch and easement that runs through or abuts this property. The easement is 25 feet each side from the top of bank. In addition, the Drainage District No. 2 (referred to as "District") has a ditch and easement that runs through or abuts this property. The District's easement is 100 feet, 50 feet to either side for open drains and 50 feet, 25 feet to either side for piped or closed drains. The developer must contact the Ditch Company and District's attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Company and District's facilities occur. The Ditch Company and District must review drainage plans and construction plans prior to any approval.

The Ditch Company and District generally require a License Agreement prior to any approval for the following reasons:

1. Relocation of a facility which would also require a new easement and relinquishment of the old easement once the relocation has been completed.
2. Piping of a facility.
3. Encroachment on a facility with gas, water and sewer lines, utility lines, roadways, bridges or any other structures.
4. Drainage discharges into any facilities.



Also, please be advised that neither the Ditch Company or District approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Company and District may make an exception on a case-by-case basis, which requires the developers/owners to obtain written permission from the Ditch Company and District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

A handwritten signature in blue ink, appearing to read "S. Bryce Farris". The signature is stylized with a large, sweeping initial "S" and a long, horizontal stroke extending to the right.

S. Bryce Farris

SBF:krk

cc: DD2/Canyon County Water Company

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:

New Jobs:

CIM Corridor:

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



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:



MIDDLETON RURAL FIRE DISTRICT

The Mill Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: February 11, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: The Mill Preliminary Plat

Fire District Summary Report:

1. **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.
2. **Fire Response Time:** This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID 83644. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the purposed.
3. **Accessibility:** Roadway Access, Traffic, Radio Coverage
 - a. 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.
 - b. Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.
 - c. 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.
 - d. One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.
 - i. The purposed entrances meet the intent of the IFC for over 30 dwellings.
 - e. The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.
 - f. Traffic calming devices will require approval by the Fire District.
 - g. An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.
 - h. Dead-end fire apparatus access roads (Common driveways & streets) in excess of 150 ft shall be provided with width and turnaround provisions in accordance with Table D103.4 of IFC.



MIDDLETON RURAL FIRE DISTRICT

The Mill Subdivision

STAR FIRE PROTECTION DISTRICT

- i. The applicant shall work with City of Middleton and Middleton Rural 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
 - j. All residential, commercial, and industrial buildings within the City shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.
 - k. Address numbers shall have a minimum stroke width of one-half inch (0.5"), and of a color contrasting with the background. The required height of each address number shall be calculated by the distance of the addressed building from the road, as follows:

| | |
|---|-----|
| Less than one hundred feet (100') | 6" |
| one hundred feet to one hundred fifty feet (100 - 150') | 8" |
| one hundred fifty-one feet to two hundred feet (151 - 200') | 10" |
| two hundred one feet to two hundred fifty-one feet (201 - 251') | 12" |
 - l. 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.
4. **Water Supply:** Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
- a. 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.
 - b. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the Star Sewer & Water District for bacteria testing.
 - c. Water Supply: Final Approval of the fire hydrant locations shall be by the Middleton Rural Fire District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - i. 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.
 - ii. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - iii. Fire hydrants shall be placed on corners when spacing permits.
 - iv. Fire hydrants shall not have any vertical obstructions to outlets within 10'.

MIDDLETON RURAL FIRE DISTRICT



The Mill Subdivision

STAR FIRE PROTECTION DISTRICT

- v. Fire hydrants shall be placed 18” above finished grade to the center of the Storz outlet.
 - vi. Fire hydrants shall be provided to meet the requirements of the City of Middleton Water Standards.
 - vii. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.
5. **Inspections:** Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued
6. **Additional Comments:**
- a. Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.
 - b. 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.



MIDDLETON RURAL FIRE DISTRICT

The Mill Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: March 22, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review – Update

PROJECT NAME: The Mill Preliminary Plat

Fire District Summary Report:

1. **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. The Fire District has met with the developer to discuss the original staff report submitted on February 11, 2022. The items listed below have been addressed. The fire district thanks the developer for their work and cooperation with the development design.
2. **Accessibility:** Roadway Access, Traffic, Radio Coverage
 - a. One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.
 - i. *The purposed entrances meet the intent of the IFC for over 30 dwellings.*
 - b. The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.
 - i. *Autoturn models have been received and reviewed.*
 - c. Dead-end fire apparatus access roads (Common driveways & streets) in excess of 150 ft shall be provided with width and turnaround provisions in accordance with Table D103.4 of IFC.
 - i. *The dead-end fire apparatus roads, (common driveways & streets) have been addressed and now meet the intent of IFC and AHJ Response.*
3. **Water Supply:** Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
 - a. Hydrants have been added and relocated for the best tactical advantage.
 - b. Meets the intent of IFC.

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Agency notice - CC The Mill at Middleton
Date: Wednesday, March 23, 2022 1:52:10 PM

Comment from GMPRD about the Mill

Jennica Reynolds

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

From: Julie Collette <gmprdjulie@gmail.com>
Sent: Wednesday, March 23, 2022 12:39 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Cc: gmprdtim@gmail.com
Subject: Re: Agency notice - CC The Mill at Middleton

Good morning Jennica,

We wanted to reach out to you and let the City of Middleton, the Mayor, and the Councilman Board 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 as well, are struggling to keep up with the growth. The legislature has not added parks and recreation districts, nor school 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 Mon, Mar 21, 2022 at 3:21 PM Jennica Reynolds <jreynolds@middletoncity.com> wrote:

Please see the attached Agency notice for City Council regarding The Mill at Middleton.

Jennica Reynolds

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

Exhibit "F"

Engineering & Planner Comments



January 10, 2022

TO: Roberta Stewart, Planner

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

RE: **The Mill at Middleton Subdivision –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, some comments may overlap with planning comments, and additional comments may come up as the application goes forward.

MCC 5-4-3: Traffic Impact Analysis. Please submit.

MCC 5-4-4.2. a. Please add bearing and distance to section corner, quarter corner or monument of record.

MCC 5-4-4.2. b. Move the title block to the right margin.

MCC 5-4-4.2. c. Adding phasing plan if applicable or note all lots developed in one phase.

MCC 5-4-4.2. f. Revise topography to clearly show existing.

1. Either eliminate lines (assumed existing) or label.
2. Dimension and clearly identify every lot.
3. Please use 2ft contours and label them.
4. Add benchmark information.

MCC 5-4-4.2. g. Where is floodplain? If no floodplain or it is coincident with floodway, label or note.

1. Show Canyon Canal along the south boundary, including topography.
2. Show existing irrigation infrastructure for parcels and relocation if applicable.

MCC 5-4-4.2. h.

1. Dimension existing rights of way and clearly label/name.
2. Show improvements on Dewey clearly and how proposed frontage area will transition to existing. Include stormwater management.
3. Dimension right of way for Dewey.
4. Show existing easements including for "Existing Canal Drainage Ditch #2" and Middleton Mill.
5. Add note or callout power in Dewey to be relocated.
6. Show Minot Street intersection and label.
7. Mountain Loop Road (not legible) right of way to be consistent to the intersection with Millstone Drive.
8. Is the sewer easement 30ft or 20ft? Show the easement.
9. Label Middleton Road right of way and additional width to be dedicated.



10. What is the ownership of the private lanes? If separate lot, label accordingly. If easement area then also dimension and clarify.

MCC 5-4-4.2. i. Label lot owners adjacent to north boundary. Label ownership of neighboring parcel in southwest corner.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners.

MCC 5-4-4.2. n

1. Add a note addressing installation of fiber optic network.
2. Add note hydrant location and configuration to be reviewed and approved by Middleton Rural Fire Protection District.

A MCC 5-4-10-2. o. Revisit lot dimensions and the boundary. It is not possible to determine the boundary and the lot dimensions are not legible.

MCC 5-4-4.3. a

1. Review the sewer crossing at Summit (profile) and verify there is sufficient depth and separation from the bottom of the canal per the irrigation or drainage district with jurisdiction.
2. What is the purpose of new 20ft sewer easement between lot 16 and lot 14, block 3.

MCC 5-4-4.3. b

3. Water corridor is north and east, sewer is south and west.
4. Please plan to connect to the existing water main at the intersection of Middleton Road, at Summit and at Mountain Loop.
5. Connect to Middleton water main at 90d and add three valves.
6. Show the existing water in all streets and in private lanes. How will utilities be extended to lots and is there separation per IDAPA?

MCC 5-4-4.3.c

1. Stormwater. Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. The front half of the lot C value is 0.60, the rights of way/impervious (all) are 0.95 – use a composite of both. All stormwater management facilities require pretreatment, all infrastructure to be shown on preliminary plat. Stormwater facilities are owned by HOA and the provisions for maintenance laid out in CCRs. Identify lots to be used for stormwater management
2. Note 5. No discharge of stormwater from rights of way.

Add note detailing all irrigation and/or drainage to be relocated out of rights of way.

There are multiple text/line/drafting conflicts that need to be corrected.

Note 6. Expand to address Idaho Code 31-3805(b). Show the irrigation system layout and point of diversion/pump station location. Combine with Note 11.



Note 7. City of Middleton will provide sewer and water service.

Note 8. Delete

Note 12. Add public utility to the easement purpose.

Note 19 and Note 20. Delete.

The City may limit access to Dewey.

Add a note regarding fiber.

Add a note: exterior boundary is required to be fenced in accordance with approved fencing plan. Remove perimeter fence callout or add it to the landscape plan.

Correct street names. Street is east/west. Avenue is north/south. Cul-de-sac is Court.

Revisit the west end of Millstone Drive and extend public access to the east boundary of "Not a Part" parcel. Include utility extensions for lots 12/13/14. The City's townhouse section, 36ft total right of way, should be used.

Add centerline radii and intersection radii.

The traffic buffer on Middleton is required to be 24 ft easement area. It is a berm and fence for noise/visual impact abatement. Please locate the pump station and ramada (?) in a different location.

Submit a variance application for the cul-de-sac length as greater than 600ft.

Extend Summit Avenue across the Canyon Canal (needs to be labeled). A secondary access for emergency services is required at 30 lots.

Submit Schedule B from the title commitment.



January 25, 2022

TO: Roberta Stewart, Planner

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

RE: The Mill at Middleton Subdivision –Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat re-submittal. Every effort was made to identify all the review comments, some comments may overlap with planning comments, and additional comments may come up as the application goes forward.

MCC 5-4-4.2. a. Please add bearing and distance to section corner, quarter corner or monument of record.

MCC 5-4-4.2. b. Move the title block to the right margin.

MCC 5-4-4.2. f. Revise topography to clearly show existing.

1. Either eliminate lines (assumed existing) or label. Dewey/Middleton and local streets.
2. Dimension and clearly identify every lot. Make dimensions larger. They are not legible.
3. Please use 2ft contours and label them. Labels are not legible.
4. Add benchmark information.

MCC 5-4-4.2. g. Where is floodplain? If no floodplain or it is coincident with floodway, label or note. What is shown on preliminary plat is not legible.

1. Show Canyon Canal along the south boundary, including topography.
2. Show existing irrigation infrastructure for parcels and relocation if applicable.

MCC 5-4-4.2. h.

1. Dimension existing rights of way and clearly label/name. Middleton Highway District does not exist. City of Middleton only.
2. Show improvements on Dewey clearly and how proposed frontage area will transition to existing. Include stormwater management. Add a typical section.
3. Dimension right of way for Dewey.
4. Show Minot Street intersection and label. Label all existing streets on the plat.
5. Mountain Loop Road right of way to be consistent width to the intersection with Millstone Drive.
6. Show the sewer easement per the record. The sewer easement near the north boundary of Lot 11 Block 3 is not approvable as shown. The east limits are too narrow.
7. Label Middleton Road right of way and additional width to be dedicated. Middleton Highway District does not exist. City of Middleton only.
8. Text is not legible on private lanes.

MCC 5-4-4.2. i. Label lot owners adjacent to north boundary. Label ownership of neighboring parcel in southwest corner.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. The engineer preparing the plat is also required to stamp.

A MCC 5-4-10-2. o. Revisit lot dimensions and the boundary. It is not possible to determine the boundary and the lot dimensions are not legible. Where is line table?

MCC 5-4-4.3. a

1. Review the sewer crossing at Summit (profile) and verify there is sufficient depth and separation from the bottom of the canal per the irrigation or drainage district with jurisdiction and the City. **You need to submit bottom of ditch elevation and top pipe elevation and verify the sewer can be installed as shown.**
2. Also evaluate Drainage Ditch 2 the same way.
3. For the sewer relocation: the sewer easement is not approvable as shown. Need at least 10ft min on offside.

MCC 5-4-4.3. b

4. Water corridor is north and east, sewer is south and west. Review IDAPA and revise linework to provide at least 10ft of separation between water and sewer. Water and sewer are in roadway, not under curb/gutter.
5. Connect to Middleton water main at 90d and add three valves.
6. Clearly show existing water in Dewey and new water in culdesac. Add valves.
7. Three valves at tee, four valves at cross, typical of all.
8. Label existing water and show where existing connects to new.

MCC 5-4-4.3.c

1. **Stormwater. Submit preliminary stormwater management calculations and design.** Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. The front half of the lot C value is 0.60, the rights of way/impervious (all) are 0.95 – use a composite of both. All stormwater management facilities require pretreatment, all infrastructure to be shown on preliminary plat. Stormwater facilities are owned by HOA and the provisions for maintenance laid out in CCRs. Identify lots to be used for stormwater management
2. Note 5 - revise. No discharge of stormwater. **No stormwater is discharged into drains or other.**

There are multiple text/line/drafting conflicts that need to be corrected.

Note 6. Expand to address Idaho Code 31-3805(b). Show the irrigation system layout and point of diversion/pump station location. Combine with Note 11. It is not clear what is happening with irrigation for west culdesac. Is lot 10 a pumpstation lot? Where is point of diversion/overflow, etc? Pump stations can be highly problematic when constructed this close to homes because of noise.

Why is fence shown at traffic buffer easement line? Will there be two fences 12ft apart or?

Correct street names. Street is east/west. Avenue is north/south. Cul-de-sac is Court.



Add centerline radii and intersection radii.

The traffic buffer on Middleton is required to be 24 ft easement area. It is a berm and fence for noise/visual impact abatement. Please locate the pump station in a different location.

The linework for streets is not showing the curb. Only sidewalk.

Enlarge typical section for local roads. Very difficult to read. Add typical section for Dewey.



February 9, 2022

TO: Roberta Stewart, Planner

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

RE: **The Mill at Middleton Subdivision –Preliminary Plat**

Thank you for the opportunity to review the above referenced preliminary plat submittal – third review. Additional comments may come up as the application goes forward.

MCC 5-4-4.2. a. The boundary submitted cannot be used to verify ownership or other descriptions as required. Please add bearing and distance to section corner, quarter corner and monuments of record. The boundary on the preliminary plat doesn't match the "Boundary and Topographic Survey" submitted separately.

MCC 5-4-4.2. f. Revise topography to clearly show existing.

1. Either eliminate lines (assumed existing) or label. Prefer delete. Dewey is not legible. Middleton is very hard to read but not as important because it is improved.
2. Dimension and clearly identify every lot. Dimensions are not legible – they are too small and lot numbers obscured.
3. Please use 2ft contours and label them. Labels are not legible – too small and obscured by lines through them.
4. Add benchmark information.
5. The "Boundary and Topographic Survey", stamp Joe Jones, PLS, 02.07.2022: contour labels not legible.

MCC 5-4-4.2. h.

1. Dimension existing rights of way and clearly label/name. Dewey is not legible. The right of way shown on the plat does not match the ownership line on the boundary submitted separately.
2. Show improvements on Dewey clearly and how proposed frontage area will transition to existing. Include stormwater management. Add a typical section. The typical section is not legible. Is the 30ft dimension from centerline or section line? Are centerline and section line coincident?
3. Dimension right of way for Dewey. Not legible.
4. Mountain Loop Road right of way dimension is not legible.

MCC 5-4-4.2. i. Label lot owners adjacent to north boundary.

MCC 5-4-4.3. a

1. Does Mill have permission to construct sewer offsite across 'not a part' to extend a sewer main to the existing sewer? Text not legible. Cannot discern existing sewer from proposed.

2. Verify adequate slope to relocate the existing sewer as shown on Lot 16 Block 3, assume 0.1' drop through two new manholes. Correct the note.

MCC 5-4-4.3. b

3. Water and sewer are in roadway, not under curb/gutter. Add a note: water and sewer shown schematically. Final alignment determined at final design and per city requirements. Line work may be revised if you don't want to add a note.
4. Label existing water and show where existing connects to new. Add call out: connect to existing water. Not legible in Mountain Loop or Summit.

MCC 5-4-4.3.c

1. Stormwater. The purpose of this section and the purpose of the engineering review is to determine whether the areas set aside for stormwater management are adequate. It is not intended to be a final design or extensive back and forth. From the preliminary plat lot configuration and the calculations submitted, it is not clear the storm water management areas will function as represented. For example: Basin 4 and Basin 5. It does not appear Lot 22 has sufficient area to manage the stormwater. The east end is very narrow and when retention side slopes are developed at 3:1, the storage is reduced further. Also at play is topography. I cannot tell from the plat, but it appears Lot 22 slopes east to west – reducing swale storage even more. The residential lots proposed adjacent to Lot 22 are at, or close to, minimum size per the code. This makes expanding Lot 22 during final design very problematic. Lot 6 for Basin 2 looks like it is uphill from the street and contributing area – which is very problematic if true. If it is uphill, how does that impact the depth of the facility? I think you understand the point here. Based on extensive experience, we know that it is critical that the City's infrastructure, including stormwater management, be evaluated at preliminary plat and adjustments made if needed.
2. All stormwater management facilities are retention facilities and require pretreatment. Show pretreatment on preliminary plat. The stormwater management system must be in conformance with the ISPWC, the City of Middleton Supplemental and DEQ best management practices.
3. Delete SITE DRAINAGE DESIGN CONCEPT, upper right corner. All stormwater requires pretreatment, concrete V ditches are not approvable for conveyance, and drainage easements for swales developed on building lots will not be approved. If you wish to develop grassy swales for pretreatment, swales will need to be located in common lots and completely accessible for maintenance. Valley gutter may be used to convey stormwater across the street. Infiltration basin with forebay may be approved on case by case basis and if a retention facility cannot be utilized.
4. Preliminary Drainage Calculations – stamp Cory Schrack PE, no date. Document dated February 4, 2022. Please do not assume pre-existing stormwater flow is offset, as presented in the stormwater calculation. Do not need to revise calculations at this time - can be revised in final design. The Storm Drainage Design Concept is not approvable, per comment 2 above. Please evaluate the drainage basins per comment 1 (above) and submit a simple preliminary design that shows the areas proposed are adequate for retention and identify location and type of pretreatment to be developed.

There are multiple text/line/drafting conflicts that need to be corrected.



Centerline radii labels not legible.

New comments:

No pressurized irrigation in the sewer easement.

A connecting curve is required at Mountain Loop Road if angle is greater than 10d.

Per Middleton Rural Fire - dead end lanes/roads that are more than 150 ft to the structure are required to have a fire approved turn around. The belly/turn around configuration on Millstone may be required to move west. Lot 7 Block 2 is in question. Please follow up specifically with Middleton Rural Fire and adjust the plat if required.

Identify the location of the rights of way for roads – Instrument #200002715, 20002721, and 200002722.

What is the purpose of the easement shown on Lots 4-8, Block 3 and Lot 16 No Block?

Clearly show the ingress/egress easement along south boundary.

What are the two parallel lines across Flour Mill Court at the intersection.



March 15, 2022

TO: Roberta Stewart, Planner

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

RE: The Mill at Middleton Subdivision –Preliminary Plat

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

MCC 5-4-4.2. f.

1. Add benchmark information. What is the actual benchmark?

MCC 5-4-4.3. a

1. Does Mill have permission to construct sewer offsite across 'not a part' to extend a sewer main to the existing sewer? Please confirm with City Planner or add a note.

MCC 5-4-4.3.c Please add detail regarding the stormwater management – specifically the infrastructure proposed. Stormwater management areas with no means for stormwater to reach them are not approvable. Include drop inlet locations, piping, and pretreatment. Pipes require at least a 15 ft easement if not in right of way.

O/S boxes need to be located adjacent to rights of way so they may be cleaned. Include a schematic showing contributing area and preliminary volume calculations for each basin.

Need at least 5ft on the north side of the relocated sewer, Lot 16 Block 3.

Missing two centerline radii labels on west end W Millstone.

Identify the location of the rights of way for roads – Instrument #200002715, 20002721, and 200002722. Need to be located so the City may evaluate how/if the plat is impacted.

Please add lot/block #s to PP-01 so notes may be referenced.

Note 1. First sentence: Add general access before utility. Second sentence: Add utility.

Note 2. Please list lots according to use. Include easement designation, ie – blanket public utility for stormwater lots, etc.

Note 14. Please revise to "Fiber to be provided per Middleton Supplemental" or similar other. The note as is doesn't match the requirement.

Noted 24. What is the actual waiver? Length being proposed and code requirement.

Reduce the plat to two (2) pages by adding the typical sections to PP-01 and PP-02.



CITY OF MIDDLETON

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Initial Planner Comments The Mill Subdivision (Pre-Plat dated 6/10/2021) December 16, 2021

1. Add boundary survey.
2. You will have to include the two illegal lot split parcels (R3388801 and 33888010A0) in your preliminary plat. There appears to be two separate illegal lot splits from 2016, and the City will not recognize the parcels regardless of the fact that they have parcel numbers. The two small parcels are still considered part of Parcel No. R33888. You will need to provide access and utilities to the two parcels on your pre-plat. If you cannot get the owners to join the plat, the City "may" be satisfied with an affidavit from the owners of the respective lots stating that they understood when they bought their lots they were buying illegal parcels. Without either of these solutions, the preliminary plat cannot proceed.
3. You have exceeded the 3 homes per gross acre density allowed by R-3. You are entitled to only 49 residential lots.
4. Looks like you are missing Block 4. You have 2 Block "3's" that are completely bisected by Block 2.
5. The Street name "Concord" is duplicative of other existing streets in the County. Please choose a new name. It should end with "Court". Make sure the new name is not on the street name list maintained by Tony Almeida at Canyon County. See county website for information.
6. Provide a stub road or stub "private lane" off of "Concord Street" to the parcel to the south (R3389300). It can be a private lane in the location of the sewer easement if you wish.
7. Provide a stub road to the foote parcel with the barns because it may develop one day and we do not want an approach on Dewey from that property.
8. Add building footprints to Foote parcel.
9. Your 50' local road section does not match the 50' local road section required in the Supplement. Needs revised to match City's section diagram and you must build to City standards.
10. The City will not allow access from Peregrin on to Middleton Road. It is an arterial, and no new approaches are allowed. Additionally, it is too close to Triumph Drive approach, so it is unsafe.
11. Rename Peregrin now that it will not be a through road.
12. Show all ½ road frontage improvements to Dewey and Middleton Road. Amy Woodruff indicated that Dewey will probably be 60' wide collector, so please forge ahead with 60' unless Amy stops you. Middleton Road is a 100' ROW, and you will need to do all ½ road improvements to Middleton Road spanning the length of your property.
13. Please change access to Lot 10, Block "3" on Concord Street to be a driveway access off the private lane to avoid a driveway on the dangerous curve.

14. Add dimension width for Right of Way on the plat and make sure it shows that all sidewalks are inside the ROW.
15. Tell us how you will complete the culvert/bridge crossing on Summit Avenue and crossing on Mountain Loop. You do not own the property on the other side of each slough, so you will need to show us that you have the legal permission from the owners to build the culverts/bridges necessary to complete your accesses. A signed agreement or license will suffice.
16. Why is there a small bend in Peregrin? Is it to create a new "block face". The code does not allow a block face longer than 1100 feet, but because of the odd shape of this project site, staff will request that this code be waived to allow longer block face. You have good grounds for a variance. You may not need any weird bend in the road to break up the block face so remove it if you can.
17. Re-label all "common drives" to "private lane" so they match the vernacular in our Code MCC 4-1-1. Do not call these "common lots" or give them a lot number. They are simply "private lanes" to match our code.
18. Private lanes cannot be longer than 150' l.f. for fire truck access. It appears the private lane off Concord is in violation of this fire code.
19. Add a note and a call-out that states there is a "public access easement" on all "private lanes". (This allows the UPS guy and guests to travel the private lane to deliver packages and visit...etc.)
20. Your common lots are misnumbered in Note 2 and will be more mis-numbered once you add Block 4.
21. You may have a problem with Lot 1, Block "3" next to Dewey. It has a very wide sewer easement along the side of that large residential lot. Shouldn't that be a common lot??? Or convert it to your stub road to the parcel to the south.
22. Add perimeter fence on your pre-plat or your landscape plan. Even though code requires the fence to be on perimeter boundary, that may not make sense in light of your common lots and pathway. When next to common lots and/or pathway, place the fence on rear boundary of home lots and keep pathway open.
23. Remove the setback dimension note. But, keep note that zoning is R-3.
24. Show mailbox location(s)
25. What are the symbols shown in the green common areas of the landscape plan? They are stars, sunbursts, flower shapes. They are not in your legend. What are they? Amenities?
26. I think you are meeting your open space requirement, but I won't be able to confirm until I understand the strange symbols in the common lots shown on the landscape plan.
27. Show dimension of pathways. How wide are the paths?
28. Show dimensions of easements overlaying pathways.
29. A portion of the pathway required by the Middleton Transportation, Schools, and Recreation Map is shown on Kennedy Meadow's property, not on the Mills property. Please show documents to prove you have the right to construct the pathway on another subdivision's property. You will need some form of license or agreement from them since they own the property
30. Because you are still in contract with the Foote's for the property adjacent to Dewey, you still have time to negotiate the proper handling of the pathway crossing their "future lot." The City would like you to make a part of your contract with the Footes a requirement that the pathway will be constructed and the Footes will grant a public access easement along the



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pathway. They will be able to do this once the lot line adjustment is completed and title transfers. The City will likely make construction of the footpathway and grant of a public access easement a condition of approval for final plat for phase 1.

31. Add the following paragraphs to your "Note" section:

- a. Sewer and water capacity shall be reserved when the City approves the construction drawings.
- b. Applicable building setbacks are those that are in effect at the time of building permit issuance.
- c. Fiber optics or conduit for fiber optics shall be stubbed to each building lot.
- d. Mailbox clusters to be installed as shown on the preliminary plat.
- e. Unless otherwise shown, all lots shall have a permanent easement for public utilities over the 10' adjacent to any rear lot line or subdivision boundary.
- f. Note that all roads (except private lanes) are public.
- g. All pathways shown on pre-plat are constructed by Developer/Owner and are encumbered with a public access easement. However, owner, or its assigns, successors and/or the Homeowners Association, shall be responsible for repairing and maintaining the pathways once constructed.

32. Add the scale to the plat so we know what scale you're using.

33. Add surveyor name and address

34. Add vicinity map

35. Add topo (I'm not sure if one of the topo pages is current. It was confusing)

36. Add all adjacent subdivision and landowners names, and zoning

37. Add data showing cumulative lots per phase.

Read Title 5 to understand what is needed on the Pre-Plat, particularly section 5-4-4.

Roberta L. Stewart, Middleton City Planner

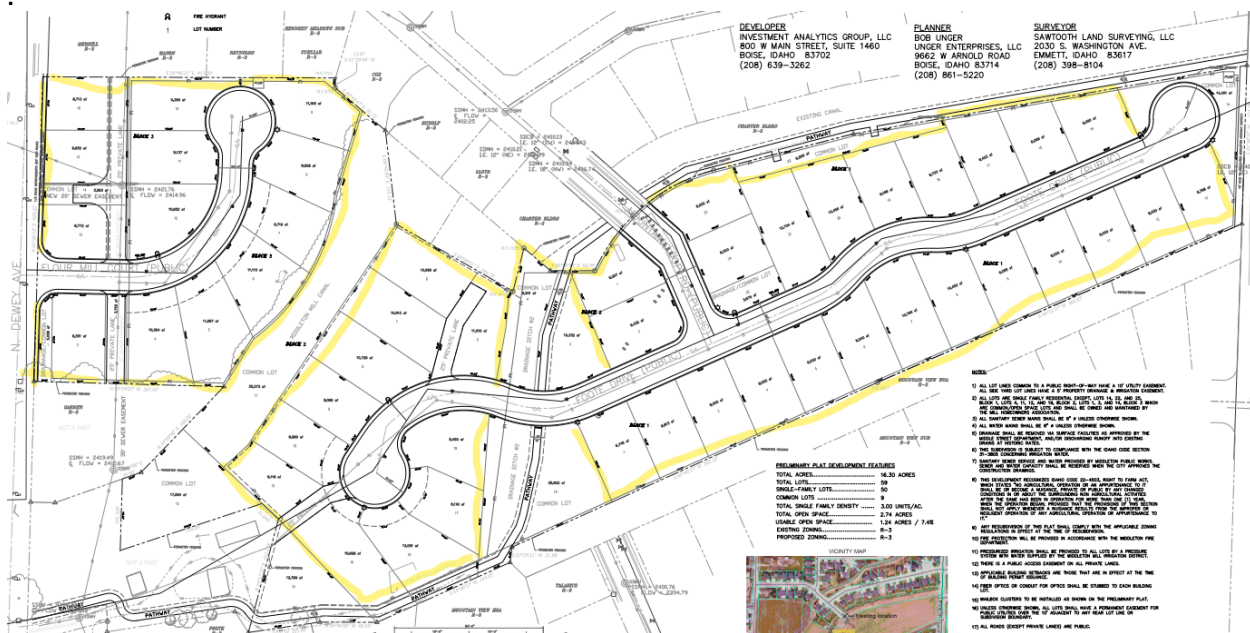


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2nd Round Planner Comments The Mill Subdivision (Pre-Plat dated 12/29/2021) January 5, 2022

1. City will take care of 2 non-conforming lots to the north, and it is no longer a problem for this development.
2. Talk with HOA that owns Summit Road section over Canal to determine best way to get road completed over Canal.
3. Add a lot and block designation to the common lot south of Foote Drive where the Drainage Ditch #2 is located. It probably should be Lot 19/Block 2. Then change the other Lot 19/Block 2 to Lot 20/Block 2.
4. Change the name of Foote Drive to another name not on the County's road list. Foote Avenue already exists.
5. Middleton Road requires a 24' landscape buffer "easement" along the frontage per 5-4-10-4. Just call out the easement and show it on the Landscape plan.
6. Do not put the code required "perimeter fence" on the perimeter at common lot locations. Leave those lots open. You don't want to hem in the pathway areas and nice open spaces. Just keep the fence on building lot side or rear boundary lines. See below.



7. You can make the paved pathway 8' wide instead of 10' if you like.
8. Move mailbox on Flour mill up near the pumphouse at the end of the cul de sac and carve out a little common lot for the pumphouse and the mailbox.

9. What amenities are you going to provide? Please show designations on the pre-plat. It would be nice to have benches in common areas along pathway.
- 10.

Roberta L. Stewart,
Middleton City Planner



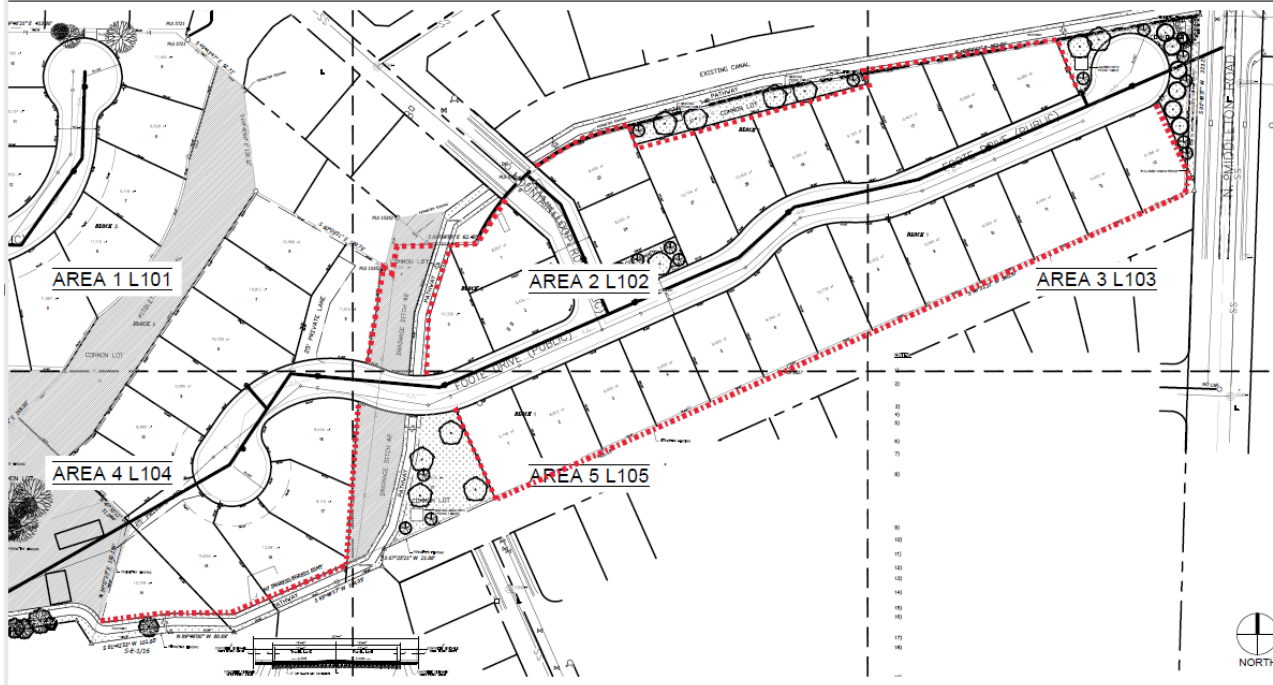
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3rd Round Planner Comments The Mill Subdivision (Pre-Plat dated 1/5/2022) January 12, 2022

1. Amy W., noted that you need a variance for the cul-de-sac length exceeding 600'. We are allowed to handle variances as "waivers" to the code during the pre-plat process (MCC 1-15-2), and you will not need to physically submit a variance. BUT, please add a note to the Preliminary Plat that there is a variance to exceed the cul-de-sac length found in MCC 5-4-10-2.
2. Please change note 12 to add language that all Private Lanes are owned and maintained by the HOA. .
3. As Amy requested, please remove the perimeter fence call-outs from the pre-plat, but we need you to show the fencing on the landscape plan. Also, add a note to the preliminary plat as follows:
"Variance to allow subdivision perimeter fencing along rear boundary of residential lots adjacent to open space rather than on subdivision perimeter boundary. Subdivision fencing shown on accompanying Landscape Plan."

Please do not put the perimeter fencing on all of the subdivision perimeter boundary because it will unnaturally enclose open space/common lots. Please show "perimeter" fencing around common lots as shown below. Except you might prefer to fence in the canal for safety reasons. If you do, please consider wrought iron fencing along the canal so the pathway seems open, walkers can enjoy seeing the water, but children will not be endangered. Site plan below generally shows that wherever common open space is present, the fencing should end at the boundary of adjacent residential lots and not enclose the common area.



4. The revised lot line adjustment looks accurate to me, but I still need to get Amy's opinion on it. If she approves the lot line documents, we will need to make it a condition of pre-plat approval that the lot line adjustment will be finalized before initial submittal of construction documents.

5. change features table to note that there are 10 common lots.

6. Please be aware that Staff Report will request Council to make it a condition of approval that the pathway on the Foote's "barn property" is constructed and a public access easement for the Foote pathway is recorded prior to final plat approval.

Roberta L. Stewart,

Middleton City Planner



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Planner Comments The Mill Subdivision (Pre-Plat dated 3/23/2022)

March 25, 2022

1. On Page PP-02, change Lot 39, Block 2 to Lot 19, Block 2. It's accurate on Page PP-01.
2. Double-check Note 2 delineating common lots. I think Lot 19, Block 2 needs to be added as open space and not drainage??. Also, Lot 16, Block 2 looks like a home lot, not a common drainage lot???

Roberta L. Stewart,

Middleton Planning & Zoning Official

Exhibit "G"

Planning & Zoning Commission

FCO



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation

In the Matter of the Request of Wade Thomas of IAG Capital, LLC and Unger Enterprises for preliminary plat with respect to The Mill at Middleton Subdivision located at 0 N. Dewey Avenue (Tax Parcel Nos. 33892, 33888, and 33876):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of February 14, 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 February 14, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of February 14, 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, 5-3, and 5-4: See Staff Report for the hearing date of February 14, 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 Secs., 67-6503, 67-6513, & 67-6511.

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 deny the application of Wade Thomas/IAG Capital LLC & Unger Enterprises for Preliminary Plat with respect to The Mill at Middleton Subdivision.
2. Approval of the application for preliminary plat should not occur until Developer and City Administration devise a solution or plan for Dewey Avenue that will make it safe for vehicle and pedestrian traffic.

WRITTEN RECOMMENDATION APPROVED ON: March 14, 2022.



Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:



Roberta Stewart
Planning and Zoning Director

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a 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.

Exhibit "H"

Approved Minutes

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
FEBRUARY 14, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The February 14, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:35 p.m. Chairman Waltemate, Commissioners Summers, Brock, and Hoeskstra were present. Commissioner Crofts was absent.

Action Items:

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving January 10, 2022, regular meeting minutes.**

Chairman Waltemate called the item.

Motion: Motion by Commissioner Hoekstra to approve January 10, 2022, regular meeting minutes. Motion seconded by Commissioner Brock and approved unanimously.

- 2. Public Hearing: Applications of M3 and JUB Engineers for annexation/zone change, preliminary plat, and development agreement with respect to The Quarry East Subdivision located at 21500 Middleton Road and 11436 Lincoln Road (Tax Parcel Nos. R34076 and R34077). The proposed preliminary plat consists of 550 single family homesites, 90 duplex homesites, 1 mini-self storage lot, 68 common lots, 47 shared driveways/private roads on 237 acres of vacant land zoned County Agricultural, C-1, and M-1. Applicants are requesting a zone change to City Mixed Use (M-U). (Request for application to be tabled) – Roberta Stewart**

Motion: Motion by Chairman Waltemate to table item #2 to a date certain of March 14, 2022. Motion seconded by Commissioner Summers and approved unanimously.

- 3. Public Hearing: Application by Wade Thomas/IAG Capital, LLC, and Bob Unger for preliminary plat with respect to The Mill at Middleton Subdivision located at 0 N. Dewey Avenue (Tax Parcel Nos. R33892, R33888, and R33876). The proposed preliminary plat consists of 50 residential lots and 10 common lots on 16.71 acres of vacant land zoned R-3 (single family residential). – Roberta Stewart**

Chairman Waltemate opened the public hearing at 5:45 p.m.

City Planner Roberta Stewart presented a PowerPoint Presentation (Exhibit 1) of the staff report (Exhibit 2) of The Mill at Middleton Subdivision. She also submitted "Exhibit E" into the record.

Commissioners asked Roberta questions about City water and sewer capacity. Discussion ensued.

Commissioners asked Roberta questions about Traffic Impact Studies, Traffic Impact Fees, and road development. Discussion ensued. Roberta said per the Idaho State Code, the City cannot exact more from a developer than their proportionate share. And the City code states the developer will improve the road and frontage adjacent to the property.

Commissioner Brock: Is this in the floodplain?
Stewart: No

Commissioner Waltemate: Is the cul-de-sac large enough for fire?

Stewart: Yes, MRFD submitted comments.

Commissioner Summers: Are the size of 8,000 sq ft lots allowable in this subdivision? The school district did not comment?

Stewart: The lot size is allowable, and the school district did not comment.

Commissioner Hoekstra: *Noted COMPASS comments with concern of pedestrian and bicycle traffic.*

Applicant Representative – Bob Unger, Unger Enterprises, LLC 9662 W Arnold Road, Boise.

- Agree with Staff Report and Conditions of Approval.
- The interior roads are within City Code.
- They are doing extensive offsite improvements per request of City.
- They are providing the needed open space per city code.
- This project is restricted because it is an Infill project, and they were told they could not have access onto N. Middleton Road.

Owner – Wade Thomas, IAG Capital, LLC 800 W. Main St, Ste 1460, Boise.

- *He has no interest in preserving the old barns. Brent Foote has an interest in preserving the barns, so it is a good outcome to have Brent purchase the property and preserve the barns.*

Questions from Commissioners:

Brock: Do the Foote's intend to keep this property in perpetuity?

Thomas: All indications from those who will purchase the property is that yes, they intend to keep in perpetuity.

Stewart: The city is not interested in the site.

Hoekstra: What was the original driver for doing 900 ft of offsite improvements?

Unger: City wanted path along the northern border to continue to the south out to Dewey. It works to go through mountain Loos and out to Dewey instead of to the project. The requested pathway circulation makes more sense for Minot.

Chairman Waltemate opened the public comment portion at 6:35 p.m.

Mike Scarpelli – 623 Mountain Street: Concerned with traffic.

Tim O'Meara – 501 N. Dewey: Gave a brief overview of the history of the project site. He applauds the developers for the initiative to sell the land to the Foote's. The GMPRD would like to work with the parties to maintain the historical site. Speaking as a Fire District commissioner, Fire trucks do not like speed bumps on roads.

Shannon Daellenbach – 518 Kennedy Ct and Kennedy Meadows HOA President: Concerned about safety of children with regards to the canal. Wants the subdivision to connect to Middleton Road, not via Triumph.

Kylie Billingsley – 507 Triumph Dr: Read email submitted as public comment prior. (Exhibit E) Concerned with storm drainage, traffic, children safety, and school capacity.

Kris Branner – 447 Summit: Concerned that traffic will avoid Triumph because of speed bumps and will all go through Mountain View Subdivision.

Claudia Moberly: Historical Society President – 10201 Willis Rd: The site is important to the history of Middleton and the region. She hopes to work with the owner and GMPRD to establish an educational site. She believes the Foote's will preserve the site.

Mike Graefe – 1889 Ridgeway: Can the irrigation be piped? Is the mill site part of the 16.71 acres? He believes problems can be solved by changing the zoning codes. High density subdivisions of today are the slums of tomorrow.

Mike McDougal – 13037 Greenwell Lane: Concerned with traffic. Tough to see subdivisions that meet city code being passed when there are things that make this unattractive.

Todd Ognibene – 1973 Scotch Pine Dr: Concerned about irrigation and mosquitoes. TIS doesn't take into consideration all other developments in area. He believes cities can bond for infrastructure that developers have to pay back. Middleton needs a master plan.

Chairman Waltemate closed the public comment portion at 7:33 p.m. He called a 10 min break and the meeting resumed at 7:43 p.m.

Applicant Representative – Bob Unger, Unger Enterprises, LLC 9662 W Arnold Road, MotioBoise.

- Mill site is not part of the 16.71 acres.
- No plans to tile the irrigation. They have been monitoring the ground water for over 6 months and are not seeing any issues. They do have 6 drainage lots planned.
- Asked staff about 8ft pathway instead of 10 ft. Staff confirmed only 8 ft pathway was needed.
- Lots in the subdivision meet the code with a minimum of 8000 sq ft. However, there are some lots that are 10,000 sq ft as well.

Applicant Attorney – Lewis Spiker 199 N. Capital Blvd.

- They are building the pathway along the northern border that should have already been done with the previous subdivision.
- Traffic concerns are primarily addressed with zoning/annexation.
- City code is how it is now. That is how this application should be judged.
- Pro-rata amount is based on the impact the subdivision will have.
- Pathway is required by city.
- They were not allowed to have access onto N. Middleton Rd, if a second, emergency access is required, it could be made a condition of approval.

Questions from the Commissioners:

Hoekstra: How do you address COMPASS comments?

Spiker: COMPASS did not address a specific intersection/roadway; therefore, he is not sure how to respond to the report.

Waltemate: No proposed safety measures along the canal?

Spiker: Could put up a wrought iron fence along the canal if the ditch company agrees.

Hoekstra: We know the plat impacts Middleton Rd. How do we recognize the legitimacy of the impact?

Spiker: Regarding individual impacts. The impact was already established when this was previously zoned R-3. Those impacts were addressed at that state. The additional impact that is occurring now is with construction.

Brock: Why are you not accessing Middleton Rd?

City Planner – Roberta Stewart: Middleton Rd is an Arterial Road. CHD4 and the City Engineer limit access onto Arterial roads. In this case the intersection would have been too close to Triumph Dr. to the north. She is not sure why if MRFD doesn't call for an emergency access the City would require it.

Waltemate: Where is the construction entrance?

Spiker: On Middleton Rd. This is allowable because it is considered a temporary access not a permanent access.

Waltemate: Do you have a plan if for some reason you discover an historical artifact?

Spiker: Will follow State/City Code
Hoekstra: Preserving the Mill Site in perpetuity.

Stewart: The Mill site was offered to the City. The City doesn't have an appetite to maintain those historical sites.

Brock: What is the timeline to break ground?

Spiker: Maybe next spring.

Discussion by Commissioners:

Summers:

- Drainage will be address with the Ditch Company
- The project does fit in the Comprehensive Plan
- Happy the four mill is being preserved.
- Regarding the Emergency Access, that should be left to MRFD and City Council.
- Pathway & Canal: City already planned a pathway along the canal and would have taken safety measures if needed.

Hoekstra:

- He has safety and traffic concerns. Would like city to more aggressively look into bonds to get ahead of the growth. The City plans to develop R-3 but he infrastructure is not there. He is left with a moral dilemma.

Waltemate:

- The infrastructure is built by developers. However, with this application, Dewey does not have a sidewalk and is not being improved.
- Commissioners cannot make decisions based on emotions.

(There was a disturbance by Resident Steve Thompson who yelled obscenities and then left.)

Summers: The project meets code.

Waltemate: The project meets code, meets requirements, is an infill project.

Hoekstra: The project increases traffic.

Summers: The project meets code; we cannot choose to deny.

Motion: Motion by Chairman Waltemate to accept the General Facts and Conclusions of Law set forth in the staff report and public hearing in regard to The Mill at Middleton Subdivision. Motion seconded by Commissioner Summers and approved unanimously

Motion: Motion by Chairman Waltemate to accept the Conclusions of Law set forth in the staff report and public hearing in regard to The Mill at Middleton Subdivision. Motion seconded by Commissioner Summers and approved unanimously.

Motion: Motion by Commissioner Hoekstra to recommend the application of by Wade Thomas/IAG Capital, LLC and Bob Unger for Preliminary plat with respect to The Mill subdivision located at 0 N. Dewey Avenue be denied until the Developer and City Administration devised a solution or plan for Dewey Avenue that will make it safe for vehicle and pedestrian traffic. Motion seconded by Commissioner Brock.

Waltemate, Hoekstra, Brock – Yes

Summers – Nay

Motion passed 3:1 vote.

Chairman Waltemate closed the public hearing at 8:29 p.m. and called a 5-minute break and resumed the meeting at 8:35 p.m.

Public/Commission/Staff Comments:

Mike Graefe – 1889 Rideway: Outburst was uncalled for. He is concerned that Developers can get around the code in the DA. Our codes are outdated, and we need to have committees to discuss updating the codes.

Todd Ogibene – 1973 Scotch Pine Dr: He is happy to hear questions being brought up. A moratorium isn't the right answer, but there should be infrastructure before the developers come in. *Discussion ensued regarding how infrastructure is funded and built.*

Mike McDougal – 13037 Greenwell Lane: Wants to see a more aggressive method to get things accomplished. Developers do nothing for the school district. That has to stop. *(Discussion with Brock and McDougal on Impact Fees)*

Greg Winchester – 916 Silver Springs St: Would like to see Commissioners at City Council meetings. He is stunned that the School District does not comment on new developments. *Discussion ensued about who they can talk to at IT D and the Comprehensive Plan.*

Robert Hunt – 24778 Desert Pine Ct: Let developers build, but don't let them change zoning to R-3. He agrees he can't tell a farmer what to do with their land, they have a right to sell, but the buyer doesn't have the right to do whatever they want.

Tim O'Meara – 501 N. Dewey: Steve Thompson's outburst was uncalled for. He appreciated the way the Commission handled it. Sidewalks on Dewey would have been built, but the previous administration said no, because there was a culvert that was going to be put in. It didn't make sense to put in sidewalks when they would be torn out in a few years. GMPRD is working to get Impact fees in place. They have been road blocked at the County.

Additional discussion from Commissioners about government agencies and the need for the public to be involved.

Adjourn: Chairman Waltemate adjourned the meeting at 10:05 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk, Planning
Approved: March 14, 2022



Ray Waltemate, Chairman

