



## **Middleton City Council**

### **Findings of Facts, Conclusions of Law & Order**

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**In the matter of the applications by Patrick Connor/Hubble Homes for preliminary plat and comprehensive plan map amendment with respect to the Crossing South Subdivision located at 0 Purple Sage (Tax Parcel No. R37581012B0).**

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

1. Hearing Facts: See Staff Report for the hearing date of September 20, 2023, 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 September 20, 2023, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of September 20, 2023, 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, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapter 13: See Staff Report for the hearing date of September 20, 2023, Exhibit "A".

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

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapter 13.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

**C. Decision & Order:**

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

1. The application of Hubble Home/Patrick Connor for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the September 20, 2023, public hearing.
2. The application of Hubble Homes/Patrick Connor for Comprehensive Plan Map Amendment is approved subject to the conditions of approval set forth in the Staff Report for the September 20, 2023, public hearing.

WRITTEN ORDER APPROVED ON: 10/4/2023, 2023.

  
\_\_\_\_\_  
Steven J. Rule, Mayor  
City of Middleton

Attest:

  
\_\_\_\_\_  
Roberta Stewart  
Planning and Zoning Official

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

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

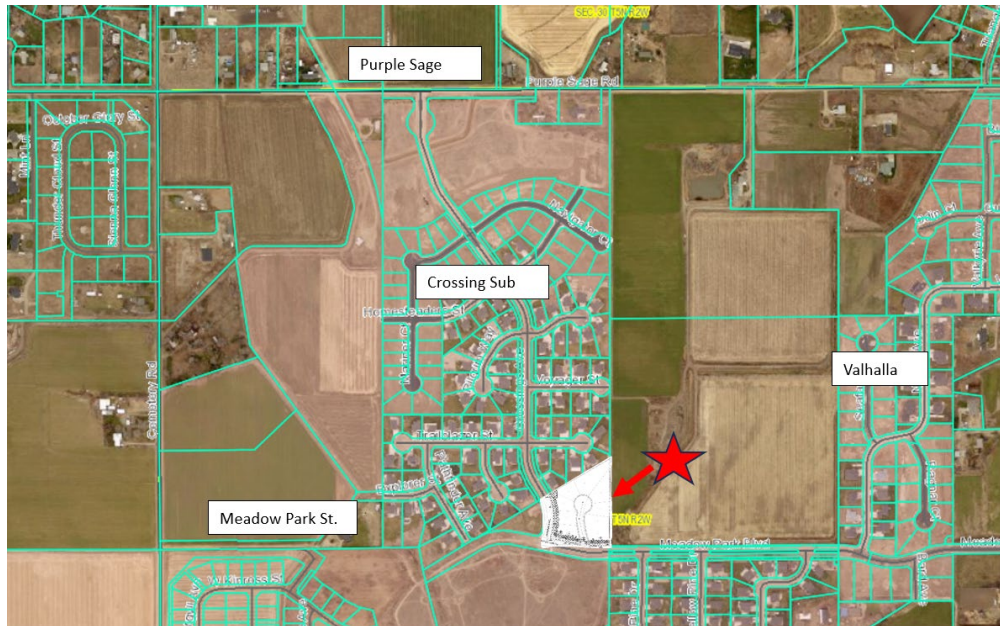
## EXHIBIT "A"



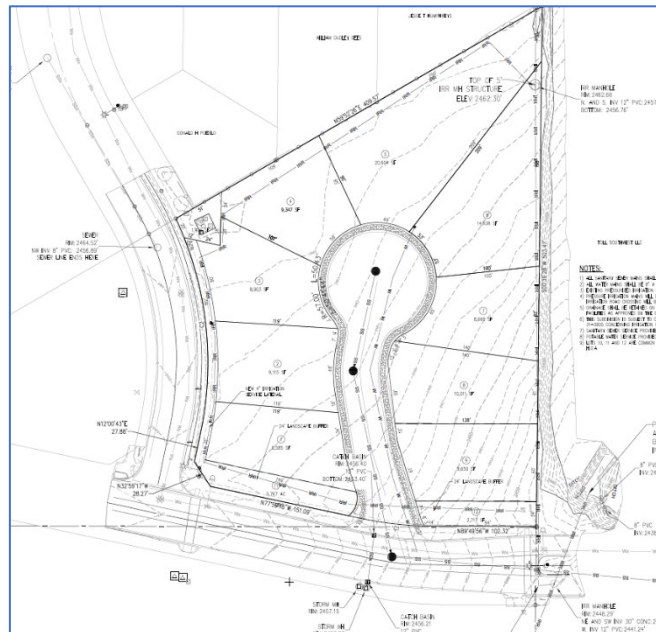
# STAFF REVIEW AND REPORT

## Middleton City Council

### Crossing South Subdivision



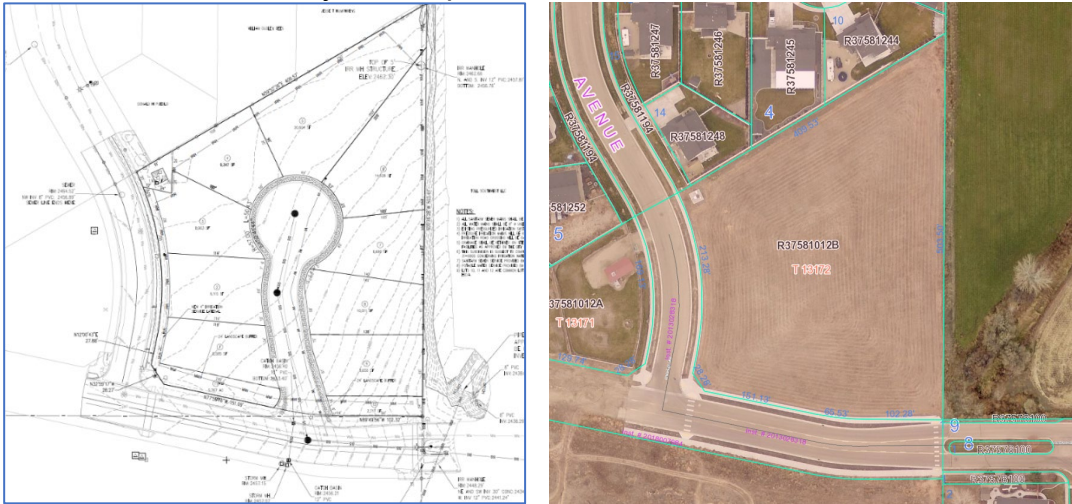
- A. City Council Hearing Date:** September 20, 2023
- B. Project Description:** Residential subdivision with nine single family home lots and three common lots on approximately three acres of vacant land located within City limits (0 Purple Sage / Tax Parcel No. R37581012B0).







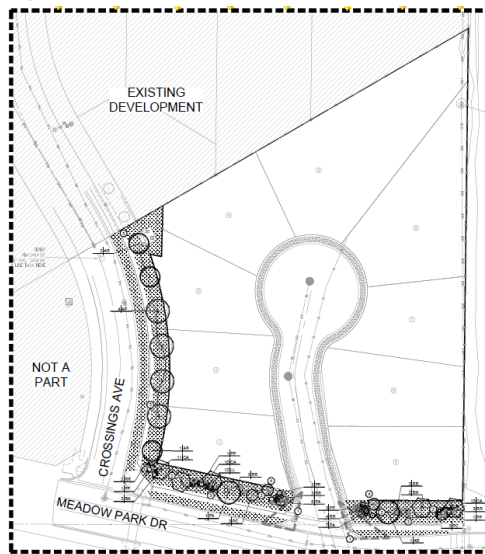
- F. Traffic, Access & Streets:** The subdivision has only one access, which is directly off Meadow Park Street. Frontage improvements have already been completed and will not need to be installed by Developer.



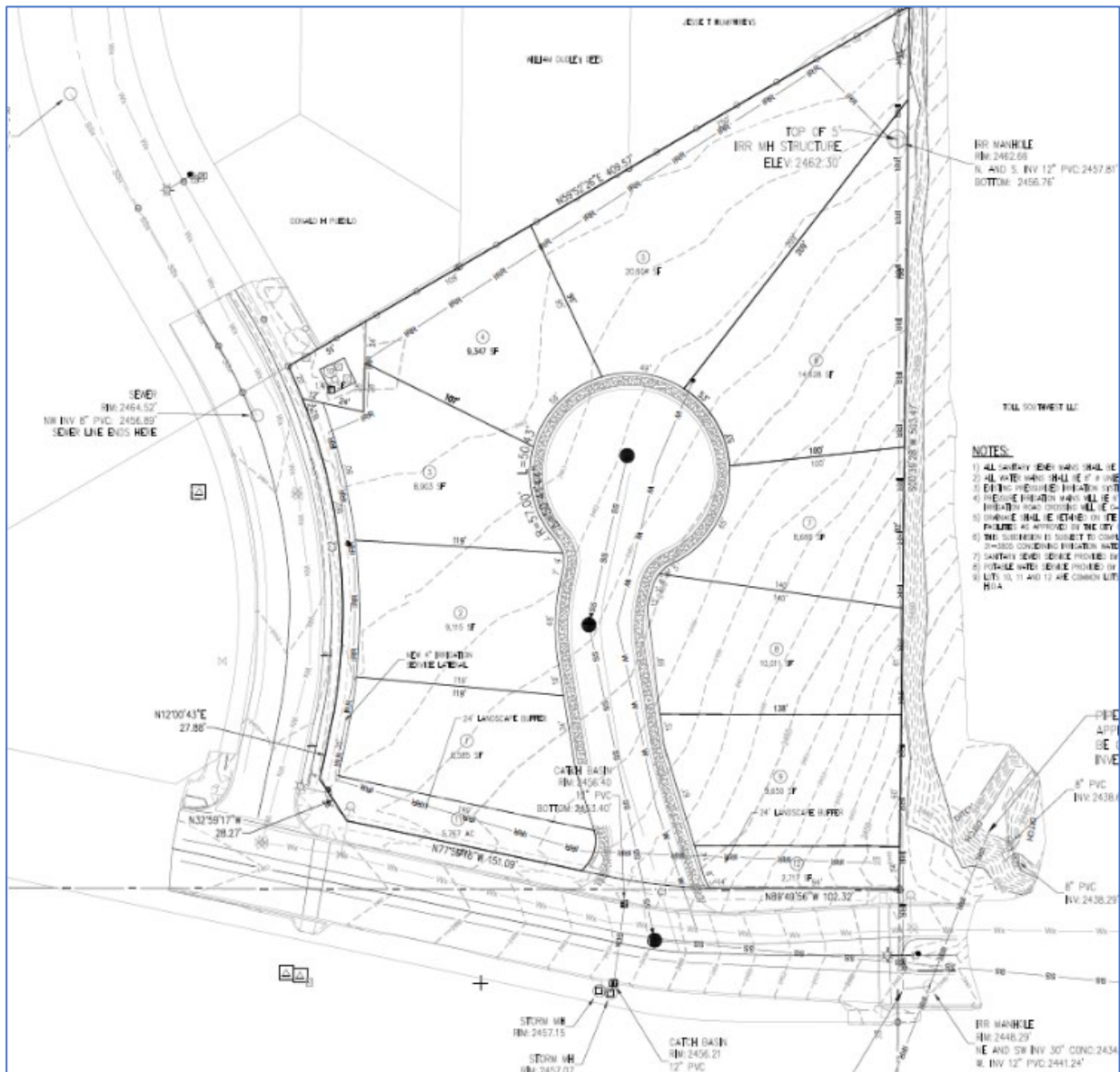
Because this development has less than 25 home sites, Developer will not be required to prepare a traffic impact study nor pay pro-rata traffic fees pursuant to MCC 5-4-3. However, Developer will contribute to the improvement of City roads by paying a \$5,050.00 in Mid-Star Traffic Impact fee for each building permit issued.

- G. Pathway, Sidewalks & Open Space:** Because the project parcel is less than five acres, Developer is not required to provide 5% open space. The City Comprehensive Plan does not require any City pathways or other amenities to be constructed on site.

The landscape plan provided shows an attractive 24' wide traffic buffer. As a condition of approval, Developer should be required to install the landscaping in compliance with the landscape plan dated April 20, 2023.



- H. **Preliminary Plat Application:** The preliminary plat shows a single phase for development. No waivers from code are requested.

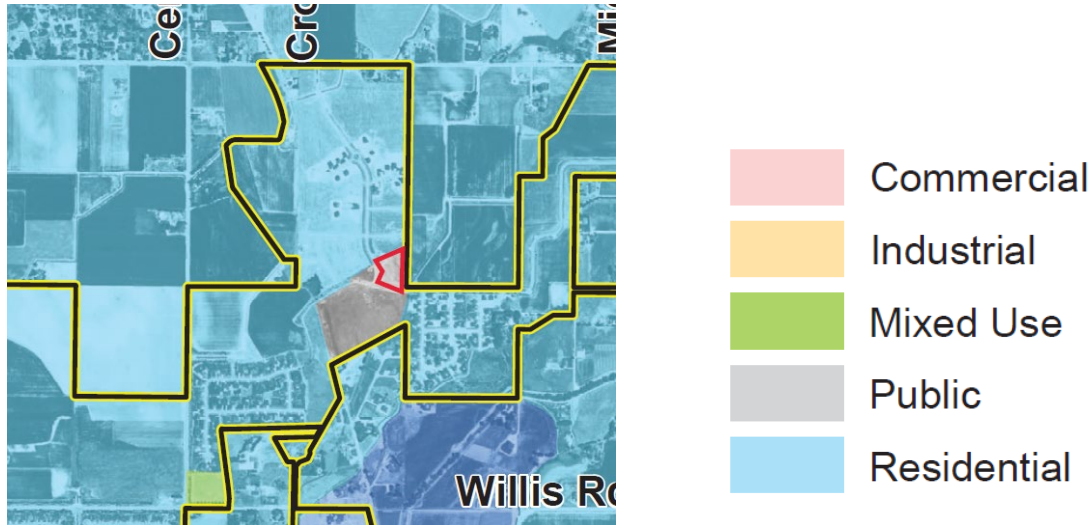


[A full copy of the proposed preliminary plat is attached as Exhibit "A".]

**Findings:**

*Planning Staff finds that the preliminary plat complies with all dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code.*

- I. **Comprehensive Plan & Land Use Map:** Applicant is requesting a change to the Future Land Use Map (FLUM) that is part of the City's Comprehensive Plan. Currently, the project parcel is deemed "public" on the FLUM. It should be amended to reflect "Residential".



Any requested change to the Comprehensive Plan must be "in harmony" with the Comprehensive Plan. (MCC 1-14-3).

*Finding: Staff finds that changing the FLUM designation for the project parcel from "public" to "residential" is in harmony with the Comprehensive Plan. The area surrounding the parcel is entirely residential, so the parcel is similar to its surroundings. Additionally, Council had decided earlier to sell the parcel, so changing the FLUM to match Council's earlier decision is a mere "housekeeping" procedure that will result in the Comprehensive Plan being accurate and up to date.*

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

- a. *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.
- b. *Goal 6:* Water, sewer, and road systems will be expanded in an orderly manner consistent with population growth.
- c. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located.



- J. Comments Received from Surrounding Landowners:** None.
- K. Comments from Agencies:** Comments from Agencies are attached as Exhibit “B”.
- L. Comments from City Engineer & Planner:** See Exhibit “C”.
- M. Applicant Information:** Application was accepted on May 10, 2023. Applicant is Patrick Connor / Hubble Homes. 701 S. Allen St. #104, Meridian ID 83642.
- N. Notices & Neighborhood Meeting:**
- |   | <b>Dates:</b> |
|---|---------------|
| Newspaper Notification  | 8/27/2023     |
| Radius notification mailed to Adjacent landowners within 500’ | 8/24/2023     |
| Circulation to Agencies                                       | 8/23/2023     |
| Sign Posting property   | 8/23/2023     |
| Neighborhood Meeting  | 4/18/2023     |
- 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, an Idaho Code Title 67, Chapter 65.
- P. P&Z Recommendation:** The Planning & Zoning Commission considered these two applications on September 11, 2023. The Commission recommended approval of the applications subject to the conditions set forth in the Staff Report for the hearing. (FCR will not be signed until next P&Z hearing on October 16<sup>th</sup>).
- Q. Conclusions and Recommended Conditions of Approval:**
- Per State law and the Middleton City Code, any recommendation must be based upon general facts and conclusions of law.
- As to General Facts,** Planning staff has set forth general facts above in parentheses.
- As to Conclusions of Law,** Planning Staff finds that the City Council has the authority to hear this application and to recommend approval or denial of the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a decision on the applications.

If City Council is inclined to approve the preliminary plat and comprehensive plan map amendment applications, 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. Developer to install landscaping in compliance with the landscape plan dated 4/20/2023.
3. 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.
4. All City Engineer review comments are to be completed and approved.
5. All Planner comments are to be completed and approved.
6. All requirements of the Middleton Rural Fire District are to be completed and approved.
7. All requirements of the irrigation district are to be completed and approved.
8. Sewer and water capacity to be reserved no earlier than City Engineer's approval of the construction drawings for the project.

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

Prepared by Middleton Planner, Roberta Stewart

Dated: 9/13/2023

## EXHIBIT A

### PRELIMINARY PLAT





EXHIBIT B  
AGENCY COMMENTS

# BLACK CANYON IRRIGATION DISTRICT

**NOTUS, IDAHO**

May 19th, 2023

City of Middleton  
Attn: Roberta Stewart  
P.O. Box 487, 1103 W. Main St  
Middleton, ID 83644  
(208) 585-3133

RE: Preliminary Plat. Parcel No. R37581012B0  
Applicant: Patrick Connor at Providence Properties, LLC  
Planner: Roberta Stewart

The Black Canyon Irrigation District (District) has reviewed the preliminary documents to be provided with the upcoming application. The District has the following comments:

- The developer needs to fill out and submit an electronic Intake Form found on the District's website (<https://blackcanyonirrigation.com/development>). The Development page also describes the typical development review process, fees, and any other requirements needed from the developer. This action is typically performed prior to pre-plat approval by the District. We request that the City withhold acceptance of the preliminary plat until the Developer has completed this step with the District.
- Tax parcel R37581012B0 is located within District's boundary. According to our records, the District does not have any physical irrigation facilities directly on or adjacent to this parcel. The preliminary plat shows irrigation lines and which are assumed to be private.
- The records show that this parcel receives irrigation water from the District. As long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water. It is assumed that this parcel will be irrigated from the adjacent subdivision's pressurized system, however this needs to be clarified through the District's intake form.
- Prior to finalizing the plat for the proposed subdivision, the District will need to disperse existing irrigation rights amongst property owners. The District will need to work with the Developer to determine irrigable acres and corresponding accounts for the new subdivision lots. We request that the City withhold the final plat until the Developer has resolved this step with the District.

The applicant should also consider the following when laying out the subdivision:

- Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.
- Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.

Please reach out if you have any additional questions. Thank you for the opportunity to comment.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District

# BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

August 8th, 2023

City of Middleton  
Attn: Roberta Stewart  
P.O. Box 487, 1103 W. Main St  
Middleton, ID 83644  
(208) 585-3133

RE: Preliminary Plat. Parcel No. R37581012B0  
Applicant: Patrick Connor at Providence Properties, LLC  
Planner: Roberta Stewart

The Black Canyon Irrigation District (District) has reviewed the updated preliminary plat submitted for the Public Hearing for the Crossing South Subdivision. The District had previously submitted their comments to the City of Middleton on May 19<sup>th</sup>, 2023. After reviewing the updated preliminary plat provided to us on July 27, 2023, the District has the following comments based on our previous responses (update for your convenience).

- The developer needs to fill out and submit an electronic Intake Form found on the District's website (<https://blackcanyonirrigation.com/development>). The Development page also describes the typical development review process, fees, and any other requirements needed from the developer. This action is typically performed prior to pre-plat approval by the District. We request that the City withhold acceptance of the preliminary plat until the Developer has completed this step with the District.
  - o *The Developer submitted District's Intake Form to begin Development Review/Involvement process. **Item completed by Developer.***
- Tax parcel R37581012B0 is located within District's boundary. According to our records, the District does not have any physical irrigation facilities directly on or adjacent to this parcel. The preliminary plat shows irrigation pipelines which are assumed to be private.
  - o *This statement remains unchanged.*
- The records show that this parcel receives irrigation water from the District. As long as this property has irrigation water attached to it, an irrigation system with an adequate overflow needs to be installed to ensure the delivery of irrigation water to each lot and/or parcel of land entitled to receive irrigation water. It is assumed that this parcel will be irrigated from the adjacent subdivision's pressurized system, however this needs to be clarified through the District's intake form.
  - o *The Developer stated that the irrigation water for this subdivision will be provided from the existing pressure irrigation pump station from the Crossing at Meadow Park.*
  - o *The District is required to provide water to the new subdivision lots. As the subdivision development approaches final plat, the District will create accounts for each new lot to provide irrigation water. The District will reach out to the Developer and provide invoice to complete this task.*
- Prior to finalizing the plat for the proposed subdivision, the District will need to disperse existing irrigation rights amongst property owners. The District will need to work with the Developer to determine irrigable acres and corresponding accounts for the new subdivision lots. We request that the City withhold the final plat until the Developer has resolved this step with the District.
  - o *This statement remains unchanged.*

The applicant should also consider the following when laying out the subdivision:

- Any and all maintenance road right-of ways, lateral right-of ways and drainage right-of ways will need to be protected (including the restriction of all encroachments). Also, any crossing agreement(s) and/or piping agreement(s) will need to be acquired from the Bureau of Reclamation (Reclamation), once

# BLACK CANYON IRRIGATION DISTRICT

approved by the District, to cross over or under any existing lateral, pipe any lateral or encroach in any way the right-of ways of the District or the Reclamation.

- *This statement remains unchanged. The District does not have any maintenance road right of way or other easements within this proposed subdivision.*
- Runoff and drainage from the proposed land splits should be addressed as well to ensure downstream users are not adversely affected by the proposed land use changes.
  - *This statement remains unchanged.*

Please reach out if you have any additional questions. Thank you for the opportunity to comment.

Thank You,

*Donald Popoff*

Donald Popoff P.E.  
District Engineer  
Black Canyon Irrigation District



**From:** [Chris Hopper](#)  
**To:** [Roberta Stewart](#); [ITD - Development](#); [Lenny Riccio](#); [Permits](#); [Don Popoff](#); [Carl Hayes \(Black Canyon\)](#); [Tyler Chamberlain](#)  
**Cc:** [Amy Woodruff](#)  
**Subject:** RE: New Middleton Subdivision Application - Crossing South  
**Date:** Wednesday, May 17, 2023 1:34:57 PM  
**Attachments:** [image002.png](#)

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Thanks Roberta.

CHD4 has no comment on the project as it does not directly impact any roads maintained by the highway district.

Respectfully,

**Chris Hopper, P.E.**

District Engineer

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

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**From:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Sent:** Wednesday, May 17, 2023 1:28 PM  
**To:** ITD - Development <[D3Development.services@ITD.idaho.gov](mailto:D3Development.services@ITD.idaho.gov)>; Chris Hopper <[CHopper@canyonhd4.org](mailto:CHopper@canyonhd4.org)>; Lenny Riccio <[LRiccio@canyonhd4.org](mailto:LRiccio@canyonhd4.org)>; Permits <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; Don Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>; Carl Hayes (Black Canyon) <[carl@blackcanyonirrigation.com](mailto:carl@blackcanyonirrigation.com)>; Tyler Chamberlain <[tyler@blackcanyonirrigation.com](mailto:tyler@blackcanyonirrigation.com)>  
**Cc:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** New Middleton Subdivision Application - Crossing South

Hi All: Hubble Homes recently submitted this application for a preliminary plat known at Crossing South. It involves 9 single family lots on 3 acres. There is no need to do a traffic study. We are shooting for the first hearing before P&Z on August 14<sup>th</sup>. You'll give you the legally required 15 day "agency notice" as we get closer to that date, but I still want to get this application to you sooner than later so we can address any issues that might arise. Thanks,

*Roberta L. Stewart*

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

**From:** [Niki Benyakhlef](#)  
**To:** [Don Popoff](#); [Roberta Stewart](#); [D3 Development Services](#); [Chris Hopper](#); [Lenny Riccio](#); [Permits](#); [carl@blackcanyonirrigation.com](#); [tyler@blackcanyonirrigation.com](#)  
**Cc:** [Amy Woodruff](#)  
**Subject:** RE: New Middleton Subdivision Application - Crossing South  
**Date:** Friday, May 26, 2023 8:51:36 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Good Morning, Roberta –

Thank you for sending this for our review. After careful review of the Crossing South application, the Department has no comments or concerns to make at this time. Due to the size and distance from SH-44 minimal impact is anticipated.

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](mailto:niki.benyakhlef@itd.idaho.gov)  
Website: [itd.idaho.gov](http://itd.idaho.gov)

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**From:** Don Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>  
**Sent:** Friday, May 19, 2023 4:50 PM  
**To:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; D3 Development Services <[D3Development.Services@itd.idaho.gov](mailto:D3Development.Services@itd.idaho.gov)>; Chris Hopper <[CHopper@canyonhd4.org](mailto:CHopper@canyonhd4.org)>; Lenny Riccio <[LRiccio@canyonhd4.org](mailto:LRiccio@canyonhd4.org)>; Permits <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; [carl@blackcanyonirrigation.com](mailto:carl@blackcanyonirrigation.com); [tyler@blackcanyonirrigation.com](mailto:tyler@blackcanyonirrigation.com)  
**Cc:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: New Middleton Subdivision Application - Crossing South

**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.

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Hi Roberta –

Please see the attached comments.

Please let me know if you have any questions and thanks for the additional time for response.

Thanks

Don

District Engineer

Black Canyon Irrigation District



**Donald Popoff** PE

Nampa Office Manager | RH2 Engineering, Inc.

16150 N. High Desert Street

Suite 201

Nampa, Idaho 83687

C: 208.807.0015

O: 208.563.2280

[dpopoff@rh2.com](mailto:dpopoff@rh2.com)

[www.rh2.com](http://www.rh2.com)

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

**Sent:** Wednesday, May 17, 2023 1:28 PM

**To:** ITD - Development <[D3Development.services@ITD.idaho.gov](mailto:D3Development.services@ITD.idaho.gov)>; Chris Hopper <[CHopper@canyonhd4.org](mailto:CHopper@canyonhd4.org)>; Lenny Riccio <[LRiccio@canyonhd4.org](mailto:LRiccio@canyonhd4.org)>; Permits <[permits@starfirerescue.org](mailto:permits@starfirerescue.org)>; Don Popoff <[dpopoff@rh2.com](mailto:dpopoff@rh2.com)>; [carl@blackcanyonirrigation.com](mailto:carl@blackcanyonirrigation.com); [tyler@blackcanyonirrigation.com](mailto:tyler@blackcanyonirrigation.com)

**Cc:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>

**Subject:** New Middleton Subdivision Application - Crossing South

Hi All: Hubble Homes recently submitted this application for a preliminary plat known at Crossing South. It involves 9 single family lots on 3 acres. There is no need to do a traffic study. We are shooting for the first hearing before P&Z on August 14<sup>th</sup>. You'll give you the legally required 15 day "agency notice" as we get closer to that date, but I still want to get this application to you sooner than later so we can address any issues that might arise. Thanks,

*Roberta L. Stewart*

PLANNING & ZONING OFFICIAL

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](mailto:rstewart@middletoncity.com)

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

EXHIBIT C

ENGINEERING & PLANNER COMMENTS





June 1, 2023

TO: Roberta Stewart, Planner

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

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

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. Please use 2ft contours.
3. Add benchmark information.

MCC 5-4-4.2.g. Show existing irrigation infrastructure for parcel and relocation if applicable. Irrigation existing and irrigation proposed is not clear.

MCC 5-4-4.2. h.

1. Dimension rights of way, including existing, and clearly label/name every road/street.
2. Show Meadow Park improvements clearly. Add proposed street intersection.
3. Show existing easements including existing irrigation and Black Canyon Irrigation District facility.

MCC 5-4-4.2. i. Add name, book, page of recorded adjacent subdivision.

MCC 5-4-4.2. j. Add zoning for adjacent parcels.

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.

MCC 5-4-10-2. o.

1. Revisit lot dimensions and the boundary.
2. It is not possible to determine the boundary as submitted and the lot dimensions are not correct.
3. Number lots consecutively, clockwise.
4. Add block number.

MCC 5-4-4.3. a

1. Sewer extension to existing is required to be in right of way. Label existing manhole/sewer and direction of flow. The area as-built utility plan (pdf) is included with this summary.

MCC 5-4-4.3. b

1. Connect to existing water main at 90d and add three valves.

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 and add note.

Add note detailing all irrigation and/or drainage to be located/relocated out of rights of way. Facilities may cross right of way at 90d.

Note 6. Expand to address Idaho Code 31-3805(b). Identify irrigation district and whether lots are subject to assessment. Show the irrigation system layout and point of diversion/pump station location.

Add note identifying easements required per code.

Add note: No lot access to Meadow Park or Crossings Ave.

Add mailbox cluster location.

Add a note: exterior boundary is required to be fenced in accordance with approved fencing plan.

Add centerline radii and intersection radii.

Add typical section for the local road.

Add typical section for the traffic buffer.



July 6, 2023

TO: Roberta Stewart, Planner

Cc: NV5, Matt Munger, PE  
Patrick Connor

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

*Amy J Woodruff*

**RE: Crossing South Subdivision – Revised Preliminary Plat**

Thank you for the opportunity to review the revised preliminary plat submittal.

1. It is not possible to retrace the boundary as presented. Please add bearing and distance to section corner, quarter corner or monument of record so the boundary can be verified. Add point of beginning. Conform situate to the boundary description.
2. Add benchmark information. I am not able to find it on plat.
3. Identify easements for utilities and irrigation. Minimum 10 ft front, 10 ft rear and 5 ft each side of lot line. Add easement(s) required by Black Canyon Irrigation.
4. Confirm Meadow Park Boulevard is 39ft half right of way.
5. Stormwater. The City has not approved a variance from retention facilities to date. Can the retention area be developed north/south with the contour?

**From:** [Amy Woodruff](#)  
**To:** [Kiera Van Patten](#); [Roberta Stewart](#)  
**Cc:** [Matt Munger](#); [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
**Subject:** RE: CROSSING SOUTH - COMMENTS FOR REVISED PLAT  
**Date:** Tuesday, July 25, 2023 2:17:15 PM

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Roberta, Kiera and Matt, thank you for the resubmittal. Follow up comments are summarized below:

1. Please show the benchmarks on plat/plan view. If already on plat, please tell me where – they are listed but I can't locate them.
2. Add note regarding easements.  
5-4-10-5: EASEMENTS:
  - A. A general utility and access easement of not less than ten feet (10') in width shall be dedicated along all front lot lines.
  - B. Where alleys are not provided, easements of not less than ten feet (10') in width shall be dedicated on each side of all rear lot lines and five feet (5') on each side of side lot lines where necessary for proper utility maintenance or construction.
3. Add note regarding the variance being requested re: stormwater management – subsurface instead of retention swale.
4. Add note: The Home Owner's Association (HOA), will be responsible for perpetual maintenance of the stormwater management, including the seepage bed. The HOA owns and manages the common areas which includes stormwater facilities. A plan for operation, maintenance, and repair of stormwater facilities (O&M plan) will be prepared for all stormwater facilities maintained by the HOA. The O&M Plan shall be recorded with the Declaration of Covenants, Conditions, and Restrictions (CC&Rs). The O&M plans shall be used for maintenance and operation of the stormwater facility.
5. I am concerned there is not enough area being set aside in the project for the stormwater management:
  - a. The front half of the lot C value is 0.60, the impervious area ROW to ROW is 0.95.
  - b. The bed is upsized 15% for sediment.
  - c. The max depth of rock is 10ft. Max width is 15ft.
  - d. The irrigation is too close at 5ft. Need +/- 10ft clear for constructability and any future maintenance. There will be a 3ft min berm, landscaping and fence over it as well.
  - e. Make sure there is at least 25ft separation from the water main.
  - f. IN SHORT – this is a tight area – please do not undersize or assume a percolation rate that may not be achievable. There are not many (if any) alternatives after the fact.

Thank you.

Amy Woodruff  
453-2028

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**From:** Kiera Van Patten <[Kiera.VanPatten@nv5.com](mailto:Kiera.VanPatten@nv5.com)>  
**Sent:** Wednesday, July 19, 2023 2:28 PM  
**To:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; [rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)  
**Cc:** Matt Munger <[Matt.Munger@nv5.com](mailto:Matt.Munger@nv5.com)>; [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
**Subject:** RE: CROSSING SOUTH - COMMENTS FOR REVISED PLAT





# CITY OF MIDDLETON

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## **Crossing South– Planner Comments (Review of initial Preliminary Plat dated 4/18/2023)**

May 17, 2023

1. Add street names to the PPlat. You will need to add “Meadow Park Street” on the east/west collector and “Crossings Avenue” on the north/south collector. The internal road must end with “Court”. Once you choose the name for the internal street, please reserve the name with Tony Almeida of Canyon County.
2. Reserve Subdivision name with Tony Almeida also.
3. Add City’s typical road section for Local Street. It is in the appendix to our Supplement to ISPWC.
4. We are in the process of amending our code on the 24’ wide traffic buffer with fence and berm. Stack Rock is working on the new ordinance, and we hope to have it codified by July 1, 2023. Please add the following note to your PPlat: *“City is in the process of revising its code with respect to the 24’ wide traffic buffer with fence and berm (MCC 5-4-10-6). Developer to comply with the traffic buffer in effect at the time of Construction Drawing submittal.”*
5. On the more “pie slice” lots around the cul de sac, show the 75’ frontage at the 25’ setback line since the frontage is not meeting the 75’ foot frontage requirement.
6. We may need to address a “waiver” for perimeter fence. Should not be a problem.
7. Show proposed mailbox location.
8. Add note: *“Sewer and water capacity is subject to a will-serve analysis, and City will not reserve sewer and water capacity any earlier than Construction Drawing approval.”*
9. Add note: *“Any re-subdivision of this plat will comply with the applicable regulations in effect at the time of the re-subdivision.”*

*Roberta L. Stewart*

Middleton Planning & Zoning Director