

Middleton City Council

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



In the Matter of the Application of IAG Hidden Mill, LLC (successor in interest to IAG, LLC) and Bob Unger of Unger Enterprises LLC for preliminary plat with respect to Hidden Mill Subdivision located at 0 Main Street, Middleton, ID (Tax Parcel No. R33891010).

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of December 7, 2022, which Staff Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of December 7, 2022 (Exhibit "A").
3. Application and Property Facts: See Staff Report for the hearing date of December 7, 2022, (Exhibit "A").
4. Required Findings per Idaho State Statute Title 67, Chapter 65, and Title 50, Chapter 13, Idaho Standards for Public Works Construction and Middleton Supplement thereto, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4: See Staff Report for the hearing date of December 7, 2022 (Exhibit "A").

B. Conclusions of Law:

1. That the City of Middleton has the authority to exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That the City of Middleton properly exercised said authority.
3. 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.
4. 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.
5. That notice of the application and public hearing was given according to law.
6. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
7. 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

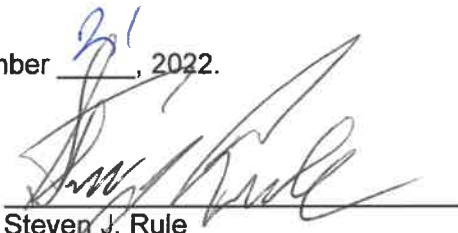
and Idaho Code, Title 67, Chapter 65 and Title 50, Chapter 13.

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 IAG Hidden Mill, LLC for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the December 7, 2022, public hearing.

WRITTEN ORDER APPROVED ON: December 21, 2022.



Steven J. Rule
Mayor, City of Middleton

Attest:



Roberta Stewart
Planning and Zoning Official

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

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

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

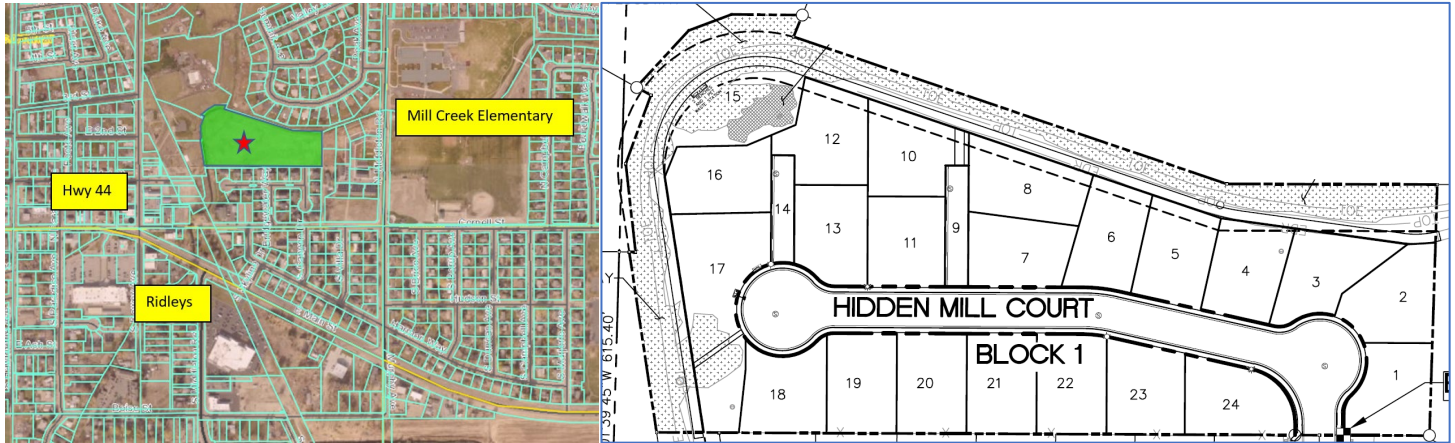
Exhibit "A"



STAFF REVIEW AND REPORT

Middleton City Council

Hidden Mill Subdivision

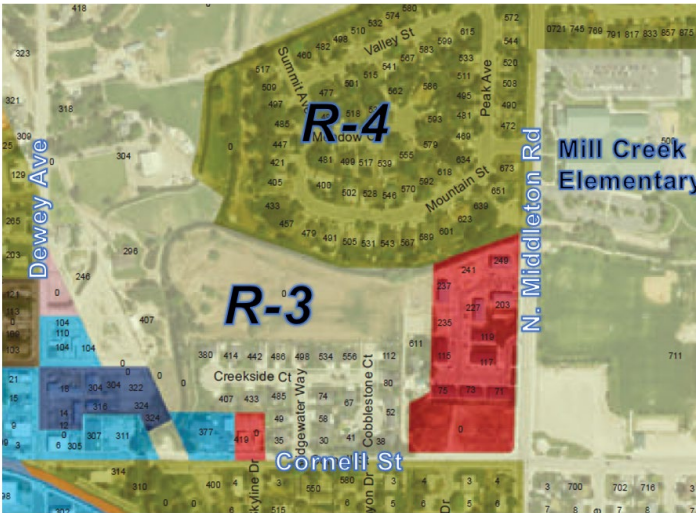


- A. **Public Hearing Date:** December 7, 2022 (Public Hearing after Request for Reconsideration was granted on November 2, 2022).
- B. **Project Description:** Subdivision with 20 single family buildable lots, two common lots, and two private lane lots on 6.65 acres of vacant land located north of Bridgewater Creek Subdivision (Tax Parcels No. R33891010).
- C. **Applications:** Developer/Owner has submitted an application for Preliminary Plat. A separate administrative application for floodplain permit is proceeding simultaneously with this preliminary plat application.

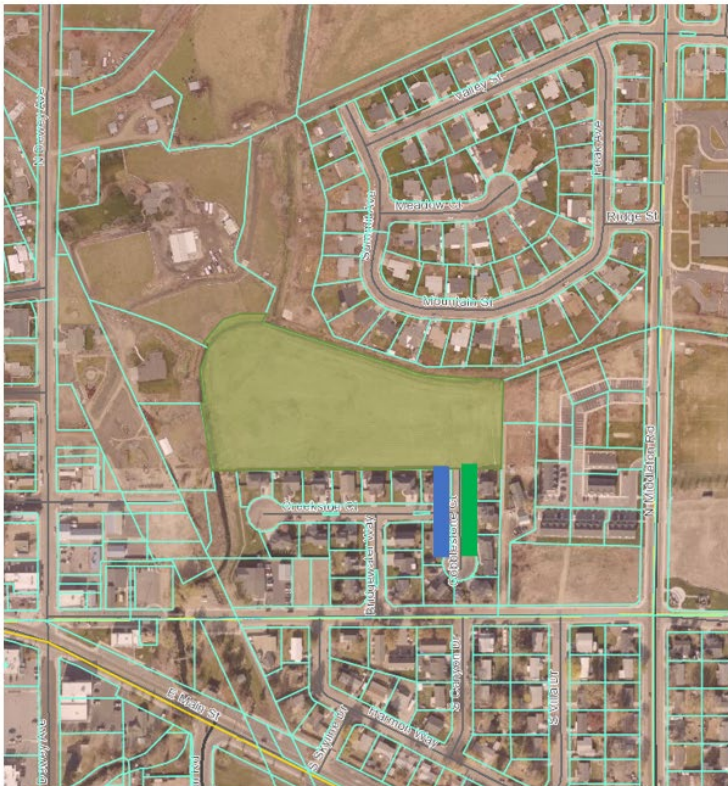
Developer brought this preliminary plat application before City Council on September 21, 2022. Council denied the application based upon information regarding overcrowding in the Middleton School District. Council stated that Applicant may gain approval once Applicant meets with School District staff to discuss mitigation measures to relieve overcrowding.

Developer/Applicant subsequently met with School District Staff and timely submitted a "Request for Reconsideration" of the denial. The request was heard on November 2, 2022, and City Council granted the Request, triggering the need for this new public hearing before City Council.

- D. Current Zoning & Property Condition:** The property is within City limits. It is an infill project zoned R-3 (Single-Family Residential). It is surrounded primarily by City property zoned R-3. City property zoned R-4 is located to the north.



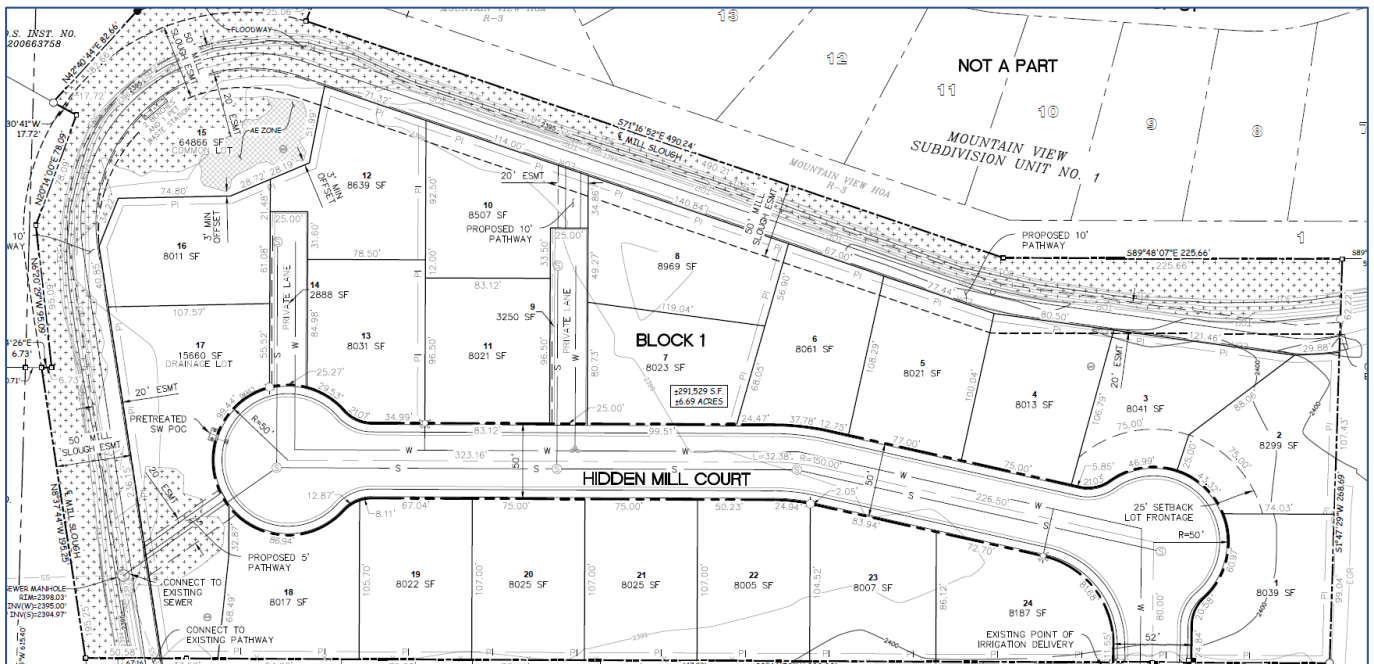
- E. City Services:** City water and sewer are located immediately south in the Bridgewater Creek Subdivision.



Water —————

Sewer —————

- H. Middleton Rural Fire District:** Deputy Chief Victor Islas of Middleton Rural Fire District has requested developer to install a fire suppression sprinkler system in each home to mitigate for lack of a 2nd access. This will result in the subdivision meeting code requirements. The developer has agreed to this condition.
- I. Schools:** The Hidden Mill Subdivision is in the Middleton School District #134. Elementary Students living in the subdivision will attend Heights Elementary. Recently Superintendent Gee stated that Heights Elementary is at 134% capacity, but there are solutions that the District is considering to alleviate overcrowding, including year round school, revision of elementary school boundaries to equalize the school population, increased use of portables, and remodels of existing schools.
- The City has no jurisdiction or control over the School system. Instead, the City can only support and collaborate with the School officials to try to address the overcrowding problem. In Idaho, new schools are generally built with bonds passed by the residents. In effect, the residents decide whether new schools will be built or not be built. Residents in Middleton and the surrounding County have not approved bonds for new schools for a number of years.
- J. Preliminary Plat Application:** The subdivision contains 20 home lots, 2 common lots, and 2 private drive lots, all to be completed in a single phase.



Applicant is requesting a variance to not place the “perimeter fence” on the actual subdivision perimeter as required by MCC 5-4-11-2. Council may grant waivers or exceptions to City standards and dimensions when considering a preliminary plat. (MCC 1-15-2).

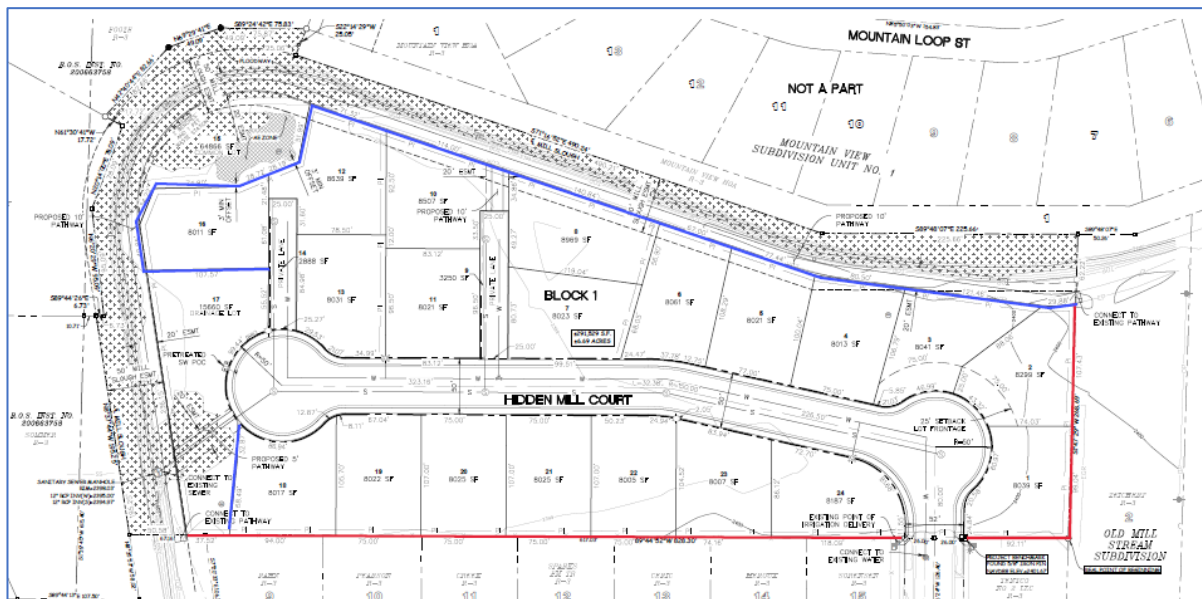
1-15-2: EXCEPTIONS OR WAIVERS OF STANDARDS:

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

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

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

A good portion of the perimeter boundary is located in the middle of the slough so the fence cannot be placed on the outer boundary. It is physically impossible. Therefore, Applicant is requesting that the perimeter fence be placed on the rear boundary of individual home lots. This also helps to open up the pathway corridor and the spacious greenspace gathering area in the northwest corner of the project. The fence along the path will be “open vision” fencing such as wrought iron. (See blue highlight below.) The rest of the fencing will be 6’ privacy fence. (See red highlight below.)



Per City code, the **sole criteria** City Council should consider when deciding whether to approve or deny a pre-plat is:

1. Does the pre-plat comply with R-3 Zoning?
2. Does the pre-plat meet the technical standards of our City Code.

FINDINGS:

Planning Staff finds that the preliminary plat complies with all standards set forth in City and State codes except for the fencing which is part of the waiver request directly above.

Additionally, City Engineer, Amy Woodruff, has recommended approval of the preliminary Plat. (See Recommendation Letter attached as Exhibit "B".)

- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map. The intended use is Residential which is an allowable use in the Mixed-Use area (green) shown on the Land Use Map.



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

- a. *Goal 2: Preserve and protect private property rights as required by Idaho law.*
- b. *Goals 3: The project provides safe transportation services by creating on-site sidewalks and pathways as extensions or connections to public pathways or sidewalks.*
- 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.*
- d. *Goals 10, 22 and 23: the addition of pathways increases recreational activity and promotes walkability, social interaction, and health in the Community.*
- e. *Goal 11: The project will allow dwelling types that match residents' lifestyles by promoting in-fill housing improvements.*

- L. Comments from City Engineer and City Staff:** See attached as Exhibit "C".
Staff Comments dated 4/5/2022

- M. Comments from Agencies:** See comments from MSD #134, Drainage Ditch #2, ITD and Middleton Rural Fire attached as Exhibit "D".

Of note, when City Council denied Applicant's preliminary plat application at the September 21, 2022, hearing, City Council noted that Applicant may obtain approval

once they met with School District Staff to discuss a way to mitigate overcrowding in the Schools. Applicant met with School District Staff, and Middleton School District submitted a 2nd comment letter memorializing the meeting they had with Applicant. The District set forth mitigating measures that Applicant and School District agreed upon. The agreement is outside of City purview and will be a private agreement between only Applicant and MSD #134. (See 2nd letter attached as Exhibit “E”.)

N. Comments Received from Surrounding Landowners: See attached Exhibit “F”

O. Notices:	Dates:
Neighborhood Meeting	11/1/2021
Newspaper Notification	11/22/2022
Radius notification mailed to Landowners within 500’	11/21/2022
Circulation to Agencies	11/21/2022
Sign Posting property	11/21/2022

P. Applicant/Owner: Wade Thomas, IAG, LLC (successor in interest “IAG Hidden Mill, LLC”) 800 W. Main St., Suite 1460, Boise, Idaho 83702. Representative is Bob Unger of Unger Enterprises.

Q. Applicable Codes and Standards:
Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329. Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction. Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4.

R. Planning & Zoning Recommendations & Approvals: The Planning & Zoning Commission heard the Hidden Mill application at the August 8, 2022, public hearing. The Commission recommended that City Council approve the application for Preliminary Plat subject to the conditions detailed in the Staff Report and subject to Applicant meeting with the School District to discuss possible ways to assist with school overcrowding. (Copy of P&Z Commission FCR attached as Exhibit “G”)

S. Conclusions and Recommended Conditions of Approval:

According to Idaho State Law and the Middleton City Code, any land use decision City Council makes must be based upon *Findings of Facts and Conclusions of Law*.

Findings of Facts: Planning Staff has set forth the *Findings of Facts* above. If the Council agrees with the findings of facts in the staff report and those presented at the hearing on this matter, then Council may affirm the findings of facts while making a motion on the application.

Conclusions of Law: Planning Staff finds that the City Council has the authority to hear this application and to approve or deny it, with or without conditions. Planning

Staff also finds that all public notice requirements were met, and Staff identified portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the application. If the public hearing is held and conducted in compliance with the Idaho State Code and Middleton City Code, then the Council may affirm these conclusions of law while making a motion on the application.

If the Council is inclined to approve the Hidden Mill Preliminary Plat application based upon the above *Findings of Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All City Planner comments to be completed and approved.
4. All comments from MRFD to be completed and approved.
5. All Floodplain Administrator comments are to be completed and approved.
6. Pathway along the slough is to be 10 ft wide with a public access easement. Developer/HOA to maintain and repair the public pathway.
7. All landscaping and amenities to be installed in compliance with the submitted landscape plan and preliminary plat.
8. Developer shall create a plan for operation, maintenance, and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
9. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Lastly, if the Council denies the application, Council should state on the record what Applicant can do, if anything, to gain Council approval.

EXHIBIT "A"

Proposed Preliminary Plat

DEVELOPER
INVESTMENT ANALYTICS GROUP, LLC
800 W MAIN STREET, SUITE 1460
BOISE, IDAHO 83702
(208) 639-3262

PLANNER
BOB UNGER
UNGER ENTERPRISES, LLC
9662 W ARNOLD ROAD
BOISE, IDAHO 83714
(208) 861-5220

CIVIL ENGINEER
CORY SCHRACK, PE
NASLAND ENGINEERING
910 MAIN STREET, SUITE 314
BOISE, IDAHO 83702
(208) 918-4707

BENCHMARK
FOUND 5/8" IRON PIN
ELEV. (NAVD88) = 2401.67'

LAND SURVEYOR
JOHN GLETNE, PLS
VALLEY LAND SURVEYING, PLLC
5099 S VALLEY STREET,
BOISE, IDAHO 83709
(208) 261-2226

TOPOGRAPHY SOURCE
THE SOURCE OF TOPOGRAPHIC
INFORMATION IS A SURVEY COMPLETED
BY VALLEY LAND SURVEYING ON
11/4/2021.

SHEET INDEX
SHEET DESCRIPTION SHEET
COVER SHEET PP-01
PRELIMINARY PLAT PP-02

DEVELOPMENT FEATURES

TOTAL ACRES 6.69 AC
TOTAL LOTS 24
SINGLE-FAMILY LOTS 20
COMMON LOTS 4
TOTAL SINGLE FAMILY DENSITY 3.00 UNITS/AC
TOTAL OPEN SPACE 1.99 AC/29.7%
USABLE OPEN SPACE 1.14 AC/17.0%
EXISTING ZONING R-3
PROPOSED ZONING R-3

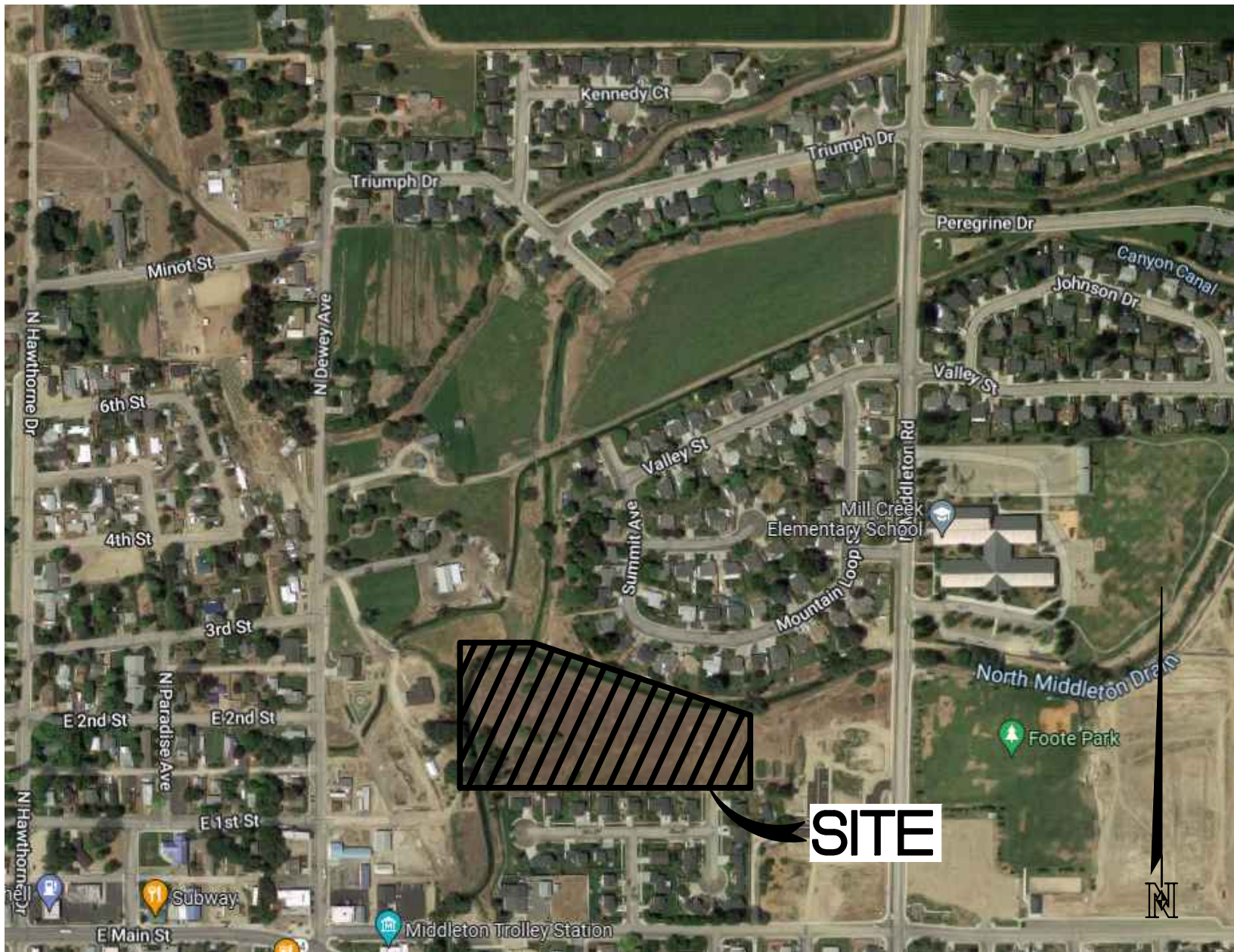
COMMON LOT CALCULATIONS

LOT	AREA	USEABLE AREA
LOT 9, BLK 1	3,250 SF	0 SF
LOT 14, BLK 1	2,888 SF	0 SF
LOT 15, BLK 1	64,866 SF	33,967 SF
LOT 17, BLK 1	15,660 SF	15,660 SF
TOTAL AREA:	1.99 AC	1.14 AC



CERTIFICATE OF SURVEYOR
I, JOHN GLETNE, DO HEREBY CERTIFY THAT I
AM A REGISTERED PROFESSIONAL LAND
SURVEYOR, LICENSED BY THE STATE OF IDAHO,
AND THAT THIS MAP HAS BEEN PREPARED
FROM AN ACTUAL SURVEY MADE ON THE
GROUND UNDER MY SUPERVISION, AND THAT
THIS MAP IS AN ACCURATE REPRESENTATION
OF SAID SURVEY.

PRELIMINARY PLAT FOR
HIDDEN MILL SUBDIVISION
A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH,
RANGE 2 WEST OF THE BOISE MERIDIAN, LOCATED IN THE CITY OF
MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO
SEPTEMBER 2022

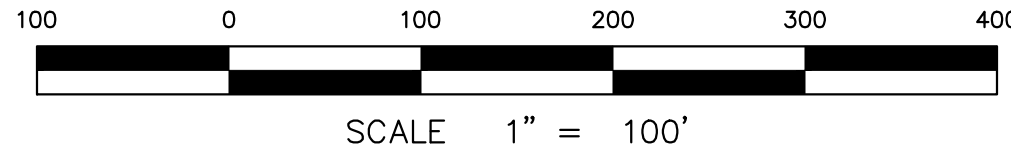
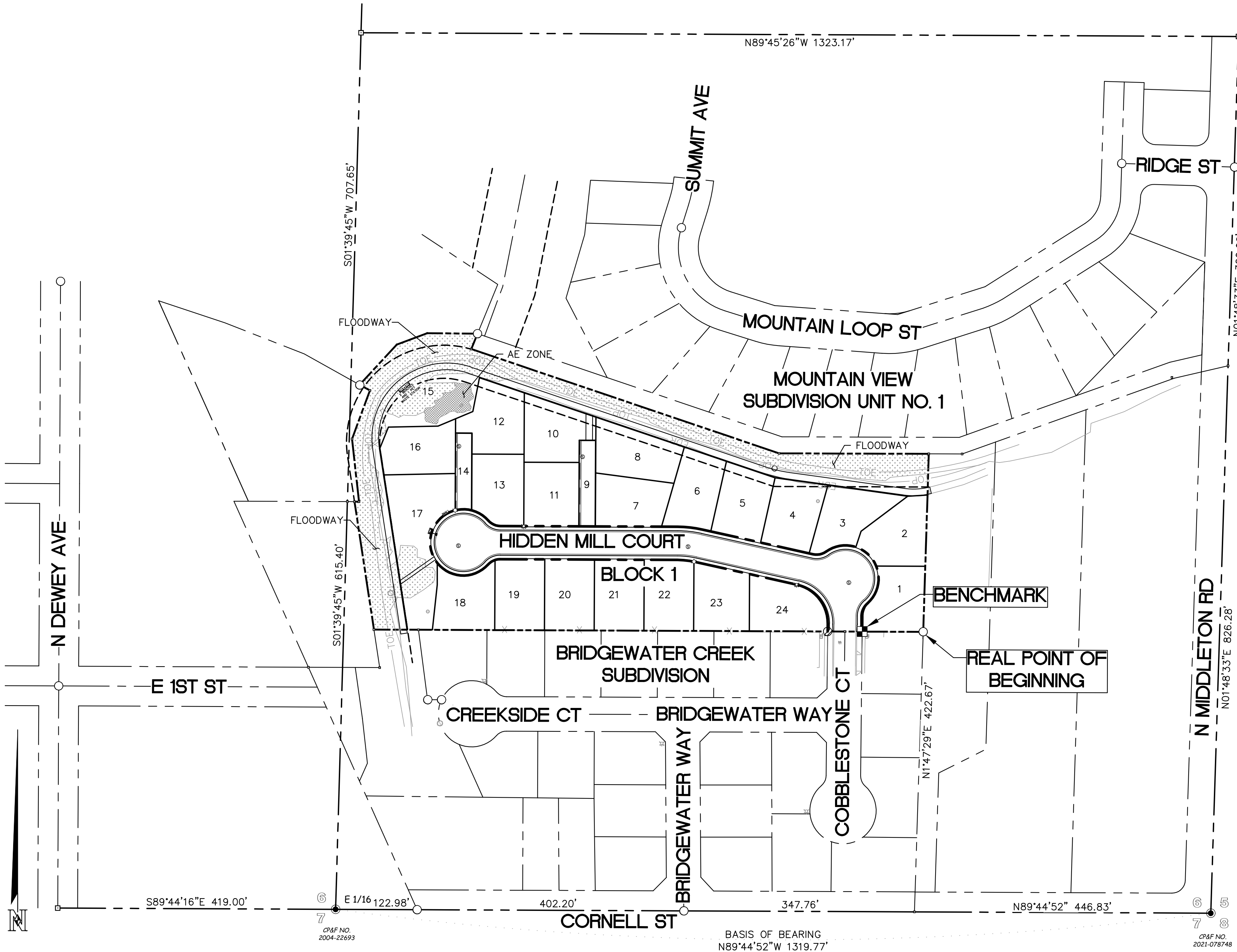


VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING:	
POWER POLE	
FOUND 5/8" IRON PIN	
FOUND BRASS CAP MONUMENT	
CALCULATED POSITION	
PROJECT BENCHMARK	
IRRIGATION VALVE	
MONITORING WELL	
SANITARY SEWER MANHOLE	
TELEPHONE PEDESTAL	
WATER VALVE	
PROPERTY BOUNDARY LINE	
SECTION LINE	
RIGHT-OF-WAY LINE	
FENCE	
SEWER MAIN	
WATER MAIN	
OVERHEAD POWER LINE	
EDGE OF PAVEMENT	
EASEMENT LINE	
FEMA AE ZONE	
FEMA REGULATORY FLOODWAY	

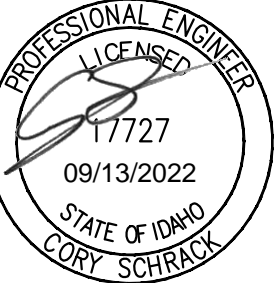
PROPOSED:	
RIGHT-OF-WAY LINE	
LOT LINE	
CENTERLINE	
EASEMENT	
3" ROLLED CURB & GUTTER	
SIDEWALK	
8" SEWER MAIN	
8" WATER MAIN	
PRESSURIZED IRRIGATION LINE	
SEWER MANHOLE	
WATER VALVE	
FIRE HYDRANT	
SAND AND GREASE TRAP	
STREET LIGHT	
MAIL BOX CLUSTER	



NOTES

- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY HAVE A 10' GENERAL ACCESS AND UTILITY EASEMENT. ALL SIDE YARD LOT LINES HAVE A 5' PROPERTY DRAINAGE, UTILITY & IRRIGATION EASEMENT. UNLESS OTHERWISE SHOWN, ALL INTERIOR SIDE LOT LINES SHALL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES OVER THE 10' ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
- ALL LOTS ARE SINGLE FAMILY RESIDENTIAL EXCEPT, LOT 15, BLOCK 1, WHICH IS A COMMON/OPEN SPACE LOT; LOT 9 AND 14, BLOCK 1, WHICH ARE PRIVATE LANES; AND LOT 17, BLOCK 1, WHICH IS A DRAINAGE LOT. ALL COMMON/OPEN SPACE LOTS, PRIVATE LANES AND DRAINAGE LOTS SHALL BE OWNED AND MAINTAINED, AS SPECIFIED IN THE CCRS, BY THE HOMEOWNERS ASSOCIATION AND SHALL HAVE A BLANKET EASEMENT COVERING THE ENTIRE LOT FOR DRAINAGE AND UTILITIES.
- DRAINAGE SHALL BE REMOVED VIA SURFACE FACILITIES AS APPROVED BY THE CITY OF MIDDLETON. NO STORMWATER IS DISCHARGED IN DRAINS OR OTHER. STORMDRAIN FACILITIES SHALL BE LOCATED OUTSIDE ANY AND ALL RIGHT-OF-WAY.
- THIS SUBDIVISION IS IN COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805(b) CONCERNING IRRIGATION WATER. PRESSURIZED IRRIGATION SHALL BE PROVIDED TO ALL LOTS BY A PRESSURE SYSTEM WITH WATER SUPPLIED BY THE UPGRADED BRIDGEWATER CREEK PUMP STATION. ALL LOTS SHALL BE ASSESSED BY THE MIDDLETON MILL DITCH COMPANY.
- DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- ALL LOTS WITHIN THIS DEVELOPMENT WILL BE DEVELOPED IN ONE PHASE.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- THE 10' PATHWAYS LOCATED IN THE FLOODWAY WILL BE CONSTRUCTED AT CURRENT ELEVATIONS OR BFE AS APPROVED BY THE CITY OF MIDDLETON.
- THERE IS A PUBLIC ACCESS AND UTILITIES EASEMENT ON ALL PRIVATE LANES WHICH ARE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- ALL BUILDING SETBACK AND DIMENSIONAL STANDARDS SHALL BE IN COMPLIANCE WITH R-3 ZONING AT THE TIME OF BUILDING PERMIT ISSUANCE.
- FIBER OPTIC TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER THE CITY OF MIDDLETON SUPPLEMENT TO THE ISPW.
- MAILBOX CLUSTERS TO BE INSTALLED AS SHOWN ON THE PRELIMINARY PLAT.
- ALL ROADS (EXCEPT PRIVATE LANES) ARE PUBLIC.
- ALL 10' PATHWAYS SHOWN ON THE PRELIMINARY PLAT ARE CONSTRUCTED BY DEVELOPER/OWNER AND ARE ENCUMBERED WITH A PUBLIC ASSESS EASEMENT. HOWEVER, OWNER, OR ITS ASSIGNS, SUCCESSORS AND/OR THE HOMEOWNERS ASSOCIATION, SHALL BE RESPONSIBLE FOR REPAIRING AND MAINTAINING THE PATHWAYS ONCE CONSTRUCTED.
- ALL PRESSURIZED IRRIGATION AND/OR DRAINAGE FACILITIES ARE TO BE LOCATED OUTSIDE OF ANY RIGHT-OF-WAY.
- EXTERIOR BOUNDARY IS REQUIRED TO BE FENCED IN ACCORDANCE WITH THE APPROVED FENCING PLAN. ALL FENCING TO BE 6" VINYL OR APPROVED EQUAL. WAIVER TO ALLOW SUBDIVISION PERIMETER FENCING ALONG REAR BOUNDARY OF RESIDENTIAL LOTS ADJACENT TO OPEN SPACE RATHER THAN ON SUBDIVISION PERIMETER BOUNDARY (MCC 5-4-11-2) IS REQUESTED.
- ALL PRIVATE LANES SHALL BE MARKED WITH PERMANENT "NO PARKING - FIRE LANE" SIGNS COMPLYING WITH THE 2018 INTERNATIONAL FIRE CODE.
- ALL SINGLE FAMILY RESIDENTIAL LOTS SHALL HAVE AUTOMATIC SPRINKLER SYSTEMS COMPLYING WITH THE 2018 INTERNATIONAL FIRE CODE.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON. UP TO 3FT OF SITE FILL WILL BE REQUIRED FOR SEWER INSTALLATION.

Nasland
910 Main Street, Suite 314
Boise, ID 83702
T 208 918-4859
nasland.com
Civil Engineering Consulting Land Planning



**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	09/13/2022	MN

NE JOB # 321-105.1
DATE: 09/13/2022
DRAWN BY: MN
CHECKED BY: CS

PRELIMINARY

COVER SHEET

PP-01

**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	09/13/2022	MM

NE JOB #: 321-105.1
DATE: 09/13/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

**PRELIMINARY
PLAT**

PP-02

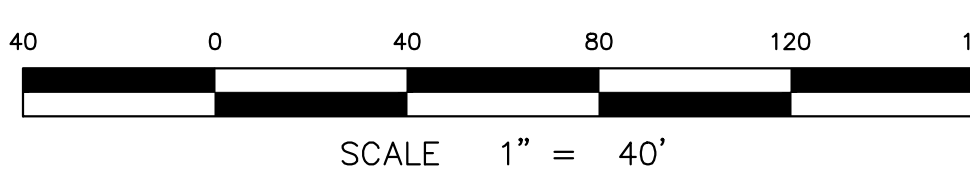
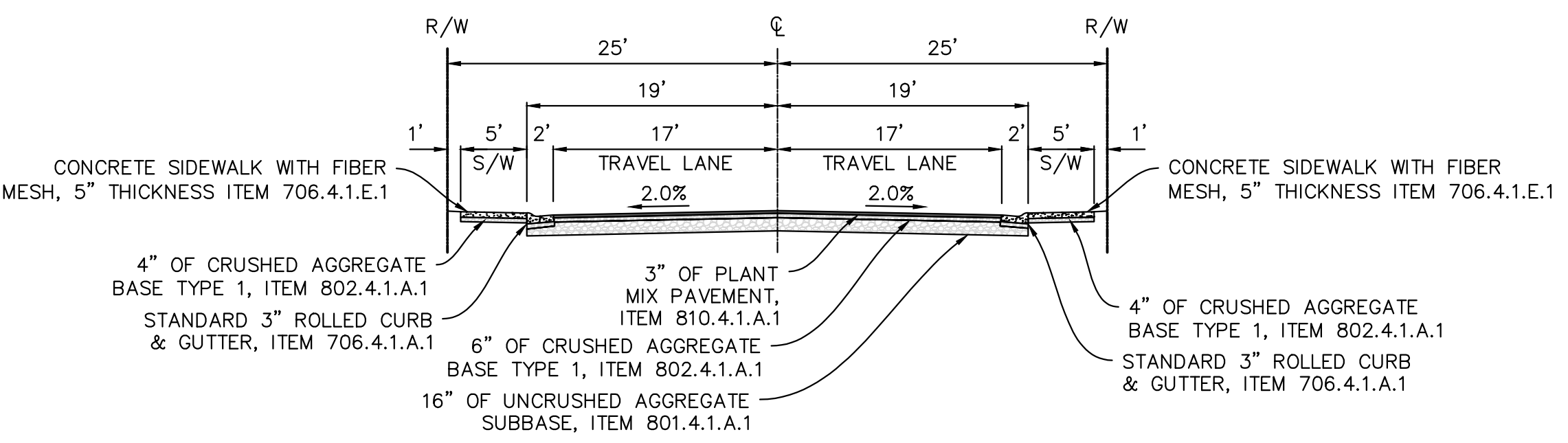
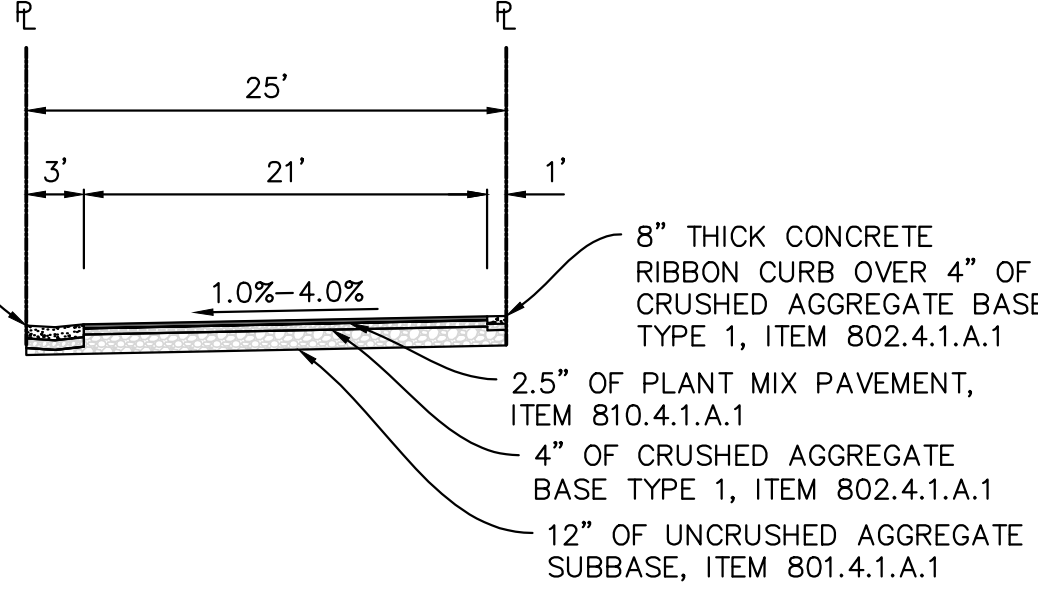
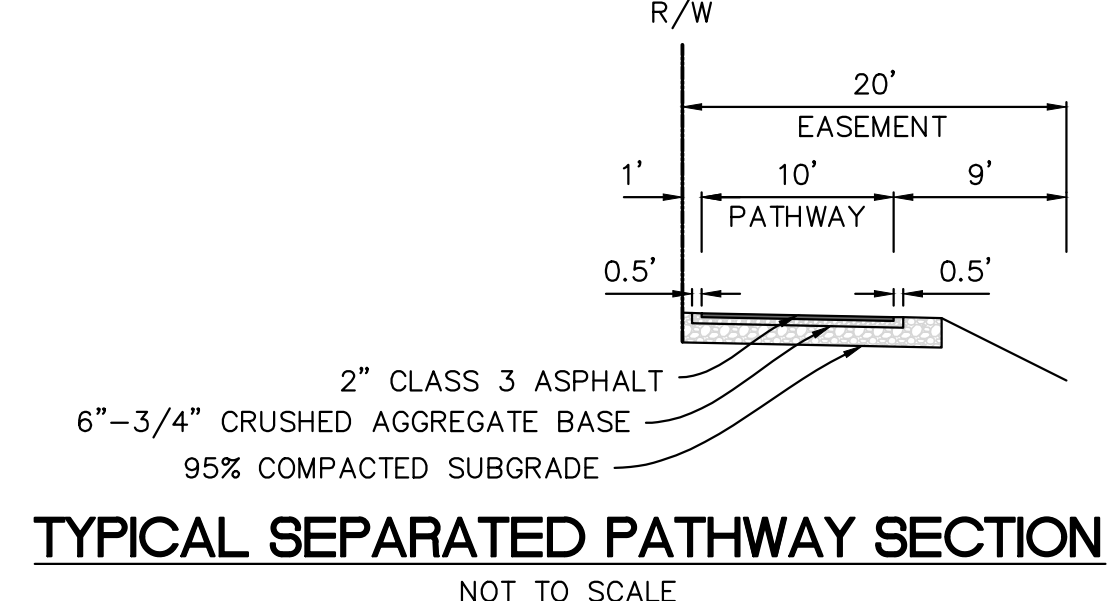
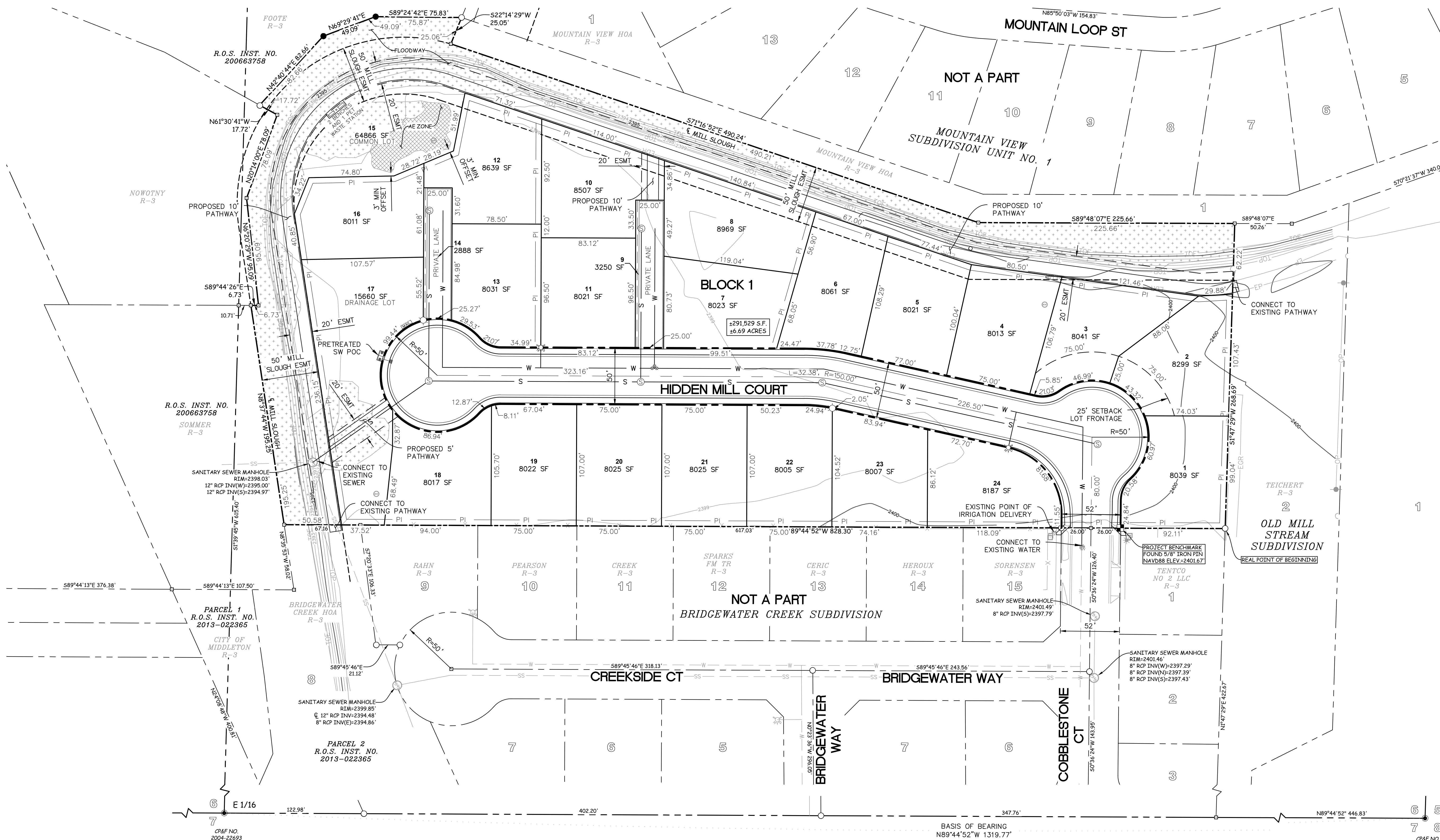


EXHIBIT "B"

City Engineer Recommendation of Approval



July 28, 2022

TO: Roberta Stewart, Planner

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

RE: Hidden Mill 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 "C"

Engineering & Planning Comments



April 4, 2022

TO: Jennica Reynolds, Planner

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

RE: **Hidden Mill Subdivision –Preliminary Plat**

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

Reduce plat to one page.

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. Add title block to the upper center. Add location and date.

MCC 5-4-4.2. g. Show floodplain and floodway on the plat.

MCC 5-4-4.2. h.

1. Dimension rights of way.
2. Show existing easements for Mill Slough.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. Use the description you provided and verify the boundary can be retraced before you resubmit.

A MCC 5-4-10-2. o. Number lots sequentially. Is Mill Slough area going to be a separate lot?

MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. Add a note regarding site fill or otherwise address. Less than 3ft of cover is a concern for the City.

MCC 5-4-4.3.c

1. Add a note: Stormwater facilities are owned by HOA and the provisions for maintenance will be specified in CCRs. Specify lot 14 as used for stormwater management.

Note 6. Combine note 6 and note 12. Identify irrigation district and whether lots are subject to assessment.

Note 1. Put "and" between general access and utility.

Submit a variance application if the cul-de-sac length is greater than 600ft. Dimension it please – so the length may be verified.



MEMORANDUM

June 03, 2022

NE No. 321-105.1

To: Jennica Reynolds & Amy Woodruff
Planning & Zoning
City of Middleton
1103 W. Main St,
Middleton, ID 83644

From: Cory Schrack, PE

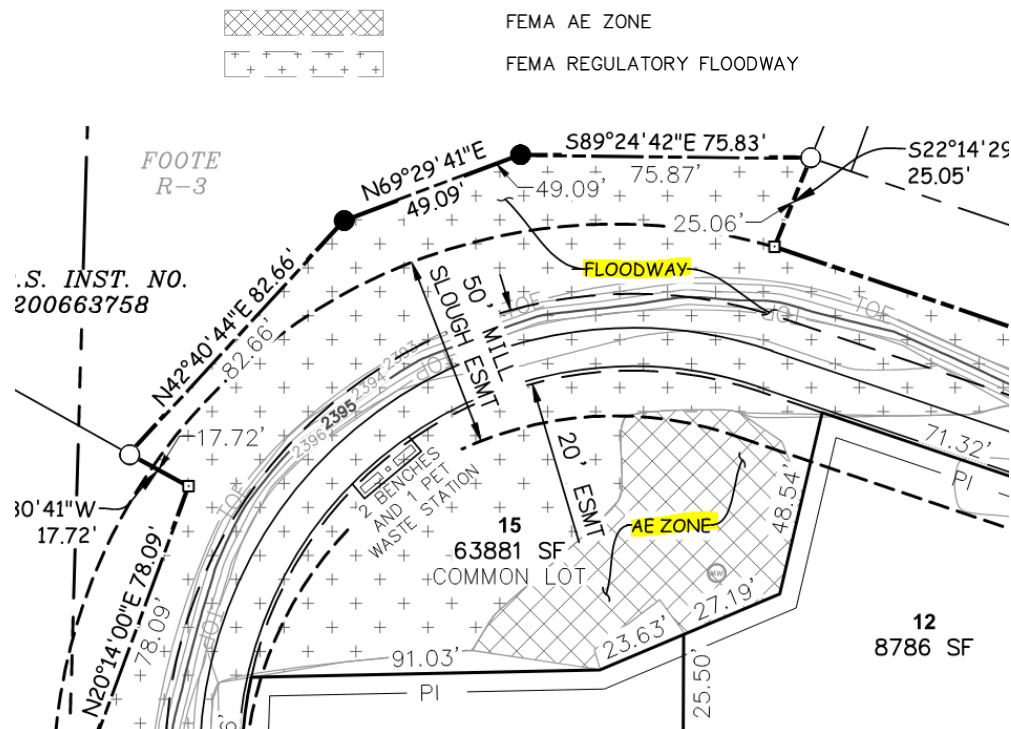
RE: Final Resubmittal Responses for the Hidden Mill Subdivision – Preliminary Plat

The following responses in green are based on the City Engineer comments dated May 23, 2022.

City Engineer Comments (4/5/2022)

MCC 5-4-4.2. g. Show floodplain and floodway on the plat. This information is not discernable.

The FEMA AE Zone and Regulatory Floodway are shown on the Preliminary Plat, refer to the 'Legend' on PP-01 and hatches/callouts on sheet PP-02. The hatch for the AE Zone are 'small boxes' while the Floodway are 'small plus signs', see below for additional information.

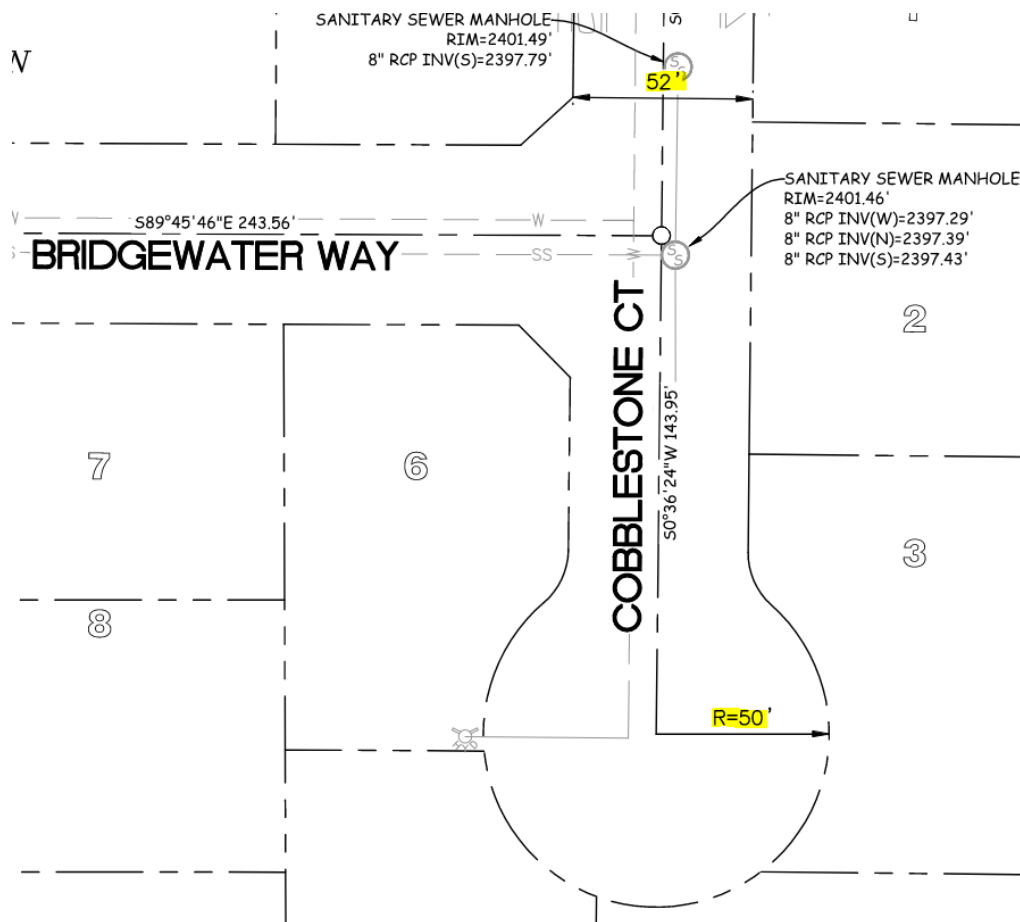


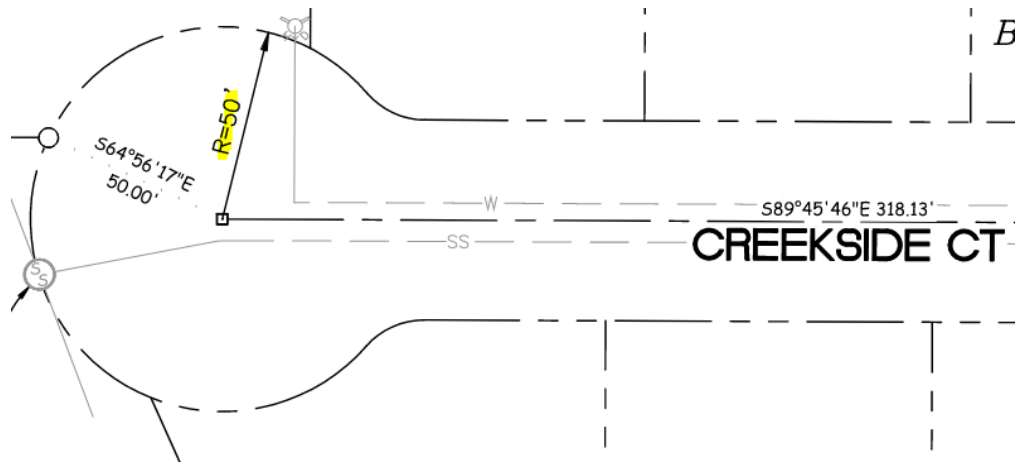


MCC 5-4-4.2. h.

1. Dimension rights of way. Keep the 52ft right of way for Cobblestone through the culdesac then transition to 50ft from Hidden Mill limits.

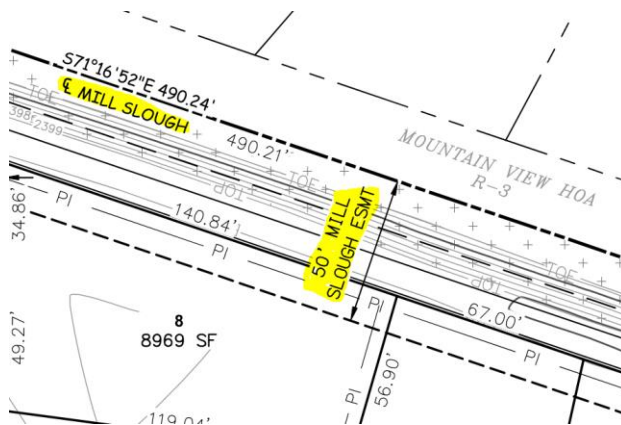
The right-of-way dimension at the entrance to the subdivision is 52', a dimension was added to illustrate this. The cul-de-sac radius remained at 50' (per section 5-4-10-2.E) which is the same radius for the existing Creekside Ct and Cobblestone Ct cul-de-sacs, see below for additional information. Hidden Mill Court remained at 50' and will be per the City of Middleton Typical Local Road Section shown on sheet PP-02.



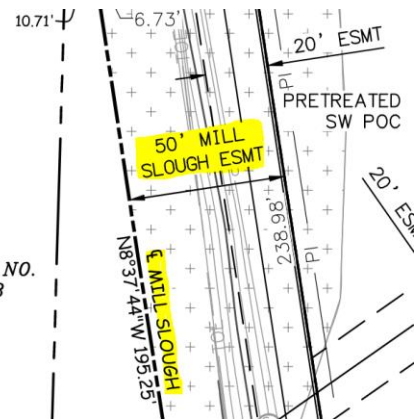


2. Show existing easements for Mill Slough. If the Mill Slough easement is consistent through the limits then modify language to reflect 50ft from centerline of Mill Slough.

The Mill Slough easement is 50' wide from the centerline as shown on the Preliminary Plat, refer to the 'Legend' on sheet PP-01 and linework/callouts/dimensions on sheet PP-02. See below for additional information.



R.O.S. INST. NO.
200663758
SOMMER
R-3



MCC 5-4-4.2 a and 1. The boundary has a bearing in error on west side. Add the section corner and ties to PP-02.

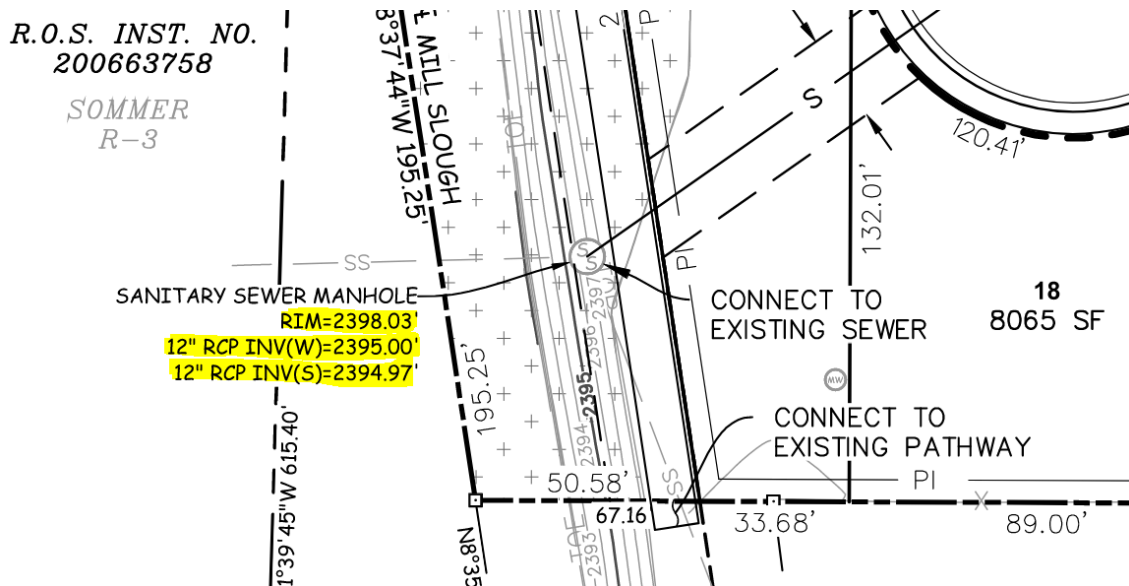
The boundary bearing typo was revised on the Preliminary Plat and the section corner and ties were added to sheet PP-02.



MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. Add a note regarding the sewer and site fill: Up to three feet of site fill will be required for sewer installation.

Based on topographic field survey, provided by Valley Land Surveying, the sewer point of connection at the southwest corner of the site has more than 1 foot of cover and is approximately 3' deep (2398.03RIM/2394.97IE), refer to sheet PP-02 and see below for additional information. Similar to Bridgewater Creek Subdivision, site fill is anticipated for this project in order to maintain a minimum of 3ft of cover over the proposed sewer mains. Note #20 on PP-01 was revised to include the following, "All sanitary sewer mains shall have a minimum of 3ft of cover per the City of Middleton Supplement to the ISPMC."





May 23, 2022

TO: Jennica Reynolds, Planner

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

RE: **Hidden Mill Subdivision –Preliminary Plat**

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

MCC 5-4-4.2. g. Show floodplain and floodway on the plat. This information is not discernable.

MCC 5-4-4.2. h.

1. Dimension rights of way. Keep the 52ft right of way for Cobblestone through the culdesac then transition to 50ft for Hidden Mill limits.
2. Show existing easements for Mill Slough. If the Mill Slough easement is consistent through the limits then modify language to reflect 50ft from centerline of Mill Slough.

MCC 5-4-4.2 a and l. The boundary has a bearing in error on west side. Add the section corner and ties to PP-02.

MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. **Add a note regarding the sewer and site fill: Up to three feet of site fill will be required for sewer installation.**



CITY OF MIDDLETON

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

PLANNER COMMENTS – HIDDEN MILL PRELIMINARY

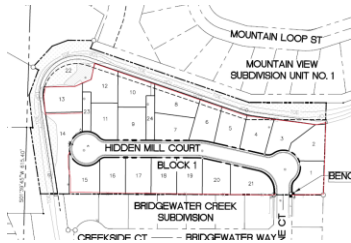
April 5, 2022

1. Add note that you will add a 10' wide asphalt pathway with a 20' public easement along the drain. The green path area on the Transportation, Schools and Recreation Map shows a pathway as part of the Comprehensive Plan. You are already planning on doing the path and it is shown on the plat. Please just make sure it matches the 10' wide asphalt paths it connects to on the east and south.

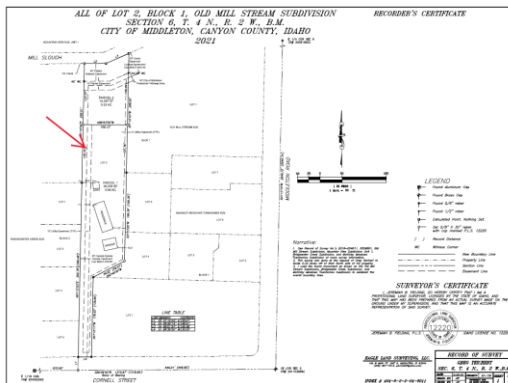


2. If possible reduce plat to no more than 3 pages.
3. Provide updated landscape plan.
4. Private Drives are not calculated in the open space. Please remove from calculation. I find 38,131 SF of open space or 13%. Please revise table.
5. Add note: All existing wells shall be abandoned per IDWR regulations. All Septic Systems shall be completely removed and the area recompacted per geotechnical report.
6. Change Note 15 to read: Fiber optic to be provided to each lot during joint trench construction per the City of Middleton supplement to the ISPWC.
7. Combine notes 1 and 17. Add "all *interior* side yard lot lines..."
8. Edit note 7 to read: Domestic and fire protection water shall be provided by the City of Middleton.
9. Add note: Sanitary sewer collection shall be provided by the City of Middleton.
10. Edit note 14 to read: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
11. Show all public and private easements on preliminary plat.
12. Remove note 10
13. Remove notes 3 and 4.
14. Lot 6 does not have minimum of 75' wide
15. Please add at least 2 benches and 1 pet waste station to some location on either or both of your common area lots 22 or 14.

16. Perimeter fence. Please see the following. Red shows where fence should go. Please modify note 22 on the Preliminary Plat to describe the new fencing and state it will be a waiver from code. FYI, this waiver will also be a request at the public hearing.



17. You need to continue to work with the Fire Department and City to come up with a solution for a 2nd access. You may consider reaching out to the Tiechert's, the property owner to the east. They have a cross access easement and may be willing to discuss bollards and an emergency only access. Please discuss with Fire Deputy Chief Islas for options.



Sincerely,

Jennica Reynolds

Middleton City
Deputy Clerk, Planning

EXHIBIT "D"

Agency Comments



Middleton School District #134

Every Child Learning Every Day

City of Middleton--Public Hearing Notice Response

General Response for All New Development

Middleton School District is currently experiencing significant growth in its student population. **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 2 portables (soon to be 4).** We are nearing capacity, but have not superseded at this point, at our high school (94%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. We have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed a demographic study performed for our school district boundaries and the data suggests for every new home we could expect between 0.5 and 0.7 (with an average of .559) students to come to our school. That is the factor/rate we use to make our projection of student impact for each development.

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

Hidden Mill (Middleton)

Students living in the subdivision as planned would be in the attendance zones for Mill Creek Elementary, Middleton Middle School, and Middleton High School. With 20 total lots, we would anticipate, upon completion, an increase of 10-14 students between Mill Creek Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to less than 1 classroom of students (ave. 25 students).**

In addition to the increase in student population, based on the location, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. On September 15th, 2022, Bob Unger, representing the developers, met with district employees and addressed the safe routes to school, indicating that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to school.

Questions, clarifications, or comments should be directed to:

Marc Gee, Superintendent. (mgee@msd134.org)

Marc Gee

Superintendent

Lisa Pennington

Assistant Superintendent

5 South Viking Avenue
Middleton, ID 83644

(208) 585-3027
msd134.org



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for New Development

Middleton School District is currently experiencing significant growth in its student population. **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 2 portables (soon to be 4).** We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

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

Hidden Mill Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School. With 20 lots we anticipate the following breakdown of student increase in our schools:

Grade Range	Factor	# of students
Elementary (K-5)	0.219	4.38
Middle (6-8)	0.139	2.78
High (9-12)	0.211	4.22
Total	0.569	11.38

Representatives of Hidden Mill Subdivision have met with school district administration and discussed ways to mitigate the impact of these students on the physical facilities and operations of the school district. Based on district analysis (see attached *Analysis of Real Estate Development Impact on Middleton School District*) and discussion with developer representatives we have identified areas where the developers of the Hidden Mill Subdivision could assist in the mitigation of growth in the school system.

First, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. The developers have indicated that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to Mill Creek Elementary School.

Middleton School District Office: 5 S. Viking Ave, Middleton, ID 83644

Phone: 208-585-3027

Marc C. Gee, Superintendent

Lisa Pennington, Asst. Superintendent

Alicia Krantz, Business Manager

mgee@msd134.org

lpennington@msd134.org

akrantz@msd134.org



Middleton School District #134

Every Child Learning Every Day

Second, the developers and school district officials are in the process of developing a Memorandum of Understanding regarding the expected financial impact resulting from these additional elementary students. With the addition of elementary students into a school that is over capacity, our analysis indicates that \$1,114.60 per lot, or \$5,089.52 per elementary student, is the amount necessary to account for the elementary growth due to this development. The developer has indicated that they are willing to voluntarily address this financial impact as part of the City of Middleton's subdivision approval process.

For questions or comments, please contact Marc Gee, Superintendent (contact information in footer).

A handwritten signature in black ink, appearing to read 'Marc Gee'.

Marc Gee, Superintendent

October 14, 2022

Date

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022
Date: Monday, November 21, 2022 5:18:27 PM
Attachments: [image001.png](#)
[image003.png](#)

ITD Response Below.

Jennica Reynolds

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



From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, November 21, 2022 2:36 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Subject: RE: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022

Good Afternoon,

After careful review of the transmittal submitted to ITD on November 21, 2022 regarding Hidden Mill – Public Hearing, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Jennica Reynolds <jreynolds@middletoncity.com>

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
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC

September 1, 2022



David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Brian A. Faria

Patxi Larrocea-Phillips

John A. Richards

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

Jennica Reynolds
Middleton Planning and Zoning Official
P.O. Box 487
Middleton, Idaho 83644

Re: **Hidden Mill Preliminary Plat**

Dear Ms. Reynolds:

Drainage District No. 2 has an easement that courses through or abuts this property. This easement is 100 feet, 50 feet each side of the centerline, for open drains and 50 feet, 25 feet each side of the centerline for piped or closed drains. The developer must contact the District's attorney's, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into the District's facilities occurs. The District must review drainage plans and construction plans prior to any approval.

The District generally requires a License Agreement prior to any approval for the following reasons:

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

Also, please be advised that the District does not approve of trees within the District's easement. Therefore, any existing trees within the District's easement will need to be removed. On occasion, the District may make exceptions on a case by case basis, which require the developers/owners obtain written permission from District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

SBF:krk

cc: DD#2 Board of Directors **www.sawtoothlaw.com**

Attorneys licensed in Idaho, Montana, Oregon and Washington

Sent: Monday, November 21, 2022 10:29 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung (deann.gerthung@canyoncounty.id.gov) <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Julie Collette <gmpdjulie@gmail.com>; Kerry.Schmidt@intgas.com; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Middleton Mill Ditch Co <irrigation.mm.mi@gmail.com>; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>

Cc: Roberta Stewart <rstewart@middletoncity.com>

Subject: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached Agency Notice for Middleton City Council public hearing 12/7/2022.

Jennica Reynolds

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



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain Personal Information from a DMV file which is legally protected from disclosure under both state and Federal law. Be advised that Personal Information may only be disclosed to third parties under the provisions of Idaho Code section 49-203. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately delete this message and any attachments, and alert the sender.



MIDDLETON STAR FIRE DISTRICTS

Fire District Headquarters
11665 W. State St., Suite B
Star, Idaho 83669

Tel. No.: (208) 286-7772
Web: www.midstarfire.org
Email: permits@starfirerescue.org

DATE: April 8, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: The Hidden Mill Subdivision

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 0.7 miles with a travel time of 2 minutes under ideal driving conditions to the entrance of the Bridgewater Subdivision.
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. With this purposed development utilizing the Bridgewater Subdivision main entrance the entrance will now be used by over 30 homes. (Bridgewater = 21 single family lots, The Hidden Mill Subdivision = 20 Single family lots)
 - i. Option – Provide secondary access.
 - ii. Option – Provide secondary emergency access only.
 - iii. Option - Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.1.2 or 903.3.1.3, access from two directions shall not be required.



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- e. The fire district requires that Autoturn models be submitted for review. Autoturn models should 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.
 - i. Signs – Fire lane signs as specified in IFC section D103.6 shall be posted on one side of the fire apparatus access roads more than 26 feet wide and less than 32 feet wide starting at the entrance of Bridgewater Subdivision. (See attached picture)
 - j. 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
 - k. 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.
 - l. 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"
 - m. 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.

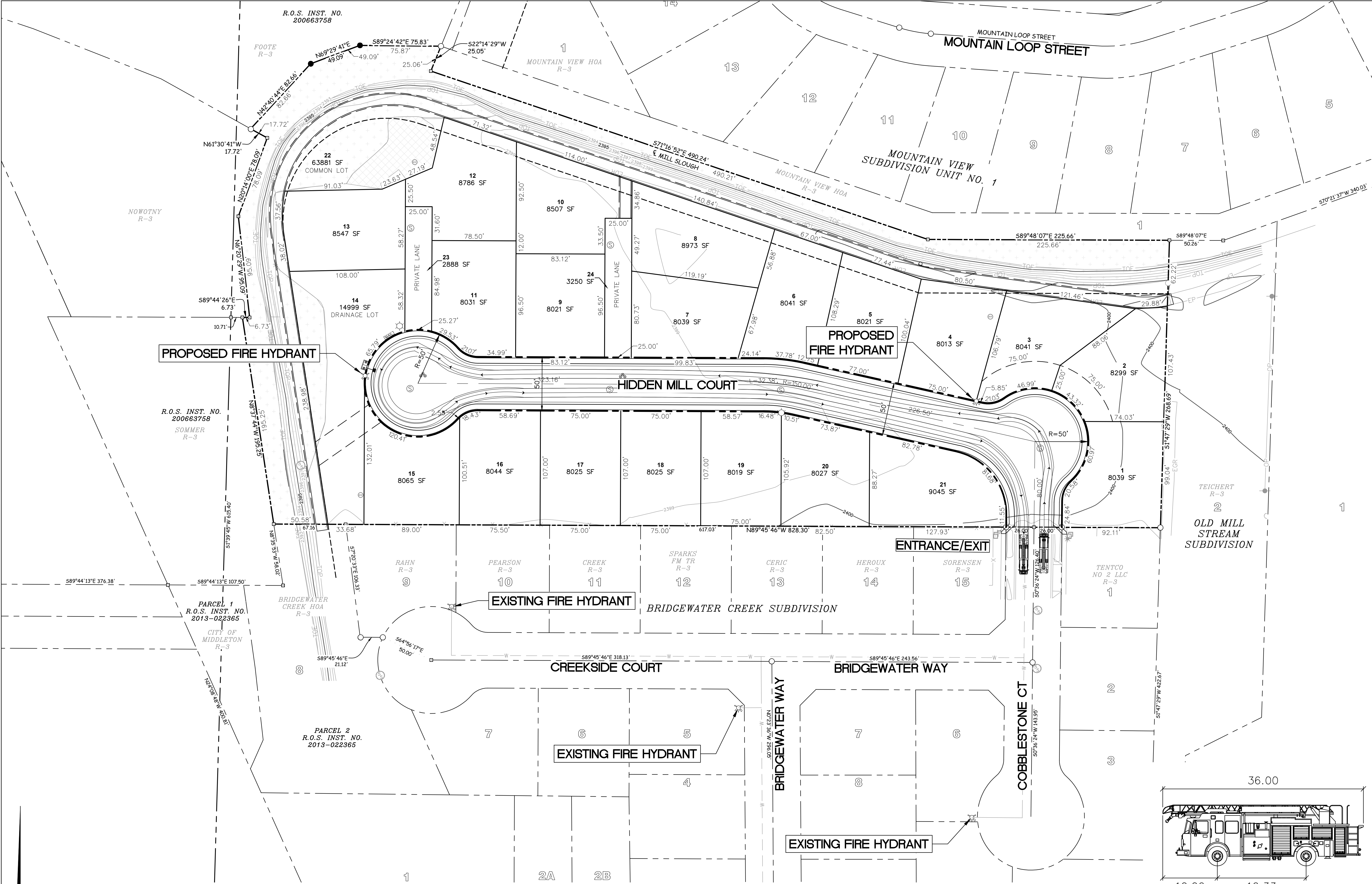


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-
- b. Automatic Fire Sprinklers as option due to access. Will be in accordance with IFC and AHJ for review, approval and permitting.
 - c. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
 - d. 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'.
 - 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.



Nasland
 90 Main Street, Ste. 314
 Boise, ID 83702
 T: 208 918-4899
 nasland.com
 Civil Engineering Consulting Land Planning

PROFESSIONAL ENGINEER
 LICENSED
NOT FOR CONSTRUCTION
 STATE OF IDAHO
 CORY SCHRAACK

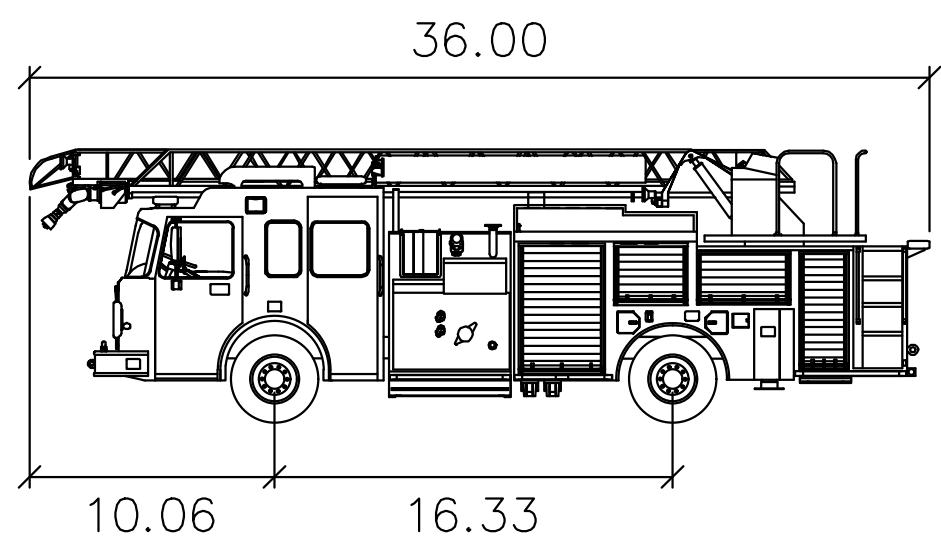
**HIDDEN MILL SUBDIVISION
 PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB #: 321-105.1
 DATE: 03/23/2022
 DRAWN BY: MM
 CHECKED BY: CS

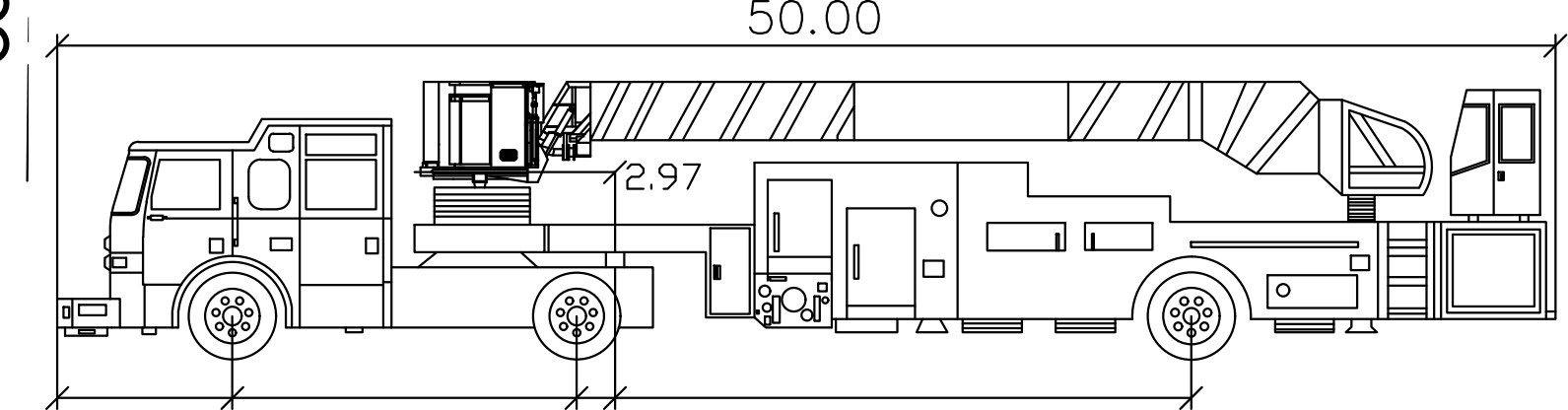
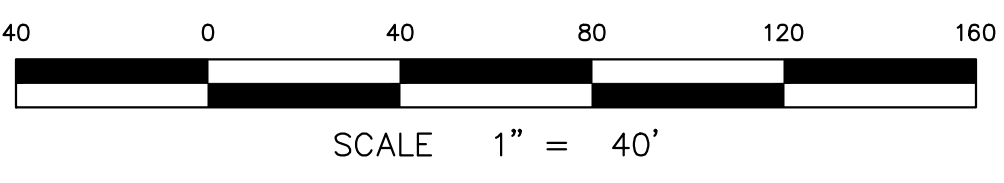
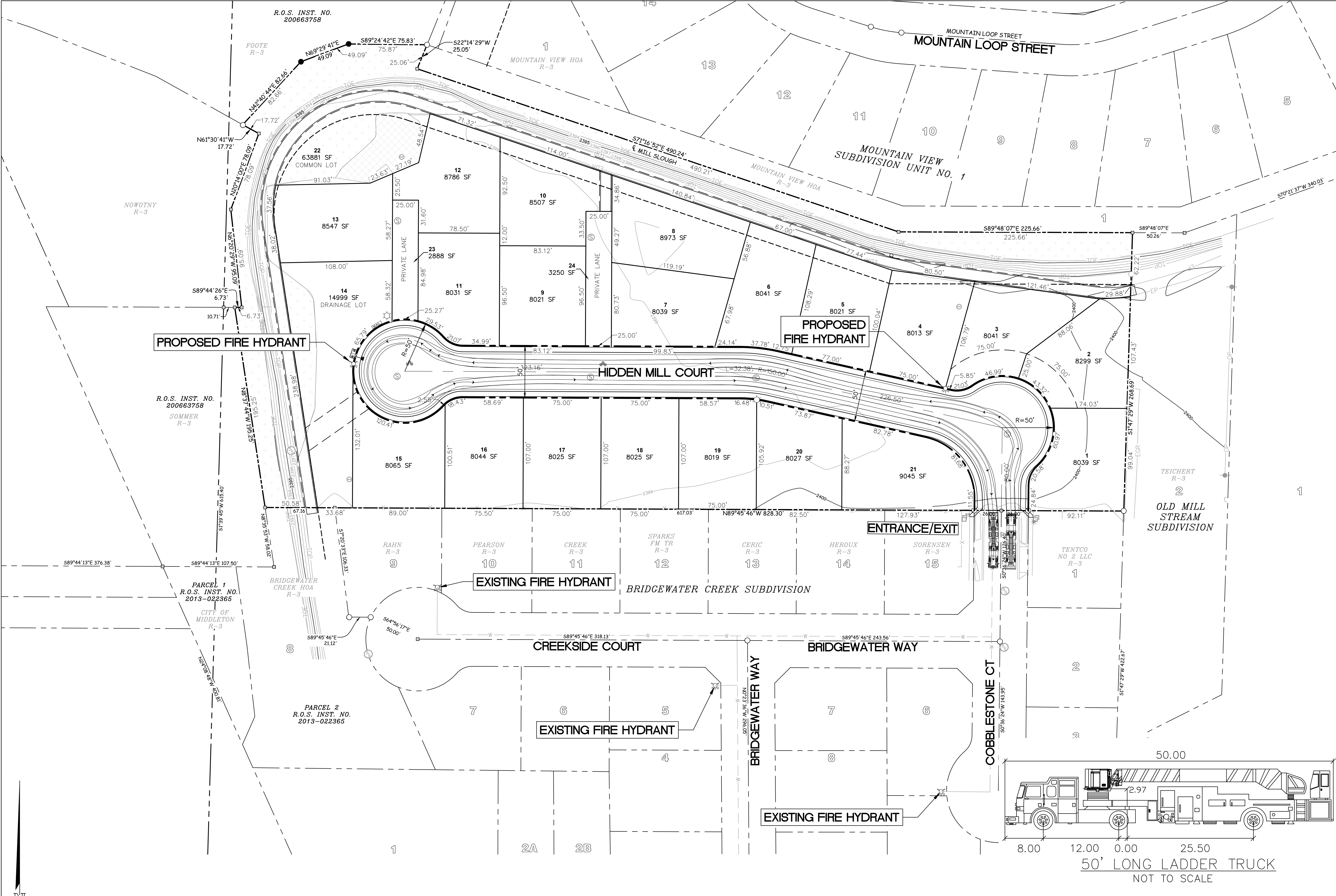
PRELIMINARY

**FIRE ACCESS
 EXHIBIT - 36'
 LONG FIRE
 ENGINE**
C1.0



36' LONG FIRE ENGINE
 NOT TO SCALE
 WIDTH : 8.33
 TRACK : 7.88
 LOCK TO LOCK TIME: 6.0
 STEERING ANGLE : 48.0

40 0 40 80 120 160
 SCALE 1" = 40'



FIRST UNIT WIDTH : 9.50
TRAILER WIDTH : 9.50
FIRST UNIT TRACK: 8.25
TRAILER TRACK : 8.25

LOCK TO LOCK TIME : 6.0
STEERING ANGLE : 30.0
ARTICULATING ANGLE : 70.0

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90 Main Street, Ste. 314
Boise, ID 83702
Civil Engineering Consulting Land Planning
T: 208 918-4899
nasland.com

PROFESSIONAL ENGINEER
LICENSED
NOT FOR CONSTRUCTION
STATE OF IDAHO
CORY SCHRAUB

**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # : 321-105.1
DATE: 03/23/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

**FIRE ACCESS
EXHIBIT - 50'
LONG FIRE
ENGINE
C1.1**



**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

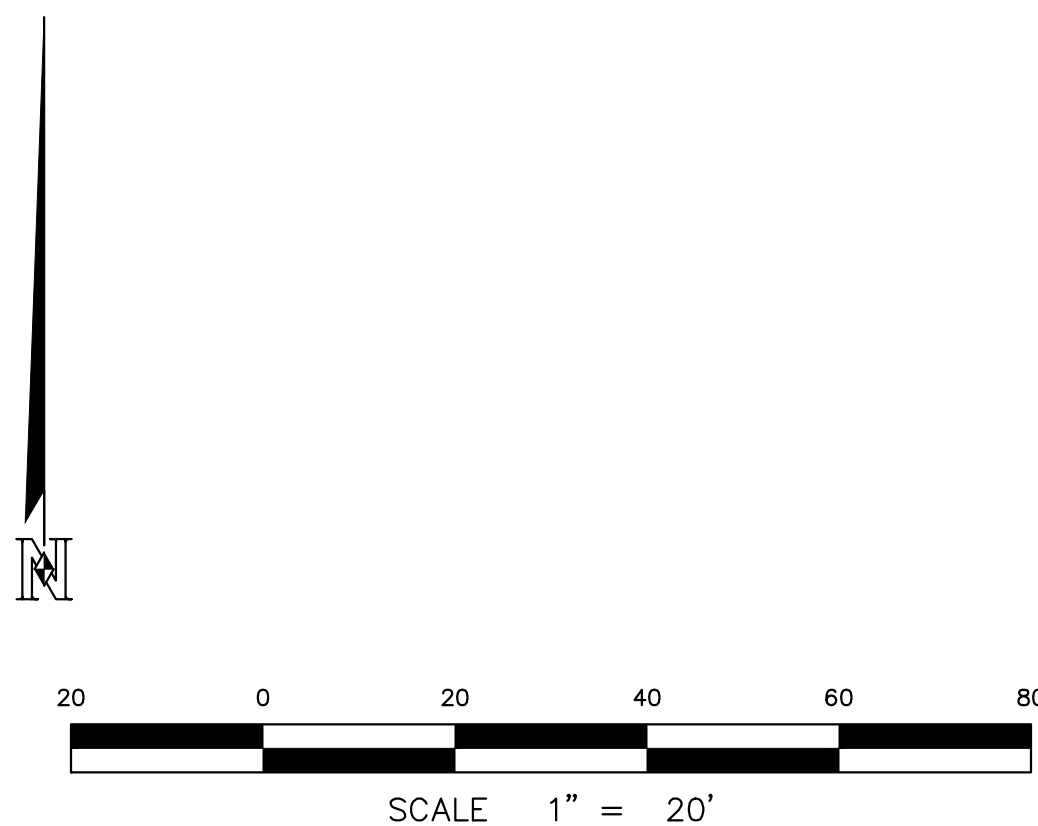
REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # 321-105.1
DATE: 03/23/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

**FIRE ACCESS
EXHIBIT - FIRE
SPRINKLER
LOTS
C0.0**

SHEET INDEX	
SHEET DESCRIPTION	SHEET
FIRE SPRINKLER LOTS	C0.0
36' LONG FIRE ENGINE	C1.0
50' LONG FIRE ENGINE	C1.1
PRIVATE DRIVE	C1.2



**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

[illegible]

NE JOB #: 321-105.1
DATE: 03/23/2022
DRAWN BY: MN
CHECKED BY: CS

PRELIMINARY

**FIRE ACCESS
EXHIBIT -
PRIVATE DRIVE**

C1.2

EXHIBIT "E"

2nd letter submitted by MSD #134



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for New Development

Middleton School District is currently experiencing significant growth in its student population. **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 2 portables (soon to be 4).** We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

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

Hidden Mill Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School. With 20 lots we anticipate the following breakdown of student increase in our schools:

Grade Range	Factor	# of students
Elementary (K-5)	0.219	4.38
Middle (6-8)	0.139	2.78
High (9-12)	0.211	4.22
Total	0.569	11.38

Representatives of Hidden Mill Subdivision have met with school district administration and discussed ways to mitigate the impact of these students on the physical facilities and operations of the school district. Based on district analysis (see attached *Analysis of Real Estate Development Impact on Middleton School District*) and discussion with developer representatives we have identified areas where the developers of the Hidden Mill Subdivision could assist in the mitigation of growth in the school system.

First, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. The developers have indicated that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to Mill Creek Elementary School.

Middleton School District Office: 5 S. Viking Ave, Middleton, ID 83644

Phone: 208-585-3027

Marc C. Gee, Superintendent

Lisa Pennington, Asst. Superintendent

Alicia Krantz, Business Manager

mgee@msd134.org

lpennington@msd134.org

akrantz@msd134.org



Middleton School District #134

Every Child Learning Every Day

Second, the developers and school district officials are in the process of developing a Memorandum of Understanding regarding the expected financial impact resulting from these additional elementary students. With the addition of elementary students into a school that is over capacity, our analysis indicates that \$1,114.60 per lot, or \$5,089.52 per elementary student, is the amount necessary to account for the elementary growth due to this development. The developer has indicated that they are willing to voluntarily address this financial impact as part of the City of Middleton's subdivision approval process.

For questions or comments, please contact Marc Gee, Superintendent (contact information in footer).

A handwritten signature in black ink, appearing to read 'Marc Gee'.

Marc Gee, Superintendent

October 14, 2022

Date

EXHIBIT "F"

Landowner comments

June 4, 2022

Planning and Zoning Department
City of Middleton
P.O. Box 487
Middleton, ID 83644

To whom it may concern:

I am writing you concerning the public hearing notice sent via mail regarding Hidden Mill Preliminary Plat. It is my understanding that there is a public hearing to be held in regard to a proposed development of twenty residential lots and four common lots in the Hidden Mill Subdivision. I wish to express my comments and concerns prior to the public hearing concerning this matter.

I own the lot next to the designated area of this proposed development. I would support this development if the following terms were considered and met. First, I would ask the developer if we could tap into the existing utilities for our use, particularly the water and sewer utilities. Second, I would respectfully request that the developer build a privacy fence between the entire length of my lot and the proposed development at his or her sole expense on or before October 30, 2022. Third, should the developer want to extend the existing paved trail behind his or her development, that would be acceptable at the expense of the developer, even if it is built on or near my property. Finally, there is a private drive to my lot, and I would request that access to the new development does not utilize the private road to my building lot.

It has been a pleasure to have the opportunity to discuss this matter with your department. I am appreciative of the time and effort that is being put into making this project worthwhile, both for the developer as well as the current residents and landowners in the area. Also attached is an image that depicts the location of my lot (circled in yellow) in relation to the proposed development site. Please let me know if you have any additional questions regarding my comments, requests, or property.

Thank you,

Brent Schwab
505-695-3792
brentschwab@gmail.com



Public
Comment
Submitted
6/7/22
RLB

Sam Sommer


407 E. 1st St

Middleton Id, 83644

I own 260' across
the drain from your
project

I am concerned about
people accessing the
sewer pipe to my
property.

The Right of way
I hope you maintain
the R.W. for equip
to maintain the drain



I am concerned
with the car lights
turning around in the
cold sac's

About the new
crime rate,
who will police
the bike path

Thank you

Sam & Shannon
Sommer

EXHIBIT "G"

P&Z Commission FCR



Middleton Planning & Zoning Commission

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

In the Matter of the Request of IAG, LLC (successor in interest, "IAG Hidden Mill, LLC") and Unger Enterprises, LLC for Preliminary Plat with respect the Hidden Mill Subdivision (Tax Parcel 33891010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of August 8, 2022, which Report is attached hereto as Exhibit "1" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of August 8, 2022, Exhibit "1".
3. Application and Property Facts: See Staff Report for the hearing date of August 8, 2022, Exhibit "1".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, and Title 50, Chapter 13; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of August 8, 2022, Exhibit "1".

B. Conclusions of Law:

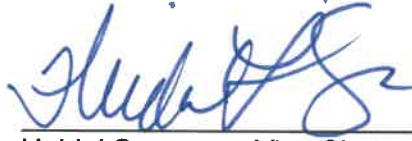
1. That the City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards 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, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329.
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 recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 8, 2022, Exhibit "1".

C. Decision and Recommendation:


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

1. City Council approve the application of IAG, LLC (successor in interest, "IAG Hidden Mill, LLC") and Unger Enterprises, LLC for Preliminary Plat with respect to the Hidden Mill Subdivision subject to the conditions of approval set forth Staff Report for the August 8, 2022, public hearing on the matter (Exhibit "1") and subject to the condition that the applicant meet with the School District to discuss possible ways to assist with the impact of the subdivision.

WRITTEN RECOMMENDATION APPROVED ON: September 14, 2022.


Heidal Summers, Vice Chairman
Planning and Zoning Commission

Attest:


Jennica Reynolds
Planning and Zoning Department

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67. Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).