



AGENDA

Middleton Planning & Zoning Commission

Date: **Monday, April 10, 2023,**

Time: 5:30 p.m.

Location: **City Hall Chambers - 1103 W Main St., Middleton, Idaho**

Call To Order, Pledge of Allegiance, Roll Call

Action Items

1. **Consent Agenda** (items of routine administrative business)
 - a. Consider approving minutes for March 13, 2023, regular meeting.
2. **Public Hearing:** Application by Furaha A. Bonane for special use permit to operate a licensed daycare center from her home located at 105 E. Rose Lake Drive, Middleton, Idaho (Middleton Lakes Subdivision). The operation will provide daycare for up to 13 children that are unrelated to Ms. Bonane. The hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday. – Ms. Stewart

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Amber Day - Deputy Clerk, Administration

Date: April 5, 2023, at 12:00 p.m.

Please contact the city at 208-585-3133 if you have special needs or require assistance.

1a

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
MARCH 13, 2023**

Pledge of Allegiance, Roll Call & Call to Order: The March 13, 2023, Planning and Zoning Commission Meeting was called to order by Chairman Summers at 5:33 p.m. Commissioners Summers, Crofts, Christiansen, Tremble, and Watkins were present. Planning & Zoning Official Ms. Stewart, Planning Deputy Clerk Ms. Day were also present.

Action Items:

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving minutes for February 13, 2023, regular meeting.**
 - b. Consider approving FCR for The Square on Hartley Subdivision.**

Motion: Motion by Commissioner Christiansen to approve the consent agenda items 1a and 1b. Motion seconded by Commissioner Tremble and approved unanimously.

- 2. Public Hearing: Application by Furaha A. Bonane for special use permit to operate a licensed daycare center from her home located at 105 E. Rose Lake Drive, Middleton, Idaho (Middleton Lakes Subdivision). The operation will provide daycare for up to 13 children that are unrelated to Ms. Bonane. The hours of operation will be 7:00 a.m. to 5:00 p.m., Monday through Friday. (Request to be tabled to April 10, 2023.) – Ms. Stewart**

Chairman Summers called the item and Ms. Stewart requested to table the Public Hearing until April 10, 2023, because the applicant had to leave the country for a family health reason.

Brief discussion between Ms. Stewart and the commissioners.

Motion: Motion by Commissioner Crofts to table the application of Furaha A. Bonane for special use permit to operate a licensed daycare from her home located at 105 E. Rose Lake Drive to the April 10, 2023 regularly scheduled meeting. Motion seconded by Commissioner Watkins and approved unanimously.

Public Comments, Commissioner and Staff Comments

No Public Comments

Commissioner Watkins and Ms. Stewart had a brief discussion about the process to protect existing irrigation facilities during subdivision construction.

Chairman Summers commented on new processes and protocol she would like to implement in upcoming meetings to make the proceedings more compliant with State Statute. Chairman Summers will request City Attorney to review the proposed protocol changes prior to the next regularly scheduled meeting so City Attorney can address the proposed changes at the next meeting.

Adjourn: Chairman Summers adjourned the meeting at 5:54 p.m.

Heidal Summers, Chairwomen

ATTEST:
Deputy Clerk, Planning

Approved: April 10, 2023



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law & Recommendation

In the Matter of the applications of Michael Baird and Jay Walker/Kimley-Horn Engineering for annexation/rezone, preliminary plat, and development agreement with respect to The Square on Hartley Subdivision located at 0 Hwy 44, Middleton (Parcel No. R34773014):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of February 13, 2023, which report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of February 13, 2023, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of February 13, 2023, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of February 13, 2023, Exhibit "A".

B. Conclusions of Law:

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

C. Decision & Recommendations:

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

1. City Council approve the application of Michael Baird and Jay Walker/Kimley-Horn Engineering for Annexation/Rezone subject to the conditions of approval set forth in the Staff Report for the February 13, 2023, public hearing.
2. City Council approve the application of Michael Baird and Jay Walker/Kimley-Horn Engineering for Development Agreement subject to the conditions of approval set forth in the Staff Report for the February 13, 2023, public hearing.
3. City Council approve the application of Michael Baird and Jay Walker/Kimley-Horn Engineering for preliminary plat subject to the conditions of approval set forth in the Staff Report for the February 13, 2023, public hearing.

WRITTEN RECOMMENDATIONS APPROVED ON: _____, 2023.

Heidel Summer, Chairwoman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Official

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

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

EXHIBIT "A"



- A. Planning & Zoning Commission Hearing Date:** February 13, 2023
- B. Project Description:** Subdivision for flex space buildings (commercial & light industrial) located at 0 Hwy 44 (tax parcel no., R34773014). Project parcel is 4.47 acres in size. At build-out, it will contain 33 flex space lots and one common lot to accommodate shared parking and infrastructure facilities.

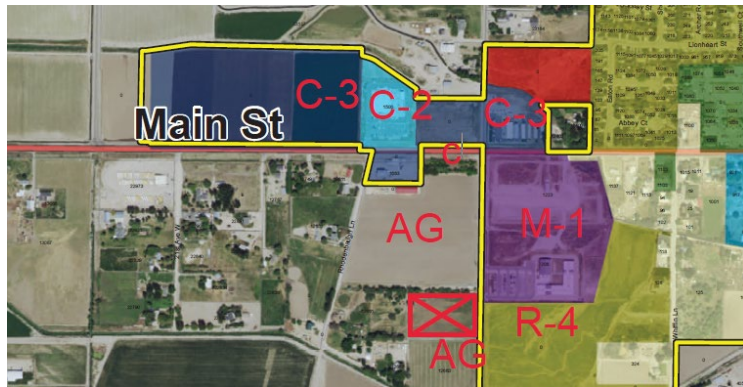
Flex Space use is defined in the City Code section as follows:

FLEX SPACE: a building or buildings used for small-scale warehousing and light industrial activity which may be combined with office, retail, and/or other commercial uses. Individual units or buildings may be used entirely for a commercial, retail, or office use, but any warehousing and/or light industrial use cannot exceed 70% of the total square footage of the building or individual unit. Flex Space does not include mini-warehouse storage, individual storage space for rent, or a use that involves a high level of truck and loading activity.

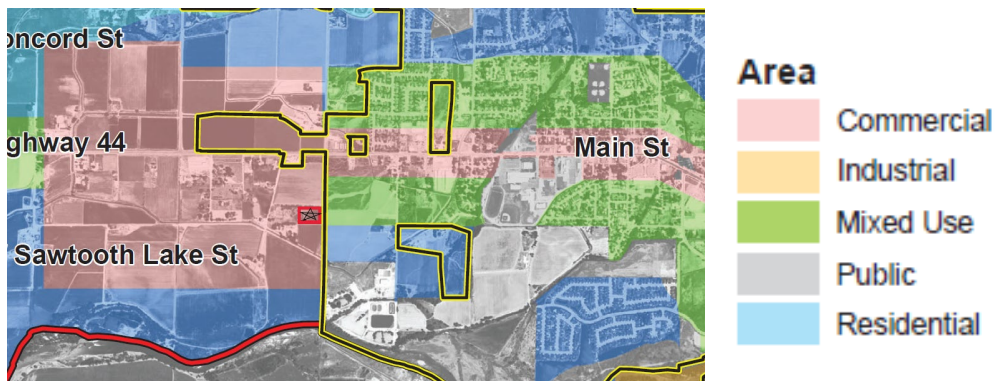
Front and street-side elevations are enhanced with more architectural detail, including variations in roof form, building height, and building materials in addition to an increased use of glass and architectural features involving wood, faux wood, and/or metal. Entries are easily identifiable with projecting or recessed forms and additional architectural detail.

Loading docks and industrial roll-up/garage doors are located on only the rear and non-street sides of the flex space. However, glass sliding doors and architectural garage doors enhanced with significant amounts of glass, metal and/or faux wood can be located on the front elevation if they enhance the aesthetic of the front elevation.

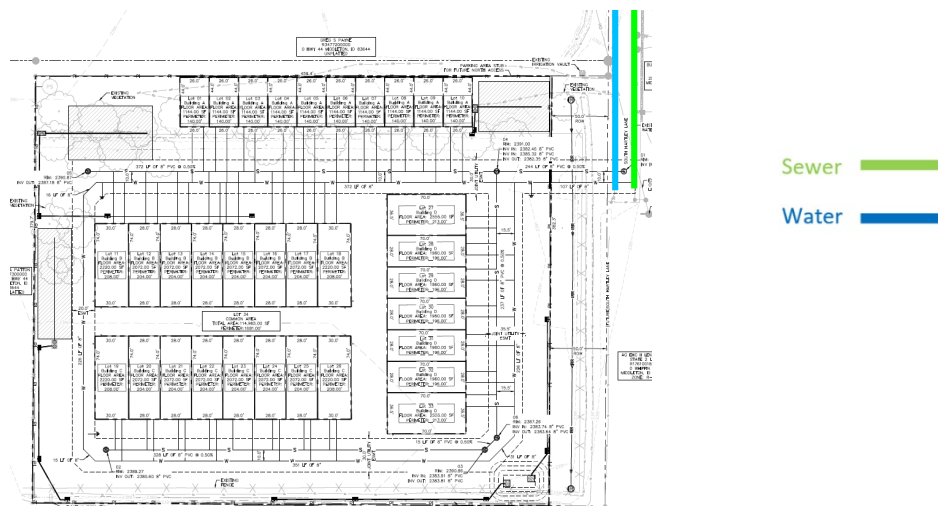
- C. Application Requests:** Applications include (1) annexation and rezone to C-2 (light commercial), (2) Development Agreement, and (3) Preliminary Plat.
- D. Current Zoning, Land Use & Property Condition:** The property is currently vacant land in Canyon County zoned "Agricultural." It is contiguous to Middleton City limits. It is flanked by County land zoned Agricultural on the north, east and south sides. A broader perspective shows zoning of R-4, M-1, and C-3 located to the east and north of the project.



On the City's Future Land Use Map, this parcel is located in an area planned for commercial uses.



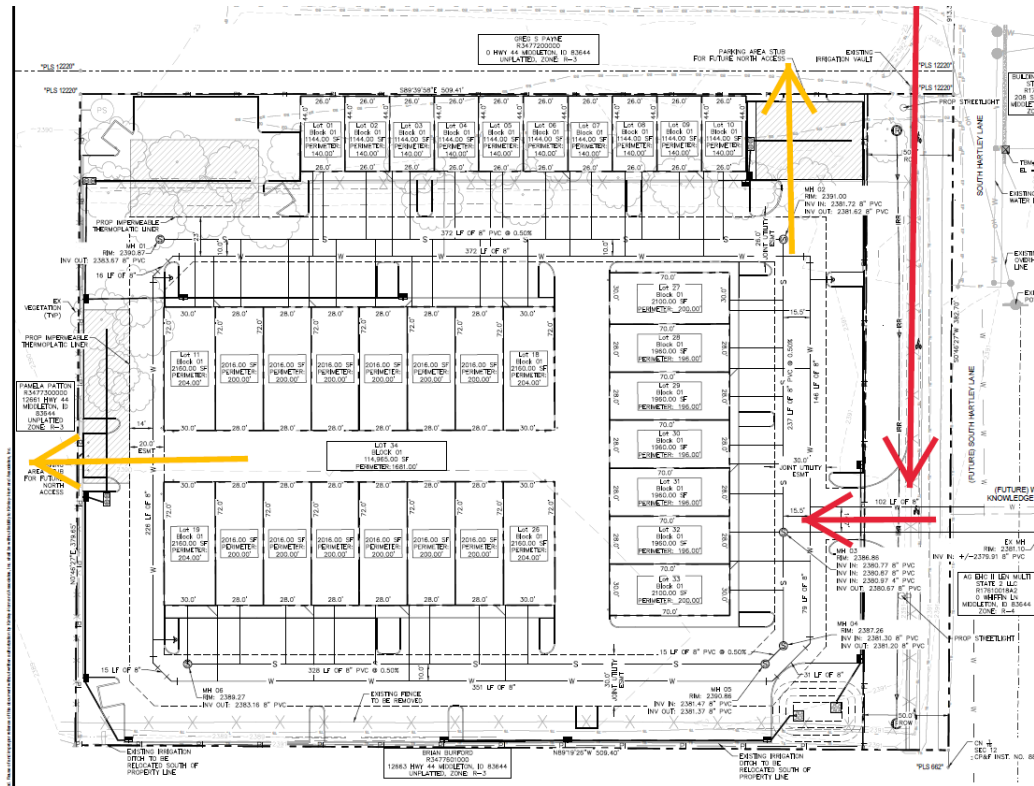
- E. City Services:** Water and sewer are already located in Hartley Lane immediately adjacent to the project site. Sewer and water capacity are included in the City's current capacity analyses. Capacity will not be formally reserved until the construction drawings are approved by City Engineer.



F. Pathway, Open Space & Amenities: Open Space and amenities are not required in a commercial or industrial subdivision. However, Developer will construct an eight foot wide paved pathway adjacent to Hartley Lane as part of frontage improvements.

G. Traffic, Access & Streets:

The primary access for the subdivision will be off of Hartley. Drive aisle connections will be reserved on the plat to the north and west to create connectivity with future commercial development in the surrounding area.



Developer will be responsible for improving ½ of the Hartley Lane roadway fronting the property (50' from centerline).

A traffic study was completed for the subdivision. The Traffic Engineer declared that by 2025 build-out, “no additional improvements are needed to mitigate 2025 total traffic operations.” (P.3). Developer, however, will contribute monetarily to the mitigation of its traffic impacts by way of the Mid-Star Transportation Impact Program and Pro-Rata fees collected pursuant to MCC 5-4-3. Mid Star Transportation Fees are collected at individual building permit. The Pro-Rata Traffic Fee of \$38,502 will be collected prior to final plat approval.

- H. **Police / Fire Protection:** The Middleton Rural Fire Department and Middleton City Police will serve and protect the project site.
- I. **Annexation and Rezone:** Applicants are requesting that the 4.47 acre project parcel be annexed into the City of Middleton with a zone change from County “Agricultural” to City C-2 (Light Commercial). Flex Space is an allowed use in the C-2 Zone.

There are two findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits and (2) City services such as sewer, water, police/fire and roadway system can be expanded to serve the site in an orderly, efficient, and economical manner. (Idaho Code 50-222.)

An application for rezone requires two findings before the Commission can recommend approval: (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)

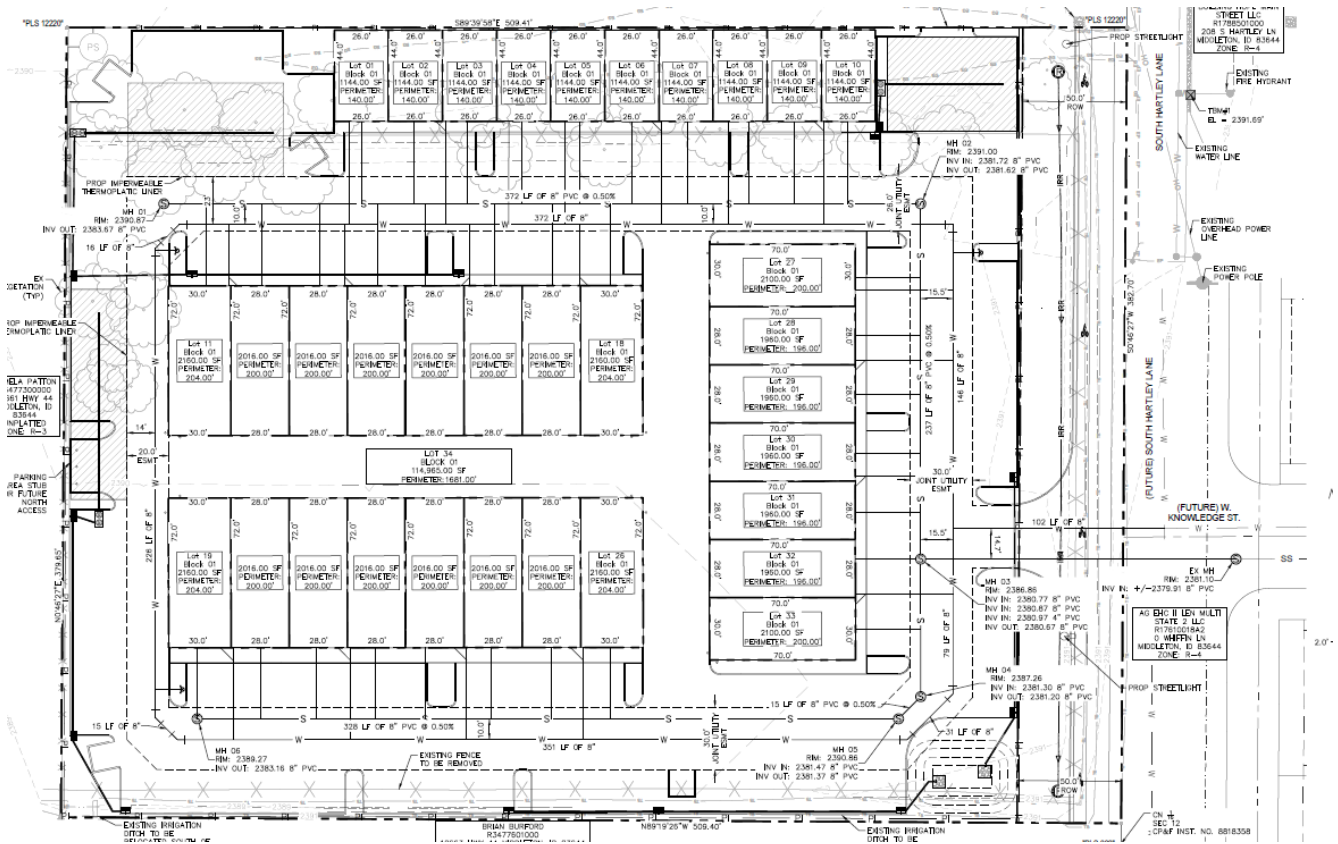
FINDINGS:

With respect to annexation, Planning Staff finds that Applicant’s project meets the criteria of contiguity. Sewer and water are adjacent to the site and can be easily extended to serve the project. Middleton Rural Fire Department has not submitted comments for the project or otherwise indicated any concerns with the site. City Police are already patrolling the area because of the proximity to Forge International Charter School and the Bozic Subdivision. As to traffic, the Traffic Study indicated that no improvements are triggered by the project.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City’s ability to deliver services as already noted above. As will be shown below in the section regarding the Comprehensive Plan, Staff finds that the project is also consistent with the goals and strategies set forth in the City’s Comp Plan.

- J. **Preliminary Plat Application:** The preliminary plat shows one phase of development.

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

Findings:

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

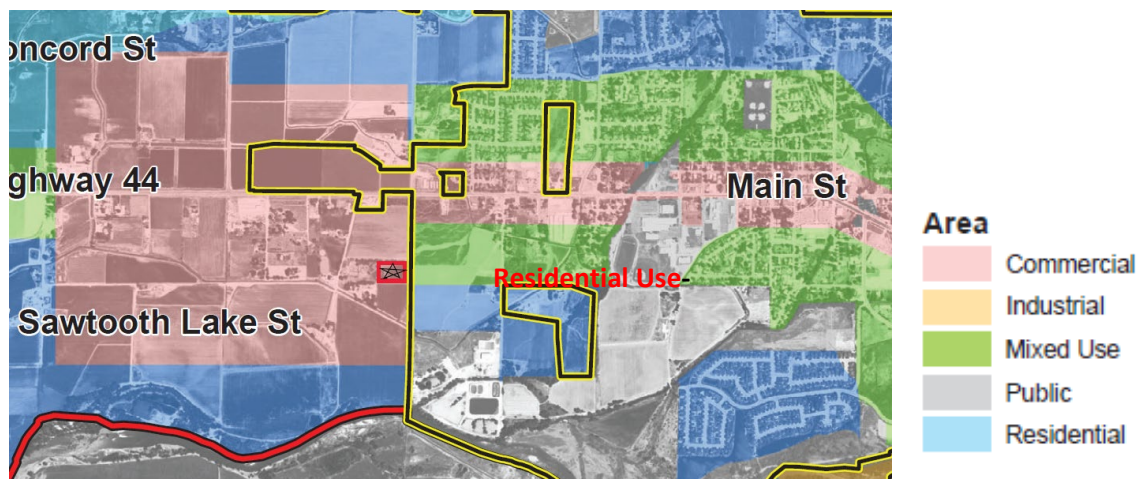
K. Development Agreement: Applications for annexation/rezone are generally accompanied by an application for Development Agreement ("DA"). Attached as Exhibit "B" is the proposed Development Agreement. The Developer has used the City's DA form, and only Article III regarding conditions of development has been altered to add the following conditions:

1. Developer will develop the project site generally consistent with the concept site plan attached to the DA. (Sec. 3.1)
2. Developer will construct the buildings generally consistent with the concept elevation pages attached to the DA. (Sec. 3.2)
3. Developer shall record a cross-access easement for vehicle & pedestrian traffic, utility location, and shared parking. (Sec 3.3 and 3.4)

4. Developer will not be required to construct a landscape buffer on the western boundary of the parcel due to the fact that the area to the west has been designated for future commercial uses on the City's Future Land Use Map. (Sec. 3.5)
5. Developers will have two years to obtain final plat approval. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to bring the project to final plat approval. Failure to meet this time-line may result in the City terminating the DA and nullifying the preliminary plat. (Sec. 3.6)
6. Developer shall provide at least two drive aisle connections to ensure connectivity to future commercial development. (3.7)
7. Because the project parcels are similar to a condominium design, the parcels will not be subject to all the C-2 setbacks. Instead, the front setback shall be a minimum of 0' instead of 10'. Also, the maximum lot coverage shall be 100% rather than 90%.

[A full copy of the proposed Development Agreement is attached to this Staff Report as Exhibit "B".]

- L. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the area where the project is proposed is shown as commercial on the FLUM.



Developer's project also complies with the following *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan*:

- a. *Goal 1*: to be proactive in delivering city services to properties reasonably expected to be annexed in the future.
- b. *Goal 4*: Promote commercial development near State Hwy 44. The project will also establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives.

- c. *Goal 6:* Water, sewer, and adjacent road systems have been expanded in an orderly manner consistent with population growth.
- d. *Goal 7:* encourage commercial and industrial development that provides employment opportunities to residents so they can remain in the City for employment.
- e. *Goal 8:* Create a desirable area for new commercial development without detracting from existing businesses.

M. Comments Received from Surrounding Landowners: None.

N. Comments from Agencies: A comment was received from ITD. (See attached as Exhibit “C”.)

O. Comments from City Engineer and Planning Staff: Copies of engineering and planning staff comments are attached as Exhibit “D”.

P. Application Information: Applicants are Michael Baird and Jay Walker/Kimley Horn Engineering. 1100 W. Idaho Street #210, Boise ID 83706. Application was accepted on 12/27/2022.

Q. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	1/29/2023
Radius notice to adjacent landowners	1/27/2023
Circulation to Agencies	1/27/2023
Sign Posting property	1/27/2023
Neighborhood Meeting	11/29/2022

R. Applicable Codes and Standards:

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

S. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with making recommendations to City Council to either deny or approve the Developer’s applications for annexation/rezone, development agreement, and preliminary plat.

Per State law and the Middleton City Code, any final order or recommendation must be based upon findings of facts and conclusions of law.

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

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear these applications and to recommend approval or denial of the applications. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the applications.

Annexation/rezone, Preliminary Plat, and Development Agreement Applications:
If the Commission is inclined to recommend approval of the applications, then Planning Staff recommends that any approval be subject to the following conditions:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Developer to comply with all terms of the Development Agreement approved for the project.
3. Developer to install landscaping and all amenities in compliance with the Landscape Plan and preliminary plat submitted with the application.
4. 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. Developer and/or Business Association must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
5. Developer to construct, at its own cost, all frontage improvements on Hartley Lane adjacent to the project parcel.
6. Owner/Developer to pay all City required pro-rata share traffic fees as required by MCC 5-4-3 prior to approval of final plat.
7. All City Planner and Engineer review comments are to be completed and approved.
8. All requirements of the Middleton Rural Fire District are to be completed and approved.
9. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Commission recommends denial of the applications, then the Commission should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

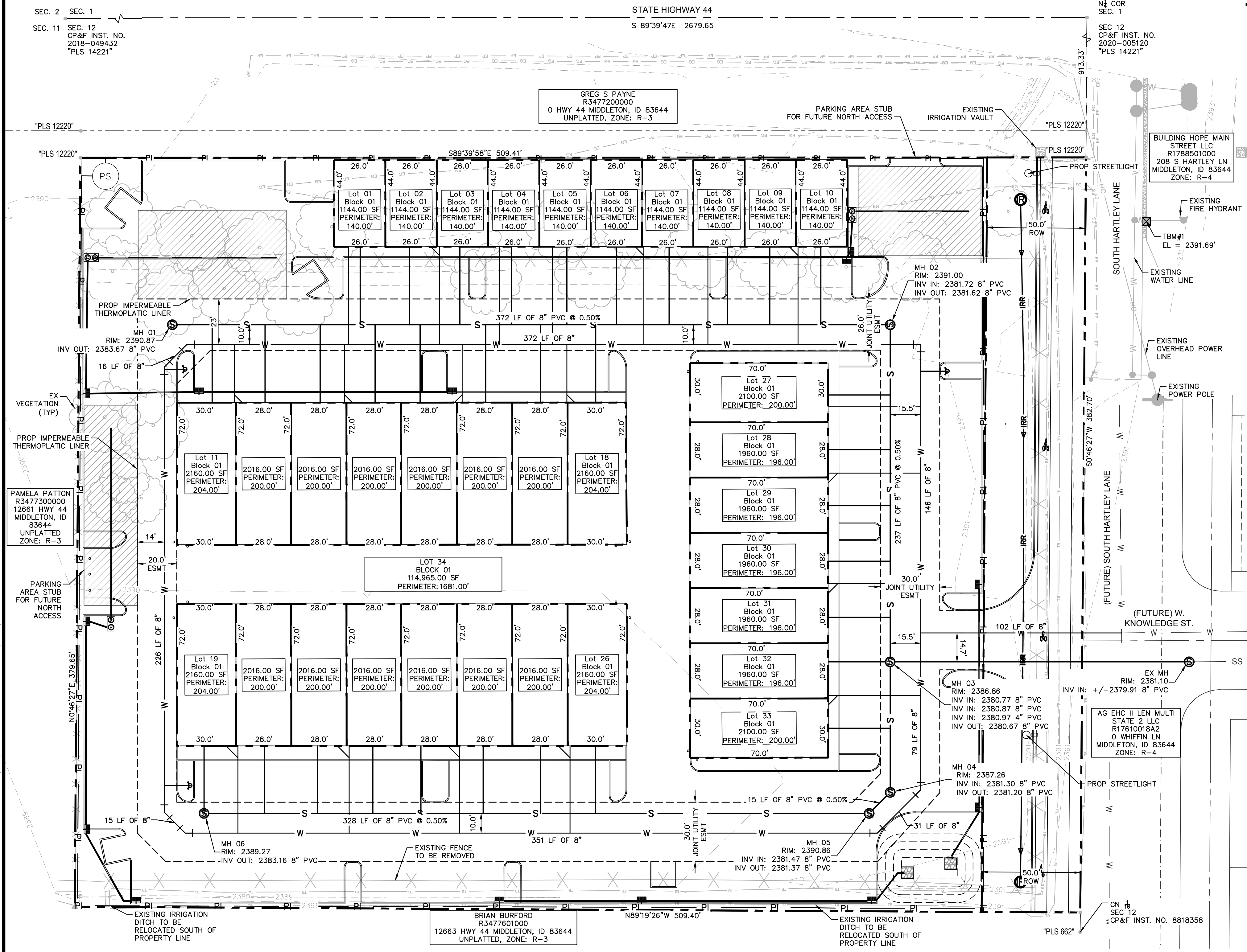
Prepared by Roberta Stewart
Planning & Zoning Official

Dated: 2/8/2023

EXHIBIT "A"

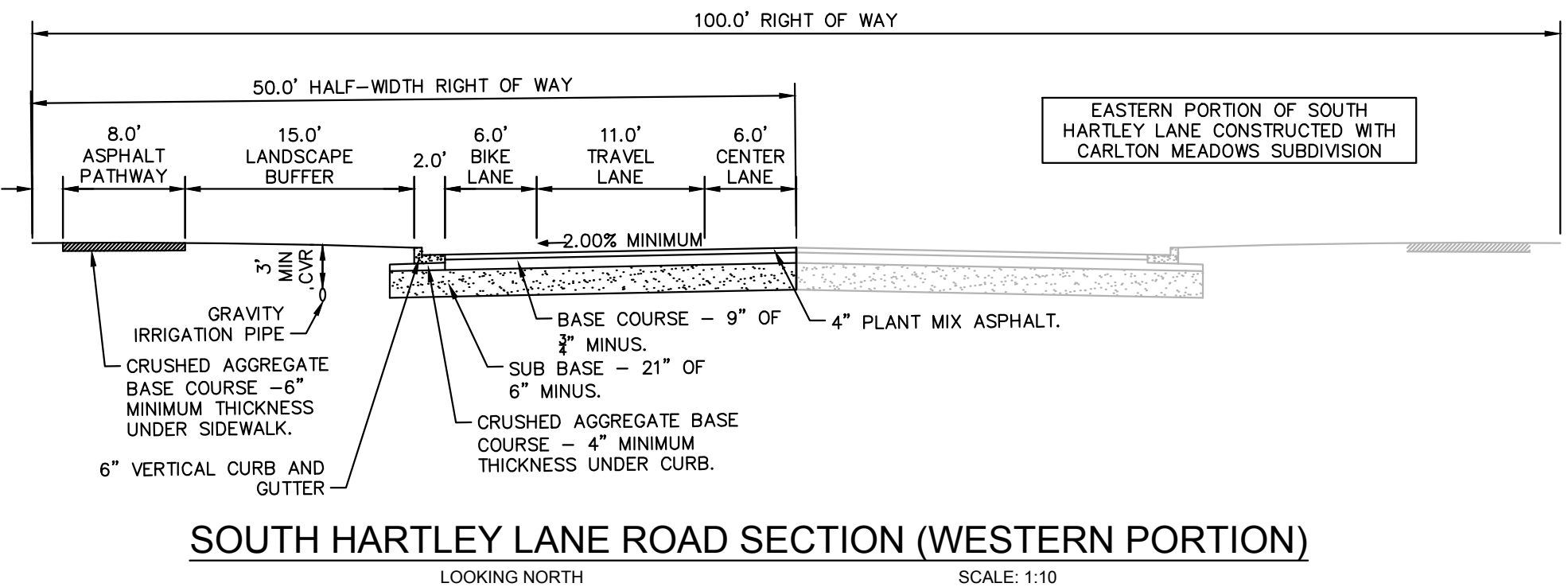
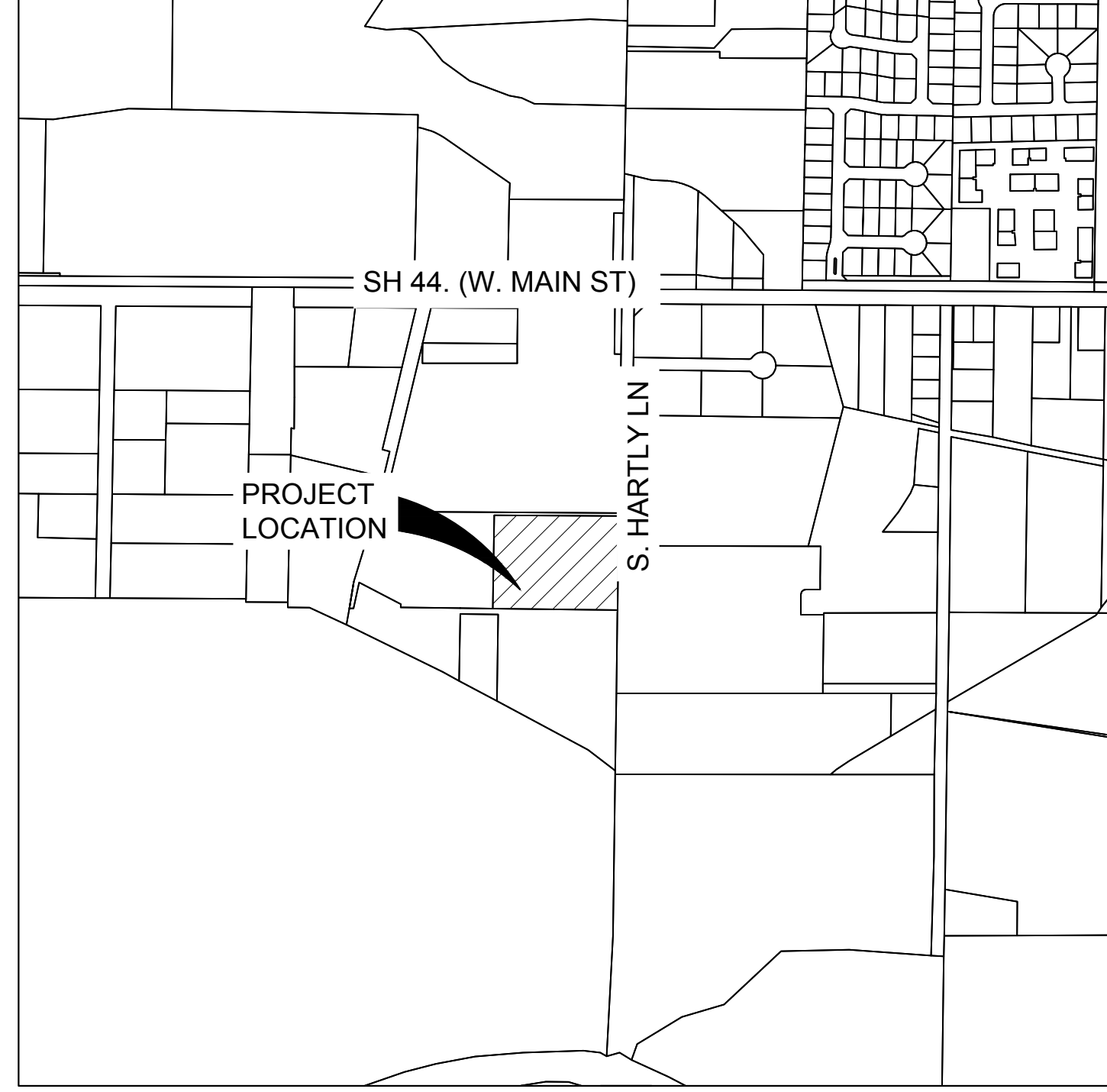
PROPOSED PRELIMINARY PLAT

Date: 2/7/2023 4:20 PM User: CONNAR PAGE (RELLY) Path: K:\BOL\CIVIL\03898001 SOUTH HARTLEY\CAD\PLAN SHEETS\PRELIM\PP - CVR - 02.DWG



THE SQUARE ON HARTLEY PRELIMINARY PLAT

LOCATED IN THE NE1/4 NW1/4,
SEC. 12, T.4N., R.3W., B.M.,
CANYON COUNTY, IDAHO



BENCHMARK

BM #1 = SET CHISELED "X" ON THE EAST SIDE OF HARTLEY LANE AT THE SOUTH END OF THE STREET. LOCATED AT THE TOP BACK OF CURB +/- 5.80' EAST OF THE WATER VALVE AND +/- 9.30' WEST OF THE WEST EDGE OF PAVED PATH. EL = 2391.69'

LEGAL DESCRIPTION

A PARCEL OF LAND BEING A PORTION OF THE NE1/4 NW1/4 OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT A FOUND ALUMINUM CAP STAMPED "PLS 14221" MARKING THE N1/4 CORNER OF SAID SECTION 12, (THE QUARTER CORNER COMMON TO SECTIONS 1 AND 12), SAID CORNER BEARS S. 89°39'47"E., A DISTANCE OF 2679.65 FEET FROM A FOUND BRASS CAP STAMPED "PLS 14221" MARKING THE NE CORNER OF SAID SECTION 1, (THE SECTION CORNER COMMON TO SECTIONS 1, 2, 11, AND 12);
THENCE ALONG THE CENTER SECTION LINE OF SAID SECTION 12, S. 00°46'27"W., A DISTANCE OF 913.33 FEET TO A FOUND 5/8 INCH IRON PIN STAMPED "PLS 12220";
THENCE CONTINUING S. 00°46'27"W., A DISTANCE OF 13.48 FEET TO A FOUND 1/2 INCH IRON PIN STAMPED "PLS 12220" MARKING THE POINT OF BEGINNING;
THENCE CONTINUING S. 00°46'27"W., A DISTANCE OF 382.70 FEET TO A FOUND 1/2 INCH IRON PIN WITH AN ILLEGIBLE CAP;
THENCE LEAVING SAID CENTER SECTION LINE, N. 89°19'26"W., A DISTANCE OF 509.40 FEET TO A POINT;
THENCE PARALLEL TO SAID CENTER SECTION LINE, N. 00°46'27"E., A DISTANCE OF 379.65 FEET TO A FOUND 1/2 INCH IRON PIN STAMPED "PLS 12220";
THENCE LEAVING SAID PARALLEL LINE, S. 89°39'58"E., A DISTANCE OF 509.41 FEET TO THE POINT OF BEGINNING.
THIS PARCEL CONTAINS 4.46 ACRES (194,169 SF) MORE OR LESS.

PRELIMINARY PLAT NOTES

- BUILDING SETBACK AND DIMENSION STANDARDS SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF MIDDLETON AT THE TIME OF BUILDING PERMIT ISSUANCE, EXCEPT FOR THE SETBACKS AND DIMENSIONS THAT HAVE BEEN CHANGED BY THE DEVELOPMENT AGREEMENT (INSTRUMENT #2020-005120 RECORDED IN THE RECORDS OF CANYON COUNTY).
- DEVELOPMENT IN THIS SITE SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF MIDDLETON IN EFFECT AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- UNLESS OTHERWISE SHOWN AND DIMENSIONED, PUBLIC UTILITIES AND IRRIGATION PERMANENT EASEMENTS EXIST ALONG THE UTILITY LINES SHOWN ON THIS PLAN AND ADHERE TO CITY OF MIDDLETON AND IDEQ STANDARDS. DRAINAGE PIPES OR DITCHES CROSSING A LOT IS THE RESPONSIBILITY OF THE PROPERTY OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE ENTITY.
- PUBLIC UTILITIES SHALL INCLUDE WATER, IRRIGATION, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, AND CABLE TELEVISION.
- DOMESTIC WATER WILL BE PROVIDED TO ALL LOTS FROM CITY OF MIDDLETON MUNICIPAL WATER SYSTEM.
- 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 AND UNDERGROUND SEWAGE BEDS FOR THE NORMAL STORM EVENT. 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.
- THERE ARE NO KNOWN FLOOD PLAINS OR FLOODWAYS LOCATED ON THE PROJECT SITE.
- THE BOTTOM ELEVATION OF BUILDING FOOTINGS SHALL BE SET A MINIMUM OF 12 INCHES ABOVE THE HIGHEST ESTABLISHED NORMAL GROUNDWATER ELEVATION.
- SEWER AND WATER CAPACITY IS SUBJECT TO A WILL-SERVE ANALYSIS, AND CITY WILL NOT RESERVE SEWER AND WATER CAPACITY ANY EARLIER THAN CONSTRUCTION DRAWING APPROVAL.
- A CROSS ACCESS AGREEMENT OR EASEMENT FOR UTILITIES, SHARED PARKING, AND VEHICLE AND PEDESTRIAN TRAFFIC AND A SHARED PARKING AGREEMENT SHALL BE RECORDED AT THE TIME OF, OR PRIOR TO, FINAL PLAT RECORDING.
- AN IDAHO POWER BLANKET EASEMENT EXISTS FROM THE SOUTHEAST TO THE NORTHWEST OF THE PROJECT SITE.
- THIS PRELIMINARY PLAT'S BOUNDARY AND TOPOGRAPHY MAPPING WAS PREPARED UNDER THE SUPERVISION OF THE LICENSED SURVEYOR. ALL OTHER INFORMATION SHOWN HEREON HAS BEEN PREPARED BY KIMLEY-HORN.
- NO DIRECT LOT ACCESS TO HARTLEY.

PRELIMINARY STORM WATER CALCULATIONS

Basin ID	Borrow Ditch or Pond ID	Elevation (ft)	Area (ft ²)	Volume Provided (ft ³)	Total Volume Provided (ft ³)	100 Year Volume Required (ft ³)	Excess Volume (ft ³)	Required Drain Time (hrs)	Infiltration Rate (in/hr)	Time to Drain (hrs)	Drains 100% in 48 hrs
DP-1	DP-1	5.50	1,697.00	5,508.25	5,508.25	5,291.55	216.70	48	2.00	19.48	YES
TOTAL		0.00	306.00	5,508.25	5,508.25	5,291.55	216.70				

SEEPAGE BED 1 VOLUME			SEEPAGE BED 2 VOLUME			SEEPAGE BED 3 VOLUME		
Required Storage = 1953 cu.ft.			Required Storage = 3320 cu.ft.			Required Storage = 3223 cu.ft.		
Seepage Bed Size			Seepage Bed Size			Seepage Bed Size		
Length	64	ft	Length	75	ft	Length	101	ft
Width	46	ft	Width	45	ft	Width	27	ft
Height	2.0	ft	Height	3.0	ft	Height	3.5	ft
Void Ratio	0.40		Void Ratio	0.40		Void Ratio	0.40	
Silt Factor	15%		Silt Factor	15%		Silt Factor	15%	
Seepage Bed Volume = 2002 cu.ft.			Seepage Bed Volume = 3443 cu.ft.			Seepage Bed Volume = 3245 cu.ft.		

Rational Method Runoff Coefficients	
Surface Description	C
Pavement	
Asphalt and Concrete	0.95
Brick	0.85
Roofs	0.95
Landscape	0.20

FLOOD PLAIN INFORMATION

FEMA FIRM MAP # 16027C0234G VERSION 2.4.1.1
REVISION DATE JUNE 7, 2019 STATES THAT THIS PROPERTY IS NOT IN A FLOOD ZONE.

LEGEND

- PROPOSED BOUNDARY
- EASEMENT / ROW
- LOT LINE
- SS PROPOSED SEWER MAIN
- W PROPOSED WATER MAIN
- PI PROPOSED STORM DRAIN MAIN
- IRR PROPOSED PRESSURE IRRIGATION
- PROPOSED CATCH BASIN
- PROPOSED SEWER MANHOLE
- PROPOSED FIRE HYDRANT
- PROPOSED STREETLIGHT
- PROPOSED PRESSURE PUMP

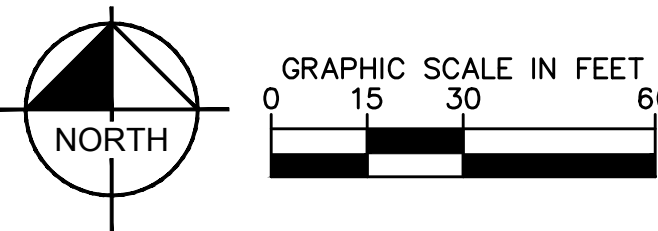
FIBER OPTIC NOTE

DEVELOPER SHALL INSTALL CONDUIT AND BOXES FOR FIBER OPTICS IN ALL LOCAL COLLECTOR, COLLECTOR AND ARTERIAL STREET RIGHTS-OF-WAY ON OR ADJUTING THE PROPERTY BEING DEVELOPED AND TO-AND THROUGH THE PROJECT LIMITS.



CAUTION: NOTICE TO CONTRACTOR
THE CONTRACTOR IS SPECIFICALLY CAUTIONED THAT THE LOCATION AND/OR ELEVATION OF EXISTING UTILITIES AS SHOWN ON THESE PLANS IS BASED ON RECORDS OF THE VARIOUS UTILITY COMPANIES AND, WHERE POSSIBLE, MEASUREMENTS TAKEN IN THE FIELD. THE INFORMATION IS NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE. THE CONTRACTOR MUST CALL THE LOCAL UTILITY LOCATION CENTER AT LEAST 48 HOURS BEFORE ANY EXCAVATION TO REQUEST EXACT FIELD LOCATIONS OF THE UTILITIES. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO RELOCATE ALL EXISTING UTILITIES WHICH CONFLICT WITH THE PROPOSED IMPROVEMENTS SHOWN ON THE PLANS.

PROPOSED ZONE	TOTAL ACREAGE	LOT COUNT	SINGLE STORY UNITS	DOUBLE STORY UNITS	TOTAL UNITS	REQUIRED PARKING	PROVIDED PARKING	ADA STALLS
C-2	4.47	34	23	10	33	199	200	7 (3 VAN)



CIVIL ENGINEER	LAND SURVEYOR	OWNER/DEVELOPER
KIMLEY-HORN AND ASSOCIATES, INC. 1100 W. IDAHO STREET BOISE, IDAHO 83702 SUITE 210 PHONE: (208) 297-2885 CONTACT: BRANDON MCDUGALD, PE	COMPASS LAND SURVEYING 623 11TH AVENUE SOUTH NAMP, ID 834651 PHONE: (208) 442-0115 CONTACT: AKEMI WELLS	FOLIO 82 LLC 1231 SILVERCREEK AVE MIDDLETON, ID 83644 PHONE: (801) 577-3031 CONTACT: MIKE BAIRD

DATE DESCRIPTION

11/04/22 PRELIM PLAT

12/16/22 PRELIM PLAT

02/03/23 PRELIM PLAT

PRELIMINARY PLAT

THE SQUARE ON HARTLEY

NE1/4 NW1/4, SEC. 12, T.4N., R.3W., B.M.,

MIDDLETON, ID 83644

DRAWN BY: PC 02/07/2023

DESIGNED BY: PC 02/07/2023

CHECKED BY: BM 02/07/2023

SCALE: AS SHOWN

SHEET 01

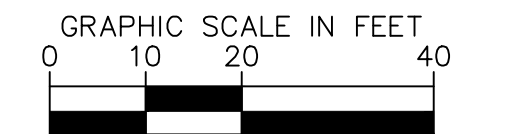
01 OF 01

Kimley»Horn

1100 W Idaho St, Suite 210 | Boise, ID 83702 | Tel. No. (208) 297-2885

HARTLEY LANE SOUTH OF HIGHWAY 44
MIDDLETON, IDAHO

Type 1 - Office Incubators	
BUILDING A FLOOR 1 (SF)	11,440
BUILDING A FLOOR 2 (SF)	11,440
TOTAL BUILDING AREA	22,880
Flex Space Incubators	
BUILDING B (SF)	16,416
BUILDING C (SF)	16,416
BUILDING D (SF)	14,000
TOTAL BUILDING AREA	46,832
TOTAL FLEX SPACE UNITS	33
Parking Data	
TOTAL BUILDING AREA	69,712
TOTAL REQUIRED PARKING (1/350 SF)	199
TOTAL ADA STALLS	7 (3 VAN)
TOTAL PROVIDED PARKING	200



1. ALL DIMENSIONS MADE FROM FACE OF CURB WHERE BOLLARDS ARE NOT INVOLVED.
2. ALL DIMENSIONS ARE MADE TO CENTER OF BOLLARD WHERE BOLLARDS ARE INVOLVED

DocuSigned by:
Michael Baird
6194841EEEC24DC..

2/3/2023

BY SIGNING AND DATING THIS DOCUMENT ABOVE, I CERTIFY THAT THIS SITE PLAN WILL BE USED MOVING FORWARD THROUGHOUT THE DESIGN PROCESS. ANY MODIFICATIONS MADE TO THIS SITE PLAN WILL REQUIRE ADDITIONAL TIME AND FUNDS. ANY CHANGES DESIRED TO BE MADE MUST BE MADE BEFORE THIS DOCUMENT IS SIGNED TO WITHHOLD EXPONENTIAL COSTS TO BOTH TIME AND FUNDS.

1100 W. Idaho St., Suite 210
Boise, Idaho 83702

NOTE: THIS PLAN IS CONCEPTUAL IN NATURE

D:\s...
P:\s...
P:\s...

SOUTH HARTLEY LANE

CURRENT AND FUTURE USE EXHIBIT
MIDDLETON, IDAHO

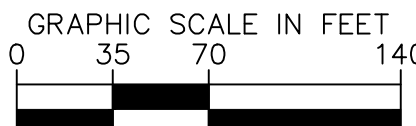
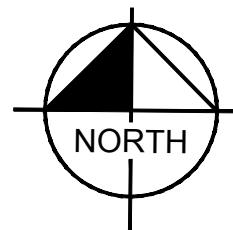


EXHIBIT "B"

PROPOSED DEVELOPMENT AGREEMENT

After Recording, Mail To

Middleton City Clerk

1103 W. Main Street

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 _____ ("**Developer**"), individually and collectively referred to as Developer ("**Developer**").

RECITALS

WHEREAS, Developer owns approximately 4.5 acres of real property located at 0 Hwy 44, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R34773014, and legally described in Exhibit A attached hereto and incorporated herein ("**Property**"); and

WHEREAS, Developer intends to improve the Property with a commercial subdivision commonly known as "The Square on Hartley" ("**Project**") in accordance with 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 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 "Agricultural" to City of Middleton C-2 (Light Commercial). 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 **Concept Site Plan:** The concept site 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.

3.2 **Concept Elevations:** The concept elevations attached hereto as Exhibit "C" are incorporated herein by this reference. Developer shall be bound to abide by said concept elevations and shall construct the buildings on the Property substantially consistent with the concept plans.

3.3 **Cross Access:** Developer shall execute and record a cross-access easement for vehicular and pedestrian travel and utility easement that will apply to all commercial lots that gain access via drive aisles or common lots. This will ensure public and utility access and will avoid any land-locked parcels. Such easements must be shown on the final plat or created by separate instrument document. If by separate instrument document, proof of the recorded document shall be a condition of approval for final plat.

3.4 **Shared Parking:** Developer shall execute and record a shared parking agreement. Proof of the recorded document shall be a condition of approval for final plat.

3.5 **Landscape Buffer:** Developer shall not be required to comply with the landscape buffer requirements set forth in MCC 5-4-10-7 even though a residential homestead is west of the Property. This is due to the fact that the area to the west, north and south of the Property has been designated for only commercial uses on the City's Future Land Use Map.

3.6 Final Plat Requirements & Termination: Notwithstanding the provisions in Article IV of this Agreement, Developer shall obtain City Engineer's signature on the final plat within two (2) years of the preliminary plat approval for the Project. 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 ISPMC and final plat application. The six (6) month period will not be triggered if any information required by the Supplement is missing.

3.6.1 Developer may obtain a one (1) year extension 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 two-year period, which approval shall not be withheld if Developer submits its request in a timely manner. Thereafter, City Council may approve an additional time extension of one (1) year if developer submits a written request for extension prior to the expiration of the previous extension period. Neither approval shall require a public hearing before City Council.

3.6.2 If Developer does not obtain City Engineer's signature on the final plat within the time frame noted above, City may, at its sole discretion, terminate this Agreement after complying with the Middleton City Code provisions for legal notice and public hearing. The zoning for the Property shall remain C-2. Additionally, the preliminary plat will automatically become null and void. City may seek termination of the Agreement at any time after the noted time periods expire, and City's delay in terminating this Agreement shall not constitute a waiver of its right to terminate.

3.7 Connectivity: Developer shall ensure that connectivity to the surrounding parcels is achieved via at least two drive aisles positioned to the north, west or south. The drive aisle shall be depicted on the Concept Plan attached hereto as Exhibit "B, and Developer agrees to cooperate and help coordinate connectivity via said drive aisle as adjacent parcels develop in the future.

3.8 Setbacks and Dimensions: Because the plat for the Project is similar to a condominium design, the building parcels will not be subject to some of the setback and dimension standards found in the *Height, Setback and Coverage Schedule* (MCC 5-4-1, Table 2). Specifically, the minimum front setback for the Project parcels shall be zero feet (0') instead of ten feet (10'). The maximum coverage may be one hundred percent (100%) rather than ninety percent (90%).

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 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.

4.3 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 or is required to give to another party must be in writing and shall 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 in writing 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: _____

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 non-prevailing 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 This 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 by the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorded 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.

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 _____, 2023 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: _____

DEVELOPER:

By: _____
Its: _____

State of Idaho)
 ss.
County of _____)

I, a notary public, do hereby certify that on this ____ day of _____, 2023, personally appeared before me _____, who declared that he/she signed this Development Agreement in the capacity of _____ for _____.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

Legal Description of Property

EXHIBIT "B"

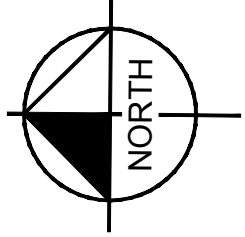
Concept Plan

SITE PLAN

HARTLEY LANE SOUTH OF HIGHWAY 44
MIDDLETON, IDAHO

SITE PLAN DATA

Type 1 - Office Incubators	
BUILDING A FLOOR 1 (SF)	11,440
BUILDING A FLOOR 2 (SF)	11,440
TOTAL BUILDING AREA	22,880
Flex Space Incubators	
BUILDING B (SF)	16,416
BUILDING C (SF)	16,416
BUILDING D (SF)	14,000
TOTAL BUILDING AREA	46,832
TOTAL FLEX SPACE UNITS	33
Parking Data	
TOTAL BUILDING AREA	69,712
TOTAL REQUIRED PARKING (1/350 SF)	199
TOTAL ADA STALLS	7 (3 VAN)
TOTAL PROVIDED PARKING	200



NOTES:

- ALL DIMENSIONS MADE FROM FACE OF CURB WHERE BOLLARDS ARE NOT INVOLVED.
- ALL DIMENSIONS ARE MADE TO CENTER OF BOLLARD WHERE BOLLARDS ARE INVOLVED

SIGNATURE: _____
Designed by
Michael Bond
101884EE2A0C

DATE: 2/3/2023

BY SIGNING AND DATING THIS DOCUMENT ABOVE, I CERTIFY THAT THIS PROJECT HAS BEEN DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH ALL APPLICABLE CITY ORDINANCES AND REGULATIONS. ANY CHANGES MADE TO THIS SITE PLAN WILL REQUIRE ADDITIONAL TIME AND FUNDS. ANY CHANGES DESIRED TO BE MADE MUST BE MADE BEFORE THIS DOCUMENT IS SIGNED TO WITHHOLD EXPONENTIAL COSTS TO BOTH TIME AND FUNDS.

Kimley»Horn

1100 W. Idaho St., Suite 210
Boise, Idaho 83702

EXHIBIT "C"

Elevation Concepts



EXHIBIT "C"

COMMENTS FROM AGENCIES



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

January 27, 2023

Roberta Stewart
City of Middleton, Planning & Zoning
1103 W. Main St
P.O. Box 487
Middleton, ID 83644

VIA EMAIL

Development Application	Preliminary Plat
Project Name	The Square on Hartley
Project Location	SH44 MP 2.9 less than .25 miles south of Intersection on Hartley Ln

The Idaho Transportation Department (ITD) reviewed the referenced preliminary application and has the following comments:

1. Traffic generation numbers were not provided with this application. ITD needs more information on the trip generations to determine if turn lanes will need to be installed by the applicant at the intersection of SH-44 and Hartley Lane. Please provide traffic generation numbers for ITD to determine further recommendations.
2. Additionally, due to the size of this development, a Traffic Impact Study (TIS) reflecting full build-out of the site may be recommended if the traffic generation numbers indicate such. Any necessary mitigation for traffic impacts identified by the TIS shall be the responsibility of the applicant to install. ITD reserves the right to make further comments upon review of any submitted traffic generation data or other documents.

If you have any questions, you may contact me at (208)334-8337.

Sincerely,

Niki Benyakhlef
Development Services Coordinator
Niki.Benyakhlef@itd.idaho.gov

EXHIBIT "D"

COMMENTS FROM CITY ENGINEER & PLANNER



January 25, 2023

TO: Roberta Stewart, Planner

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

RE: The Square on Hartley - Preliminary Plat

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

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

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

MCC 5-4-4.2. b. Contact information for owner, subdivider, surveyor and engineer in the right margin title block.

MCC 5-4-4.2.d. Add date of preparation.

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

1. The topography line work is so light it is not discernable. Clearly show topo, including irrigation (all) and all utilities in Hartley.
2. Add benchmark information.

MCC 5-4-4.2. g.

1. Show existing irrigation infrastructure and relocation if applicable. Include needed easement area. How does delivery continue to west?

MCC 5-4-4.2. h.

1. Show Hartley improvements in right of way clearly on the plat.
2. Show access for parcel from Hartley.
3. Include stormwater management for Hartley.
4. Relocate the existing irrigation lateral out of Hartley right of way. Show needed easement area required by Canyon County Water Company. The CCWC easement can not overlap right of way unless City infrastructure is repaired/replaced by others if irrigation work is required in overlapping right of way area.
5. How will existing irrigation be routed to west – as applicable.
6. Remove sewer and water utility easement area shown in Hartley right of way.

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



MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. It is not possible to verify the property description provided without a boundary shown for the parcel.

MCC 5-4-4.2. n

1. Add a note addressing installation of fiber optic network.
2. Streetlights are required along Hartley.

MCC 5-4-4.3. a

1. Show existing sewer in Hartley.
2. Extend blanket utility easement to west boundary on both north and south utility alignments – easement only.
3. Sewer services to center of lot.

MCC 5-4-4.3. b

4. Water required to be extended in Hartley – to and through – if not completed by development to the east prior. Show and add note if needed.
5. Double water services at lot corners where possible.
6. Loop water to new/to be constructed main Hartley main at southeast corner for redundancy and stability.
7. Please keep water at least 25ft from subsurface stormwater facilities. Refer to IDAPA for details.

MCC 5-4-4.3.c

1. Stormwater. Please submit complete stormwater management report separately.
2. Hartley: plan to manage a 100 year/1 hour storm using retention facilities only.
3. Stormwater facilities are owned by HOA and the provisions for maintenance laid out in CCRs.
4. Note 6. Please cite in the preliminary report the BMPs used for the subsurface facilities. Of specific concern is the width of the bed, the proximity to groundwater and location of the beds relative to property line, building foundations, irrigation lateral and utilities.
5. In areas of very high ground water like this, the City may approve stormwater management where the design storm is retained and the remainder of the stormwater discharged at predevelopment rate.

Note 3. Identify by note or show easements to be developed.

Note 6. Address by note Idaho Code 31-3805. Will lots be subject to assessment?

Add note: no direct lot access to Hartley.

30ft joint utility easement is 30ft exclusive City of Middleton access and utility easement. Joint trench or others do not co-locate.



CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644

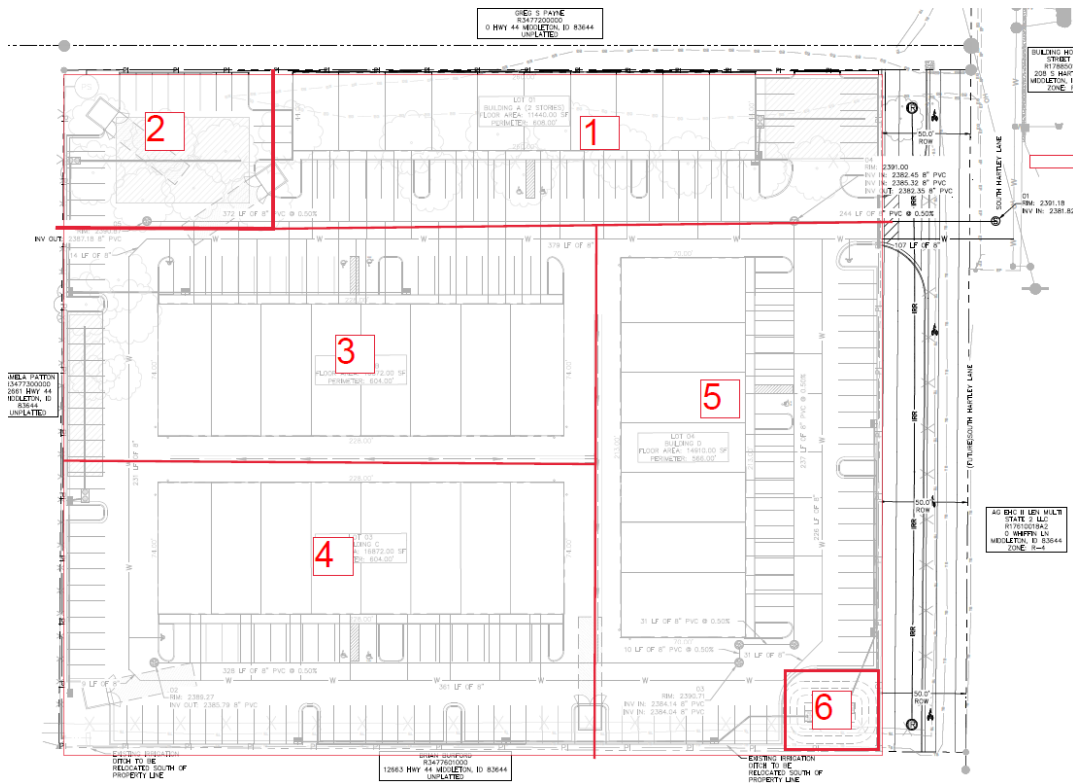
Tele (208) 585-3133 | Fax (208) 585-9601

citmid@middletonidaho.us | www.middleton.id.gov

The Square on Hartley – Planner Comments (Review of initial Preliminary Plat dated 12-12-22)

January 5, 2023

1. We will need the traffic study before we can get you to the P&Z Hearing. When will that get done?
2. Remove all building/lot lines, parking stalls, trash enclosures...etc., and show only the actual lot lines. The actual buildings cannot be the “lots” because you have not placed all the drive aisle areas into an actual lot. (Drive aisles cannot be “private streets” because private streets are not allowed in Middleton.) If you are not constructing local streets, then all portions of the project parcel must be contained inside an actual “lot.”. Something like this:



3.

You may want to consider an extra lot or two so you have the ability to do lot line adjustments in the event you want to change your plan in the future without going through the arduous amended pre-plat process. (The concept plan you show on sheet 1 will be a good “concept plan” for the Development Agreement, but it is inappropriate on the pre-plat.)

4. City will require a cross access/parking agreement or easement to ensure there are no landlocked parcels. Figure out how you want to do that (e.g., CC&Rs or recorded easement or agreement????). City will require proof of recorded cross access/parking.

5. Be warned that the City will need an O&M Plan for your stormwater facilities, so you will need to devise a business association or other method for operating and maintaining those facilities. (Landscape has the same issue, as you know.)
6. Add a key to the first page showing boundary lines, lot lines, existing sewer, easements...etc.
7. I will need to rely upon Amy to determine how we can ensure connective access for future commercial development to the west, north and/or south. Since there are only drive aisles contemplated, that access may need to be creative.
8. Reserve subdivision name with Tony Almeida at the County if you haven't already done so.
9. Delete note 3 regarding private streets. Private streets are not allowed.
10. Re-word Note 4 about drainage easements. The current language applies to typical residential subdivision but does not work in this instance.
11. Add a note: "A cross-access agreement for vehicle and pedestrian traffic and a shared parking agreement shall be recorded at the time of, or prior to, final plat recording.
12. Note 9 regarding groundwater may not be accurate??? It may need to be 24'. ??
13. Looks like you're missing depictions of all easements, wells, ditches...etc.
14. Place updated date on your revised pre-plat to help us keep them in order.

Roberta L. Stewart

Middleton Planning & Zoning Director



CITY OF MIDDLETON

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

The Square on Hartley – Planner Comments (Review of revised Preliminary Plat stamped 1/19/2023)

January 20, 2023

1. Each separate parcel (“building lot”) must have a legal description of “Lot & Block”. So add “Block 1” to the plat, so every building parcel will be “Lot 1/Block 1”, “Lot 2/Block 1”...etc.
2. Remove words “Floor Area” from each parcel/building pad. We just want to see the square footage of each “Lot”. Adding the words “floor area” can confuse the issue.
3. Missing topo as required by MCC 5-4-4.
4. Change Note 1 as follows: “*Building setback and dimension standards shall be in compliance with the applicable zoning regulations of Middleton at the time of building permit issuance, except for the setbacks and dimensions that have been changed by the Development Agreement (Instrument # _____, recorded in the records of Canyon County.*”
5. On Note 4, remove “pressurized irrigation” as a “public utility.”
6. MCC 5-4-4 requires a statement about your proposed irrigation system and point of delivery. There must also be a preliminary layout for irrigation on the pre-plat. Please add these items to your plat. **Irrigation may not occur via City metered water.** It must occur via pressurized irrigation /Ditch Co.
7. Change Note 10 as follows: “*The Owner of the common lot will be required to manage the common areas, which include stormwater facilities...etc.*”
8. Change Note 14: “*A cross access agreement or easement for utilities, shared parking, and vehicle and pedestrian traffic shall be recorded at the time of, or prior to, final plat recording.*”
9. Place updated date on your revised pre-plat to help us keep them in order.

Roberta L. Stewart

Middleton Planning & Zoning Director



CITY OF MIDDLETON

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

The Square on Hartley – Planner Comments (Review of revised Preliminary Plat stamped 2/7/2023)

February 8, 2023

1. Change Note 1 to take out Instrument #2020-005120. No DA has been recorded yet. It should be a blank space like below. *“Building setback and dimension standards shall be in compliance with the applicable zoning regulations of Middleton at the time of building permit issuance, except for the setbacks and dimensions that have been changed by the Development Agreement (Instrument # _____, recorded in the records of Canyon County.”*
2. Check with Amy regarding whether you PI is sufficient.

Roberta L. Stewart

Middleton Planning & Zoning Director

[illegible]



STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

Special Use Permit Application

(Furaha A. Bonane Daycare – 105 E. Rose Lake Dr.)



- A. **Planning & Zoning Commission Hearing Date:** April 10, 2023
- B. **Application & Description:** Application by Furaha A. Bonane for special use permit to operate a daycare in her home located at 105 E. Rose Lake Dr. (Middleton Lakes Subdivision). Applicant is requesting a permit to care for up to 13 children. Ages of the children are newborn to 13 years old. Applicant also has four other children in the

- D. **City Services:** The lot is located in an established neighborhood, so water, sewer, police and fire protection are already servicing the subject lot.
- E. **Traffic, Access & Streets:** Depending upon Applicant's description at the public hearing of pick-up and drop-off procedures, traffic and access may be an issue.
- F. **Special Use Permit:** Middleton City Code 1-15-7 sets forth the law on Special Use Permits within City limits. Section 1-15-7 provides specifically:

"1-15-7: SPECIAL USE PERMITS:

A. Description:

1. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area. Nothing construed herein shall be deemed to require the commission to grant a special use permit.

2. Certain types of uses possess unique and special characteristics which require special consideration prior to their being permitted in a particular district. A special use permit may be granted to an applicant if the proposed use is allowed by a special use permit under the land use schedule in section [5-4-1](#), Table 1 of this Code.

3. No building permit shall be issued when a special use permit is required by the terms of this chapter, unless a special use permit has been previously granted by the City and then only in accordance with the terms and conditions of the special use permit.

4. No special use permit shall be transferable from one property to another. In the event the property changes hands, the new owner, if he or she desires to continue the special use, shall appear before the commission for review. Said continuance use shall be subject to the same terms and conditions of the permit.

5. Prior to granting a special use permit, studies may be required of the social, economic, fiscal and environmental effects of the proposed special use.

6. The granting of a special use permit shall not be considered as establishing a binding precedent to grant other special use permits.

B. Procedures: *The commission shall conduct at least one public hearing on the application.*

C. Action By Commission: *After notice and hearing, the commission may approve, conditionally approve or deny a special use permit application. Whenever the commission approves or denies a permit, it shall specify in writing: 1) the ordinance and standards used in evaluating the application (city code, Idaho Standards for Public Works Construction and Middleton Supplement to the Idaho*

Standards for Public Works Construction); 2) the reasons for approval or denial; and 3) if denied, the actions, if any, that the applicant can take to obtain approval. The commission shall make a decision within thirty (30) days of the conclusion of the public hearing.

D. Conditions: Upon granting a special use permit, conditions may be attached to:

- 1. Minimize adverse impact on other development (spaces, fences, parking, traffic flow, etc.).*
- 2. Control the sequence and timing.*
- 3. Control duration of the use.*
- 4. Assure that development is maintained properly.*
- 5. Designate the location and nature of development, including signs.*
- 6. Require the provision for on site or off site public facilities or services.*
- 7. Require more restrictive standards than those generally required in an ordinance (surfacing of parking areas to City specifications, regulation of points of vehicular ingress and egress, landscaping and maintenance, regulation of noise, vibration, odors or other similar nuisances).*
- 8. Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the special use permit.*
- 9. Require mitigation of effects of the proposed use upon service delivery by any political subdivision, including school districts, providing services within the planning area of Middleton.*

E. Appeal: An affected person aggrieved by the commission decision may, within fifteen (15) days of the written commission decision, file a written appeal with the City, along with a nonrefundable fee. The Council shall consider the appeal at a noticed public hearing and may approve, approve with conditions or deny the application.”

In short, the Commission will consider whether Ms. Bonane’s proposed daycare involving 13 children is not “unreasonable or incompatible” with the surrounding neighborhood. In other words, is the daycare in harmony with the surrounding neighborhood. The code section allows the Commission to approve the application and apply conditions of approval that will make the special use “reasonable and compatible” with the surrounding neighborhood.

The Commission must also ensure that the special use requested is shown appropriately in the Land Use Schedule as a “special use.” Daycare for 13 children is indeed shown in the Land Use schedule as an “S” (special use) for the R-3 Zone.

TABLE 1
LAND USE SCHEDULE

A = Allowed uses

S = Special uses

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Concrete batch plant						S					
Contractor's shop/storage yard				A	A	A					S
Convalescent/nursing home		A	A	A			S	S	S	S	S
Daycare center (13 or more children)		A	A	A	A		A	S	S	A	A
Daycare, facility (7 or more children unrelated to provider)		A	A	A	A		A	S	S	A	A
Daycare, family (6 or fewer children)		A	A	A	A		A	A	A	A	A

- G. Comments Received from Surrounding Landowners:** None.
- H. Comments from Agencies:** Fire Marshall Islas contacted Planning Staff by telephone to report his inability to set up an in-home inspection of the Bonane home despite reaching out to the Applicant.
- I. Comments from City Engineer and Planning Staff:** None (not applicable).
- J. Application Information:** Applicant is Furaha A. Bonane, 105 E. Rose Lake Dr. Application was accepted on 12/13/2022.
- K. Notices & Neighborhood Meeting:**
- | | Dates: |
|--------------------------------------|---------------|
| Newspaper Notification | 2/26/2023 |
| Radius notice to adjacent landowners | 2/23/2023 |
| Circulation to Agencies | 2/22/2023 |
| Sign Posting property | 2/22/2023 |
| Neighborhood Meeting | 9/20/2022 |
- (Hearing was continued from the March 13, 2023, regularly scheduled meeting)

L. Applicable Codes and Standards:

Middleton City Code 1-15-7, Idaho State Statute 67-6512 and IDAPA rules regarding daycare.

M. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission will make the final decision and order on this application. It does not proceed to City Council for consideration. Per State law and the Middleton City Code, any final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth above the facts to be considered in the application. Planning Staff further finds that the City does not know if allowing 13 children in the daycare will be in compliance with State Code because Applicant did not schedule an in-home inspection with the Fire Marshall.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear the application (MCC 1-5-5). The Commission has the authority to approve the application with or without conditions of approval or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the application.

Special Use Permit Application: If the Commission is inclined to approve the application, then Planning Staff recommends that any approval be subject to the following conditions:

1. All requirements of the Middleton Rural Fire District are to be completed and approved.
2. All requirements of local, state and federal agencies are to be completed and approved.

Finally, if the Commission denies the application, then the Commission should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).