

Middleton Planning & Zoning Commission

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



In the Matter of the Request of J and J Johnson LLC and AG Land and Development LLC for Annexation/Rezone, Preliminary Plat and Development Agreement of Pheasant Heights Subdivision with respect to the 54.06 acres of vacant land located at 23854 Emmett Road, 0 Emmett Road, and 13236 Greenwell Lane (Tax Parcels Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1):

A. Findings of Fact:

1. The current Pheasant Heights applications for Annexation/Rezone, Preliminary Plat, and Development Agreement are almost identical to the three Pheasant Heights applications brought before the governing boards in the Fall of 2022.
2. None of the surrounding circumstances involving traffic issues and over-crowded schools have substantially changed since the previous public hearings in the Fall of 2022.
3. Applicants made no substantial effort to compromise and/or change the current applications in any meaningful way.
4. Larger lots in the proposed Pheasant Heights Subdivision are preferable because it is surrounded on three sides by County R-1 lots and on the fourth side by the Middleton High School.
5. Paragraph 3.5 of the proposed Development Agreement is not desirable because it places an unfair burden on the Developer and places a condition on the developer after the property has been annexed into the City. It is preferable to simply not annex in the property in the first place because of lack of proper infrastructure.
6. Hearing Facts: See Staff Report for the hearing date of November 13, 2023, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
7. Process Facts: See Staff Report for the hearing date of November 13, 2023, Exhibit "A".
8. Application and Property Facts: See Staff Report for the hearing date of November 13, 2023, Exhibit "A".
9. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, and Title 50, Chapters 2 & 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 November 13, 2023, Exhibit "A".

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).

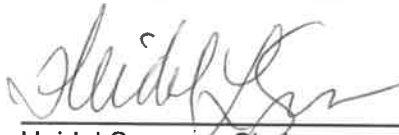
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application 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, 5-2, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-222, 50-1301 through 50-1329.

C. Decision and Recommendation:


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

1. City Council deny the Pheasant Heights' applications for Annexation/Rezone, Preliminary Plat and Development Agreement.

WRITTEN RECOMMENDATION APPROVED ON: December 11, 2023.


Heidi Summer, Chairman
Planning and Zoning Commission

Attest:


Roberta Stewart
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.

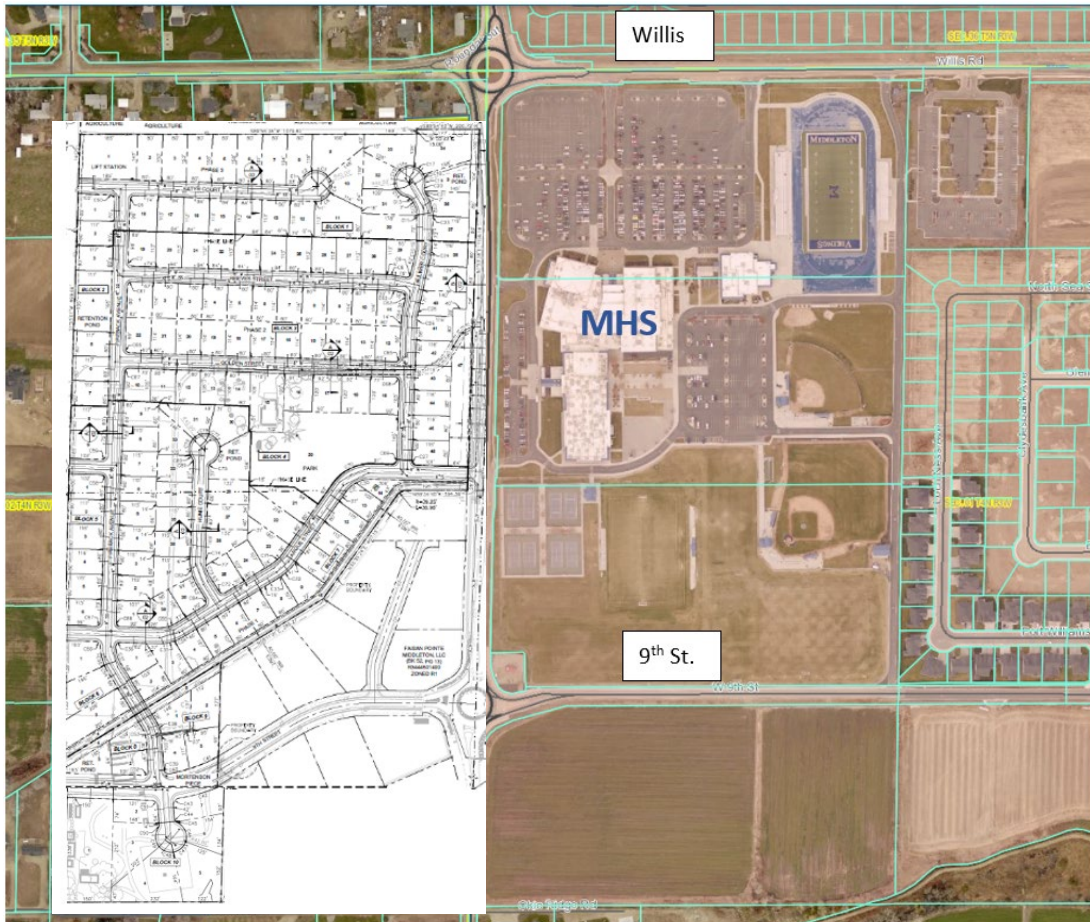
EXHIBIT "A"



STAFF REVIEW AND REPORT

Middleton Planning & Zoning Commission

Pheasant Heights Subdivision



- A. Planning & Zoning Public Hearing:** November 13, 2023
- B. Project Description:** Residential subdivision with 147 single family lots and 12 common lots on 54.06 acres of land located at 23854 Emmett Road, 0 Emmett Road, and 13236 Greenwell Lane (Tax Parcels Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1).
- C. Application Requests:** Applicant has submitted three applications: (1) Annexation/Rezone, (2) Preliminary Plat, and (3) Development Agreement.

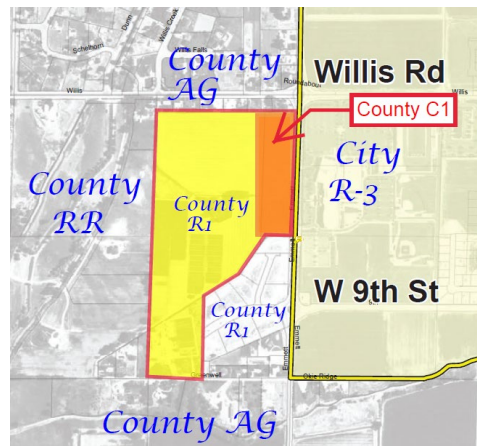
The Commission and public can access a full copy of Applicants' application by going to the City's website (www.middleton.id.gov) and clicking on the "Public Hearing" tab.

The Pheasant Heights Developer had previously brought applications for annexation/rezone, Development Agreement and Preliminary Plat in March 2021. City Council denied the applications on October 19, 2022, finding that high density subdivisions have an undue impact on City streets, two elementary schools are over capacity, and R-3 zoning is incompatible with

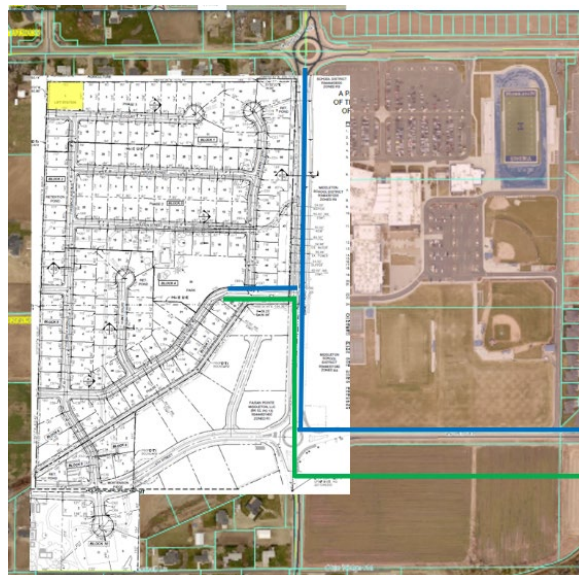
the County neighborhoods to the north, west and south. Council stated that the applicant may be able to gain approval by requesting R-1 zoning rather than R-3. (The FCO for the October 19, 2022, hearing is attached as Exhibit “A”.)

Developer has resubmitted the applications for annexation/rezone, Development Agreement and Preliminary Plat because circumstances have changed to some degree. Developer has also updated the proposed Development Agreement.

- D. Current Zoning & Property Condition:** The project parcel is comprised of four parcels with two homestead sites. Most of the land is vacant and has been used for farming for a number of years. The property is currently located in Canyon County and zoned C1 (Neighborhood Commercial) and R1 (Single-Family Residential). The property to the east is within City limits and zoned R-3 (Single-Family Residential). The properties to the south, west and north are County property zoned residential R-1, R-R and Agricultural.



- E. City Services:** City Water is located in Emmett Road adjacent to the Project. Sewer is located near the 9th Street roundabout and will be extended northward along Emmett Road. A sewer lift station is required to serve the site. (See location highlighted in yellow.) Developer has agreed to build an over-sized regional lift station if requested by City.



- F. Traffic, Access & Streets:** Primary access to the subdivision will be through 9th Street to the south. Access on Emmett Road will be right in/right out only. The plat shows three stub roads along the western border for future extension of the City to the west.



Developer will be required to improve, at its own cost, the 50' half road portion of Emmett Road as well as the extension of 9th Street from Faison Subdivision through the project parcel. The Development Agreement further requires Developer to re-construct the existing portions of 9th Street through Faison Pointe Subdivision to bring the County portion of the roadway more in line with the street standards for Middleton. Specifically, the Development Agreement requires Developer to retrofit the County road to install vertical curb, gutter and sidewalk along the Faison Pointe portion of 9th Street.

Middleton requires Development "to pay for itself" so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$742,350.00 in Mid-Star Transportation Impact Fees by the time all 147 residential building permits are issued (\$147 x \$5050).

Applicant has also completed a Traffic Study, and pursuant to the impact percentages set forth in the study, Applicant will pay \$68,000 in additional "pro-rata traffic fees" pursuant to MCC 5-4-3. These fees cover the development's direct impact on the Hartley Lane and Purple Sage intersection and Cemetery Road and Purple Sage intersection. Neither intersection is in the Mid-Star CIP. Payment of this fee should be a condition of final plat approval for Phase 1.

- G. Traffic Signal at Emmett Road & State Hwy 44:** Much of the project's traffic will use the intersection of Emmett Road and Hwy 44. That intersection is a failing intersection. For that reason, City cannot collect Mid-Star Transportation Fees for the future construction of a traffic signal at that intersection. (Per state law, impact fees can only be used for "future" impacts; they cannot be used to fix an existing deficiency.)

In April of this year, City finished a traffic study for the Hwy 44 corridor in collaboration with ITD. Pursuant to this study, ITD has indicated a willingness to allow developers to design and install "interim" traffic signals at Emmett & 44, Cemetery & 44, N. Middleton & 44 and Duff Lane & 44.

Based on this, Staff is proposing a Development Agreement (“DA”) provision regarding the construction of a traffic signal at Emmett Road and Hwy 44. The provision states that City will not approve Developer’s construction drawings for the subdivision infrastructure until Developer, or somebody else, designs the traffic signal at Emmett and Hwy 44. If that hurdle is overcome, then the DA provides that City will not approve the final plat for phase 1 until Developer, or somebody else, actually builds the traffic signal at Emmett Road and Hwy 44. The proposed DA also sets forth provisions for Developer to obtain credits against future Mid-Star Transportation impact fees if they choose to construct the traffic light.

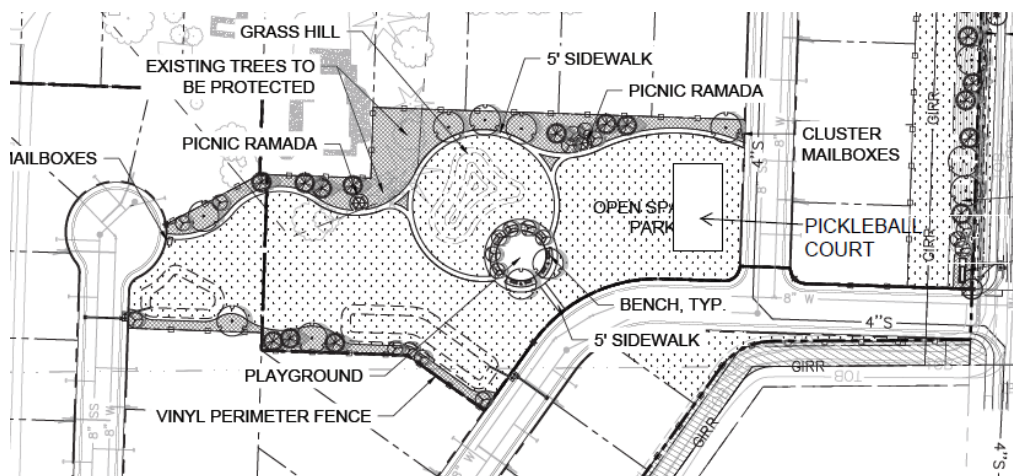
The bottom line: the construction project cannot be finalized and no homes can be started until the traffic light at Emmett Road and Hwy 44 is built by Developer or someone else. It is important to note that the provision is not mandating that Developer build the traffic light. It just mandates that the light be built some way, by someone, before the subdivision receives final plat approval.

A similar provision was included in Developer’s Pheasant Heights application submitted in 2021 except it had a more severe consequence. The proposed 2021 provision would have allowed Developer to actually install all the infrastructure and begin building homes even before the Emmett traffic signal was built. It just provided that no Certificate of Occupancies could be issued for the constructed homes until the traffic signal was built. That could have resulted in a circumstance where the subdivision roads and homes would be built, but the houses and streets would sit empty for an indefinite period of time waiting for the Emmett Road traffic signal to be built.

This new DA provision will prevent homes standing empty for an indefinite period of time because the final plat will not be approved and no homes will be started until the traffic signal is actually constructed.

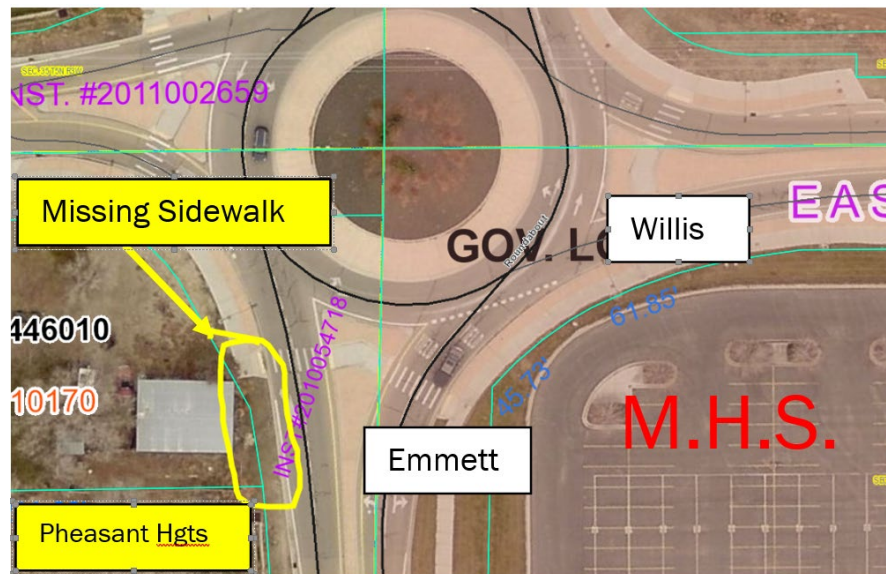
Developer has not agreed to this provision.

- H. Pathway, Open Space and Amenities:** No pathways or amenities are required by the Comprehensive Plan’s *Transportation, Schools & Recreation Map*. However, Developer has proposed a large park with pickleball court, micro-paths, playground, open grassy area, and picnic area with shade structures.



Developer has provided 5.3% open space, which exceeds the 5% minimum required by MCC 5-4-10-10 (L20/B4, L35/B1, and irrigation portion of L47/B1).

Developer will also construct a missing portion of sidewalk located outside of the project area in order to complete the sidewalk that has been left unfinished for a number of years. This off-site work will assist children in reaching the crosswalk at Willis & Emmett so they can travel safely to Middleton High School.



- I. **Schools:** Pheasant Heights Subdivision is in the Middleton School District #134. Elementary age children from this neighborhood will be attending Purple Sage Elementary. Superintendent Gee has stated that Purple Sage Elementary is not yet at capacity. Additionally, the middle school and high school are nearing capacity but have not yet exceeded capacity.
- J. **Police:** If annexed into Middleton, the Middleton City Police will be responsible for patrolling and protecting the Pheasant Heights community. Middleton PD is already patrolling the area because of the close proximity to Middleton High School and the Stonehaven Subdivision. For that reason, annexing in the Pheasant Heights subdivision will not have any adverse or measurable effect on the police department.

Additionally, the Developer/Builder will pay a Police Impact Fee for each building permit it receives. This fee is designed to cover the Subdivision's proportionate impact on the police department.

- K. **Middleton Rural Fire District:** The project parcels are already located in the Middleton Rural Fire Department service area, so there will be no change or impact whatsoever if the property is annexed into the City of Middleton. The Fire Department will serve the site regardless of whether it is in the County or in the City.
- L. **Annexation and Zone Change:** Applicants are requesting that the 54 acre project parcel be annexed into the City of Middleton with a zone change from County R-1 and C-1 to the City R-3 Zone (Single Family Residential).

There are two findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits and (2) the annexation is deemed to be an “orderly development” of the City allowing “efficient and economical extension” of City services such as sewer, water, police/fire protection, schools, and roadway system. (Idaho Code 50-222.)

An application for rezone requires two findings before a rezone application can be approved: (1) the rezone will not adversely affect the City’s delivery of services and (2) the rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

STAFF FINDINGS:

a. Annexation Findings:

With respect to annexation, Planning Staff finds that Applicant’s project meets the 1st criteria of contiguity. The project parcel is directly adjacent to City limits on the eastern boundary of the project.

As to the 2nd annexation criteria, Planning Staff finds that the proposed annexation is orderly and an efficient extension of City Services. Specifically, Police are already patrolling the area and police impact fees will cover any proportional impacts. As to Fire protection, this project is already being serviced by the Middleton Rural Fire Department, so there will be no effect or change whatsoever with annexation.

Sewer and water services are readily available, as shown above. Extending these services will be efficient and economical.

The elementary, middle, and high schools that will be specifically serving this subdivision are not yet at capacity.

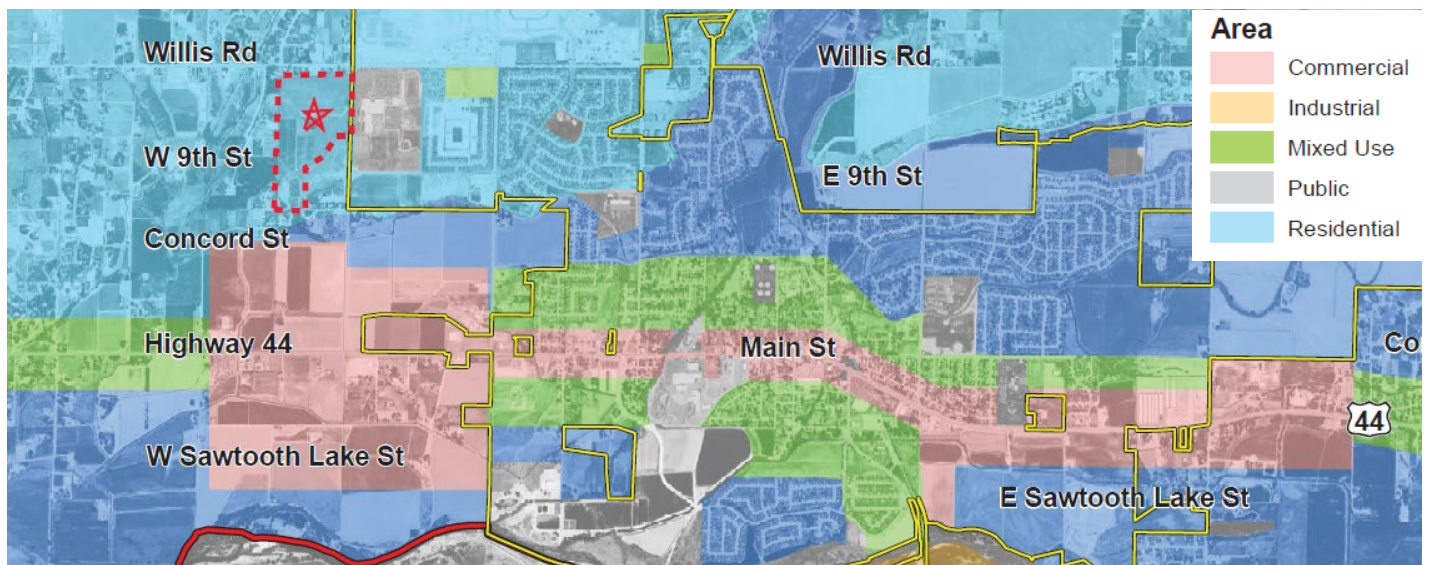
As to the extension of the transportation system & roadway, Developer will pay transportation impacts and pro-rata traffic fees to cover its proportion of impact on the roadway system. Additionally, the Development Agreement provision regarding a traffic signal light at Emmett & Hwy 44 will mitigate the Subdivision’s large impact on traffic.

b. Rezone Findings:

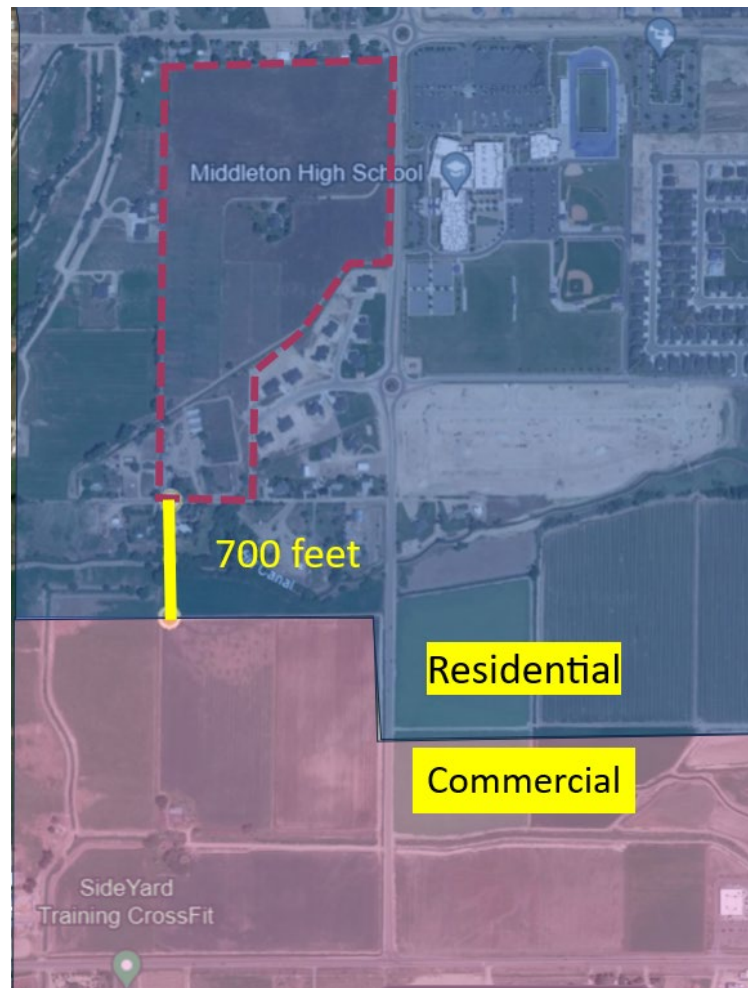
As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City’s ability to deliver services for the reasons already stated above.

A rezone also requires a finding that the project will not be in conflict with the City’s Comprehensive Plan. Staff Finds that the R-3 zoning is not in conflict with the Comprehensive Plan because the project parcel is very close to the City’s high intensity commercial center planned for the area. High density single family lots, townhomes and apartments are appropriate uses next to, or near, a large commercial center.

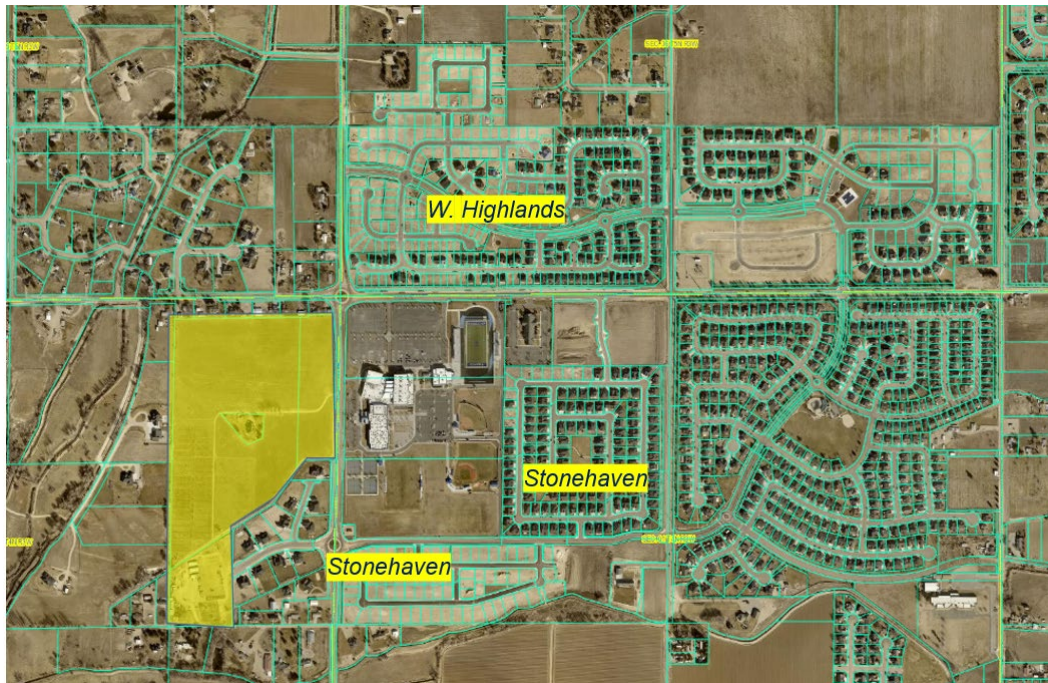
A review of the Comp Plan’s Future Land Use Map (FLUM) will address this issue. The FLUM shows what type of uses the City is planning for an area as the City grows. The pink color represents commercial uses. As shown below, Pheasant Heights is positioned very near to the City’s largest commercial area that is intended to accommodate large retail, intensive office space, grocery stores, and possibly big box stores.



The southern boundary of Pheasant Heights is only about 700' from this planned commercial center. See below.



Additionally, Pheasant Heights is very near the large W. Highlands subdivision and Stonehaven subdivision. Both are zoned R-3.



When the governing boards considered the Pheasant Heights project in 2021, the boards were swayed by the fact that county subdivisions with larger lots were located on the north and south boundaries of the project. The governing boards stated that Pheasant Heights should blend more with the existing County neighborhoods and, therefore, should have larger acreage lots.

However, as stated above, a review of the Comprehensive Plan shows that Pheasant Heights is actually located near a high intensity area that will be appropriate for higher density housing.

The City has already engaged in sewer and water studies to address City growth to the west, so City planning already contemplates many of the county lots and subdivisions being annexed into the City and rezoned.

Moreover, the Comprehensive Plan has already addressed the issue of County subdivisions hemming in the City and preventing healthy growth that will allow the City to maintain economical City services. The Annexation portion of the Comprehensive Plan states at page 17:

“The City of Middleton is being boxed in by the boundaries of the City of Star on the east, City of Caldwell on the south, and by the 1,510 rural residential properties that are on all sides, about 1,181 of which are in County approved subdivisions contiguous and adjacent to the City of Middleton (See attached Annexation Orientation Map). Note the county continues to approve rural residential subdivisions contiguous to city limits. These barriers to Middleton city limits expanding prevents inclusion in the City of properties beyond the barriers.”

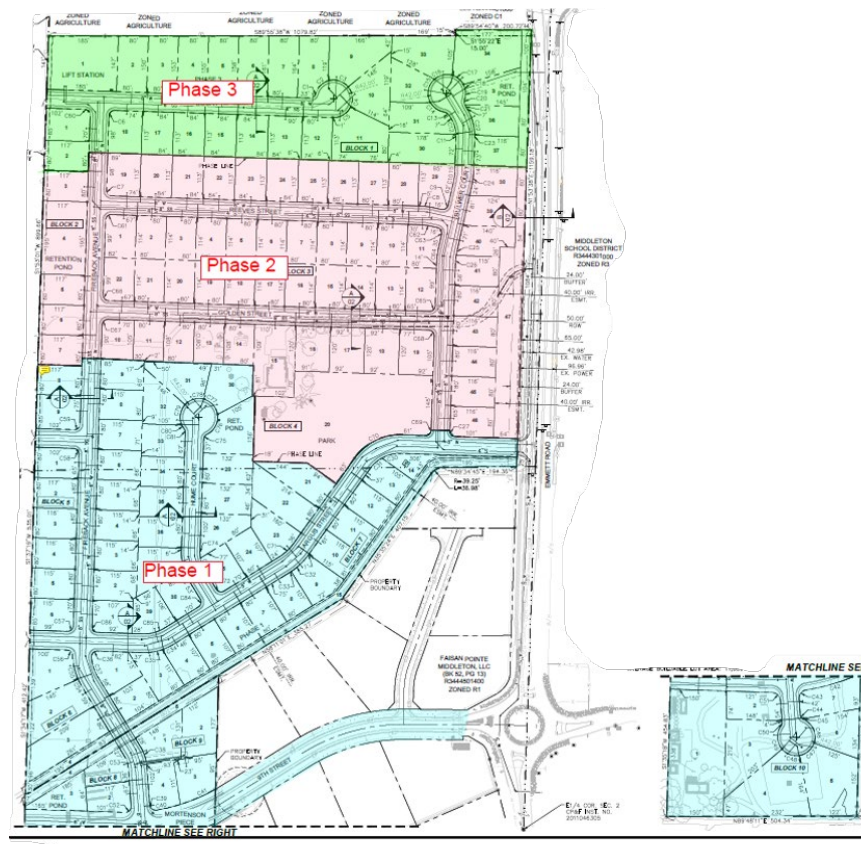
The Comprehensive Plan goes on to state that folks who live in the County still benefit from the City funded roadways and parks. The Plan goes on to state that Annexation is a way.

“... to avoid being boxed in and to ensure properties receiving city services pay for those services equally.”

In summary, the Comp Plan shows high intensity commercial use very near the Pheasant Heights project. The Comp Plan also addresses the issue of County subdivisions preventing healthy growth of the City, which is necessary for a City to thrive and maintain economical services in the future. Rezoning the Pheasant Heights parcel to R-3 is, therefore, more in harmony with the Comprehensive Plan than continuing the trend of large acre County parcels.

- M. Preliminary Plat Application:** The preliminary plat shows 147 single family home lots and 12 common lots to be built in three phases. Under the R-3 zone, Developer is entitled to 3 homes per gross acre or 162 single family home lots. (MCC 5-4-1, Table 2.) Developer's 147 home lot results in a lower density 2.72 homes per acre.

STAFF FINDING: *The preliminary plat complies with all dimensional standards and codes of the City of Middleton, which means it meets the sole criteria required for an approval by the governing boards. No variances are requested.*



[A full-size copy of the preliminary plat is attached to this Staff Report as Exhibit “B”).]

N. Development Agreement: An Annexation/Rezone application generally requires a Development Agreement. Applicant and City Staff have used the City's form for the DA, and have added the following conditions of development to Section 3 of the DA:

Sec. 3.1 & 3.2: Developer to complete all frontage/road improvements adjacent to the project.

Sec. 3.3: Developer to construct the project generally consistent with the Concept Plan.

Sec. 3.4: Developer to pay all pro-rata traffic fees prior to final plat approval for phase 1.

Sec. 3.5: Developer cannot obtain approval of its construction drawings until the traffic light at Emmett & 44 is designed. Developer cannot apply for approval of final plat for phase one until the Emmett traffic signal is actually built. Developer will be entitled to credits against its Mid-Star transportation impact fees if Developer chooses to design and/or build the traffic signal. (Developer has not agreed to this term.)

Sec. 3.6: Developer shall build a sewer lift station to serve the project site. If the City, in its sole discretion, decides that a regional lift station is required, then Developer shall construct a regional lift station. Developer shall be reimbursed for construction costs over and above its proportionate share via a latecomer's fee as allowed by MCC 1-17-1.

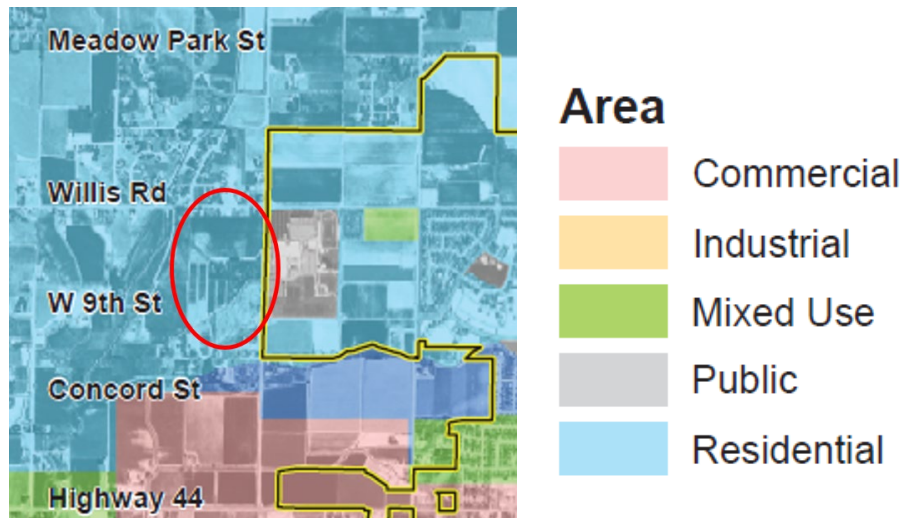
Sec. 3.7: Developer has 5 years to obtain phase 1 final plat approval (after 2 extensions are approved). Developer must then bring each phase thereafter to final plat within 4 years (which includes two extensions). If Developer fails to meet these timelines, City has the right to terminate the DA, and the preliminary plat will be null and void.

Section 3.8: Developer shall provide the following amenities: pickleball court, dog park, large playground with benches/seating area, at least two ramadas with picnic tables, micro-pathway, pocket park with seating areas.

Section 3.9: Developer shall build a portion of sidewalk off site to complete the sidewalks needed for a safe route to schools.

[The proposed Development Agreement is attached as Exhibit "C"]

O. Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.



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

- a. *Goal 1 & Annexation: New development/annexation will be required to pay for improvements necessitated by its impacts on City Services. Developer will pay for its proportionate impacts on parks, police, fire, and traffic via impact fees. Developer will also extend City utility services at no cost to the City and construct a regional lift station if requested by the City. Developer may participate in the construction of a traffic signal at Emmett & SH44, at no cost to City or taxpayers. At the very least, Developer will not build a single house until a sufficient control at the intersection of Emmett & SH44 is completed.*
- b. *Comprehensive Plan Element "Annexation" (Page 18 of 68): The City of Middleton is getting boxed in by County and Star subdivisions. Annexation of Pheasant Heights is an efficient and economical expansion that prevents the external limitations on City growth. This further prevents subdivisions from using City services while not paying their fair share for City services.*
- c. *Goal 2 Private Property Rights: allowing reasonable annexation and development will ensure that the City is not engaging in a "taking" of property, which is a violation of the Fifth Amendment to the U.S. Constitution. (Comp Plan/Private Property Rights, page 21 of 68)*
- d. *Goals 3 and 5: Provide variety of safe transportation services and facilities for vehicles and pedestrians. Developer's impact fees and pro-rata traffic fees will be used for the improvement and safety of surrounding roadways. Additionally, Developer may assist in the installation of a traffic control at Hwy 44 & Emmett or, at the very least, refrain from building homes until a traffic control is installed at that location. Developer is also completing a sidewalk project off-site to ensure safe pedestrian passage at a location north of the project site.*
- e. *Goal 6: expansion of public facilities: Developer's project extends sewer and water utilities in an economical manner and improves existing roadways nearby.*
- f. *Goals 7 and 8: the addition of homes in Middleton increases the likelihood of bringing more commercial and industrial opportunities to Middleton, thereby lowering taxes for residents and creating employment opportunities.*

- g. *Goals 10, 22 and 23: the addition of parks and micro-paths and the completion of City sidewalks increases recreational activity and promotes walkability, social interaction, and health in the Community.*
- h. *Goal 11: the R-3 zoning matches the resident lifestyle in the area. Of note, Strategy 2 encourages "...higher density housing near schools...etc."*
- i. *Goal 14: plan for population growth by providing sufficient services. Developer is improving roadways and paying toward future improvements to City streets. Developer is also responsible for building a regional sewer lift station that will serve the City beyond this subdivision, should the City request it to do so.*

P. Comments from City Engineer and City Staff: City Engineer and Planner comments are attached as Exhibit "D".

Q. Comments from Agencies: Agency comments are attached as Exhibit "E".

R. Comments Received from Public: Comments from the public and surrounding residents are attached as Exhibit "F".

S. Applicant Information: Application was received and accepted on June 9, 2023. The Applicant/Owner is J and J Johnson LLC, 719 Blue Ridge Circle, Alpine, UT 84004 and AG Land & Development LLC.

T. Notices:	Dates:
Neighborhood Meeting	3/27/2023
Newspaper Notification	10/29/2023
Radius notification mailed to Landowners within 500'	10/28/2023
Circulation to Agencies	10/27/2023
Sign Posting property	10/27/2023

U. Applicable Codes and Standards: Idaho Statute, Title 67, Chapter 65 and Title 50, Chapters 2 & 13, Idaho Standards for Public Works Construction, the Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4.

V. Conclusions and Recommended Conditions of Approval:

When deciding whether to approve or deny a development application, the governing boards must base their decisions on *Findings of Facts and Conclusions of Law*.

As to General Facts, Planning Staff has set forth the findings of facts above in parentheses.

As to Conclusions of Law, Planning Staff finds that the P&Z Commission has the authority to hear these applications and to recommend approval or denial of the applications, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications.

If the Commission is inclined to recommend approval of the three 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 comply with all terms and provisions of the Development Agreement approved for the project.
3. License/Access Easement pertaining to existing home (Lot15/Block3) must be terminated or abandoned prior to Phase 1 final plat approval.
4. All pro-rata traffic fees due pursuant to MCC 5-4-3 must be paid prior to phase 1 final plat approval.
5. Off-site installation of sidewalk between Willis Road roundabout and northern boundary of project to be completed prior to Phase 3 final plat approval.
6. Developer to install landscaping and all amenities in compliance with the Landscape Plan approved with the preliminary plat.
7. 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.
8. All City Engineer and planner comments to be completed and approved.
9. All Agency comments to be completed and approved.
10. All comments from the applicable irrigation district to be completed and approved.
11. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Finally, if the Commission denies the application, then pursuant to the Local Land Use Planning Act (Idaho Statute, Title 67, Chpt. 65) and Middleton City Code 1-14(E)(8), the Commission should state on the record what Applicant can do, if anything, to gain approval of the applications.

Prepared by: Roberta Stewart – P&Z Official

EXHIBIT "A"

CITY COUNCIL FCO (2021 APPLICATION)

Middleton City Council

Findings of Facts, Conclusions of Law, and Order



In the Matter of the applications of Infinite Real Estate/Amy Johnson for Annexation/Rezone, Preliminary Plat and Development Agreement with respect to the Pheasant Heights Subdivision located at 0 Emmett Road, 23854 Emmett Road and 13236 Greenwell Lane (Tax Parcels Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1):

A. Findings of Fact:

1. Hearing Facts:

- a. Higher density residential subdivisions are adversely impacting the City's transportation system and schools. Heights Elementary is at 134% capacity and Mill Creek Elementary is at 123% capacity with other schools nearing capacity. A lower density residential neighborhood will have less impact on the City's transportation system and schools.
- b. Pheasant Heights project site is surrounded on the north, west and south side by Canyon County subdivisions that contain residential lots that are one acre or more in size.
- c. A subdivision zoned R-3 in the proposed location of Pheasant Heights will be incompatible with surrounding County neighborhoods and impose an undue amount of congestion in a more rural setting.
- d. Additional hearing facts: See Staff Report for the hearing date of October 19, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

2. Process Facts: See Staff Report for the hearing date of October 19, 2022 (Exhibit "A").

3. Application and Property Facts: See Staff Report for the hearing date of October 19, 2022 (Exhibit "A").

4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, and Title 50, Chapters 2 & 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 October 19, 2022 (Exhibit "A").

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 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 and Middleton's Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67, Chapter 65 and Title 50, Chapters 2 and 13.

C. Decision and Order:

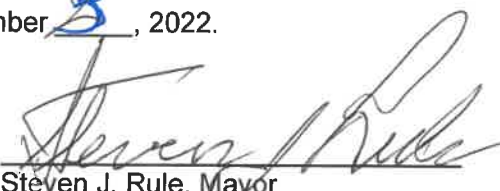
Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, **it is hereby ordered that:**

1. The application of Infinite Real Estate/Amy Johnson for Annexation and Rezone is denied.
2. The application of Infinite Real Estate/Amy Johnson for Development Agreement is denied.
3. The application of Infinite Real Estate/Amy Johnson for Preliminary Plat is denied.

D. Modifications to Gain Approval:

Applicant may be able to gain approval of the applications if Applicant requests a rezone to R-1 instead of R-3.

WRITTEN ORDER APPROVED ON: November 3, 2022.


Steven J. Rule, Mayor
City of Middleton

Attest:


Roberta Stewart
Middleton 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 "B"

PROPOSED PRELIMINARY PLAT

PHEASANT HEIGHTS

PRELIMINARY PLAT

A PORTION EAST 1/2 OF THE NORTHEAST 1/4 OF SECTION 2, T4N, R3W, BOISE MERIDIAN, CANYON COUNTY, IDAHO

PRELIMINARY PLAT NOTES

- BUILDING SETBACK AND DIMENSION STANDARDS SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF MIDDLETON AT TIME OF BUILDING PERMIT ISSUANCE.
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF MIDDLETON STANDARDS FOR PUBLIC STREETS.
- ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES AND PRIVATE UTILITIES.
- UNLESS OTHERWISE SHOWN AND DIMENSIONED, EACH LOT WILL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE OVER THE FIVE (5) FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE, AND OVER THE TEN (10) FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY EXCEPT LOT 1 AND LOT 35 BLOCK 1, LOT 4 BLOCK 2, LOT 29 BLOCK 4, LOT 3 BLOCK 8, AND LOT 14 BLOCK 7 WHICH WILL BE EXEMPT DUE TO FINAL USAGE AS STORMWATER RETENTION OR LIFT STATION FACILITIES. MAINTENANCE OF ANY IRRIGATION AND DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- LOTS 1, 35 AND 47, BLOCK 1; LOT 4, BLOCK 2; LOTS 20 AND 29, BLOCK 4; LOT 14, BLOCK 7; LOT 3, BLOCK 8 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE PHEASANT HEIGHTS SUBDIVISION HOMEOWNERS ASSOCIATION. LOT 35 BLOCK 1, LOT 4 BLOCK 2, LOT 29 BLOCK 4, AND LOT 3 BLOCK 8 WILL BE USED FOR STORMWATER WATER RETENTION. LOT 1 BLOCK 1 WILL CONTAIN A LIFT STATION. LOT 20 BLOCK 4 WILL BE USED AS AN OPEN GREEN SPACE AND CHILDREN'S PLAYGROUND. LOT 47 BLOCK 1 IS SUBJECT TO IRRIGATION EASEMENTS. LOT 14 BLOCK 7 WILL BE USED FOR A PUMP STATION.
- LOT 4, BLOCK 6; LOT 15, BLOCK 7; LOT 4, BLOCK 8; LOT 5, BLOCK 9 ARE COMMON LOTS TO BE OWNED BY THE PHEASANT HEIGHTS SUBDIVISION HOMEOWNERS ASSOCIATION AND MAINTAINED BY THE BLACK CANYON IRRIGATION DISTRICT AND THE BUREAU OF RECLAMATION.
- ALL LOTS ARE RESIDENTIAL BUILDING LOTS EXCEPTS LOTS 1, 35 AND 47, BLOCK 1; LOT 4, BLOCK 2; LOTS 20 AND 29, BLOCK 4; LOT 4, BLOCK 6; LOTS 14 AND 15, BLOCK 7; LOTS 3 AND 4, BLOCK 8; LOT 5, BLOCK 9.
- PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION. THIS SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM CE 18.1 OWNED AND MAINTAINED BY THE BLACK CANYON IRRIGATION DISTRICT. INDIVIDUAL PRESSURE IRRIGATION SERVICES WILL BE PROVIDED TO EACH LOT. THE OWNER SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805 OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS. IN COMPLIANCE WITH THE DISCLOSURE REQUIREMENTS OF IDAHO CODE 31-2805(2), IRRIGATION WATER IS PROVIDED BY THE BLACK CANYON IRRIGATION DISTRICT (BCID) AND THE LOTS SHOWN ON THIS PRELIMINARY PLAT AT SUBJECT TO ASSESSMENTS FROM BCID.
- STORMWATER RUNOFF GENERATED ON THIS SITE SHALL HAVE A QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ON-SITE STORAGE FACILITIES. STORMWATER RUNOFF WILL BE ROUTED TO SURFACE RETENTION FACILITIES. STORMWATER FACILITIES WILL BE DESIGNED IN ACCORDANCE WITH THE CATALOG OF THE STORMWATER BEST MANAGEMENT PRACTICES FOR IDAHO CITIES AND COUNTIES AND THE STORMWATER SUPPLEMENT FOR DEVELOPMENT AND REDEVELOPMENT STANDARDS MANUAL.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SANITARY SEWER SERVICE SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- THIS DEVELOPMENT HAS A DEVELOPMENT AGREEMENT WITH INSTRUMENT # _____
- FIBER OPTIC TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER THE CITY OF MIDDLETON SUPPLEMENT TO THE ISBWC.
- SEWER AND WATER CAPACITY SHALL BE RESERVED WHEN CITY APPROVES CONSTRUCTION DRAWINGS AND IS SUBJECT TO MUNICIPAL SYSTEM CAPACITY.
- CITY OF MIDDLETON MAY NOT APPROVE THE CONSTRUCTION OF AN ON-SITE LIFT STATION. THE SEWER SHOWN ON THESE PLANS IS SUBJECT TO CHANGE AS THE CITY OF MIDDLETON ANALYZES THE SEWER SHED WITHIN THE VICINITY OF THIS DEVELOPMENT.
- CLUSTER MAILBOXES ARE TO BE INSTALLED IN COMMON AREAS DESIGNATED BY NOTE 6. MAILBOX LOCATIONS SUBJECT TO CHANGE PER POSTMASTER RECOMMENDATION.
- ANY RE-SUBDIVISION OF THIS PLAT WILL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN AFFECT AT THE TIME OF THE RE-SUBDIVISION.
- ASSESS ON TO EMMETT ROAD FROM ARGUS STREET WILL BE WILL BE RESTRICTED TO A RIGHT-IN RIGHT-OUT AT ARGUS STREET.
- DEVELOPER TO CONSTRUCT APPROXIMATELY 55 L.F. OF SIDEWALK TO THE NORTH OF THE PROJECT TO COMPLETE THE UNFINISHED PORTION OF SIDEWALK ON THE WEST SIDE OF EMMETT ROAD BETWEEN THE WILLIS ROUNDABOUT AND THE PHEASANT HEIGHTS PROJECT.
- FRONTAGE IMPROVEMENTS MAY OCCUR PHASE TO PHASE, BUT ALL FRONTAGE IMPROVEMENTS MUST BE COMPLETED BY PHASE 3 FINAL PLAT PURSUANT TO MCC 5-4-10-2(4).
- THE HOMEOWNER'S ASSOCIATION (HOA) OWNS AND MANAGES THE COMMON AREAS, WHICH INCLUDE STORMWATER FACILITIES. A PLAN FOR OPERATION, MAINTENANCE, AND REPAIR OF STORMWATER FACILITIES (O&M PLAN) HAS BEEN PREPARED FOR ALL STORMWATER FACILITIES MAINTAINED BY THE HOA. THE O&M PLAN SHALL BE RECORDED WITH THE CC&Rs. THE HOA SHALL USE THE O&M PLAN FOR THE MAINTENANCE AND OPERATION OF THE STORMWATER FACILITIES.
- ACCESS EASEMENT FOR EXISTING HOMESITE MUST BE VACATED PRIOR TO FINAL PLAT APPROVAL FOR PHASE 1.
- LOT 6, BLOCK 9 IS A PRIVATE LANE. IT SHALL BE ENCLUMBERED WITH A PUBLIC ACCESS EASEMENT AND UTILITY EASEMENT. THE HOA IS RESPONSIBLE FOR MAINTAINING LOT 6, BLOCK 9 PRIVATE LANE.
- 9TH STREET WILL BE RETROFITTED WITH CURB, GUTTER, AND SIDEWALK FROM THE EAST PROJECT LIMITS THROUGH THE FAISON POINT SUBDIVISION TO THE EXISTING ROUNDABOUT IN EMMETT ROAD. THE ROADWAY SECTION WILL MATCH SECTION B ON SHEET 02

PRELIMINARY PLAT DATA

EXISTING ZONING AG
PROPOSED ZONING: R-3

GROSS ACREAGE: 54.06 AC
OPEN SPACE: 6.37 AC
PERCENTAGE OPEN SPACE: 11.8%

TOTAL LOTS: 159
COMMON LOTS: 12
RESIDENTIAL LOTS: 147
GROSS ACREAGE DENSITY: 2.70 DU/AC

PHASE 1 TOTAL LOTS: 55
PHASE 2 TOTAL LOTS: 59
PHASE 3 TOTAL LOTS: 28
MORTENSON PIECE TOTAL LOTS: 15
MINIMUM BUILDABLE LOT AREA: 8,032 SF
MAXIMUM BUILDABLE LOT AREA: 50,246 SF
AVERAGE BUILDABLE LOT AREA: 11,036 SF

OWNER/DEVELOPER

INFINITE REAL ESTATE
REALTY PATH SOUTH VALLEY
HIGHLAND, UT 84003
TEL: 801.309.6485
CONTACT: AMY JOHNSON

CIVIL ENGINEER

KIMLEY-HORN AND ASSOCIATES, INC.
1100 W IDAHO STREET, SUITE 210
BOISE, IDAHO 83702
PHONE: 208.906.3871
CONTACT: TELLER BARD, PE
EMAIL: TELLER.BARD@KIMLEY-HORN.COM

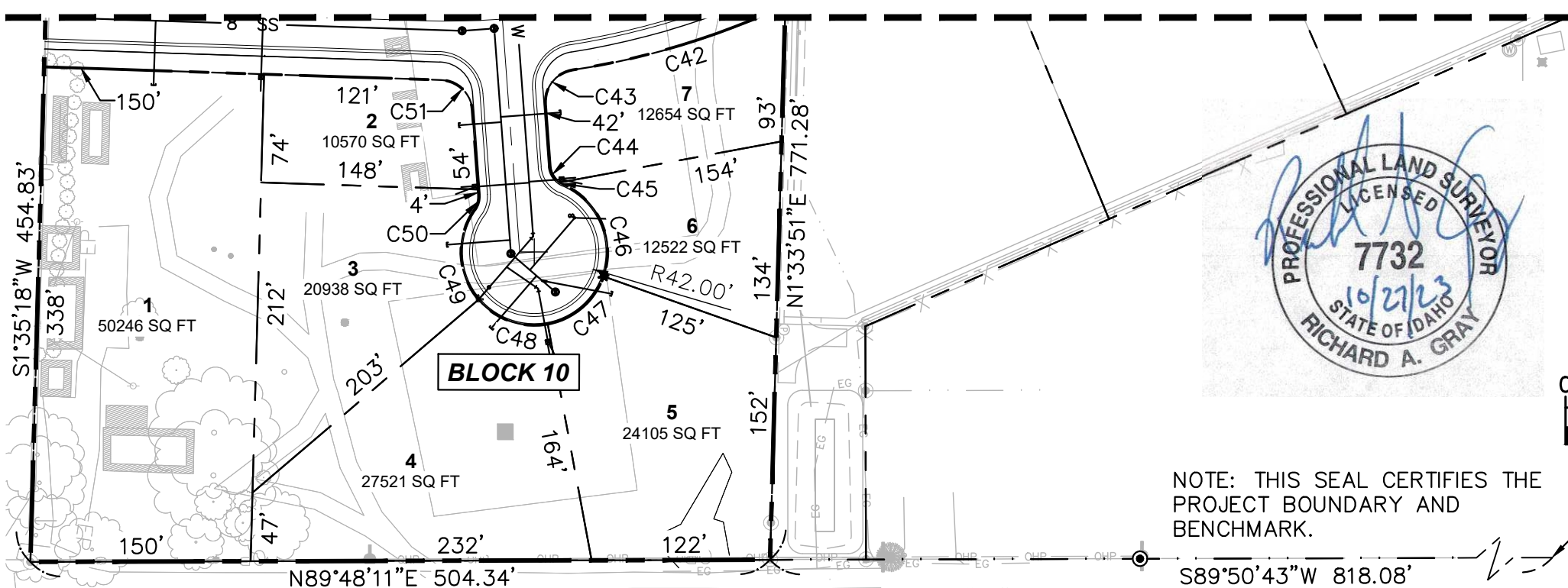
LAND SURVEYOR

COMPASS LAND SURVEYING
623 11TH AVENUE SOUTH
NAMPA, ID 83651
PHONE: 208.442.0115

BENCHMARK & BOUNDARY CERTIFICATION

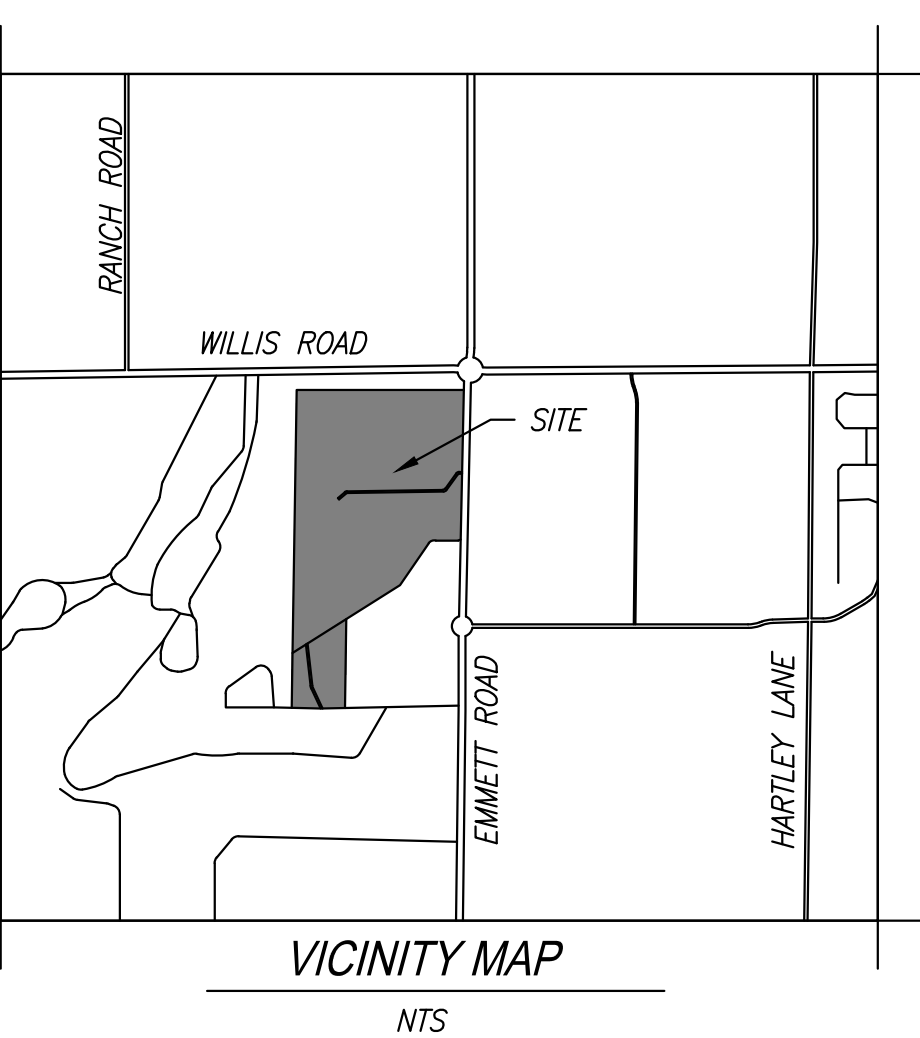
TBM #1=FOUND 5/8 INCH IRON PIN WITH CAP STAMPED PLS 8251.
LOCATED AT END OF TURNAROUND ON W. 9TH STREET NEAR
EASTERLY BOUNDARY. EL=2432.18'

MATCHLINE SEE LEFT



NOTE: THIS SEAL CERTIFIES THE PROJECT BOUNDARY AND BENCHMARK.

SE CORNER OF NE 1/4 OF SEC 2, T4N, R3W.



SHEET INDEX

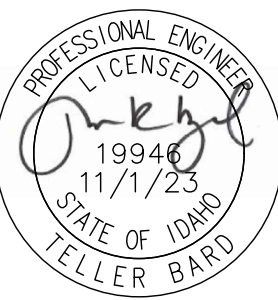
SHEET NUMBER	SHEET TITLE
01	COVER SHEET
02	LOT TABLES & DETAILS
03	EXISTING CONDITIONS EXHIBIT
04	PROPOSED CONDITIONS EXHIBIT
05	PROPOSED CONDITIONS EXHIBIT
06	PROPOSED CONDITIONS EXHIBIT

LEGEND

---	PROPOSED CL/SECTION LINE
---	PROPOSED BOUNDARY
---	ROAD RIGHT OF WAY
---	LOT LINE
---	EASEMENT
---	PROPOSED SEWER
---	PROPOSED WATER (3' COVER)
---	STORM WATER INFRASTRUCTURE EASEMENT
---	PROPOSED CURB
---	PROPOSED SWALE
---	PROPOSED FOREBAY
---	IRRIGATION DITCH REMOVAL
---	PROPOSED STORM DRAIN MANHOLE
---	PROPOSED CATCH BASIN
---	PROPOSED SEWER MANHOLE
---	PROPOSED FIRE HYDRANT
---	PROPOSED GATE VALVE
---	SIDEWALK RAMP
---	PROPOSED STREETLIGHT
---	PROPOSED STORM DRAIN
---	EXISTING CATCH BASIN
---	EXISTING SEWER MAIN
---	EXISTING WATER MAIN
---	EXISTING EDGE OF PAVEMENT
---	EXISTING EDGE OF GRAVEL ROAD
---	EXISTING FENCE
---	EXISTING OVERHEAD POWER
---	EXISTING GAS LINE

PHEASANT HEIGHTS - PRELIMINARY PLAT

COVER SHEET
CANYON COUNTY, IDAHO



EXPIRES 10/31/23
PROJECT NO.
093835000

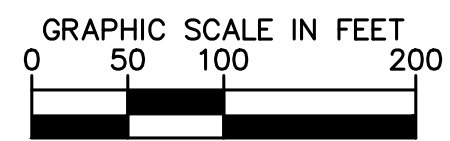
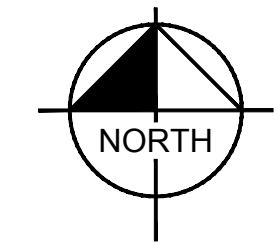
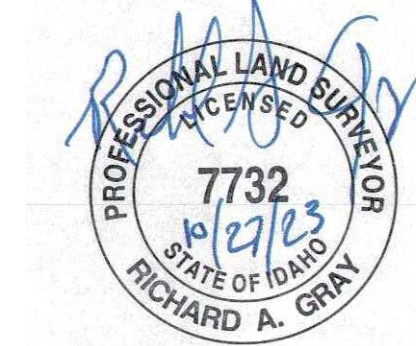
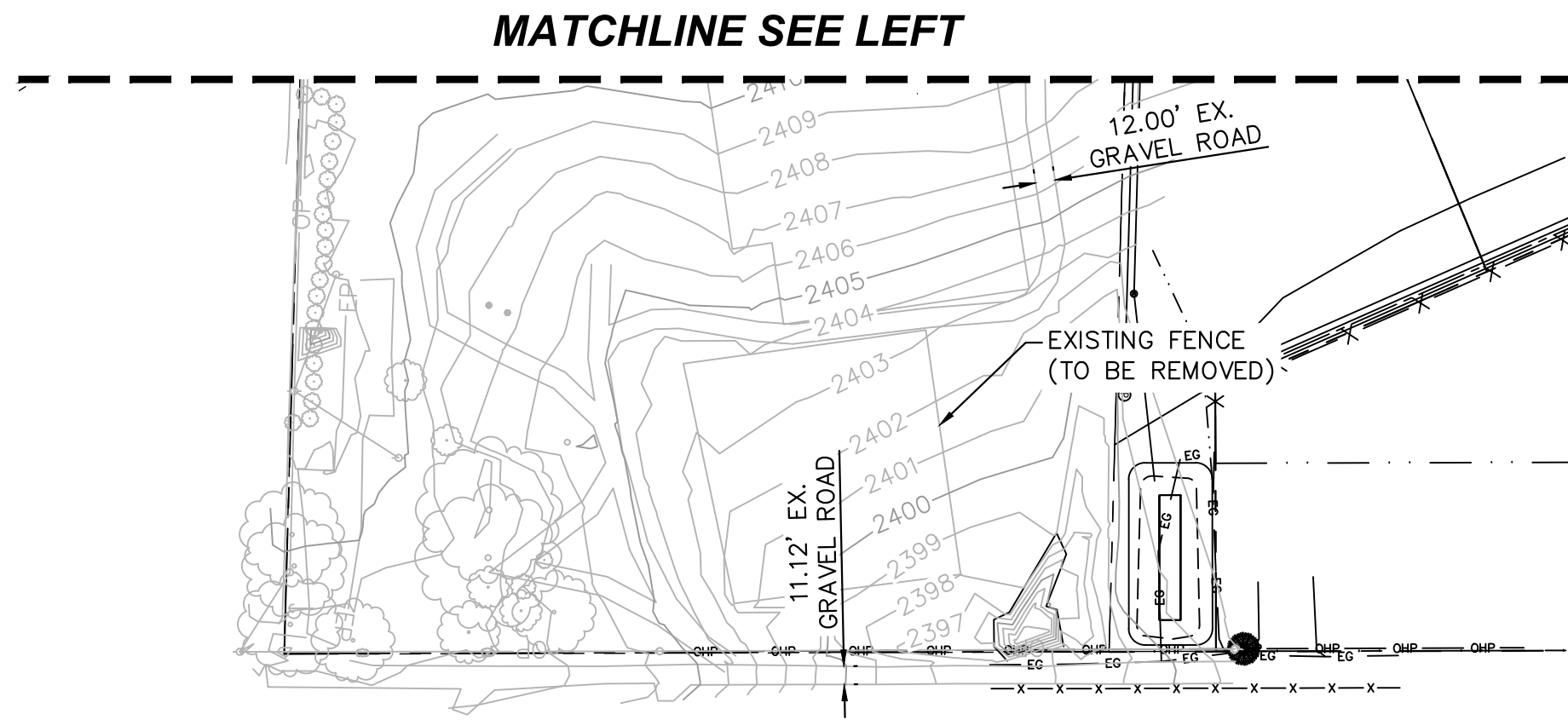
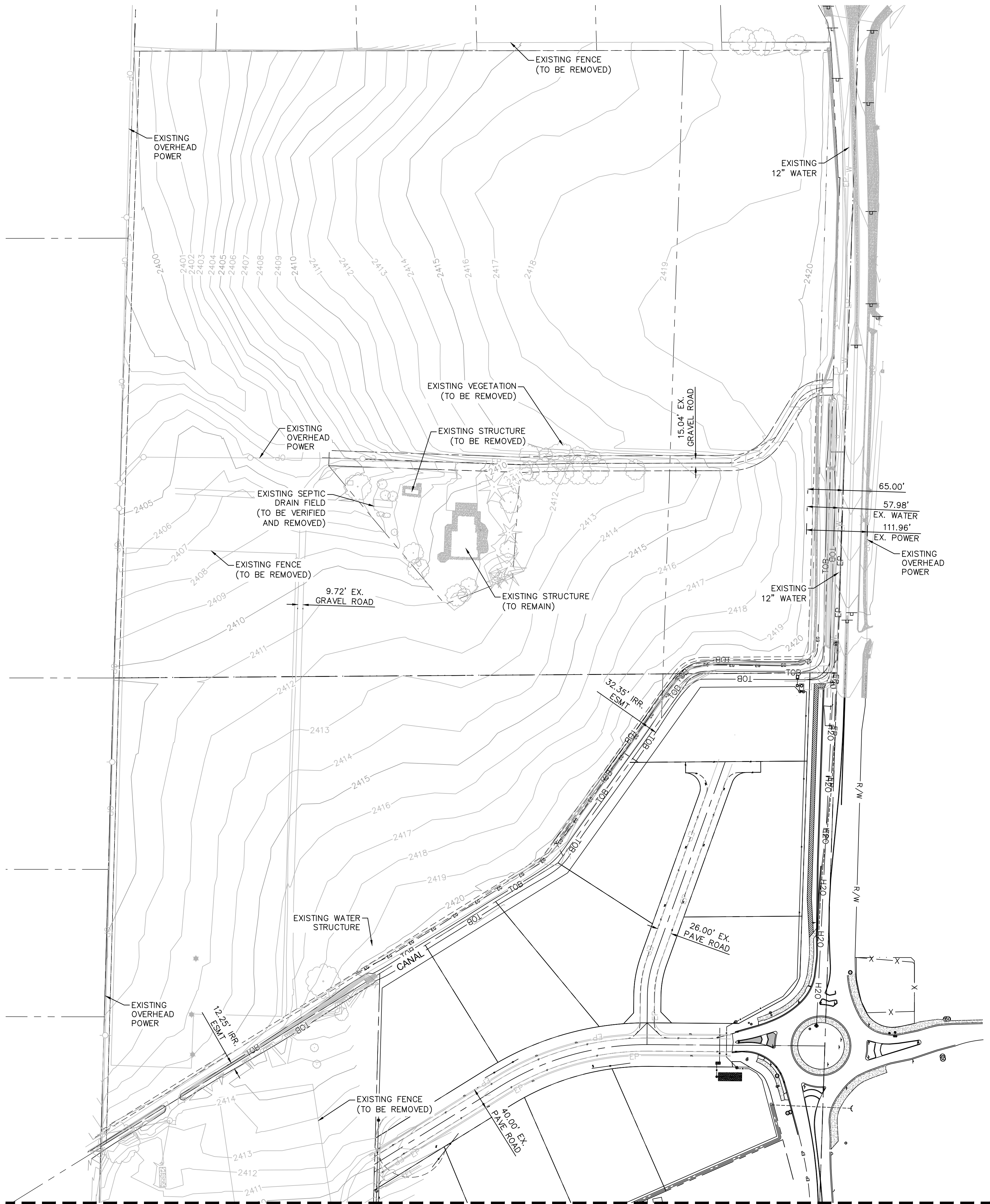
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5005-PP-CVR

Kimley»Horn

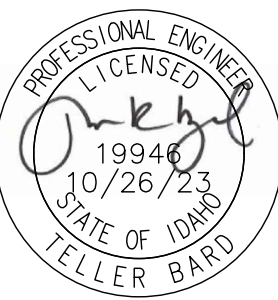
© 2023 KIMLEY-HORN AND ASSOCIATES, INC.
950 Bannock Street, Suite 1100
Boise, Idaho 83702 (208) 297-2885

SCALE (H): 1"=100'
SCALE (V): NONE
DESIGNED BY: TRB
DRAWN BY: TRB
CHECKED BY: TRB
DATE: 11/1/2023

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XREFS: 45000-BM 45000-UT 45000-YF 45000-TB 45000-TP 45000-VE 45000-FALSON
UP AND MANNER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



PHEASANT HEIGHTS – PRELIMINARY PLAT
EXISTING CONDITIONS EXHIBIT
CANYON COUNTY, IDAHO



EXPIRES 10/31/23
PROJECT NO.
093835000
DRAWING NAME
5000-PP-EC

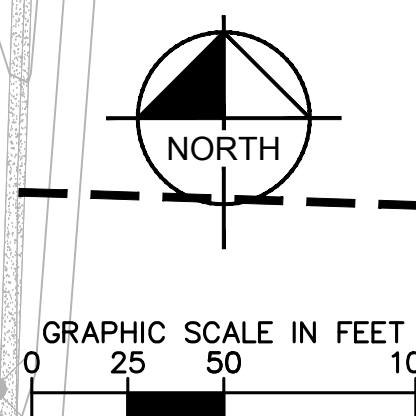
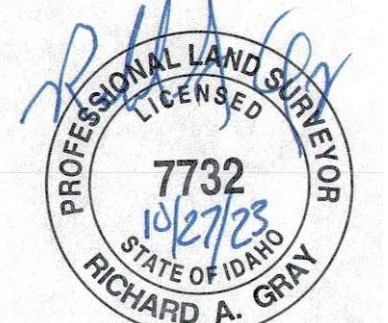
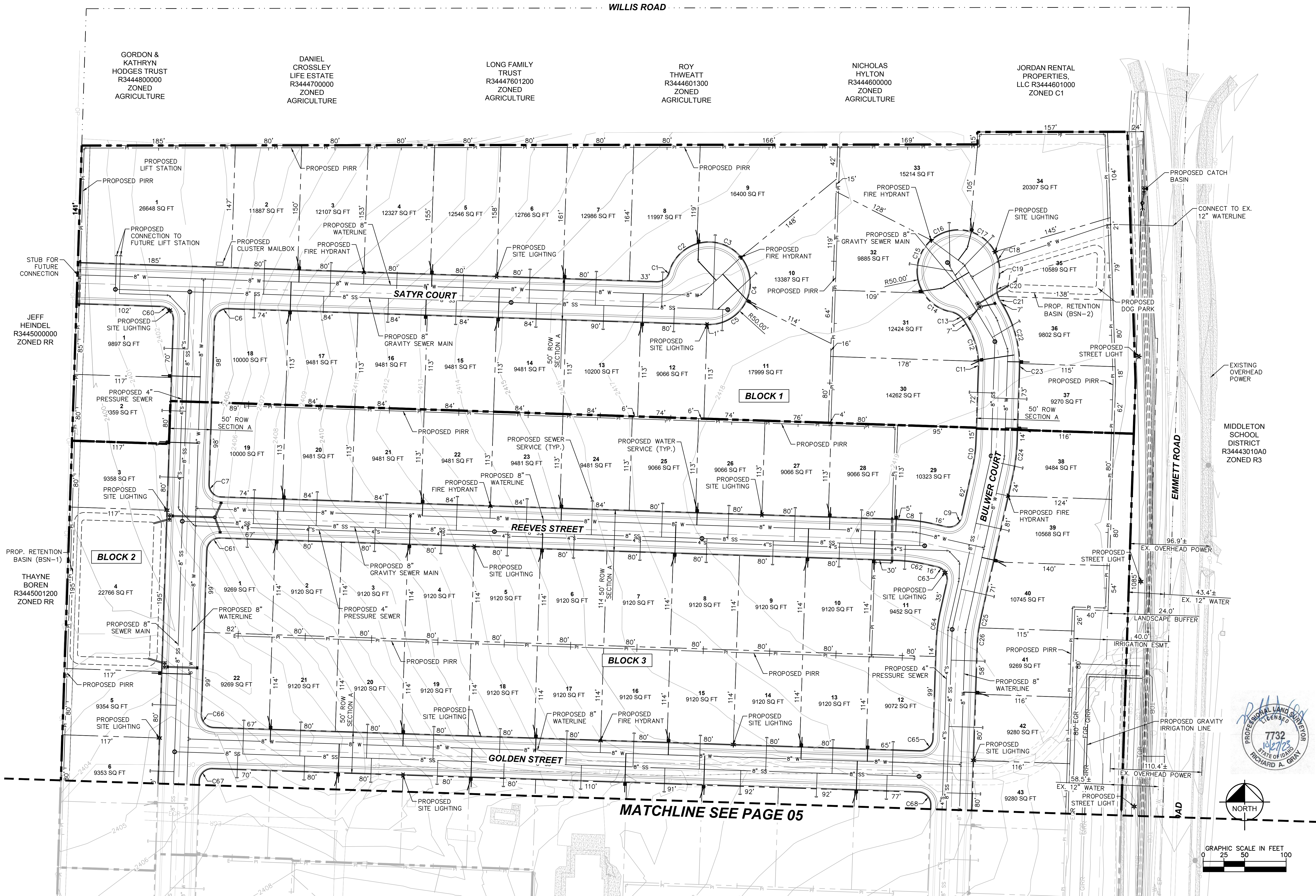
Kimley»Horn

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Boise, Idaho 83702 (208) 297-2885

SCALE (H): 1"=100'
SCALE (V): NONE
DESIGNED BY: ITC
DRAWN BY: ITC
CHECKED BY: TRB
DATE: 10/26/2023

GO	10/10/22	1	CIVIL DYNAMICS REDLINES	NO	REVISION	BY	DATE	APPR.

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OF AND MODIFICATION OF THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



1

CIVIL DYNAMICS REDLINES

10/10/22

NO

REVISION

BY DATE APPR

SCALE (H): 1"=50'

SCALE (V): NONE

DESIGNED BY: ##

DRAWN BY: ##

CHECKED BY: ##

DATE: 10/26/2023

PHOEBAS HEIGHTS - PRELIMINARY PLAT

PROPOSED CONDITIONS EXHIBIT

CANYON COUNTY, IDAHO

PROFESSIONAL ENGINEER

LICENSED

1994

10/26/23

STATE OF IDAHO

TELLER BARD

EXPIRES 10/31/23

PROJECT NO.

093835000

DRAWING NAME

5000-PP-UT

04 OF 06

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950 Bannock Street, Suite 1100
Boise, Idaho 83702 (208) 297-2885

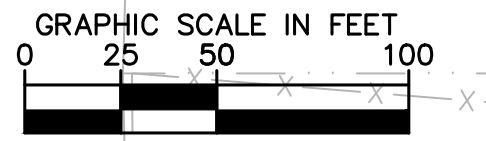
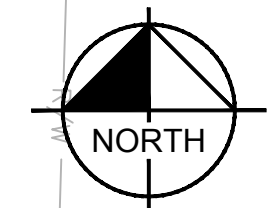
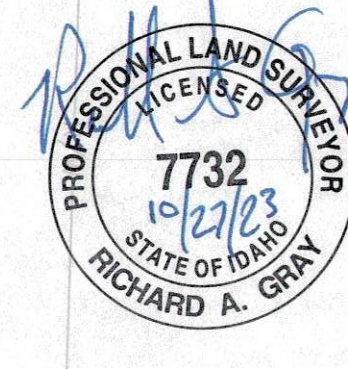
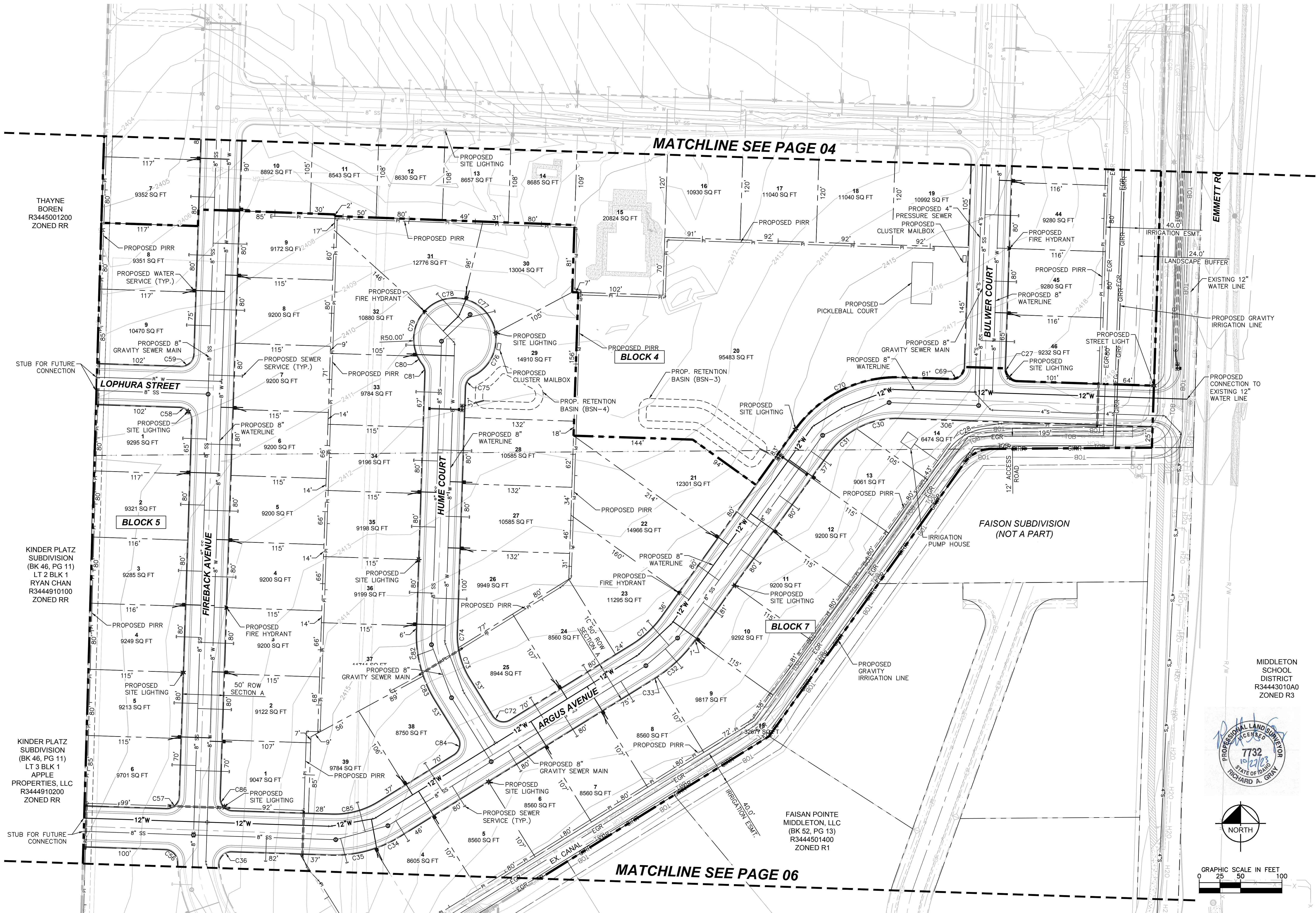
10/10/22

NO

REVISION

BY DATE APPR

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XREFS: X5000-BN X5000-SD X5000-YF X5000-UT X5000-TB X5000-FS X5000-FAISON X5000-IRFDC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED, BEUSE
OF AND MANIPULATE OR REPRODUCE THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.



PHEASANT HEIGHTS - PRELIMINARY PLAT		Kimley»Horn © 2023 KIMLEY-HORN AND ASSOCIATES, INC. 950 Bannock Street, Suite 1100 Boise, Idaho 83702 (208) 297-2885
PROPOSED CONDITIONS EXHIBIT		
CANYON COUNTY, IDAHO		
DATE: 10/26/2023		
PROJECT NO. 0938350000		SCALE (H): 1"=50' SCALE (V): NONE DESIGNED BY: ### DRAWN BY: ### CHECKED BY: ###
DRAWING NAME 5000-PP-UT		
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EXPIRES 10/31/23		GO 10/10/22
BY DATE APPR		
REVISION		NO
1 CIVIL DYNAMICS REDLINES		

EXHIBIT "C"

PROPOSED DEVELOPMENT AGREEMENT

After Recording, mail to
Middleton City Administrator
1103 W. Main St.
Middleton, ID 83644

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and J&A Johnson LLC, a Utah limited liability company, Kenneth H. Mortensen and Cheyenne C. Mortensen, husband and wife, and John N., Vander Jagt and Julie M. Vander Jagt, husband and wife, collectively hereafter (**Developer**).

RECITALS

WHEREAS, Developer owns approximately fifty four (54) acres of real property located at 0 Emmett Road (Tax Parcel Nos. R34445012B0, R34445012A2, R3445012A0, and R3445012A1), Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

WHEREAS, Developer intends to improve the Property, also known as the Pheasant Heights Subdivision ("**Project**"), according to the Middleton City Code and the City's public works standards at the time(s) the Property is improved; and

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

AGREEMENT

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

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

The City will adopt an ordinance to annex and rezone the Property from Canyon County C-1 (Neighborhood Commercial) and R-1 (Single Family Residential) to City of Middleton R-3 (Single Family Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform at the city's expense and with the Developer's cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Frontage Improvements: Developer shall dedicate, at no cost to the City, right of way to establish fifty foot (50') half road right of way for Emmett Road and, at its own cost, improve the fifty foot (50') half-road right of way of Emmett Road per City standards and codes. Developer shall also construct the portions of 9th Street to be located on the Property, and the width of the 9th Street right of way shall match the eighty foot (80') width already dedicated and constructed through the Faison Subdivision.

3.2 9th Street Improvements: Developer shall improve the existing portions of 9th Street located within the Faison Subdivision to bring the Canyon County roadway standards and specifications more in conformance with City standards and specifications for a collector section as they exist as of the date of this Agreement. Specifically, Developer shall add vertical curb, gutter and sidewalk to both sides and add centerline striping for the entire length of the Faison Subdivision roadway. The existing stormwater management may remain as swales. Said 9th Street Improvements must be completed and accepted by City prior to final plat for Phase 1.

3.3 Concept Plan: The Concept Plan attached hereto as Exhibit B is incorporated herein by this reference. Developer shall be bound to abide by said Concept Plan and shall develop the Property substantially consistent with the Concept Plan.

3.4 Pro-Rata Traffic Fees: Developer shall pay City a sixty eight thousand dollar (\$68,000.00) traffic pro-rata share fee pursuant to MCC 5-4-3. Payment of the pro-rata share fee shall be made prior to final plat approval of phase 1.

3.5 Emmett Road and State Highway 44 Intersection. The intersection of Emmett Road and Highway 44 (“**Emmett Intersection**”) shall be designed (by Developer or others) and approved by Idaho Transportation Department (“**ITD**”) and Highway District No. 4 (“**HD4**”) prior to City’s approval of Phase 1 construction drawings and shall be constructed (by Developer or others) and accepted by ITD and HD4 prior to City’ approval of the final plat for Phase1 of the Project. City is not requiring or mandating Developer to construct the Emmett Intersection. City is requiring only that the Emmett Intersection be designed and constructed prior to Developer receiving final plat approval by the City for Phase 1.

3.5.1 In the event Developer voluntarily chooses to design and/or construct the Emmett Intersection, Developer shall be entitled to credits for transportation impact fees under the Mid-Star Traffic Impact Fee program as provided in the Idaho Development Impact Fee Act, specifically §67-8209 (“Mid-Star Credit”). Additionally, should the Developer voluntarily choose to design and/or construct the Emmett Intersection, the City shall contribute to Developer all funds collected for the development of the Emmett Intersection pursuant to the “pro-rata traffic fee” provision found in MCC 5-4-3, or other non-impact fee contributions from Developers, for up to five (5) years after the Emmett Intersection is constructed and accepted by ITD. However, the total amount reimbursed to the Developer pursuant to the preceding sentence, together with the total potential impact fee credits, shall not exceed the total actual cost of the design and construction of the Emmett Intersection incurred by Developer. Developer acknowledges that the funds released to Developer for reimbursement and any credits issued under the Mid-Star Transportation Impact Program may not cover the entire cost of the completed intersection improvements. In the event the Emmett Intersection is constructed by others, the obligations set forth in this paragraph shall be deemed satisfied without further action of Developer. (Applicant/Developer has not agreed to this provision.)

3.6 Domestic Water and Sewer Facilities:

3.6.1. Developer is responsible for all planning, engineering, and costs associated with extending City utilities, including sewer and water facilities, “to and through” the Property and connecting the same into the existing City sewer and water systems.

3.6.2. Developer agrees, at its sole expense, to construct and install a Lift Station (“**Lift Station**”), to standards and requirements of DEQ, IDAPA and City, including the City’s Supplement to the ISPWC, as pertaining to lift station design and construction. The Lift Station shall be equipped with backup generator and necessary control equipment and sequenced with City control system to allow the Lift Station to be monitored and controlled using the City SCADA system. The Developer agrees to dedicate the Lift Station and Lift

Station site within the project at the location generally shown on the concept plan. The Lift Station site shall include a sufficient ingress and egress easement thereto by the City, and such access shall be a public right of way or dedicated easement with an all-weather surface. Detailed construction design plans and standards shall be provided to the City Engineer for written concurrence prior to the Developer submitting the design and construction plans to DEQ. Lift Station costs shall be considered eligible for proportional reimbursement for any other property that takes service from the Lift Station, as further set forth in Middleton City Code 1-17-1. A latecomer agreement pursuant to MCC 1-17-1 shall contain a provision wherein City will reserve sufficient lift station capacity for Developer to fully complete the Project construction in the future.

3.6.2. Alternatively, if the City, in its sole discretion, determines that a regional lift station is preferable to a lift station on the Project site, Developer shall participate in the construction of a regional lift station, which participation may include contributing monies to the extent of Developer's proportionate share of the regional lift station, paying late comer fees, or constructing the regional lift station. If Developer constructs the regional lift station, to the extent Developer provides capacity over and above what is required to serve the Project based on peak hour flows, such additional capacity (including over-size work and additional lines) shall be subject to reimbursement via a latecomer fee agreement to be negotiated between Developer and City as set forth in MCC 1-17-1 or other mutually agreeable reimbursement agreement. Said agreement shall contain a provision wherein City will reserve sufficient lift station capacity for Developer to fully complete Project construction in the future.

3.6.3. Except as otherwise set forth above, sewer and water capacity will undergo a will-serve analysis, and City will not reserve sewer and water capacity any earlier than construction drawing approval.

3.7 Final Plat Requirements: Notwithstanding the provisions in Article IV, Developer shall obtain City Engineer's signature on the Phase 1 final plat within three (3) years of the preliminary plat approval. Said signature shall be processed expeditiously by City and in no event later than six (6) months from the time the Developer submits a "Completion Packet" with all items required by the Supplement to the ISPWC and final plat application. The six (6) month period will not be triggered if any information required by the Supplement is missing.

3.7.1 Developer may obtain two (2) one (1) year extensions to obtain the City Engineer's signature on Phase 1 final plat by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the initial three-year period preceding extension,

which approval shall not be withheld if Developer submits its request in a timely manner.

3.7.2 If Developer does not obtain City Engineer's signature on the final plat for Phase 1 within the time frame noted above, City may, at its sole discretion, terminate the entire Development Agreement after complying with the Middleton City Code provisions for legal notice and public hearing. The zoning for the property shall remain R-3. Additionally, the preliminary plat will automatically become null and void. City may seek termination of the Development Agreement at any time after the noted time periods expire, and City's delay in terminating the Development Agreement shall not constitute a waiver of its right to terminate the Development Agreement.

3.7.3 After final plat approval for the first phase, Developer shall obtain City Engineer's signature on the final plat for each phase in two (2) year intervals (subject to the requirement by the City to process such applications expeditiously and in no event later than six months from the time Developer submits a fully completed "Completion Packet" application and final plat application). Developer may obtain two (2) additional one-year extensions using the procedure as outlined above in paragraph 3.7.1. If Developer fails to comply with said timelines, the portions of the preliminary plat yet to be final platted will become null and void. The zoning for the unplatted area shall remain R-3 (single family residential) zoning.

3.8 Amenities: Developer shall provide the following amenities for the Project: pickleball court, large playground with benches/seating area, at least two picnic ramadas, walking paths and dog park. The green space/pocket park shall contain benches/seating area.

3.9 Emmett Road Sidewalk: Developer shall construct in City right of way approximately fifty five (55) linear feet of sidewalk to the north of the project in order to complete the unfinished portion of sidewalk on the west side of Emmett Road between the Willis Road roundabout and the Project.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code.

4.1.1 If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this

Agreement shall be amended and the Developer shall comply with the amended terms.

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

4.2 If after a breach, the zoning shall remain R-3 and Developer hereby consents to such zoning.

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

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

ARTICLE V GENERAL PROVISIONS

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

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

5.3 Any notice that a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same registered or certified mail with a return receipt requested, or by Federal Express or other reputable overnight delivery service. Notice shall be given to the parties at the following addresses or such other address and to such other persons as the parties may designate after giving notice. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

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

Developer: J&A Johnson LLC
Amy Johnson
24 East Main Street
American Fork, UT 84003

John & Julie Vander Jagt

Kenneth & Cheyenne Mortensen

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

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

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

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

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

trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

5.7 The Property that is the subject of this Agreement is located in Canyon County, Idaho and the terms of this Agreement shall be construed according to the laws of the State of Idaho in effect at this time this Agreement is executed. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Canyon County, Idaho.

5.8 If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstance shall to any extent be held invalid or unenforceable, the remainder of this instrument shall remain in full force and effect.

5.9 Time is of the essence for performance of each obligation in this Agreement.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year first above written.

Dated this ____ day of _____, 202__ and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2023, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.

Notary Public
My Commission Expires: _____

J&A JOHNSON LLC,
a Utah limited liability company

By: _____

Its _____

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2023,
personally appeared before me _____ who, being first duly sworn,
declared that he/she is the _____ for J&A Johnson LLC
and signed on behalf of J&A Johnson LLC.

Notary Public
My Commission Expires: _____

KENNETH H. MORTENSEN

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 202__, personally appeared before me Kenneth H. Mortensen, who declared that he signed this Development Agreement in the capacity of developer and owner of the Pheasant Heights Subdivision.

Notary Public
My Commission Expires: _____

CHEYENNE C. MORTENSEN

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 202__, personally appeared before me Cheyenne C. Mortensen, who declared that she signed this Development Agreement in the capacity of developer and owner of the Pheasant Heights Subdivision.

Notary Public
My Commission Expires: _____

JOHN N. VANDER JAGT

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 202__, personally appeared before me John N. Vander Jagt, who declared that he signed this Development Agreement in the capacity of developer and owner of the Pheasant Heights Subdivision.

Notary Public
My Commission Expires: _____

JULIE M. VANDER JAGT

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 202__, personally appeared before me Julie M. Vander Jagt, who declared that she signed this Development Agreement in the capacity of developer and owner of the Pheasant Heights Subdivision.

Notary Public
My Commission Expires: _____

EXHIBIT A

Legal Description of Property

EXHIBIT B

Concept Plan

EXHIBIT "D"

ENGINEERING & PLANNER COMMENTS



October 16, 2023

TO: Roberta Stewart, Planning and Zoning Official

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

RE: PHEASANT HEIGHTS Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat re-submittal – plat dated 10.18.22.

Delete Note 2.

Emmett Road right of way dedication and traffic buffer/frontage in the area of Lot 37 – Lot 34 needs to be revisited. The right of way should be consistent from the centerline of improvements. The traffic buffer/common lot needs to parallel the right of way. As it is shown, Emmett Road improvements are outside right of way.

The stormwater management for Emmett Road needs to be preliminarily addressed. How can the retention swale occupy the common lot with the berm? How would it be accessed to mow and maintain?

Please add a note: Five foot sidewalk to be constructed in 9th Street right of way from east project limits to existing sidewalk at roundabout. Location to be determined.

Please add a note under Emmett Road section: City and CHD4 will determine Emmett Road pavement widths and striping at final design.

Specify a 12inch water main in Argus from the existing 12inch in Emmett to project west boundary.



CITY OF MIDDLETON

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

October 30, 2023

Planner Comments – Pheasant Heights Subdivision (Preliminary Plat stamped 10/27/2023)

1. Reserve new street name “Lophura Street” with Tony Almeida at the County.
2. Work with Amy Woodruff to ensure that your 9th Street typical section is correct. This is an issue that Amy is looking at right now. Not sure if it should match our 3-lane urban in the Supplement to ISPWC or if it will match the existing 9th street design in Faison Point. There should be a sidewalk, however.
3. You may want to update your landscape plan and/or colored concept rendering to show a better rendering of the amenities.

Roberta Stewart

Planning & Zoning Official
City of Middleton



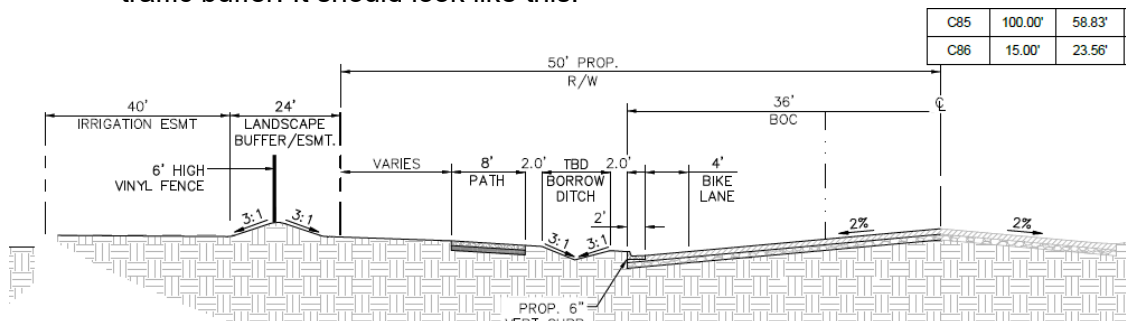
CITY OF MIDDLETON

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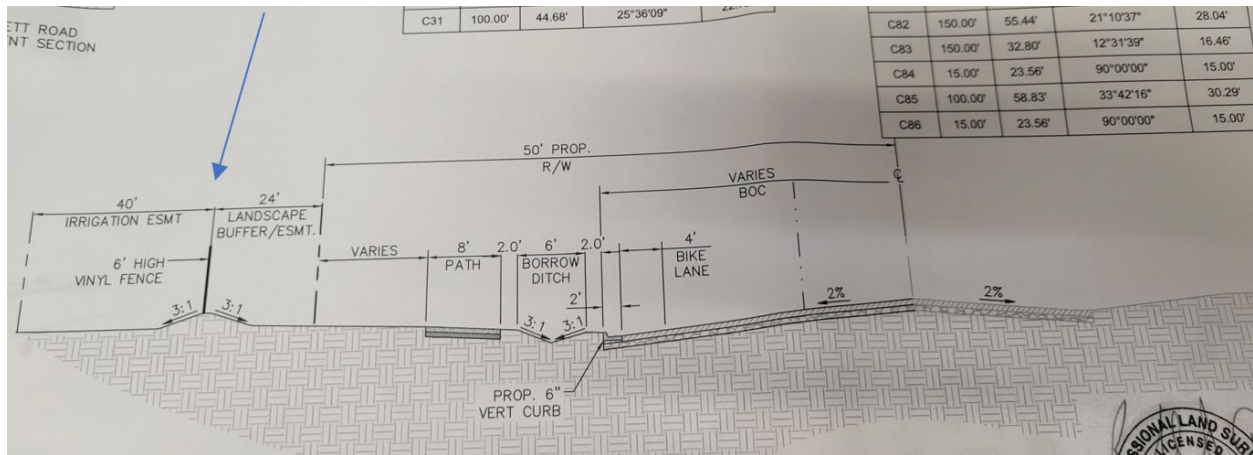
October 2, 2023

Planner Comments – Pheasant Heights Subdivision (Preliminary Plat stamped 10/18/2022)

1. Please provide missing Title Reports for the Vander Jagt property (R34445012A0) and the 8 acre commercial property along Emmett Road(R34445012B0)
2. Update the old title reports for the two Mortensen properties (R34445012A2 & R34445012A1). Too much time has passed to make them still reliable.
3. Provide Affidavit of Legal Interest from Mortensens giving permission to proceed with application on their parcel R34445012A1.
4. Need affidavit of legal interest signed by John and Julie Vander Jagt, giving permission to proceed with the application on their parcel R34445012A0.
5. Add the square footage to every lot per 5-4-4. You can keep the lot area table if you want, but it is not necessary.
6. Remove Note 16 on right to farm. This does not apply in City limits.
7. Remove Note 20 regarding radius turn. This is now a new provision in the code.
8. Add Note: *“Frontage improvements may occur phase by phase, but all frontage improvements must be completed by Phase 3 final plat pursuant to MCC 5-4-10-2(4).”*
9. Add Note: *The Homeowner’s Association (HOA) owns and manages the common areas, which include stormwater facilities. A plan for operation, maintenance, and repair of stormwater facilities (O&M Plan) has been prepared for all stormwater facilities maintained by the HOA. The O&M Plan shall be recorded with the CC&Rs. The HOA shall use the O&M Plan for the maintenance and operation of the stormwater facilities.”*
10. Add Note: *“Access Easement for existing homesite must be vacated prior to final plat approval for phase 1.”*
11. Name short stub street sandwiched between Lot 1/Block 5 and Lot 9/Block 2.
12. Reserve the new street name with Tony Almeida at the County
13. Name portion of Bulwer that is south of the Reeves intersection “Bulwer Avenue”. The portion north of Reeves can remain “Bulwer Court”.
14. Name the northern stub street west of Fireback “Satyr Street”. The portion that is east of Fireback can remain “Satyr Court.”
15. Change the Emmett Road section to show the berm and fence completely inside the 24’ traffic buffer: It should look like this:



It should NOT look like this:



16. Change the easement area on Block 9 that is serving as access to two land locked parcels into a private lane, which is an allowable lane under our code. Private lanes can serve up to 4 home sites, but no more. Make it Lot 6, Block 9.
17. Add note: *"Lot 6, Block 9 is a private lane. It shall be encumbered with a public access easement and utility easement. The HOA is responsible for maintaining Lot 5, Block 9 private lane."*

Roberta Stewart

Planning & Zoning Official
City of Middleton

EXHIBIT "E"

AGENCY COMMENTS

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

November 7, 2023

City of Middleton
Planning and Zoning Department
1103 W Main St
Middleton, ID 83644
(208) 454-7458

RE: Conditional Rezone. Parcels R34445012A0, R34445012A1, R34445012A2, R34445012B
Applicant: J and A Johnson LLC - Pheasant Heights Subdivision
Planner: Roberta Stewart

These parcels are located at the southwestern corner of the intersection of Willis Road and Emmett Road in Canyon County, Idaho.

The Black Canyon Irrigation District (District) has the following initial site-specific comments regarding this proposed land use change:

1. The proponent has not contacted the District with this application to date. **Prior to the District's pre-plat concurrence**, the proponent will be required to fill out and submit a Development Intake Sheet found on the District's website (<https://blackcanyonirrigation.com/development>).
2. The District will require that the C.E. 18.1 lateral and all other laterals affected by this proposed land change be piped and structures built to ensure the delivery of irrigation water to our patrons.
3. 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.
4. Construction drawings, signed by a licensed Engineer in the State of Idaho, will need to be submitted and approved by the District, along with the above-mentioned licensing agreement, prior to work occurring in the District's easement.
5. A standalone, recorded easement will be required for any irrigation lateral that is located within the property boundary. The District will provide the easement language. The Developer will be required to provide the easement description and exhibit signed by a professional surveyor, licensed in the state of Idaho.
6. Fencing is required along the District's easement/right-of-way boundaries located within the proposed subdivision.

BLACK CANYON IRRIGATION DISTRICT

NOTUS, IDAHO

7. All new residential subdivisions shall install 12-foot-wide all-weather access roads within the District's facility easement/right-of-way boundary.
8. 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.
9. According to existing records, the parcel receives irrigation water from the District via the C.E.18.1 lateral. Since 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.
10. Per Black Canyon Irrigation District Policy, there will be a fee allocated for each individual parcel created within a new subdivision. This fee covers the District's administrative processing costs for reviewing historical water rights and creating new accounts associated with parcel splits and new lot creations.

All of the above requirements shall be met, including any others that arise during future review.

Thank You,

Donald Popoff

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



October 5, 2022

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

RE: Pheasant Ridge Subdivision—Preliminary Plat dated March 16, 2022

Canyon Highway District No. 4 (CHD4) has received notice for a hearing Oct 19, 2022 to consider a preliminary plat for Pheasant Heights Subdivision.

CHD4 offers the following comments on the preliminary plat dated March 16, 2022 included with the public hearing materials:

1. By agreement with the City, CHD4 maintains Emmett Road from Highway 44 to Purple Sage Road (including roundabout circulatory lanes at 9th Street and Willis Road). Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Emmett Road or 9th Street west of the intersection.
2. The Traffic Impact Study prepared for the development (March 16, 2021) indicates that the Emmett Rd/SH 44 intersection operates at LOS F (SB Emmett Rd approach) during the AM peak hour under current conditions (without the new development). The TIS estimates the development will increase trips at the SB Emmett Rd approach to the intersection by 40% in the 2025 build-out year. As a condition of approval, the city should consider requiring improvements to this intersection to improve this deficiency. This intersection was identified as an existing deficiency on the Mid-Star Capital Improvement Plan, and is not eligible for impact fee funding. Conditions established in the proposed development agreement appear to satisfy the need to make improvements at the intersection prior to issuance of building permits for the development.
3. CHD4 requests the city annex the existing highway right-of-way for 9th Street west of Emmett Rd, and take over 9th Street for maintenance and operation to facilitate extension of city utilities through the existing Faisan Estates Subdivision, and to accommodate the traffic from the proposed development.
4. CHD4 supports the restriction for the Argus Street approach to Emmett Rd to be limited to right-in-right-out operations.
5. CHD4 recommends the city require the developer of Pheasant Heights to remove the temporary culdesac constructed at the west end of 9th Street within Faisan Estates, and construct a road shoulder and borrow ditch consistent with the typical 9th Street section to the east. The city may also consider requiring the developer of Pheasant Heights to install

curb and gutter to match the standard city collector road section between Pheasant Heights and Emmett Rd. This curb and gutter was not installed as part of the Faisan Estates project to facilitate extension of city utilities outside the existing pavement.

6. Extension of city utilities to serve the development should be designed and constructed to minimize the impacts to traffic and existing infrastructure within the Emmett Rd and 9th Street rights-of-way. CHD4 will review improvement drawings for the development as they relate to these rights-of-way. A utility permit from CHD4 is required for any utility work, frontage improvements, temporary traffic controls, or temporary access to these roadways.

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

Respectfully,



Chris Hopper, P.E.
District Engineer
Canyon Highway District No. 4

From: [Victor Islas](#)
To: [Roberta Stewart](#)
Subject: FD Comment Pheasant Heights
Date: Monday, October 16, 2023 2:49:30 PM

Roberta,

My comments for this project are the same as the initial submittal.

DC Islas

Victor Islas

Deputy Chief | **Middleton Star Fire Districts**



A: 11665 W. State St., Suite B, Star, ID 83669

P: (208) 286-7772 **M:** (208) 860-1078

E: vislas@midstarfire.org **W:** www.midstarfire.org



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PUBLIC RECORD NOTICE: All communications transmitted within the Middleton Rural Fire District and Star Fire Protection District (midstarfire.org) E-mail system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 9-337 et seq.) and as such may be copied and reproduced by members of the public.

**** New Email Address ** Please update contact to vislas@midstarfire.org**



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 4, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Pheasant Heights Subdivision
Annexation/Rezone, Preliminary Plat and Development Agreement

Fire District Summary Report:

1. Overview This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.
2. Fire Response Time: This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID 83644. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the purposed.
3. Accessibility: Roadway Access, Traffic, Radio Coverage
 - a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
 - b. Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.
 - c. All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.
 - d. One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.
 - i. The purposed entrances into this development meet the intent of the IFC for over 30 dwellings.
 - e. The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and a 50' long ladder truck.
 - f. Block 9 Lot 2 & 3
 - g. 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.

- h. Traffic calming devices will require approval by the Fire District.
- i. An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.
- 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.
 - b. 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.
 - c. Water Supply: Final Approval of the fire hydrant locations shall be by the Middleton Rural Fire District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - i. ADDITIONAL hydrant will need to be located on Fireback Ave to service block 6,8, and 9.
 - ii. 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.
 - iii. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - iv. Fire hydrants shall be placed on corners when spacing permits.
 - v. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
 - vi. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.

- vii. Fire hydrants shall be provided to meet the requirements of the City of Middleton Water Standards.
 - viii. 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.

EXHIBIT "F"

PUBLIC COMMENTS

Brian R. Sheets

24184 Willis Creek St. • Caldwell, Idaho 83607 • 503-830-1448
brsheets@gmail.com

November 6, 2023

VIA EMAIL ONLY

City of Middleton
Planning and Zoning Department
P.O. Box 487
Middleton, ID 83644
Email: rstewart@middletoncity.com

RE: Opposition Comment to Pheasant Heights Subdivision

Dear Middleton Planning and Zoning Commissioners:

My family and children live on Willis Creek Road, directly to the north of the planned development project proposed to be heard at the November 13, 2023 Planning and Zoning hearing. **We are opposed to this project in its entirety.** Given the adjacent location to the High School and the cumulative impacts of already underway development located in the immediate vicinity, unknown traffic safety impacts cannot be adequately addressed prior to approving this project. **The Pheasant Heights Subdivision conflicts with the Comprehensive Plan, and the Planning and Zoning Commission should recommend denial of the application.**

This will be the sixth hearing for me to attend and comment on for these parcels. The first hearing being the rezone to R-1 at Canyon County on July 18, 2019. The second and third were tabled hearings at the City of Middleton on November 8, and December 6, 2021. The fourth was the April 11, 2022 Planning and Zoning hearing that culminated in a recommendation of denial, and the fifth hearing at Middleton City Council on October 19, 2022 that denied the application. This comment echoes the prior concerns I expressed in comments to the Planning and Zoning Commission and the Middleton City Council last year where both bodies recommended denial of the application. This comment incorporates the comment from October 17, 2022.

The continuation of this project has been a demonstration of inadequate preparation and changed circumstances, and is indicative of a project that will not go as planned, with a low confidence of meeting either City, or County standards coupled with no accountability or concern to the local residents from an out-of-state developer.

11/6/23

I. The Prior and substantially similar application was denied because the proposed density was too high.

Both the Middleton Planning and Zoning Commission and the City Council found that the proposed development of 147 buildable lots West of Emmett Rd. was out of character with the community, and that less dense, R-1 zoning as it currently stands is the appropriate density of the area. Rather than listening to the jurisdictional decision making bodies, the applicant has reinserted a nearly identical proposal of 158 lots on R-3 zoning. This is disrespectful to the bodies that spent so much time in deliberating and hearing the concerns of the community and demonstrates an indifference to the decision of the Planning and Zoning Commission a mere twelve months after receiving the City Council's decision.

If anything, changed circumstances in the last 12 months would not support an additional 158 buildable lots at Emmett and Willis Rd. An RV park is under construction at the already deficient intersection near Emmett Rd. and Highway 44. This will generate additional trips with large vehicles directly adjacent to an intersection already receiving an "F" rating by Highway District no. 4. West Highlands Ranch and Stonehaven subdivisions are still building out and are unaccounted for in current traffic analyses, meaning the intersection will degrade even further. Peak drive times when the High School and other school bussing operations are already unbearable, even with the installation of traffic signals at I84 and Hwy. 44 and the light at Halsey and Hwy. 44. These have done little to impact traffic at Emmett and Hwy. 44, particularly for turning eastbound from Emmett R. onto Hwy. 44.

The applicant's claims that other R-3 rezoning approvals in the City have set a "precedent" is irrelevant, as those areas may have actually been conducive to R-3 development and have not been denied for R-3 zoning in the last twelve months. Those decisions are not precedent. Moreover, the proposed Development Agreement in Section 3.5.1 binds no one and is purely conditional and aspirational. I would expect that the developer would come back to the City to request modification of this section of the Development Agreement should construction of the Emmett/Hwy. 44 intersection be delayed. (Highway District No. 4 contemplates the intersection control to be constructed in 2035-2040; *see* Mid-Star Service Area Capital Improvements Plan Attachment at page 32).

The unfortunate truth is that the area is saturated and unprepared for additional trip generating projects. Not only will it be dangerous for the residents already being overwhelmed with additional and dangerously uncontrolled construction and future residential traffic, but the new residents of these planned developments will also be injected into the foray.

11/6/23

II. Incorporation of prior comments to address the applicant's proposal,

This comment incorporates the attached comments from April 10, 2022 and October 17, 2022 regarding a substantially similar proposal of 147 buildable lots for the Pheasants Height Subdivision. Those prior comments detail conflicts with the Comprehensive Plan, Traffic Concerns, and Nuisance Concerns.

Because of the conflicts with the Comprehensive Plan, Traffic Concerns, Nuisance Concerns, and prior City decisions stating that the parcels should remain zoned R-1, this project should not be re-zoned to R-3, and these conflicts are fatal to the overall annexation plan, development agreement, and preliminary plat. The Planning and Zoning Commission should find that the proposal conflicts with the comprehensive plan in the above ways and recommend denial of the application.

III. School Capacity Concerns

Middleton School District is already nearing capacity, and over capacity at elementary schools. This project with 158 single-family homes will exacerbate that strain. Any monetary contribution from the developer will not adequately account for the impact that the development will have. And if school district support is conditional upon monetary contribution to the school "voluntarily," it would be akin to a bribe.

In my own discussions with residents of Middleton and Canyon County, the reason that school bonds are being voted against is because that is the one way citizens are able to force development to slow down in order to meet infrastructure catching up. I believe that school bonds will continue to meet resistance as long as unmitigated development continues. I have never met one person unassociated with the development business that thinks we need more dense subdivisions, particularly when school capacity and quality are concerned. This is a quality of life decision for your current residents, and we trust that you will weigh this with its appropriate consideration.

IV. Summary

In summary, the proposed project conflicts with the Comprehensive Plan and negatively impacts the surrounding community, adding to a continued cycle of unmitigated development. A less dense project was already denied for being too dense for the area, and this project, a more dense and unmitigated proposal, should be recommended to the City Council for denial for similar reasons.

Middleton Planning and Zoning

Re: Opposition to Pheasant Heights Subdivision Annexation, Rezone, Development Agreement & Prelim.
Plat

11/6/23

Sincerely,

Brian R. Sheets

Brian R. Sheets

24184 Willis Creek St. • Caldwell, Idaho 83607 • 503-830-1448
brsheets@gmail.com

October 17, 2022

VIA EMAIL ONLY

City of Middleton
City Council
P.O. Box 487
Middleton, ID 83644
Email: rstewart@middletoncity.com

RE: Opposition Comment to Pheasant Heights Subdivision

Dear Middleton Mayor and City Council:

My family and children live on Willis Creek Road, directly to the north of the planned development project proposed to be heard at the October 19, 2022 City Council hearing. We are opposed to this project in its entirety. Given the adjacent location to the High School and the cumulative impacts of already underway development located in the immediate vicinity, unknown traffic safety impacts cannot be adequately addressed prior to approving this project. **The Pheasant Heights Subdivision conflicts with the Comprehensive Plan, and the City Council should deny the application.**

This will be the fifth hearing for me to attend for these parcels. The first hearing being the rezone to R-1 at Canyon County on July 18, 2019. The second and third were tabled hearings at the City of Middleton on November 8, and December 6, 2021. The fourth was the Planning and Zoning hearing on April 11, 2022. I submitted comments to the application on April 10, 2022 describing impacts to traffic, conflicts with the comprehensive plan, and nuisance concerns.¹ The content of those comments remains applicable to this application. The Planning and Zoning Commission recommended that this application remain in its current R-1 zoning, finding that the area west of the high school was of a different character than the developments east of Emmett Road.

This comment will address new information since the Planning and Zoning hearing in April, and will further demonstrate how this project is a poor fit for the area.

¹ Attachment 1

1. Traffic Impact Fees and the “Development Agreement” will not minimize impacts to the area.

a. Traffic Impact Fees will not be used for the Emmett Rd. and Hwy. 44 intersection.

Canyon Highway District No. 4 (CHD4) issued its Mid-Star Service Area Capital Improvements Plan on May 7, 2022.² Within that plan is a statement on page 29 stating that impact fees should address the following criteria:

- Address deficiencies in capacity
- Address deficiencies that are attributable to future development (not existing deficiencies)
- Are included in the CIP (requiring updating every five years)

The Highway District considers already existing deficiencies as unable to be funded through Traffic Impact Fees, and do not allocate these resources to improvement projects. In Table 5 on page 20, the intersection of Emmett Road and State Highway 44 has an “F” rating, meaning it is severely deficient in capacity and service, and explicitly states that it is not eligible for TIF funding, stating “[c]apacity improvements that address existing deficiencies are not eligible for TIF funding.”

Table 10 on page 32 lists project 1-16 for SH 44 and Emmett Road as an already deficient intersection with zero impact fee eligibility and a projected completion date of 2035-2040. As currently planned by CHD4, no Traffic Impact Fees will be used for this intersection, and it will not be improved for at least thirteen years. To allow 147 residential lots to be planned in the area already overdeveloped for infrastructure is dangerous for traffic safety, and especially so when the proximity of a high school with busses and new drivers are considered.

b. The “Development Agreement” binds no one to action for traffic impacts.

The “Development Agreement” (dated August 1, 2022 and inserted in the application after the Planning and Zoning Hearing) in section 3.5.1 states that “no building permits will be issued until sufficient intersection control is designed and constructed” at Emmett Road and Highway 44, however the developer can install project infrastructure.

First, if the planned intersection improvements will be installed according to CHD4 schedule, this will extend past all of the timelines contemplated in the agreement. It will result in a vacant, but infrastructurally developed barren land, unable to have building permits issued for at least 13 years. Of course, I fully expect this to become an issue at later hearings for agreement

² Attachment 2

amendments citing “hardships” to the developer where this condition will be requested to be removed.

Second, installing project infrastructure requires heavy machinery, earthmoving equipment, and roadwork machinery that will be burdens on the already existing roadways. These heavy vehicles will be working in the area for years, if West Highlands subdivision construction can be used as a baseline. These are traffic impacts that will add to the already overburdened areas with Highlands and Stone Haven subdivisions already building out in the area. Additional construction activity in an area already overburdened will negatively impact the area and create additional safety issues regardless of any traffic impact study.

Third, the section on the City to “participate in good faith in all meetings and discussions with ITD and CHD4” binds no party to any action with the intersection improvements. Absolutely no party is bound to fund, plan, or construct any “interim traffic signal.” It is a conditional statement that has no timing, funding, or legal requirements for any party. It is surplusage in the agreement and can be ignored by any party.

2. The Development Agreement included in the application was not reviewed by the Planning and Zoning Commission and is counter to its recommendation.

The Development Agreement, dated August 1, 2022 was inserted into the application after the Planning and Zoning Commission April 11, 2022 hearing. The Planning and Zoning Commission did not review this Agreement and the original Draft Development Agreement reviewed on April 11, 2022 was not approved. **The Planning and Zoning Commission recommends retaining R-1 zoning for the parcels at issue, thereby rejecting the R-3 zoning contemplated in the Development Agreement.** Moreover, the Development Agreement was materially altered by changing the following sections:

- 3.2 (deleted in entirety and numerically missing in final version)
- 3.5 Materially altered
- 3.5.1 Additional section

The Development Agreement was rejected by the Planning and Zoning Commission, and MCC 5-2-3(B) states that “The Council may add conditions, terms, duties or obligations to the development agreement recommended by the commission.” **Here, the references to the R-3 zoning were plainly rejected, and the recommendation of the Planning Commission is that zoning for the parcels remains R-1.** The City Code states that the Council may ADD conditions, terms, duties or obligations as recommended by the Commission, but not that it alter or supplant terms following its recommendations.

In essence, the Development Agreement and R-3 zoning is being forced through and purposefully ignores the recommendation of the Planning and Zoning Commission.

3. This Comment incorporates by reference all of the points stated in the April 10, 2022 letter to the Planning and Zoning Commission.

In Attachment 1, I submitted comments regarding the application to the Planning and Zoning Commission indicating conflicts with the Comprehensive Plan, data regarding traffic impacts, and nuisance concerns. These impacts and concerns remain applicable to the request at issue, and I incorporate by reference all of those points.

4. Conclusion

The Application for the Pheasant Heights Subdivision is a flawed proposal. The R-3 zoning will negatively impact the area with overextension of already deficient infrastructure and is counter to the City's Comprehensive Plan. The Planning Commission rejected R-3 zoning for the project, and as such, the preliminary plat, Development Agreement, and zoning requests must be revised to meet R-1 zoning. Nothing in the application has changed to reflect the Planning Commission's recommendation, with the Development Agreement having been materially altered without any reference to the R-1 zoning the parcels already retain. The City Council should reject the application until such time as infrastructure can be adequately addressed, rather than cramming more homes onto an already crippled area of Canyon County. Thank you for hearing our concerns.

Sincerely,

Brian R. Sheets

ATTACHMENT 1

April 10, 2022

VIA EMAIL ONLY

City of Middleton
Planning and Zoning Department
P.O. Box 487
Middleton, ID 83644
Email: jreynolds@middletoncity.com

RE: Opposition Comment to Pheasant Heights Subdivision

Dear Middleton Planning and Zoning Commissioners:

My family and children live on Willis Creek Road, directly to the north of the planned development project proposed to be heard at the April 11, 2022 Planning and Zoning hearing. We are opposed to this project in its entirety. Given the adjacent location to the High School and the cumulative impacts of already underway development located in the immediate vicinity, unknown traffic safety impacts cannot be adequately addressed prior to approving this project. **The Pheasant Heights Subdivision conflicts with the Comprehensive Plan, and the Planning and Zoning Commission should recommend denial of the application.**

This will be the fourth hearing for me to attend for these parcels. The first hearing being the rezone to R-1 at Canyon County on July 18, 2019.¹ The second and third were tabled hearings at the City of Middleton on November 8, and December 6, 2021. This project has been a demonstration of inadequate preparation and changed circumstances, and is indicative of a project that will not go as planned, with a low confidence of meeting either City, or County standards coupled with no accountability or concern to the local residents from an out-of-state developer.

I. Traffic Concerns and Comprehensive Plan Conflicts

The local area is a hotbed of development. West Highlands Ranch subdivision located at Willis and Emmett Road has been developing hundreds of lots directly north of the High School. Stonehaven Subdivision and the new development directly south of the High School are additional developments not fully completed, and like the proposal, are all zoned R-3. These planned, and not yet fully developed projects represent thousands of trips that not only affect the local traffic concerns, but add to, and further choke the local infrastructure and create delay,

¹ Attachment 1

safety concerns, and are especially concerning given the close proximity to a High School with new drivers and children that walk to school.

These increased traffic concerns are located within the entirety of the region. This is apparent at I-84 exit 25: an exit without automated traffic controls that dangerously backs up the northbound off ramp back onto the freeway. The intersection of Highway 30 and Emmett road is an additional concern, and on March 10, 2022 experienced a fatal accident.² Finally, the intersection of Highway 44 and Emmett road is concerning as well. At peak drive times, drivers experience significant delays from turning onto or off of Emmett Road. In witnessing several driving habits of motorists at the intersection, very risky turns have been observed where a driver hastily attempts to turn left onto Highway 44 off of Emmett, and with a High School full of new drivers and busses regularly using the intersection, it is only a matter of time before something tragic takes place.

In addition to the vehicular traffic concerns, pedestrian traffic in the area is being affected. The additional West Highlands development will already inject hundreds, if not thousands of trips into the area, causing increased stress on the area near the High School. My son Kyle Sheets walks to the High School, as it is only a short distance from our home. In his daily walk to school, he has routinely experienced close calls with inattentive drivers at the intersection of Willis and Emmett roads, and during the winter when he walks in the dark or in the fog, it is even more hazardous. As a parent, I fear every time I hear emergency sirens, or receive a phone call at 8:00 AM fearing he has been hurt or killed by a driver on his walk to a school only a few hundred yards away.

The unfortunate truth is that the area is saturated and unprepared for additional trip generating projects. Not only will it be dangerous for the residents already being overwhelmed with additional and dangerously uncontrolled construction and future residential traffic, but the new residents of these planned developments will also be injected into the foray.

Road improvements suggested by Canyon County Highway District No. 4 are inadequate to address the broader impacts that 147 residential lots will create, and the scope of the consideration is negligent by failing to address the impacts of development in the vicinity already approved. The mere improvement of half a lane of Emmett road is inadequate in its inception, as there is no discussion of immediate vicinity improvements other than impact fees into a slush fund for regional developments. These are not earmarked for the explicit impacts easily identified by this project, and the developer is not responsible for mitigating the impacts easily attributed to the proposal. This creates two distinct problems:

² Attachment 2

1. The developer is free to impact the area negatively without adequately addressing mitigation directly attributable to the project. In essence, this creates a profit motive to generate the highest return on investment without respect to the easily identified externalities created. Mitigation could, and probably will exceed the fees assessed for the direct impacts, and therefore creates publicly-subsidized development that negatively impacts the preexisting residents.
2. All of these mitigation strategies of assessing impact fees occur after the fact. It may be years or decades before enough fatalities build up or public will forces local bureaucrats to prioritize projects that address the prior development authorized without long-term consideration.

These problems can be addressed by:

1. Requiring a traffic impact study to include conditions not only in the immediate vicinity, but at major roadways and intersections easily identified in the region, in this case: Emmett Road with its intersections of Willis Road and the intersection of Highway 44; the intersection of Willis Road and Highway 30; the intersection of Highway 30 and Highway 44; and exit 25 on I-84. Additionally, sensitivity to High School traffic, pedestrian access, and new driver/bus traffic to be considered.
2. MAKE THE DEVELOPER PAY FOR AND IMPLEMENT TRAFFIC MITIGATION IMPROVEMENTS DIRECTLY ATTRIBUTABLE TO THE PROJECT PRIOR TO AUTHORIZING ONE SHOVEL MOVING ON THEIR PROJECT.

Traffic is not only generated by the end result of the 147 lots being fully built, but the additional construction traffic of heavy machinery, earth moving equipment, and contractor traffic during the phased project. Traffic mitigation means ALL TRAFFIC MITIGATION, and must be addressed in order to remedy the additional burdens experienced by preexisting residents.

In total, the proposed project negatively impacts the traffic and safety of the local area without adequately addressing it. This is in conflict to the comprehensive plan in the following ways:

Transportation Goal 3,

Objective A: Plan and develop a safe system of roads, bike lanes, sidewalks and pathways.

Objective B: Reduce vehicle congestion and encourage walking and bicycling.

The proposal conflicts with the Comprehensive Plan by increasing traffic in an already over-planned area that has not received any additional traffic mitigation actions. The additional traffic directly adjacent to a High School will increase traffic and increase hazards with right-in, right-out access to the area requiring unusual traffic patterns that direct traffic directly south to the uncontrolled intersection of the principal arterial identified Emmett Road and Highway 44 in conflict with Objective A. The City is unable to respond to easily anticipated traffic hazards at regional areas, and cannot adequately respond to the project's impacts. There are no retail, commercial, or recreation areas to walk to, and all traffic will be vehicle traffic in conflict with Objective B.

Schools Goal 13

Objective A: Minimize vehicle traffic congestion and obstruction on roads abutting school sites.

The proposal conflicts with Objective A by pressing 147 housing units and the associated construction activities directly adjacent to Middleton High School. The area has preexisting development projects that have been added without adequate mitigation for the additional traffic and this additional project creates additional traffic congestion with additional trips with minimal to no mitigation.

Population Goal 14

Preserve a high quality of life and livability in Middleton.

Objective A: Plan for the projected population by providing sufficient services and amenities.

The services and amenities are absolutely lacking with the proposal and the additional housing provided without capacity. Additional traffic creates a safety risk without mitigation, and reduces the quality of life and livability in Middleton. How the City Council and the Planning and Zoning Commission can continue to approve high-density housing in contradiction to this goal is unconscionable. The goal states to "preserve a high quality of life." Unmitigated growth is in conflict with this goal.

Because of the conflicts with the Comprehensive Plan, this project should not be rezoned to R-3, and these conflicts are fatal to the overall annexation plan and preliminary plat. The Planning and Zoning Commission should find that the proposal conflicts with the

comprehensive plan in the above ways and deny the application. In identifying what would satisfy the commission to gain approval, it would be a comprehensive traffic impact study to include already approved developments with the cumulative impacts and mitigate those impacts in construction to finality prior to breaking earth on the project, as would be contained in a new development agreement. Otherwise, the applicant can submit a preliminary plat with Canyon County for its already recently approved R-1 County zoning.

II. Nuisance Concerns

This area has been subject to intense development, and with it, intense nuisances that would only be amplified by approving this project. At its core, Idaho Code 52-111 states that

“Anything which is injurious to health or morals, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance and the subject of an action.”

The Highlands West subdivision development has demonstrated the lack of adequate remedy for the disturbances caused by unmitigated growth. Over the course of two years, our neighborhood has been woken up at the literal crack of dawn by heavy earth moving equipment. Inquiries to Middleton City Police have been instructive, stating that the construction activity is permitted from dawn to dusk. This means that like last June 2021, earthmoving activity was allowed to commence before 6:00 AM. Blaring back-up sirens and vibratory rollers have plagued the comfortable enjoyment of all of the residents of the neighborhood from a construction site over a quarter-mile away. Add to this construction delays from roadway utility cuts and engine braking from dirt hauling along Emmett Road have transformed this area into a two year long construction zone. An additional project proposed over multiple years with the option for extensions would only degrade the area more.

Should the Commission decide to ignore the conflicts with the Comprehensive Plan as discussed earlier, the Commission should include in the development agreement conditions to mitigate nuisance to the surrounding community including hours of operation, noise mitigation, light pollution mitigation, and load securing requirements.

1. Hours of construction operation from 8:00 AM to 5:00 PM Monday through Friday;
2. To the extent possible avoid lighting that projects upwards by prohibiting streetlights or using shaded fixtures and incorporate this into the CC&Rs: we can still see the stars on clear nights and we would like to keep doing so.

3. Install noise barrier fencing on the north side of the property to shield construction and eventual residential noise from disturbing our community
4. Prohibit contractors from engine braking down Willis Street or Emmett Road when approaching the worksite
5. Ensure mud and construction debris are not left on arterial roads
6. Repeated violations of the above constitute a breach, triggering the same remedies of Article IV of the development agreement.

III. Summary

In summary, the proposed project conflicts with the Comprehensive Plan and negatively impacts the surrounding community, adding to a continued cycle of unmitigated development. The staff report cherry-picks Comprehensive Plan goals in order to provide a route for approval while ignoring serious deficiencies and outright conflicts.

I have heard multiple times that we are experiencing “growing pains” within the community due to unrestricted growth. Pain is an indication of when something is injured. When there is an injury, there needs to be time to assess the problem, and allow adequate steps and time to fix it. Adding more of the same problem to an already overtaxed system is not the answer, rather it exacerbates the symptoms, increases conflict, and leads to a decreased quality of life. Before this projects continues, the preexisting issues must be addressed. I know this Commission has heard repeatedly the discontent with unmitigated development, and we are all paying the price for others to profit. I appreciate your time in hearing these concerns we all are dealing with.

Sincerely,

Brian R. Sheets



CANYON COUNTY
DEVELOPMENT SERVICES DEPARTMENT
111 North 11th Avenue, #140 • Caldwell, Idaho • 83605
Phone (208) 454-7458 • Fax: (208) 454-6633
www.canyoncounty.org/dsd.aspx

Dear Property Owner:

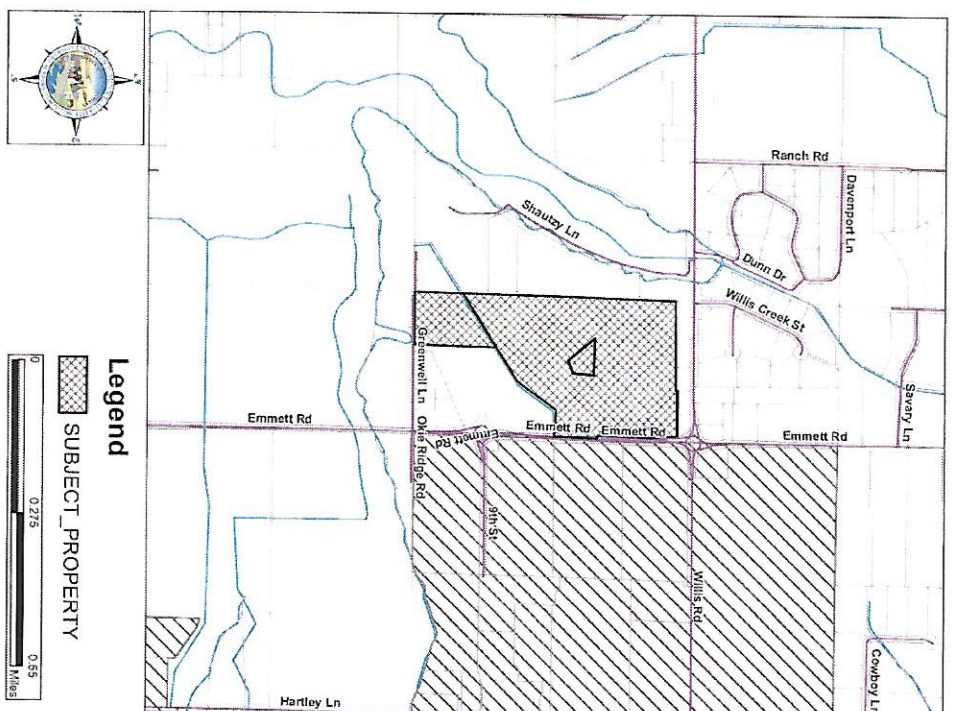
NOTICE IS HEREBY GIVEN that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on July 18, 2019 beginning at 6:30 P.M. on the following Case No. **RZ2019-0011**.

The hearing will be held in the **Public Meeting Room** on the 1st floor of the Canyon County Administration Building, located at 111 North 11th Avenue, Caldwell, Idaho.

Case No. RZ2019-0011: Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres) and a 33.38 acre portion of R3445012A2 from an "A" (Agricultural) zone to "R1" (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho.

Your comments and concerns are important in evaluating this case and you are invited to provide oral testimony at the hearing. To have your comments included in the Commissioners packet, written testimony should be submitted to Development Services a minimum of 10 days prior to the hearing date. Packets are mailed to the Commissioners one week prior to the hearing date and they include the staff report with recommendation for approval or denial. All written testimony will be provided to the Commission for consideration.

Copies of all documents concerning public hearing items may be requested at the Canyon County Development Services Department, 1st Floor Canyon County Administration Building, 111 N 11th Avenue. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. If you have questions or would like additional information, please contact the Case Planner, Dan Lister at dlister@canyonco.org. In all correspondence concerning this case, please refer to the case number above.



Assistance is available for persons with disabilities. Please call the Development Services Department at 454-7458 at least five (5) days prior to the hearing so that arrangements can be made

Crash near Middleton causes collision with forklift that kills 52-year-old Idaho man



Ian Max Stevenson, Idaho Statesman

Idaho

Published at 9:04 pm, March 10, 2022



MIDDLETON ([Idaho Statesman](#)) — A three-vehicle crash northwest of Middleton on Thursday afternoon killed a 52-year-old Caldwell man, according to the Idaho State Police.

At around 12:24 p.m. at Old Highway 30 and Willis Road, three vehicles were approaching an intersection when a juvenile driving westbound in a pickup truck on Willis Road failed to yield, according to an ISP press release, and collided with a tow truck traveling northbound.

A forklift loaded on the back of the tow truck came off, and a southbound SUV “collided with it,” the release said. The SUV’s driver died at the scene.

The juvenile driver of the pickup and a passenger were taken to a hospital, as was a passenger traveling in the SUV. Their conditions are not known. All vehicle occupants were wearing seat belts.

The crash remains under investigation, Idaho State Police said.

[SUBMIT A CORRECTION](#)

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ATTACHMENT 2

CANYON HIGHWAY DISTRICT NO. 4

Mid-Star Service Area Capital Improvements Plan

Prepared by Kittelson & Associates, Inc.
May 7, 2021

Prepared for:

Canyon Highway District No. 4
City of Star, Idaho
City of Middleton, Idaho



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INTRODUCTION

Canyon Highway District No. 4 (CHD4) has prepared this Middleton-Star Capital Improvements Plan (herein referred to as “Mid-Star Service Area CIP”) to identify, plan and prioritize transportation projects through the year 2040 within the CHD4 Subdistrict No. 1 planning area. Improvements were identified based on an analysis of the existing and future transportation system, utilizing the Community Planning Association of Southwest Idaho’s (COMPASS) travel demand model. CHD4, Canyon County, City of Middleton and City of Star were all involved in the CIP development for joint use in adopting transportation impact fees to fund improvements to the highway system, to serve new growth and development, and to protect the health, safety, and general welfare of the citizens of these communities.

A Traffic Impact Fee program (TIF) (*Reference 1*) was developed in conjunction with this CIP so that impact-fee eligible projects from the CIP could be funded through development impact fees in accordance with Idaho Code 67-82 (Idaho Development Impact Fee Act). Development Impact Fee Advisory Committees from Canyon County, City of Star, and City of Middleton (DIFAC) were engaged for the development of the CIP and TIF Program. The joint DIFAC met four times (June 3, 2020; September 15, 2020; November 10, 2020; January 13, 2021) to review materials and provide comments on development of the CIP and TIF. *Meeting materials and summary notes are included in Appendix A. Appendix B contains the requirements laid out in the Idaho code and a general description of how each is addressed in this CIP.*

In order to meet the requirements set forth in Idaho Code 67-8208 (1) (b)- “Commitment for non-Impact Fee revenues to cure Existing System Deficiencies”, CHD4, the City of Star, and the City of Middleton commits to using revenue sources other than development impact fees to cure existing system deficiencies, where practical, with the adoption of this Capital Improvement Plan.

Service Area & Service Network

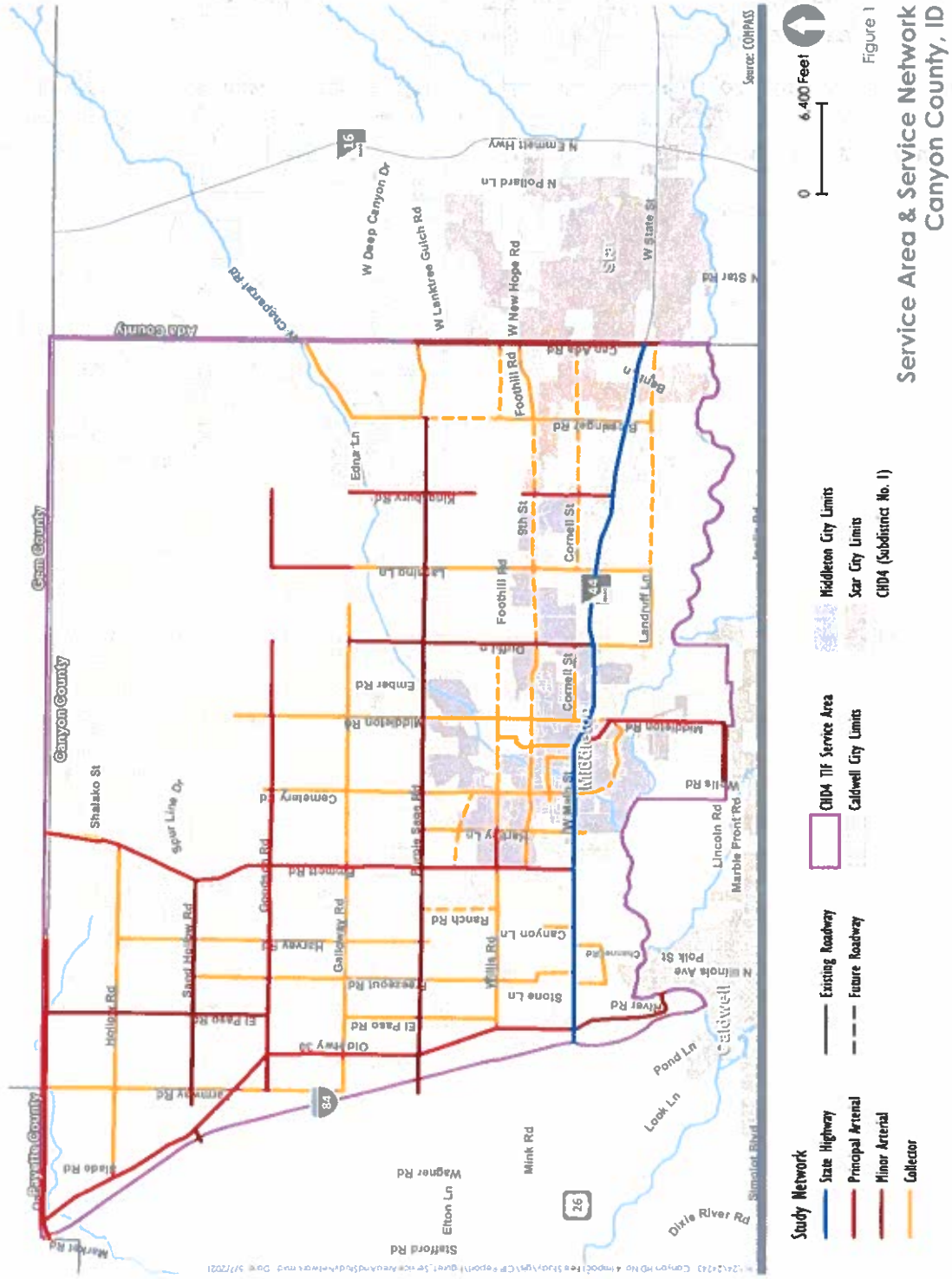
The service area for this CIP and for CHD4’s Traffic Impact Fee program include multiple jurisdictions: City of Middleton, the western portion of the City of Star, unincorporated Canyon County and CHD4. The City of Caldwell also has a small park in the southwest corner of the service area but does not have jurisdiction over or maintain any public roadways in the service area. The service area is bounded to the north by Gem County and Payette County, to the south by the Boise River and Lincoln Road, to the west by I-84, and to the east by Ada County. The service area also includes the City of Middleton Area of Impact south of the Boise River, described as the lands east of KCID Road, north of Lincoln Road, and west of Midland Boulevard.

Arterial and certain collector roadways within the service area were identified as the service network for this CIP. These roadways are typically eligible for traffic impact fees as they are utilized by trips of significant length within or through the service area. Those collector roadways deemed regionally significant are generally located on section lines at one-mile intervals, and are likely to develop into a minor arterial function as urban growth expands within the service area. Local roadways and some minor collectors are excluded from this study, as their principal purpose is to distribute trips to and from the regional arterial/collector network. State Highway 44 is maintained by the Idaho Transportation Department (ITD) and is included in this analysis to

evaluate the CHD4-maintained roadway intersections with the highway, and may require improvements due to new growth and development. Improvements to the state highway system maintained by ITD are not included in this CIP and are not eligible for impact fee funding; however, improvements to the local road approaches to the state highway system and the local share of the cost of traffic signal equipment at these intersections are impact fee eligible, and are included in this plan.

Figure 1 shows the boundaries of the service area and arterial and collector roadways included in the service network. *Appendix E includes Technical Memorandum #1B, which provides additional discussion on service area demographics and roadway facilities in the study area.*

Figure 1. Service Area & Service Network



Existing Service Network

There are three separate roadway jurisdictions within the Mid-Star service area: Canyon Highway District No. 4 (CHD4), City of Middleton, and City of Star. By agreement¹ with City of Star, CHD4 acts as the highway jurisdiction for those portions of Star within Canyon County, and receives from Star the roadway-related tax revenues generated within city limits in Canyon County. City of Middleton has a functioning street department and has jurisdiction over all roadways within its city limits.

There are three existing improved intersections in the service area, consisting of two dual-lane roundabouts on Emmett Road adjacent to Middleton High School, and the existing signalized intersection at SH 44 and Middleton Road in downtown Middleton. All other intersections within the service area are stop controlled (two-way or all-way). All highways included in the service network are two lane rural roads, except at isolated locations where development-related frontage improvements have been constructed.

The existing and anticipated year 2040 service network is described in Table 1, and consists of approximately 116 miles of existing highways:

Table 1. 2020 and 2040 Service Network Mileage by Functional Classification

	2020 Network	2040 Network
Total Network Mileage	116.2	138.2
State Highway	9.4 (8.1%)	9.4 (6.8%)
Principal Arterial	28.5 (24.5%)	28.6 (20.7%)
Minor Arterial	23.8 (20.5%)	23.8 (17.2%)
Collector	54.5 (46.9%)	76.5 (55.3%)

Note: Values represent directional mileage of study network roadways (excludes local roadways)

Source: COMPASS

Existing system deficiencies are described in detail beginning on page 20 of this document.

CIP Process

The following transportation plans, capital improvement plans, and corridor studies were reviewed to identify transportation projects within the service area. These projects were reviewed and considered for inclusion in the CIP to ensure consistency between previous planning efforts.

- CHD4 Transportation Master Plan (*Reference 2*)
- City of Middleton Capital Improvements Plan (*Reference 3*)
- City of Star Comprehensive Plan (*Reference 4*)

¹ Canyon 4/Star Public Agency Coordination Agreement, June 6, 2007.

- SH-44, I-84 to Eagle, Corridor Study (*Reference 5*)
- Middleton Road Corridor Plan (*Reference 6*)

Projects included in this CIP were selected through a planning-level traffic operations analysis. Analyses were completed to identify corridors and intersections with existing (2020) and future (2040) capacity-related deficiencies. The CIP development process is briefly outlined below.

- The COMPASS Travel Demand Model was updated to include current residential land use, and population and employment forecasts for 2040.
- COMPASS model output (existing and future traffic volumes) was used to identify existing and future deficiencies through a planning level traffic operations analysis.
- CIP projects and cost estimates were developed from the list of deficient roadways and intersections.
- TIF-eligibility and other funding mechanisms were determined through discussions with partner agencies, review of funding sources for transportation projects by jurisdiction, and a review of the Idaho Development Impact Fee Act.

METHODOLOGY & ASSUMPTIONS

Land Use

Existing and future roadway and intersection deficiencies were identified using output from the COMPASS Travel Demand Model. COMPASS provided existing and future year traffic volumes for roadways, based on the existing and projected future year demographic data in the Traffic Analysis Zones (TAZ). The COMPASS network includes arterial and collector roadways within the service area. Figure 1 shows the roadways included in the COMPASS model and considered in development of this CIP.

For purposes of this study, the 2040 COMPASS Travel Demand Model was used as a basis for the demographic and land use assumptions in the service area. The current year 2020 demographics from the baseline COMPASS model were adjusted to quantify the existing residential population using aerial photography commissioned by COMPASS in 2019 to identify total existing residential development for each TAZ. Future year 2040 demographics were also modified from the base COMPASS travel demand model to reflect recent and expected development trends in the service area, based on current and planned growth patterns identified in the Canyon County, City of Middleton, and City of Star Comprehensive Plans (References 7, 8, and 9). Table 2 summarizes the year 2020 and year 2040 demographics for the service area. Figure 2 and Figure 3 show the year 2040 population and employment estimates by TAZ. *Appendix C includes figures showing year 2020 population and employment by TAZ.*

Table 2. Year 2020 and Year 2040 Demographics in Mid-Star Service Area

Jurisdiction	Population				Employment			
	2020	2040	Change	Percent	2020	2040	Change	Percent
City of Middleton	9,710	27,342	+17,632	+182%	1,521	3,952	+2,431	+160%
City of Star (in Canyon County)	150	12,646	+12,496	+8,331%	20	361	+341	+1,705%
Unincorporated Canyon County	10,544	4,287	-6,257	-59%	801	600	-201	-25%
Total Service Area	20,414	44,315	+23,901	+117%	2,342	4,939	+2,597	+111%

Additional coordination occurred with COMPASS and relevant agencies to identify new arterial and collector roadway alignments that are likely to be constructed by year 2040 for inclusion in the model. These roadway alignments were primarily in areas that are expected to experience high population and employment growth by the year 2040.

Service Units by Land Use Category

Traffic impact fees must be developed through use of service units to be consistent with the Idaho Development Impact Fee Act. Service units, or the measure of system demand associated with each new development, are measured in Vehicle Miles Traveled (VMT) on the service network during the PM peak hour. The total amount of PM peak hour trips are used to estimate VMT generated by different land use types. Table 3 shows the estimated growth in PM peak hour trips and in employment by different land-use types as assumed in the COMPASS demographic forecasts.

Table 3. Year 2020 and Year 2040 Demographics in Mid-Star Service Area – Land-Use Categories

Year	P.M. Peak Hour Trips	Population	Employment					
			Retail	Office	Industrial	Government	Agriculture	Education
2020	3,252	20,414	427	757	460	79	107	512
2040	7,384	44,315	1,246	1,946	924	135	83	669

Figure 2. Year 2040 Population by Traffic Analysis Zone

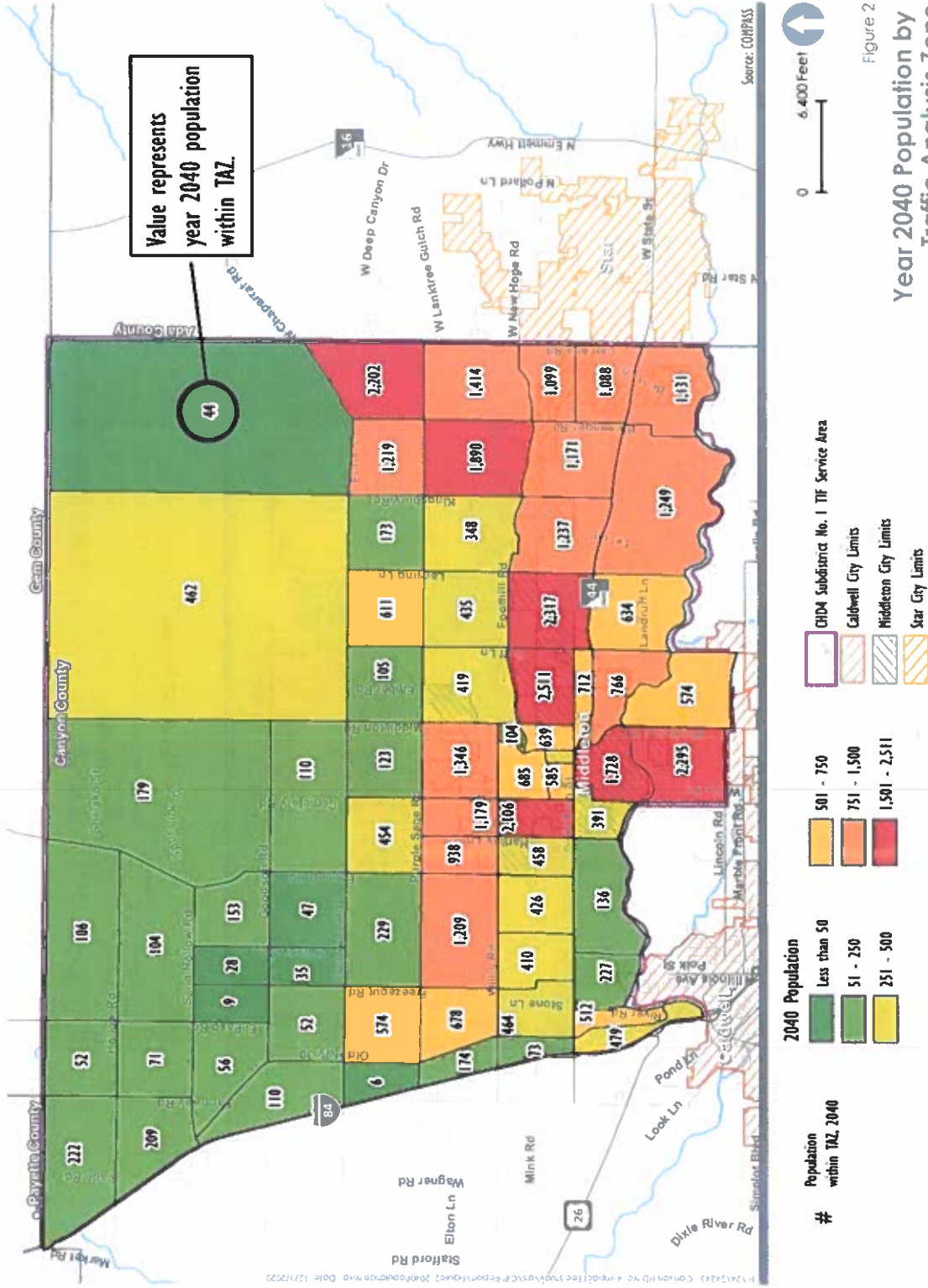
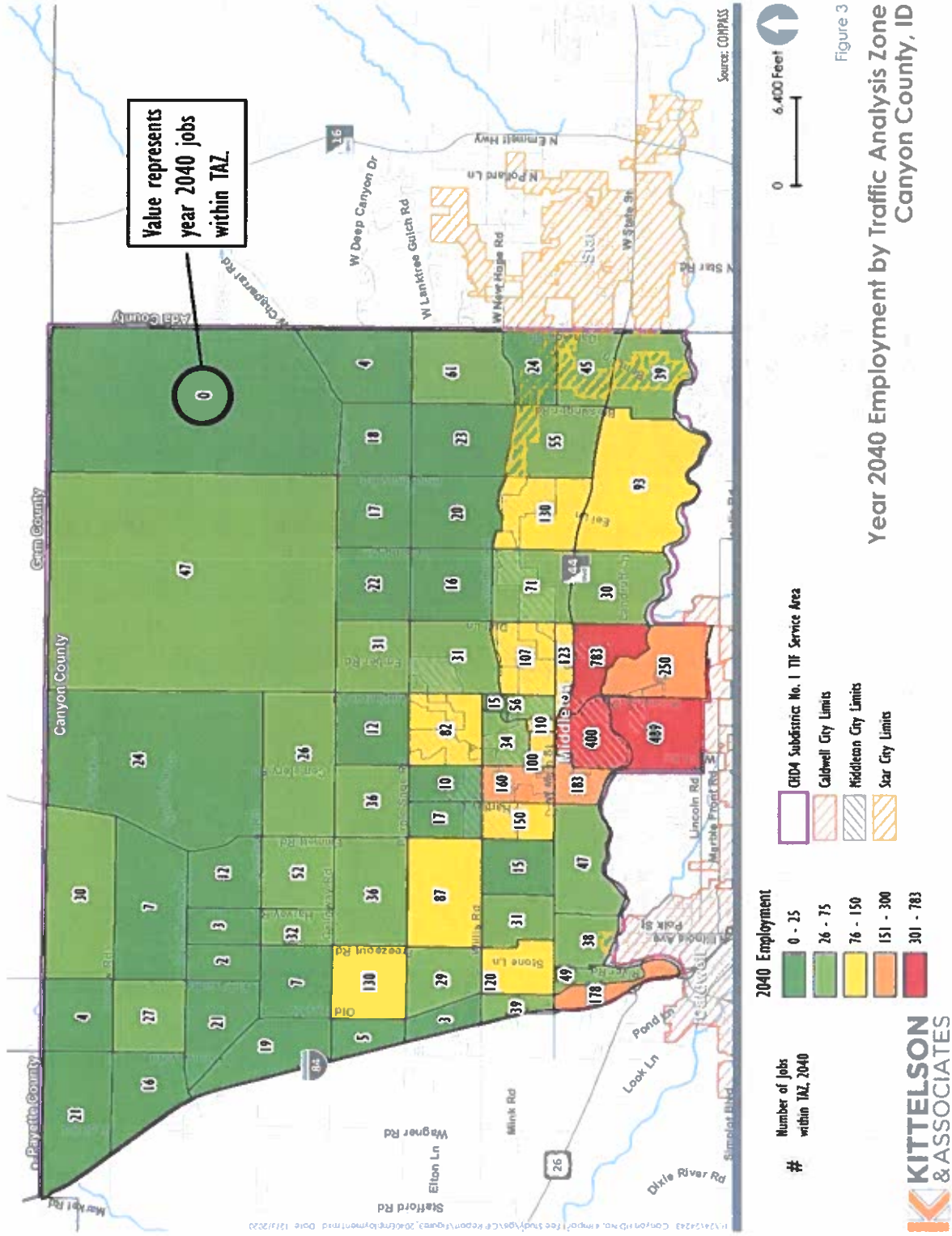


Figure 2
Year 2040 Population by
Traffic Analysis Zone
Canyon County, ID

Figure 3. Year 2040 Employment by Traffic Analysis Zone



Performance Measures & Traffic Operations

A traffic operations analysis was conducted for existing and future roadways and intersections within the service area. The following section outlines the methodologies and processes used in the analysis, as well as the performance measure used to determine deficient segments and intersections. *Appendix D includes Technical Memorandum #1A, which includes additional discussion on traffic operations methodology and performance measures.*

Performance Measure

The traffic operations analysis performed in this CIP utilized a performance measure of **level of service (LOS) D** for roadway segments and intersections, based on the following characteristics:

- Goals and objectives for the service area.
- Consistent with current practice by CHD4 and City of Star.
- Consistent with other transportation agencies in the Treasure Valley.
- The measure is tied to the capacity of the roadway segments and intersections consistent with the Idaho Code 67-82.
- The measure can be calculated via HCM methodology.

Roadway Volumes

The revised year 2040 land use assumptions embedded in the COMPASS travel demand model were used to develop future roadway volumes for the study network. COMPASS provided daily volumes as well as PM peak hour, directional volumes for year 2020 and 2040 analysis years. Figure 4 shows weekday PM peak hour roadway volumes for year 2040.

Figure 4. Year 2040 Roadway Volumes, Weekday PM Peak Hour

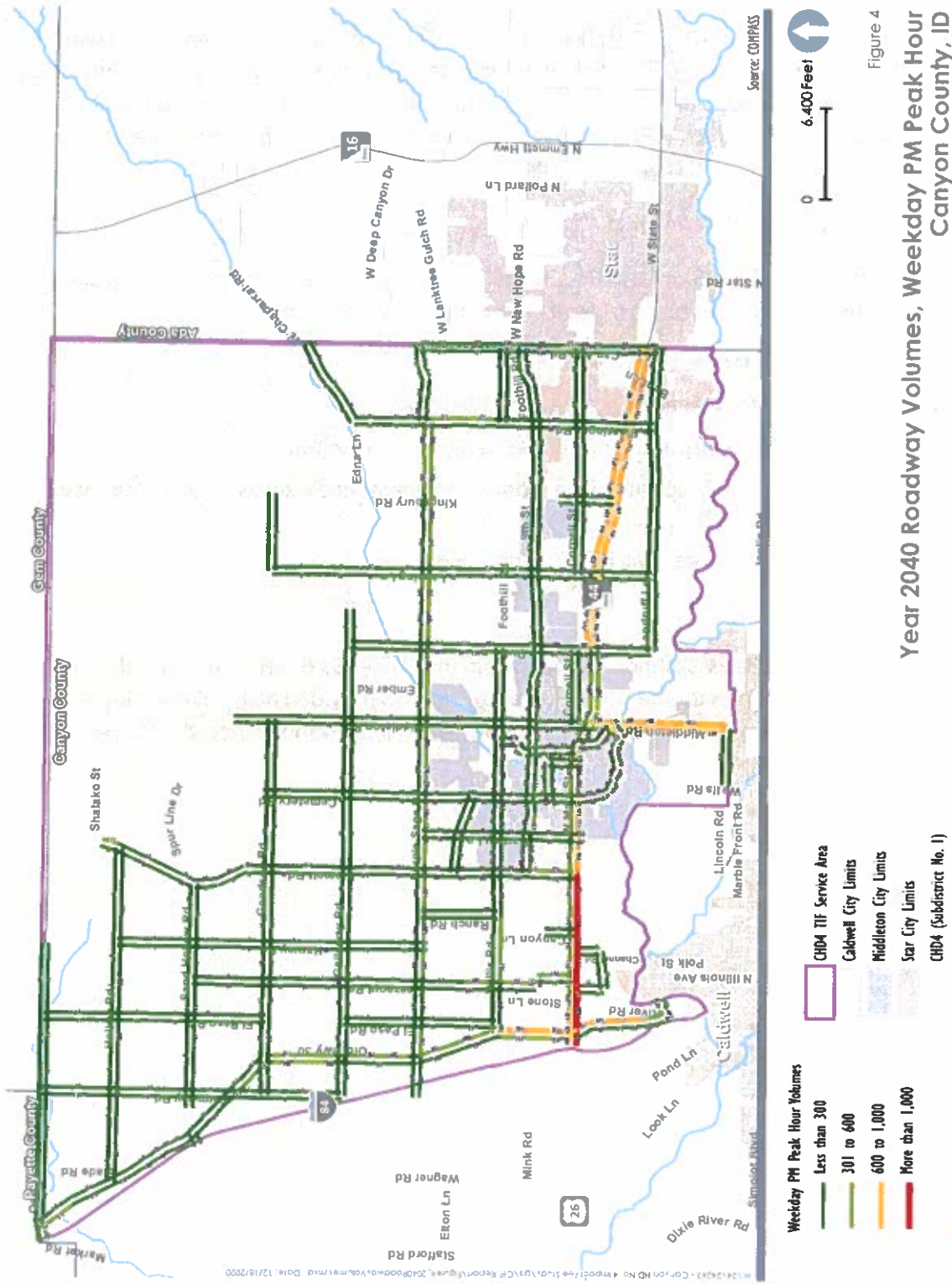


Figure 4
Year 2040 Roadway Volumes, Weekday PM Peak Hour
Canyon County, ID

Roadway Methodology

Roadway operations were evaluated within the service area using service volume thresholds based on methodologies from the Highway Capacity Manual (HCM), 6th Edition. The specific values used in this analysis were developed using the Florida Department of Transportation's (FDOT) 2020 generalized service volume tables. *For more information regarding this process and other service volume tables, see Technical Memorandum #2 in Appendix F.*

Table 4 provides two distinct sets of service volumes for different roadway classifications, lane configurations, and the presence of turn lanes, center turn-lane, or median. These sets include:

- CHD4 Service Volumes: Urbanized Areas – developed using 2020 FDOT “Urbanized Area” service volume table
- CHD4 Service Volumes: Transitioning Areas – developed using 2020 FDOT “Transitioning and Areas Over 5,000 Not in Urbanized Areas” service volume table

The context of each roadway was categorized as follows: “urbanized area” for roadways within an incorporated city and “transitioning area” for roadways within an unincorporated area of the county. The following describes the methodology for evaluating roadway segments:

Step 1: COMPASS Regional Travel Demand Model output was obtained. Existing (2020) and future (2040) peak-hour directional volumes (weekday PM peak hour) for each roadway were provided from COMPASS model link volumes.

Step 2: Each roadway segment was evaluated by comparing the peak-hour directional volumes calculated in Step 1 with the selected thresholds outlined in Table 4 (on the next page). Using LOS D as the threshold, roadways that require capacity improvements were identified, and project types were recommended for each roadway to meet this performance measure.

Step 3: The list of recommended projects was presented to partner agencies. The project list was refined based on input from partner agencies and incorporated into the CIP. The Freezeout Rd- SH 44 to Willis Rd roadway project exceeded the LOS D threshold. It was removed by observation as it would not logically function as arterial or major collector components to the network.

Table 4. Roadway Service Volume Thresholds

Functional Classification	Characteristics	Number of Lanes per Direction of Travel	Directional Peak Hour Volume Level of Service Planning Thresholds			
			Urbanized Areas		Transitioning Areas	
			LOS D	LOS E	LOS D	LOS E
Principal Arterial	Undivided; No left turn lanes at intersections	1	620	**	560	**
		1	790	**	720	**
	Undivided; Left turn lanes at intersections	2	1,700	**	1,550	**
		3	2,570	**	2,330	**
	Divided (Continuous center left turn lane or median); Left turn lanes at intersections	1	840	**	760	**
		2	1,800	**	1,640	**
		3	2,720	**	2,470	**
Minor Arterial	Undivided; No left turn lanes at intersections	1	530	560	480	500
		1	680	720	610	650
	Undivided; Left turn lanes at intersections	2	1,390	1,450	1,240	1,360
		3	2,140	2,180	1,940	2,060
	Divided (Continuous center left turn lane or median); Left turn lanes at intersections	1	710	760	650	680
		2	1,470	1,530	1,310	1,440
		3	2,270	2,300	2,050	2,180
Collector	Undivided; No left turn lanes at intersections	1	340	360	310	320
		1	490	520	440	470
	Undivided; Left turn lanes at intersections	2	980	1,020	880	960
		3	1,510	1,540	1,370	1,450
	Divided (Continuous center left turn lane or median); Left turn lanes at intersections	1	530	560	480	500
		2	1,060	1,110	950	1,040

Intersection Methodology

Intersection operations were evaluated using methodologies outlined in the HCM and the National Cooperative Highway Research Program (NCHRP) *Report 825: Planning and Preliminary Engineering Applications Guide to the Highway Capacity Manual* (Reference 10). The methodology required the following data:

- Year 2020 and 2040 peak hour traffic volume projections on all service area roadways
- Year 2020 and 2040 peak hour intersection turning movement volume projections on certain service area intersections
- Existing peak hour traffic volumes on service area roadways and intersections (not a requirement, but preferred where data is available)

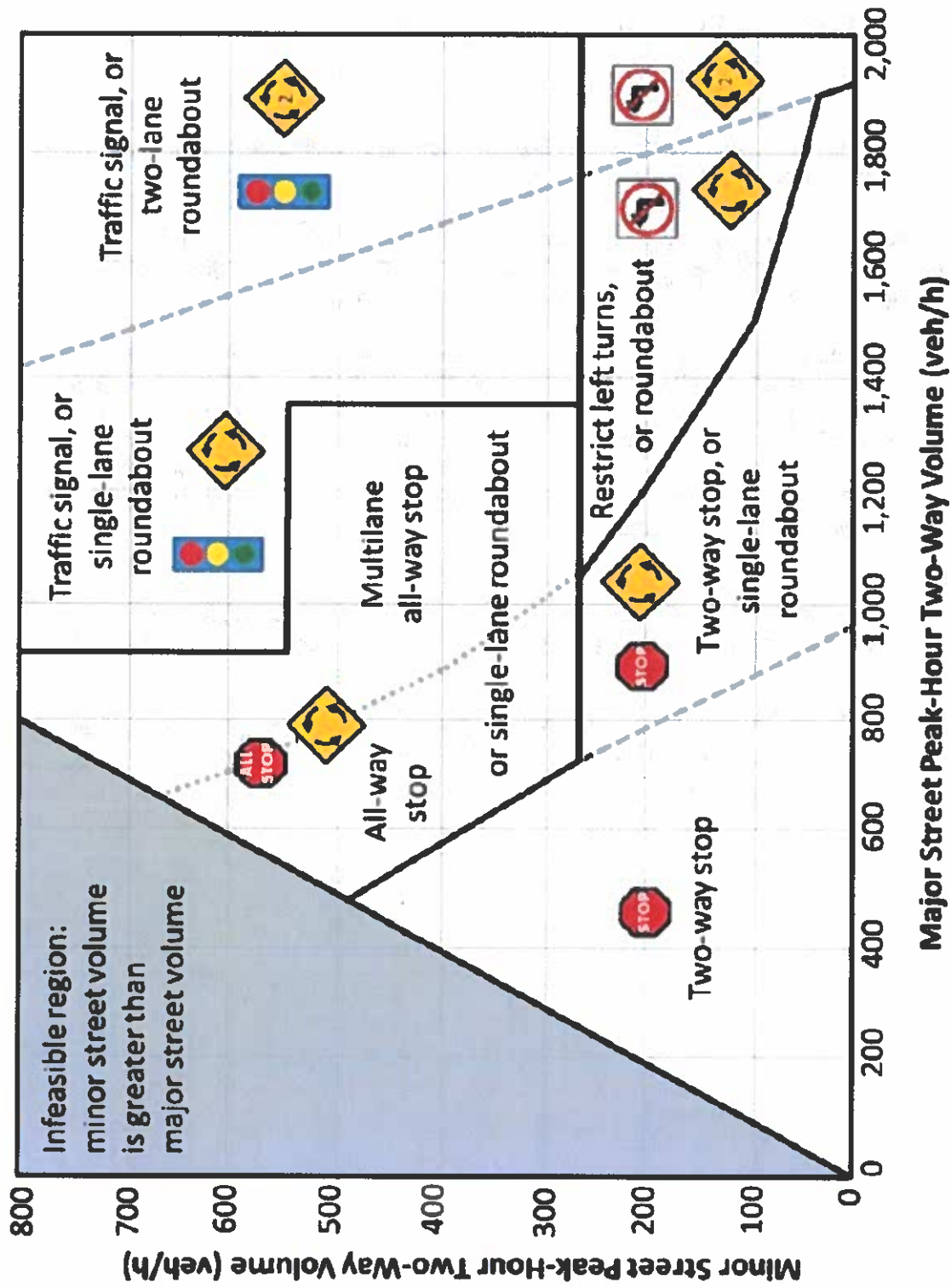
This methodology led to identifying deficiencies and improvements, such as converting a two-way stop-control intersection to an all-way stop-control, roundabout or traffic signal at the intersections. The following steps outline the methodology used for intersection operations analysis.

Step 1: Each intersection within the service area was evaluated under year 2020 and 2040 traffic conditions (weekday PM peak hour) using Exhibit 17 from NCHRP Report 825 (Reference 10), as shown in Figure 5 and Figure 6. This exhibit is based on methodologies of the 6th Edition of the HCM and identifies intersections that warrant a different intersection control type (e. g. stop control, all-way stop, roundabout, signal), based on future traffic volumes on the roadway approaches. This step resulted in a list of intersections in the service area that may warrant an improvement.

Step 2: The compiled list of intersections and preliminary recommendations for intersection control types (created in Step 1) was sent to partner agencies and the DIFAC for review and comment. Based on feedback from partner agencies and the DIFAC, a refined list of intersections and respective control types was developed for inclusion into the CIP.

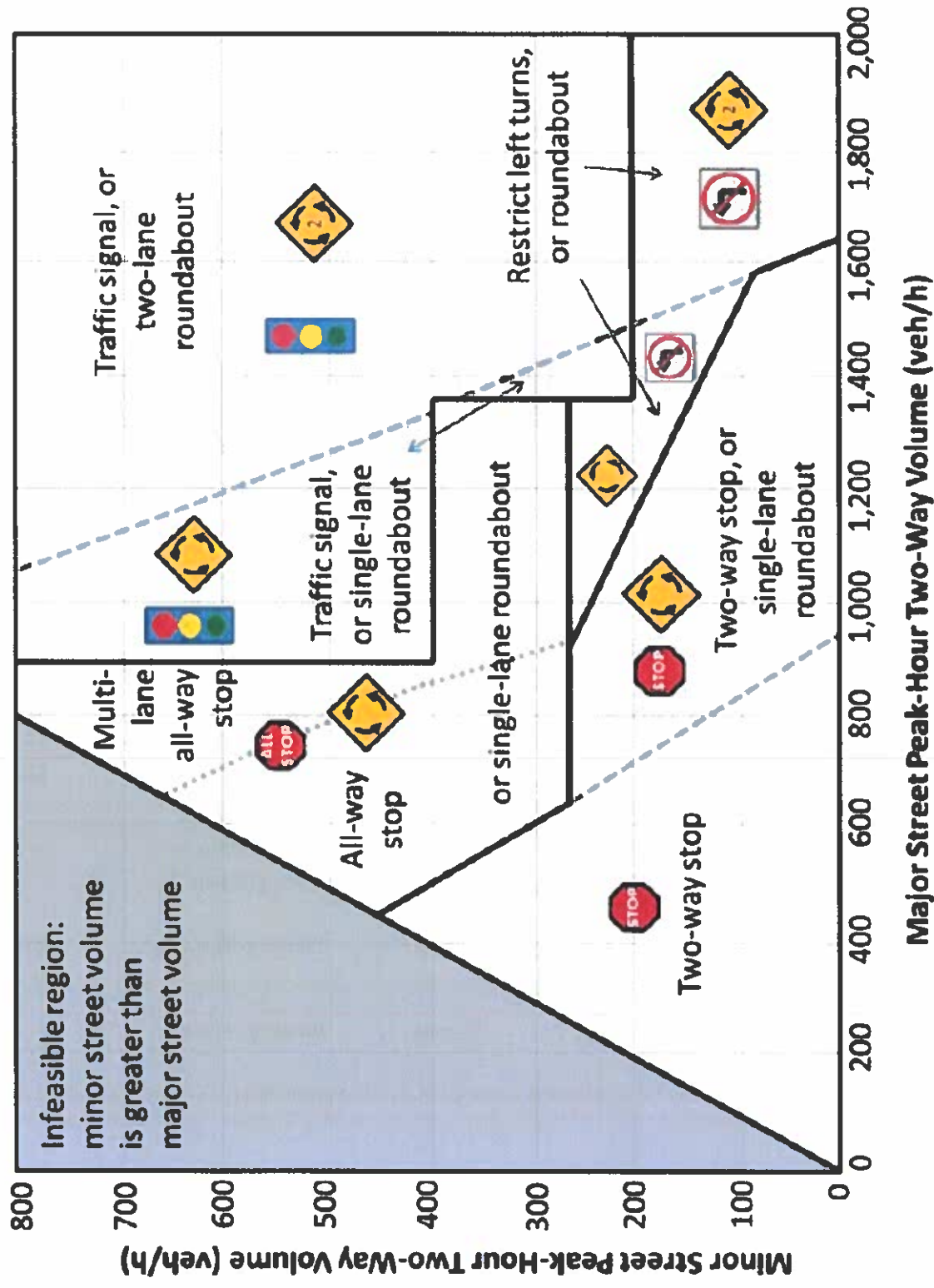
Step 3: Some intersections are identified for further analysis to determine appropriate control type. Previous planning documents for the service area were reviewed for consistency with intersection needs and control types.

Figure 5. Intersection Control Type by Peak Hour Volume – 50/50 Volume Distribution



Source: National Cooperative Highway Research Program (NCHRP) Report 825 (Exhibit 17a)

Figure 6. Intersection Control Type by Peak Hour Volume – 67/33 Volume Distribution



Source: National Cooperative Highway Research Program (NCHRP) Report 825 (Exhibit 17b)

ROADWAY & INTERSECTION DEFICIENCIES

Existing Capacity & Deficiencies

This section identifies the existing capacity and deficiencies of the transportation system as required by Idaho Code 67-82. Five intersections and two roadway segments have traffic demand that exceeds current year 2020 service capacity. All five of the intersections are along SH 44, and all are currently two-way stop-controlled intersections. The critical movement(s) of these intersections are expected to operate over-capacity during the PM peak hour which corresponds with a performance measure of LOS E or worse. The two roadway segments currently operate at LOS E or worse during the PM peak hour and include a small segment of SH 44, less than 1,000 feet from I-84 to Old Highway 30 and a segment of Middleton Road, about 1.5 miles from Lincoln Road to Sawtooth Lake Drive. Capacity improvements that address existing deficiencies are not eligible for TIF funding. Table 5 and Figure 7 identify the existing system deficiencies. The total estimated cost to address existing system deficiencies is \$6,312,500, as shown in Table 5.

Table 5. Deficient Intersections & Roadways (Year 2020, Existing System)

Intersection	Existing Control Type		Improvement Needed to Address Existing Deficiency		Cost
SH 44 & Middleton Road ¹	Two-Way Stop		3x5 Traffic Signal		\$962,500
SH 44 & Emmett Road ¹	Two-Way Stop		3x5 Traffic Signal		\$362,500
SH 44 & Lansing Lane ¹	Two-Way Stop		3x5 Traffic Signal		\$1,262,500
SH 44 & Old Highway 30 ¹	Two-Way Stop		3x5 Traffic Signal		\$1,262,500
SH 44 & Can Ada Road ¹	Two-Way Stop		3x5 Traffic Signal		\$1,262,500
Roadway	Threshold	Peak Hour Volume	Existing Configuration	Improvement Needed to Address Existing Deficiency	Cost
SH 44 ² I-84 to Old Highway 30	720	923	2 Lanes	Widen to 3 Lanes	\$0 (ITD only)
Middleton Road ³ Lincoln Road to Sawtooth Lake Drive	560 to 620	676 to 682	3 Lanes	Widen to 3 Lanes	\$1,200,000

¹Mitigation requires traffic signal or roundabout; ²Mitigation requires two travel lanes in each direction; ³Mitigation requires turn lanes at intersections

Figure 7. Existing Deficiencies (2020)

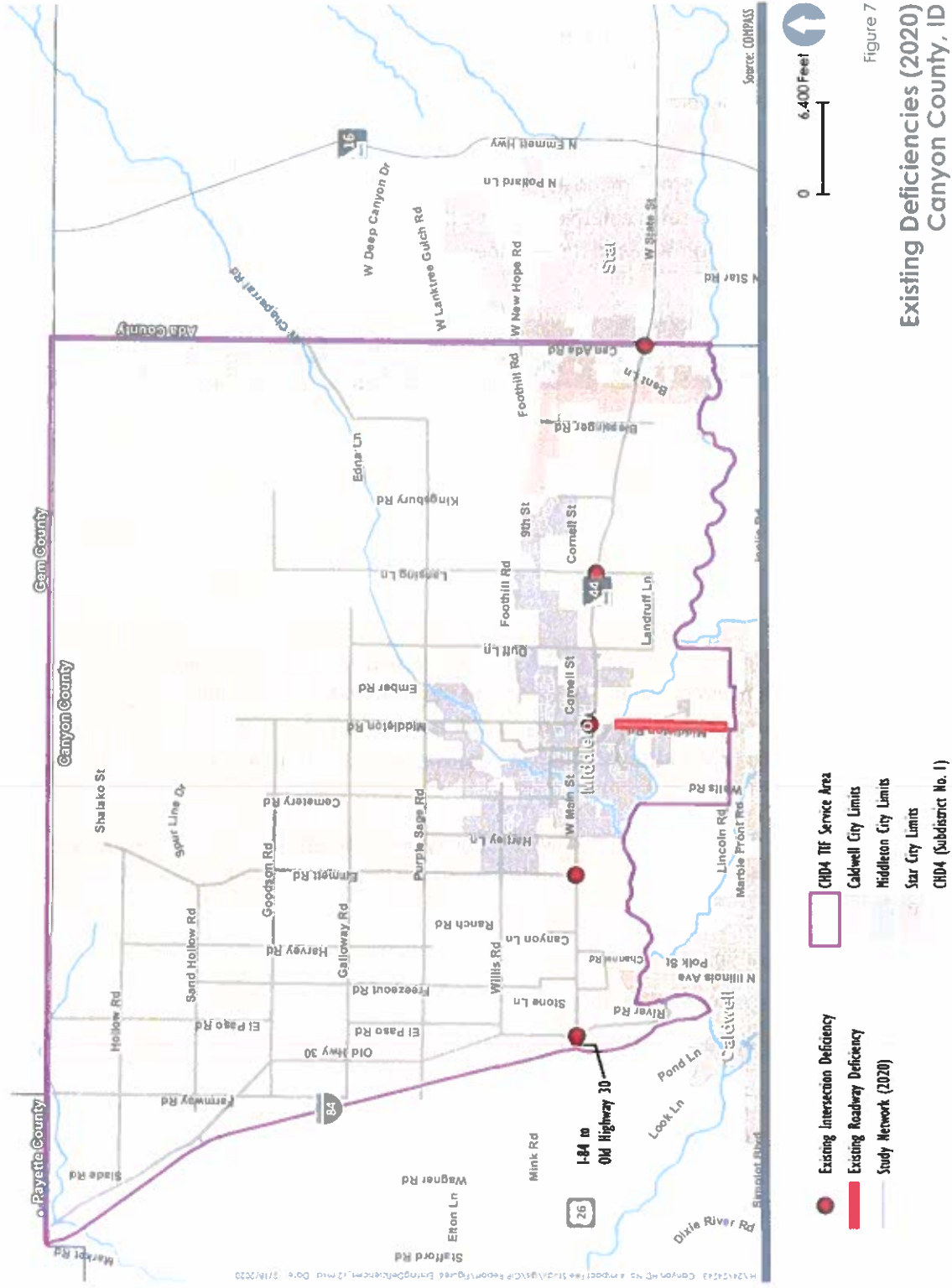


Figure 7
Existing Deficiencies (2020)
Canyon County, ID

2040 Capacity & Deficiencies

Future travel demand estimates for the Mid-Star service area are based on the land use and growth assumptions described above and are developed through output from the COMPASS travel demand model. The model forecasts the PM peak hour vehicle trips for 2040 horizon year based on the growth assumptions (size, type, and location of new developments), and assigns these trips to roadway segments in the service network.

Service units, or the measure of system demand associated with each new development, are measured in Vehicle Miles Traveled (VMT) on the service network during the PM peak hour. The additional demand attributable to the estimated new growth and development during the 2020 to 2040 planning horizon is 23,280 VMT as shown in Table 6.

Table 6. Change in Vehicle Miles Traveled (Year 2020 to Year 2040)	
	Total Service Area VMT
Year 2020	11,743
Year 2040	35,023
Net New System VMT (Change in VMT from New Development)	23,280

The service network was evaluated using the COMPASS travel demand model for the projected 2040 total demand, with 23,280 additional PM peak hour vehicle miles traveled (VMT). Those improvements needed to return the service network intersections and roadway corridors to a LOS D (excluding any 2020 existing deficiencies) are considered the proportionate share of improvements attributable to new growth and development.

Projected traffic demand is expected to exceed service capacity on thirty-two intersections and eleven roadway segments by 2040. Most of the deficient intersections are located along a few major roadways within the service area:

- Sixteen along SH 44 (50%),
- Eight along Purple Sage Road (25%) and
- Four along Old Highway 30 (12.5%).

Five of the thirty-two identified intersections have existing deficiencies in the 2020 year. The portions of projects that address these existing deficiencies are not impact fee eligible, and are excluded from the impact fee-eligible costs in the CIP.

The majority of SH 44 within the service area exceeds service capacity thresholds in year 2040, except for the segment within the City of Middleton. These segments are under the jurisdiction of ITD and therefore are not impact-fee eligible. Other deficient segments in the year 2040 include:

- Purple Sage Road between Freezeout Road and Emmett Road and between Middleton Road and Kingsbury Road, and
- Portions of Old Highway 30, Freezeout Road, Middleton Road, Blessinger Road, Can Ada Road, and Willis Road.

Table 7, Table 8, and Figure 8 illustrate intersection and roadway deficiencies in the year 2040.

Table 7. Deficient Intersections (Year 2040)

Intersection	Existing Deficiency	Existing Control Type
Old Highway 30 & Galloway Road	No	Two-Way Stop
Old Highway 30 & Purple Sage Road	No	Two-Way Stop
Old Highway 30 & Willis Road	No	Two-Way Stop
Purple Sage Road & Middleton Road	No	Two-Way Stop
Purple Sage Road & Duff Lane	No	Two-Way Stop
Purple Sage Road & Lansing Lane	No	Two-Way Stop
Purple Sage Road & Emmett Road	No	Two-Way Stop
Purple Sage Road & Harvey Road	No	Two-Way Stop
Purple Sage Road & Freezeout Road	No	Two-Way Stop
Purple Sage Road & Blessinger Road	No	Two-Way Stop
Freezeout Road & Willis Road	No	Two-Way Stop
SH 44 & Middleton Road	Yes	Two-Way Stop
SH 44 & Dewey Avenue	No	Two-Way Stop
SH 44 & Hawthorne Drive	No	Two-Way Stop
SH 44 & Cemetery Road	No	Two-Way Stop
SH 44 & Hartley Road	No	Two-Way Stop
SH 44 & Emmett Road	Yes	Two-Way Stop
SH 44 & Duff Lane	No	Two-Way Stop
SH 44 & Canyon Lane	No	Two-Way Stop
SH 44 & Channel Road	No	Two-Way Stop
SH 44 & Lansing Lane	Yes	Two-Way Stop
SH 44 & River Road	No	Two-Way Stop
SH 44 & Freezeout Road	No	Two-Way Stop
SH 44 & Old Highway 30	Yes	Two-Way Stop
SH 44 & Kingsbury Lane	No	Two-Way Stop
SH 44 & Blessinger Road	No	Two-Way Stop
SH 44 & Can Ada Road	Yes	Two-Way Stop
Middleton Road & Sawtooth Lake Drive	No	Two-Way Stop
Middleton Road & Lincoln Road	No	Two-Way Stop
Middleton Road & Cornell Street	No	All-Way Stop
Can Ada Road & Willis Road	No	Two-Way Stop ¹
Can Ada Road & Foothill Road	No	All-Way Stop

1. Future intersection – TWSC assumed for all future intersections in this analysis

Table 8. Deficient Roadway Segments (2040)

Roadway	Threshold ¹	Peak Hour Volume
Blessinger Road <i>Willis Road to Purple Sage Road</i>	310	321
Can Ada Road <i>New Hope Road to Willis Road</i>	480	495
Middleton Road <i>Lincoln Road to SH 44</i>	490 to 620	533 to 887
Old Highway 30 <i>US 26 to Willis Road</i>	480 to 560	645 to 754
Purple Sage Road <i>Freezeout Road to Emmett Road</i>	480	500 to 557
Purple Sage Road <i>Middleton Road to Kingsbury Road</i>	480	497 to 519
SH 44 <i>Old Highway 30 to Rainbow Ridge</i>	1,550	1,600
SH 44 <i>Canyon Lane to Hartley Lane</i>	720	798 to 1,135
SH 44 <i>Duff Lane to Can Ada Road</i>	720	742 to 987
Willis Road <i>Old Highway 30 to El Paso Road</i>	310	365
Willis Road <i>Freezeout Road to Ranch Road</i>	310	362

1. See Table 4 for service volume threshold definitions



Figure 8
Future Deficiencies (2040)
Canyon County, ID

CIP PROJECTS

This section presents the proposed CIP projects to address the intersection and roadway deficiencies identified in year 2020 and 2040.

Cost Estimates

The total cost of each project in the CIP was estimated at the planning-level. Table 9 shows unit costs for different project types that were used as a baseline for project costs. The project unit costs were developed based on recent cost estimates for similar projects in the region and collaboration with CHD4. The final CIP project costs were adjusted from the baseline costs shown in Table 9 to account for right-of-way (ROW) impacts, topography challenges, bridges or large culverts, and other potential constraints or design considerations (i.e., number of turn lanes required).

ROW costs are included in the intersection project unit costs. ROW costs for roadway projects were determined on a case-by-case basis using available parcel data and a unit cost of \$2.50 per square feet. The unit cost was based on recent project costs in the region. It was assumed that a ROW width of 74 feet is required for two-three lane roadways and that a ROW width of 94 feet is required for four-five lane roadways.

Bridge and/or culvert costs were added for significant waterway crossings using \$400 per square foot for design and construction costs. A contingency factor was applied to each project unit cost on a case-by-case basis to account for topographic features and other potential constraints.

Table 9. Cost Estimates - Unit Costs

Project Type	Project Unit Cost	Notes
Single-Lane Roundabout	\$2,000,000 per intersection	Cost includes bicycle and pedestrian facilities and limited ROW impacts.
Multi-Lane Roundabout	\$3,000,000 per intersection	
Traffic Signal (3x3) ¹	\$325,000 per intersection	Cost does not include widening of roadway. Costs associated with turn-lanes added based on need to widen roadway approaches. Cost includes limited ROW impacts and bicycle and pedestrian facilities.
Traffic Signal (5x5) ²	\$400,000 per intersection	
Roadway Widening	\$1,500,000 per lane per mile	ROW not included and determined on a case-by-case basis. Assumes cross-section with 12' travel lanes, 14' center-turn lanes, sidewalks, bike lanes, and/or multi-use path.
New Roadway	\$1,300,000 per lane per mile	ROW not included and determined on a case-by-case basis assuming a unit cost of \$2.50 per square foot. Assumes cross-section with 12' travel lanes, 14' center-turn lanes, sidewalks, bike lanes, and/or multi-use path.
Turn-Lane Improvement	\$300,000 per turn lane	Assumes cost of \$75 per square foot. Project unit cost is for 250' turn lane with 150' taper.
Bridge or Major Culvert	\$400 per square foot	From ITD planning level estimates.

1. 3x3 assumes one through lane, one left-turn lane, and one through lane on each approach.

2. 5x5 assumes two through lanes, one left-turn lane, and two through lanes on each approach.

Impact Fee Eligibility

The overall cost of impact fee eligible projects is used to determine the final impact fee schedule. The proportion of impact fee eligible costs was calculated for each CIP project. Impact fee eligibility is based on the requirements in Idaho Code 67-82 which states that impact fee funding should meet the following criteria:

- *Address deficiencies in capacity*
- *Address deficiencies that are attributable to future development (not existing deficiencies)*
- *Are included in the CIP (requiring updating every five years)*

Intersection projects on SH 44 (ITD facility) should be jointly funded by ITD and CHD4, the City of Star, or the City of Middleton. Only those portions of the SH 44 intersection projects that are outside of the ITD right-of-way (excluding the local share of signal equipment costs) are considered impact fee eligible. Projects, or portions of projects, that address existing deficiencies are not impact fee eligible.

Certain other projects that lie on the boundaries of the service area (for example, Can Ada Road, or the Middleton Road /Lincoln Road intersection), are only partially eligible for impact fee funds collected within the Mid-Star service area. Those projects costs are estimated as a percentage of the total cost, as portions of the total project cost will be borne by the adjacent jurisdiction or service area. The percentage varies with the specific project location and configuration.

In accordance with Idaho Code 67-82, development impact fees may not charge growth and development more than their proportionate share of the system improvements required to serve that growth. Portions of the CIP project costs are fully impact fee eligible to serve this new demand, including right-of-way costs, storm drain facilities, traffic signals, curbs and gutters, intersection approaches, and additional travel lanes. Other project costs do not serve the demand created by new growth, and are not impact fee eligible. These components include re-construction of existing travel lanes, bicycle lanes, sidewalks, irrigation to serve landscaping, landscaping amenities, and street lighting. The percent of each project cost that is attributable to these non-eligible components was determined based on regional project cost estimates and used to create a series of impact fee eligible adjustment factors. The adjustment factors represent the percent of each project's cost estimate that is not impact fee eligible due to the project components. The impact fee eligible project cost adjustment factors are as follows:

- **Bicycle and Pedestrian Facilities:**
 - Intersection Projects – 4% of total cost
 - New Roadway and Roadway Widening Projects – 10% of total cost
- **Re-Construction of Existing Travel Lanes**
 - Intersection Projects – 0% of total cost
 - *Roundabout projects planned for use throughout the service area change intersection configuration and do not utilize existing intersection capacity. Traffic signal intersections improvements on the SH-44 corridor are assumed to utilize the existing travel lanes on the minor public road approaches, and can be improved by addition of turn lanes added to the existing roadway.*
 - Roadway Widening Projects – 3% of total cost

- *Roadway widening unit costs assume minimal re-construction of existing travel lanes – re-construction of existing travel lanes is limited to sawcut, fog seal, and striping.*

Landscaping and irrigation are also assumed to be non-impact fee eligible, but the costs associated with landscaping and irrigation were assumed to be negligible (less than 1% of total project costs). The costs associated with ROW acquisition services, utility re-location, engineering design and engineering inspection were assumed to be impact fee eligible, and are calculated as 20% of the construction cost of the project.

Certain future collector and arterial roadways within the service area were included in the year 2040 deficiencies analysis to provide a more realistic distribution of year 2040 traffic volumes. The project costs associated with these roadways were considered for impact fee eligibility if the roadways were expected to serve significant amounts of regional traffic. Future roadways shown on the map but not included in the CIP project list are principally for local property access, are not impact fee eligible, and will be constructed by development. These future roadways may be added to subsequent capital improvement plans for this service area if their function becomes more regionally significant as the area develops.

Project List

The final CIP project list is shown in Table 10. , and project locations are displayed in Figure 9. Projects include roadways and intersections with existing and future deficiencies, as well as previously planned future roadways and intersections. Table 10. includes the project cost estimates, TIF eligible costs, and estimated project timeframe.

Figure 9. Mid-Star Service Area Capital Improvement Projects

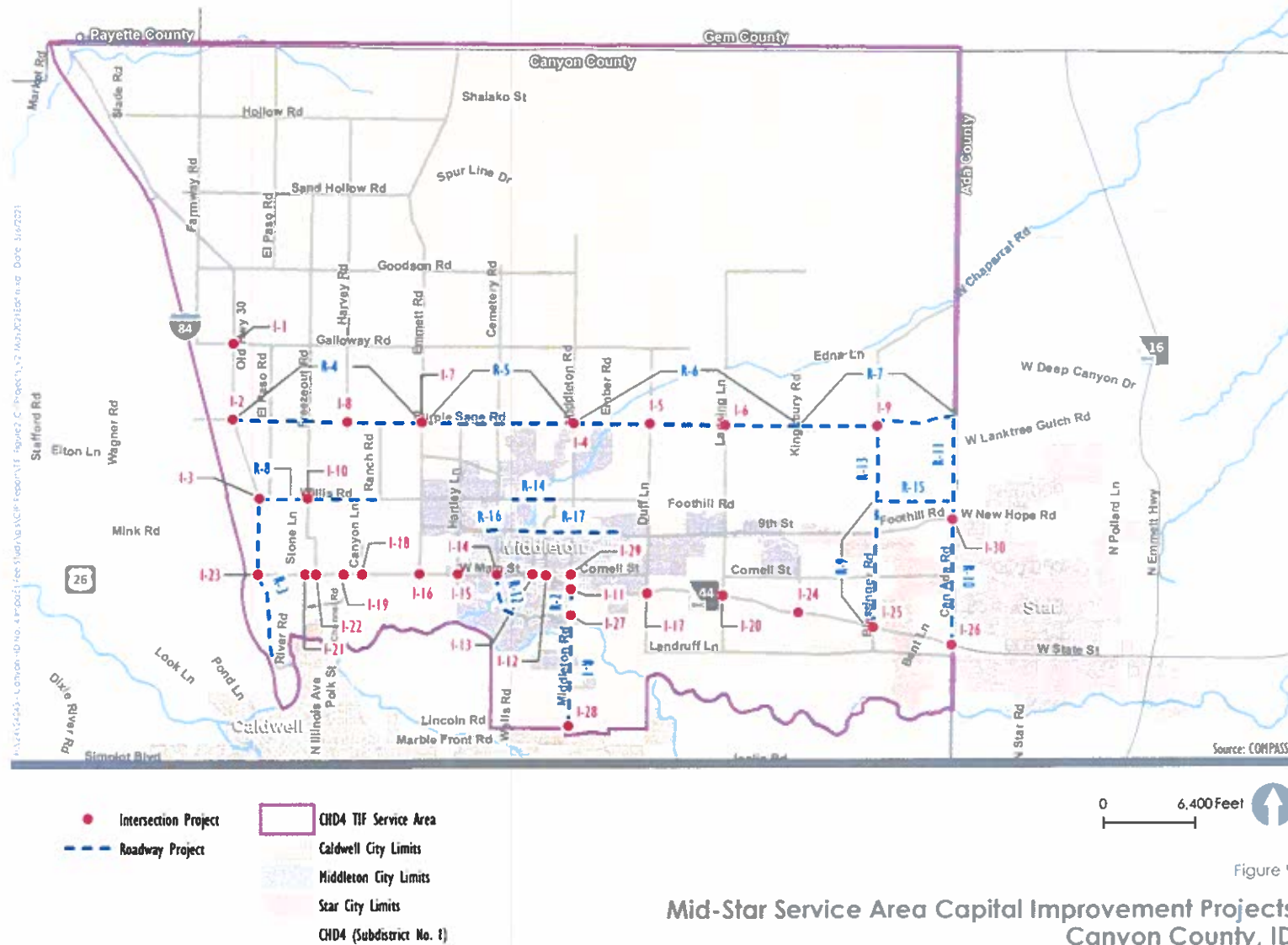


Figure 9

Mid-Star Service Area Capital Improvement Projects
Canyon County, ID

Table 10. Mid-Star Service Area CIP Projects

Project ID	Intersection	Existing Deficiency	Project Description	Project Cost Estimate	TIF-Eligible Cost	Timeframe
I-1	Old Highway 30 & Galloway Road	No	Single-Lane Roundabout	\$1,600,000	\$1,536,000	2035-2040
I-2	Old Highway 30 & Purple Sage Road	No	Single-Lane Roundabout	\$2,000,000	\$1,920,000	2025-2030
I-3	Old Highway 30 & Willis Road ²	No	Single-Lane Roundabout	\$2,200,000	\$2,112,000	2035-2040
I-4	Purple Sage Road & Middleton Road	No	Single-Lane Roundabout	\$2,000,000	\$1,920,000	2035-2040
I-5	Purple Sage Road & Duff Lane	No	Single-Lane Roundabout	\$1,800,000	\$1,728,000	2035-2040
I-6	Purple Sage Road & Lansing Lane ³	No	Single-Lane Roundabout	\$2,400,000	\$2,304,000	2035-2040
I-7	Purple Sage Road & Emmett Road ²	No	Single-Lane Roundabout	\$2,000,000	\$1,920,000	2035-2040
I-8	Purple Sage Road & Harvey Road	No	Single-Lane Roundabout	\$1,900,000	\$1,824,000	2035-2040
I-9	Purple Sage Road & Blessinger Road	No	Single-Lane Roundabout	\$2,400,000	\$2,304,000	2025-2030
I-10	Freezeout Road & Willis Road	No	Single-Lane Roundabout	\$2,000,000	\$1,920,000	2035-2040
I-11	SH 44 & Middleton Road	Yes	Traffic Signal	\$962,500	\$0	2020-2025
I-12	SH 44 & Dewey Avenue	No	Traffic Signal	\$362,500	\$166,750	2020-2025
I-13	SH 44 & Hawthorne Drive	No	Traffic Signal	\$362,500	\$166,750	2020-2025
I-14	SH 44 & Cemetery Road	No	Traffic Signal	\$1,262,500	\$730,750	2020-2025
I-15	SH 44 & Hartley Road ⁴	No	Traffic Signal	\$1,562,500	\$718,750	2025-2030
I-16	SH 44 & Emmett Road ²	Yes	Traffic Signal	\$362,500	\$0	2035-2040
I-17	SH 44 & Duff Lane	No	Traffic Signal	\$962,500	\$742,750	2020-2025
I-18	SH 44 & Canyon Lane	No	Restricted Left Turn	N.A. ¹	N.A. ¹	2035-2040
I-19	SH 44 & Channel Road ²	No	Restricted Left Turn	N.A. ¹	N.A. ¹	2035-2040
I-20	SH 44 & Lansing Lane	Yes	Traffic Signal	\$1,262,500	\$0	2020-2025
I-21	SH 44 & River Road ²	No	Restricted Left Turn	N.A. ¹	N.A. ¹	2035-2040

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I-22	SH 44 & Freezeout Road ²	No	Traffic Signal	\$1,262,500	\$430,750	2035-2040
I-23	SH 44 & Old Highway 30 ²	Yes	Traffic Signal	\$1,262,500	\$0	2035-2040
I-24	SH 44 & Kingsbury Lane	No	Traffic Signal	\$1,262,500	\$430,750	2020-2025
I-25	SH 44 & Blessinger Road	No	Traffic Signal	\$1,562,500	\$718,750	2030-2035
I-26	SH 44 & Can Ada Road	Yes	Traffic Signal	\$1,262,500	\$0	2020-2025
I-27	Middleton Road & Sawtooth Lake Drive	No	Multi-Lane Roundabout ⁵	\$3,000,000	\$2,880,000	2020-2025
I-28	Middleton Road & Lincoln Road ⁷	No	Multi-Lane Roundabout ⁵	\$4,200,000	\$2,016,000	2020-2025
I-29	Middleton Road & Cornell Street	No	Single-Lane Roundabout	\$2,000,000	\$1,920,000	2025-2030
I-30	Can Ada Road & Foothill Road ⁶	No	Single-Lane Roundabout	\$2,000,000	\$1,440,000	2025-2030
Project ID	Roadway	Existing Deficiency	Project Description	Project Cost Estimate	TIF-Eligible Cost	Timeframe
R-1	Middleton Road ² <i>Lincoln Road to Sawtooth Lake Drive</i>	Partial – Existing Deficiency Mitigated by Turn Lanes at Intersections	Widen to 5 Lanes (Lincoln Road to Bass Lane); Add Continuous Left Turn Lane (Bass Lane to Middleton Rd) (3.2 lane miles)	\$12,569,545	\$9,735,505	2020-2025
R-2	Middleton Road Alignment ^{2,4} <i>Sawtooth Lake Drive to SH 44</i>	Future Roadway	Construct a 4-5 Lane Roadway connecting Sawtooth Lake Drive to SH 44 at the N Middleton Road Alignment	\$2,665,909	\$2,399,318	2025-2030
R-3	Old Highway 30 ² <i>US 26 to Willis Road</i>	No	Widen to 4 Lanes and Add Left Turn Lanes at Intersections (where absent)	\$3,705,000	\$3,223,350	2035-2040
R-4	Purple Sage Road <i>Old Hwy 30 to Emmett Road</i>	No	Add Left Turn Lanes at Intersections (4 turn lanes)	\$1,296,000	\$1,257,120	2030-2035
R-5	Purple Sage Road ³ <i>Emmett Road to Middleton Road</i>	No	Add Left Turn Lanes at Intersections (4 turn lanes)	\$1,296,000	\$1,257,120	2035-2040

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R-6	Purple Sage Road ¹ <i>Middleton Road to Kingsbury Road</i>	No	Add Left Turn Lanes at Intersections (5 turn lanes)	\$1,620,000	\$1,571,400	2035-2040
R-7	Purple Sage Road ³ <i>Kingsbury Road to Can Ada Road</i>	No	Add Left Turn Lanes at Intersections (5 turn lanes)	\$648,000	\$628,560	2035-2040
R-8	Willis Road <i>Old Highway 30 to Ranch Road</i>	No	Add Left Turn Lanes at Intersections (2 turn lanes)	\$768,000	\$744,960	2030-2035
R-9	Blessinger Road ³ <i>SH 44 to Willis Road</i>	No	Add Left Turn Lanes at Intersections (4 turn lanes)	\$1,296,000	\$1,257,120	2035-2040
R-10	Can Ada Road ⁶ <i>SH 44 to Willis Road</i>	No	Add Left Turn Lanes at Intersections (3 turn lanes)	\$972,000	\$471,420	2025-2030
R-11	Can Ada Road ⁶ <i>Willis Road to Purple Sage Road</i>	No	Add Left Turn Lanes at Intersections (2 turn lanes)	\$648,000	\$471,420	2030-2035
R-12	Cemetery Road ⁴ <i>Sawtooth Lake Drive to SH 44</i>	Future Roadway	Construct Two Lane Roadway	\$2,749,242	\$2,474,318	2020-2025
R-13	Blessinger Road ³ <i>Willis Road to Purple Sage Road</i>	Future Roadway	Construct Two Lane Roadway with Left Turn Lanes at Intersections (4 turn lanes)	\$1,552,400	\$1,200,000	2035-2040
R-14	Willis Road <i>Wanda Way to Old Middleton Road</i>	Future Roadway	Construct Two Lane Roadway (0.74 lane miles)	\$2,150,821	\$1,935,739	2035-2040
R-15	Willis Road <i>Blessinger Road to Can Ada Road</i>	Future Roadway	Construct Two Lane Roadway (1.3 lane miles)	\$2,423,300	\$2,180,970	2030-2035
R-16	9 th Street <i>Connection west of Cemetery Road</i>	Future Roadway	Construct Two Lane Roadway (0.2 lane miles)	\$256,061	\$230,455	2030-2035
R-17	9 th Street <i>Willow Drive to Magic Ave</i>	Future Roadway	Construct Two Lane Roadway (2.4 lane miles)	\$4,708,800	\$4,237,920	2030-2035
Total Cost				\$86,537,579	\$67,126,695	

1. Negligible capital costs

2. Previously Identified in CHD4 Transportation Master Plan

3. Previously identified in City of Star Comprehensive Plan

4. Previously Identified in City of Middleton CIP

5. Minor roadway will have single-lane entry/exit

6. Reduced TIF Eligible costs due to anticipated participation by ACHD

7. Reduced TIF Eligible costs due to anticipated participation by new service area south of Mid-Star.

FUNDING SOURCES

There are three separate roadway jurisdictions within the Mid-Star service area: CHD4, City of Middleton, and City of Star. By agreement² with City of Star, CHD4 acts as this highway jurisdiction for those city streets located within Canyon County, similar to the role of Ada County Highway District for Star within Ada County.

Each of these agencies receives, or is eligible to receive, funding for transportation improvements from a variety of sources:

- Property taxes
- Highway User Fund taxes (fuel taxes)
- Vehicle Registration Fees
- Federal Aid or State grant programs
- Traffic Impact Fees (currently City of Middleton only)

Over the 2015-2019 period, total transportation revenues as described in the Annual Road and Streets Report for each agency is shown in Table 11.

Table 11. Annual Transportation Revenues by Agency (\$1,000)

Year	CHD4	City of Middleton	City of Star
2019	9,439	1,614	0.587
2018	8,402	1,639	0.598
2017	8,019	1,331	0.553
2016	7,422	1,694	0.541
2015	6,336	2,344	0.528

Note: City of Star collects only 50% of property tax revenue allocated for Road & Bridge construction over a small (< 660 acres) portion of Canyon County. It submits this revenue to CHD4 for use in road maintenance.

Average annual transportation revenues for the service area during the previous 5 reported years is approximately \$9.65 M. Assuming a 5% annual growth rate in funding (historical average for CHD4), total transportation revenues for the 2021-2040 CIP horizon can be estimated to be \$319,013,000. Historically, capital improvement expenditures have accounted for 5% or less of CHD4 and Middleton's transportation budget, as maintenance and operation of the existing system has been the principal focus for small urban and rural areas. The projected \$19,411,000 non-impact fee eligible cost for the CIP projects is equivalent to 6.14% of the estimated total revenue over the 20-year CIP. The agencies participating in funding the CIP will need to account for a moderate additional increment of annual expenditures on capital improvements, which is consistent with the current recognized needs.

² Canyon 4/Star Public Agency Coordination Agreement, June 6, 2007.

INTERGOVERNMENTAL AGREEMENTS

The land use and transportation agencies active within the Mid-Star service area will enter into intergovernmental agreements to fund and construct the multi-jurisdictional transportation improvement projects. Those intergovernmental agreements will detail the proportionate share of funding for each agency based on contributing trips from each jurisdiction, location with each jurisdiction, and anticipated new growth within each jurisdiction.

REFERENCES

1. Kittelson & Associates. CHD4 Traffic Impact Fee Program. 2020.
2. Canyon Highway District No. 4. Transportation Master Plan. 2020.
3. City of Middleton. Transportation Study and Capital Improvement Plan 2017 Update. 2017.
4. City of Star. City of Star Comprehensive Plan. 2019.
5. Idaho Transportation Department, District 3. SH-44, I-84 to Eagle, Corridor Study. 2019.
6. Kittelson & Associates. Middleton Road Corridor Plan. 2016.
7. Canyon County. Canyon County 2020 Comprehensive Plan. 2016.
8. City of Middleton. City of Middleton Comprehensive Plan. 2016.
9. City of Star. City of Star Comprehensive Plan. 2019.
10. National Cooperative Highway Research Program. NCHRP Report 825: Planning and Preliminary Engineering Applications Guide to the Highway Capacity Manual. 2016.