



AGENDA

Middleton Planning & Zoning Commission Meeting

Date: Monday, February 14, 2022

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 January 10, 2022 regular meeting minutes.
2. **Public Hearing:** Application by Wade Thomas/IAG Capital, LLC, and Bob Unger for preliminary plat with respect to The Mill at Middleton Subdivision located at 0 N. Dewey Avenue (Tax Parcel Nos. R33892, R33888, and R33876). The proposed preliminary plat consists of 50 residential lots and 10 common lots on 16.71 acres of vacant land zoned R-3 (single family residential). – Roberta Stewart
3. Consider approving the written Findings of Facts, Conclusions of Law and Recommendation (FCR) for The Mill at Middleton Subdivision. – Roberta Stewart

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Jennica Reynolds - Deputy Clerk, Planning

Date: February 10, 2022 at 5:00 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
JANUARY 10, 2022**

Call to Order: The January 10, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:36 p.m.

Chairman Waltemate explained the agenda would be adjusted to allow for the swearing in of new commissioners prior to the Pledge of Allegiance and Roll Call.

Action Items

1. Introduction and swearing in of New Commissioners: Scott Brock & Tim Hoekstra – Mayor Rule

Mayor Rule thanked outgoing Commissioners Gregory and Hutchison for their service and swore in New Commissioners Brock and Hoekstra.

Pledge of Allegiance Roll Call: Chairman Ray Waltemate, and Commissioners Kip Crofts, Heidal Summers, Scott Brock, and Tim Hoekstra were present.

Action Items:

**2. Consent Agenda (items of routine administrative business)
a. Consider approving December 6, 2021, regular meeting minutes.**

Chairman Waltemate called the item. Commissioners Brock and Hoekstra abstained from voting as they were not at the December 6th meeting.

Motion: Motion by Chairman Waltemate to approve December 6, 2021, regular meeting minutes. Motion seconded by Commissioner Summers and approved unanimously by Waltemate, Crofts and Summers.

3. Consider approving the Findings of Facts, Conclusions of Law and Recommendation (FCR) for Middleton City Code changes of December 6, 2021, Public Hearing. – Roberta Stewart

Commissioners Scott and Brock recused themselves as they were not present for the December 6, 2021, public hearing.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts, Conclusions of Law and Recommendation (FCR) for Middleton City Code changes of December 6, 2021, Public Hearing. Motion seconded by Commissioner Summers and approved unanimously by Waltemate, Crofts and Summers.

4. Public Hearing: Continued from December 6, 2021) Application by Value Land, LLC and JP Wagoner Planning for preliminary plat with respect to the Artesian Springs Subdivision located at 10348 Hwy 44 zoned R-3 (Single-Family Residential). The proposed preliminary plat consists of 40 single-family homes and 7 common lots on 13.56 acres. – Jennica Reynolds

Commissioners Scott and Brock recused themselves as they were not present for the December 6, 2021, public hearing.

Chairman Waltemate opened the public hearing at 5:44 p.m.

Chairman Waltemate stated that the public hearing was continued so the applicant could address the requirement by MRFD to add the 2nd Emergency Access to the subdivision.

He opened the public comment at 5:47 p.m.

Applicant Representative – Jarom Wagoner, JP Wagoner Planning 11846 Linden Road, Caldwell, Id 83605

- Applicant was asked to revise the preliminary plat to bring it up to standards of 2018 International Fire Code of a second access after 30 lots, even though Middleton City Code requires a second access after 50 lots.
- The second access will connect to SH44 but will be usable for emergency vehicles only. There will be bollards to block other traffic. However, pedestrians will still be able to use it.
- The Applicant agrees with all the conditions of approval in the staff report.

Rebecca Martin – 10346 Hwy 44: She lives to the north of the project. She is concerned about her access to her 30 ft wide easement and the access she will have to SH44.

Chairman Waltemate closed the public comment portion at 5:50 p.m.

Applicant Representative – Jarom Wagoner, JP Wagoner Planning 11846 Linden Road, Caldwell, Id 83605

- Access from that 30 ft easement to SH44 is between ITD and the Martins.
- There is an additional 30 ft buffer along the west boundary of the project in which the easement lives. It will be maintained by the Artesian Springs HOA.

Planning Staff – Jennica Reynolds reviewed the conditions of approval of the Artesian Springs Preliminary Plat.

Motion: Motion by Commissioner Summers accept the General Facts and Conclusions of Law set forth in the staff report and public hearing in regard to Artesian Springs Preliminary Plat. Motion seconded by Chairman Waltemate and approved unanimously by Summers, Waltemate and Crofts.

Motion: Motion by Chairman Waltemate to recommend to City Council approval of the application by Value Land, LLC and JP Wagoner Planning for preliminary plat with respect to the Artesian Springs Subdivision located at 10348 Hwy 44 zoned R-3 (Single-Family Residential). The proposed preliminary plat consists of 40 single-family homes and 7 common lots on 13.56 acres. Motion seconded by Commissioner Crofts and approved unanimously by Waltemate, Crofts and Summers.

Chairman Waltemate closed the public hearing at 6:01 p.m.

5. Consider approving the Findings of Facts, Conclusions of Law and Recommendation for Artesian Springs Subdivision. – Jennica Reynolds

Commissioners Scott and Brock recused themselves as they were not present for the December 6, 2021 public hearing.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts, Conclusions of Law and Recommendation for Artesian Springs Subdivision. Motion seconded by Commissioner Crofts and approved unanimously by Waltemate, Crofts and Summers.

6. Application by D&N Investments, LLC and B&A Engineers, Inc for preliminary plat with respect to the Carlton Meadows South Subdivision located at 0 Whiffin Lane (Tax Parcel No. R17610025A0) zoned R-3 (Single-Family Residential). The proposed preliminary plat consists of 24 single-family homes and 3 common lots on 8.56 acres. – Jennica Reynolds

Chairman Waltemate opened the public hearing open at 6:03 p.m.

Planning Staff – Jennica Reynolds presented a PowerPoint presentation (Exhibit 1) of the staff report (Exhibit 2) of the Carlton Meadows South Subdivision.

Chairman Waltemate: Did the minimum lot size change with the code changes?

Planner – Roberta Stewart: It did not, those changes were not part of the application that was taken to City Council.

Applicant Representative – Joe Canning, B&A Engineers, 5505 W. Franklin Rd. Boise.

- City sewer line is going down Hartley which is why the project has been stalled.
- 3 points of access from the subdivision connecting to the Carlton Meadows Subdivision to the north and out to Hartley and Whiffin. Hartley being the primary entrance.
- The zoning is R-3 and it is in City Limits.
- They are working through a lot line adjustment of a portion of Bigelow subdivision to the south with Roy Bowman.

Questions from Commissioners:

Brock: Do know the building envelope size?

Canning: It will be according to R-3 zoning setbacks.

Summers: Do you have a builder for this subdivision?

Canning: No. They will allow the market to dictate the builders and prices of houses.

Hoekstra: Are you rerouting the drainage ditch, can it handle the additional runoff?

Canning: Historically the drain ditch has been historically shallow. They will not be rerouting the ditch; they want it there. But it will be maintained. They will follow all the City requirements for managing onsite drainage separate from the development which will be handled separate.

Chairman Waltemate opened the public comment portion at 6:31 p.m.

Scott Dykstra – Real Estate Agent representing the 10 acres.

- Real Estate contract has to have 3 elements. 1-Purchase Price, 2-Closing Date, 3- Legal Descriptions
- This was a unique situation in that we didn't have a price or a legal description. We were selling 8+/- acres for potential future development. The issue is they didn't know how much land is there until the property is surveyed and Bowman's didn't want to pay for a survey. They wanted the developer to pay the cost of the survey.
- The issue arose on 5/25/21 we received a survey showing the property was

7.891 acres which is less than 8. The buyer said he wasn't willing to pay \$600,000 for less than 8 acres.

At that point the developer drew the line at 50 ft off the centerline of the ditch. Bowman's said they had no use for the property on the other side of the ditch and they wanted \$600,000.

An agreement was drawn up on 5/25/21 that Bowman's would sell the property on the north side of the ditch for \$600,000 if the developer chose to redo the survey the cost of the survey would be on the developer.

11/12/2021 Bowman's signed a deed for 8.56 acres over to the developer for \$600,000. They signed a new deed on their side for 1.4 acres. The reason for signing two deeds was explained to the Bowman's. They signed and agreed to the terms.

- When Roy received the Landowner's Notice for the hearing it stated 8.56 acres for the preliminary plat. Roy called Scott confused how he sold 8.56 acres. Scott explained how it was explained to him. That Roy did in fact sell 8.56 acres.
- That may be a continued discussion, but it really doesn't have any bearing on the plat.

Owner/Applicant Dave Buich – P.O. Box 516 Eagle: He has no issue with what they own as long as they have 8 acres so they can get the 24 lots. He will give back the .5 acres he just needs 8 acres.

Mike Graefe – 1889 Ridgeway, Middleton: Doesn't understand how this can be approved with uncertainty of the lot lines.

Janet Gregory – 94 Whiffin Lane, Middleton: Concerned about improvements not being done of Whiffin Lane.

Chairman Waltemate closed the public comment portion at 6:42 p.m.

Applicant Representative – Joe Canning, B&A Engineers, 5505 W. Franklin Rd. Boise.

- A legal description has been recorded and according to Canyon County there are 2 parcels recorded. The Lot Line adjustment is not a conflict.
- Improvements to Whiffin will be done along the frontage Carlton Meadows Subdivision to the north. Whiffin is a 2nd access, Hartley will be the primary access.

Questions from the Commissioners:

Brock: What ditch company is running water through that ditch. How wide is their easement?

Canning: Drainage District #2 is the ditch company. 100 ft wide, 50 ft off centerline.

Hoekstra: Who own's the drainage?

Canning: The drain ditch has a 100 ft easement used for spoils and maintenance access. We can't do anything in their easement until we get permission.

Discussion by Commissioners:

Summers: Concerned about the development being contingent upon another developer. She is also concerned about Whiffin Lane and would like to see how Carlton Meadows to the north connects and how the flow will go to Hartley.

Planning Staff showed the Carlton Meadows plat and how it will connect to the 3 roads going north from Carlton Meadows South. And explained that minor changes to a

preliminary plat such as extending the roads for connectivity and removing a couple buildable lots do not necessitate an amended preliminary plat be brought back before the Commission. They are not considered significant changes. Construction Drawings are close to being finalized.

Commissioners want to revisit the code and process regarding major/significant changes between the preliminary plat and final plat.

Brock: There is a process for the legal land boundaries to be recorded with Canyon County so no one is getting dupped out of anything.

Summers: Concerned about Whiffin Lane

Waltemate: This plat has no connection to Whiffin Lane. Between Carlton Meadows and this development there will be 88 homes in this area.

Motion: Motion by Chairman Waltemate to accept the General Facts and Conclusions of Law set forth in the staff report and public hearing in regard to Carlton Meadows South Preliminary Plat. Motion seconded by Commissioner Summers and approved unanimously

Motion: Motion by Commissioner Hoekstra to recommend to City Council approval of an application by D&N Investments, LLC and B&A Engineers, Inc for preliminary plat with respect to the Carlton Meadows South Subdivision located at 0 Whiffin Lane (Tax Parcel No. R17610025A0) zoned R-3 (Single-Family Residential). The proposed preliminary plat consists of 24 single-family homes and 3 common lots on 8.56 acres with all conditions of approval listed in the Staff Report. Motion seconded by Commissioner Summers and approved unanimously.

7. Consider approving the Findings of Facts, Conclusions of Law and Recommendation (FCR) for Carlton Meadow South Subdivision.

Motion: Motion by Commissioner Summers to approving the Findings of Facts, Conclusions of Law and Recommendation (FCR) for Carlton Meadow South Subdivision. Motion seconded by Commissioner Crofts and approved unanimously.

Chairman Waltemate closed the public hearing at 7:05 p.m.

Public/Commission/Staff Comments:

Scott Dykstra: Wants to clarify for future discussion of Carlton Meadow South. They are looking at deeding the approximately acre south of the ditch back to the Bowmans. Concern is the 62 ft along Whiffin that is within the easement, but now would be owned by Bowman's will there be a requirement to put curb/gutter/sidewalk? They don't plan to develop that and so he doesn't want the Bowman's burdened with that.

Waltemate: Will need to ask the city. Per his understanding they are the original owners of that plot, it has never been conditioned to them to prior and they are not the developer.

Brock: Why wasn't there a survey in the beginning?

Dykstra: In this market it is maybe not advisable, but it is not uncommon for a seller to state "I will sell you X property but I don't have the funds or resources to have that property surveyed." So you will note from the time of original survey to the time of closing was 6 months later, so there was time for negotiations to happen back and forth. There were a number of factors in this transaction, least of not which is the seller is not local. We had a phone call on the day they met with the Notary Public to sign all the closing documents. Then the seller later came back and said

he did not read what he signed. Seller's did sign the survey as well.

Mike Graefe – 1889 Rideway, Middleton: Submitted some paperwork to the commissioners showing a change he would like to see regarding changes to minimum lot size of in R-3 zoning. He explained the changes to the code regarding gross acres and buildable acres. He said that the minimum lot size was in a footnote in the table.

Discussion tonight about who did the survey. It is time that we start looking out for the City of Middleton and those who live here. Developers come in, they don't live here.

Chairman Waltemate: The fight is being taken to City Council. Toll Brothers were grandfathered through a Development Agreement.

Commissioner Hoekstra: We have to have lot size defined in the City Code per Zoning area.

City Staff-Jennica Reynolds clarified that the footnote Mike was referring to didn't have anything to do with R-3 zoning that footnote is in regard to Single-family Attached homes. The Height, Setback and Coverage Schedule – Table 2 defines the size of minimum lot size of R-3 zoning as 8,000 sq. ft.

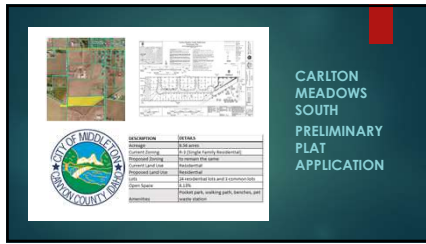
Adjourn: Chairman Waltemate adjourned the meeting at 7:29 p.m.

ATTEST:

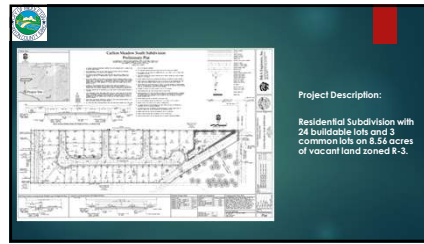
Ray Waltemate, Chairman

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

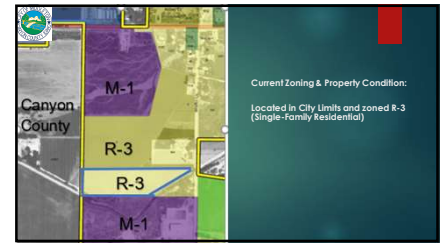
Exhibit “1”
PowerPoint Presentation
P&Z Hearing
1-10-2022



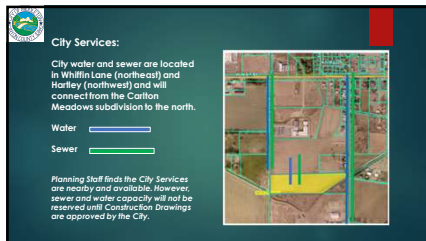
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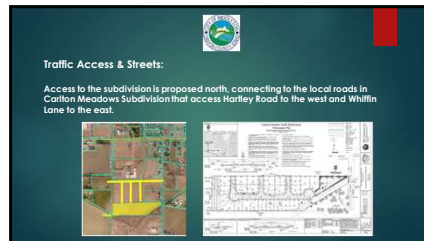
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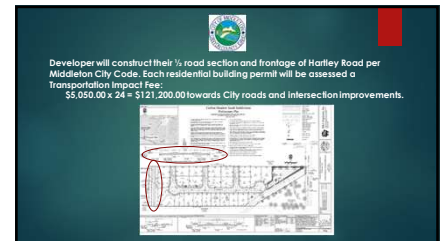
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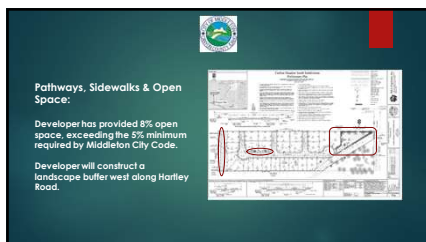
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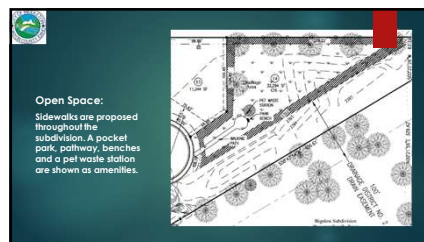
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8




9




Preliminary Plat Application:

There is no phasing plan, so the project will be brought to final plat in one phase.

The Preliminary Plat complies with all dimensional standards and codes of the City of Middleton.



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Findings:

Planning Staff finds that the Preliminary Plat is not materially detrimental to the public health, safety and welfare, and the Preliminary Plat is in harmony with the City's Comprehensive Plan.

(A copy of the full Preliminary Plat and Landscape Plan is attached as Exhibit "A" of the full Staff Report.)

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Comprehensive Plan and Land Use Map:

Applicant's project complies with the Comprehensive Plan's Future Land Use Map:

Project is designated Residential on the Map which matches the Residential Use planned for the site.



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Comprehensive Plan:

Project complies with the Goals, Objectives and Strategies of the 2019 Middleton Comprehensive Plan as follows:

- Goals 3 & 23: Project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- Goals 4 & 5: Project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the city.
- Goal 11: The housing type matches the residents' lifestyle in the area the project is located and is an in-fill improvement project.

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City Engineer & Planning Staff Comments:

City Engineer recommends approval of the Preliminary Plat.

(Complete Comments attached as Exhibit "B" in full Staff Report)

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Agency Comments: Exhibit "C" of Full Staff Report

Middleton Rural Fire District – Chief Isles

No other Agencies have submitted comments.

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Surrounding Landowners Comments: (Exhibit "D" of Full Staff Report)

Roy Bowman – Fax received 1/6/2022 with seller's agreement attached.

This is a Landowner dispute with the neighboring parcel regarding the amount of acreage recorded on the preliminary plat.

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Applicant Information:

Application received and accepted on July 20, 2021.

Applicant/Owner: Dave Bulch – D&N Investments
P.O. Box 516
Eagle, ID 83616

Representative: Nick LaCross – B&A Engineers, Inc.
5505 W Franklin Road
Boise, ID 83705

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Notices & Neighborhood Meeting:	Dates:
Neighborhood Meeting	6/20/2021 & 6/21/2021
Newspaper Notification	12/26/2021
Radius notification mailed to Adjacent landowners within 300'	12/21/2021
Circulation to Agencies	12/21/2021
Sign Posting property	12/21/2021

Planning Staff finds that notice was given according Idaho State Law and Middleton City Code.

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Applicable Codes and Standards:

- ▶ Idaho Code Sects. 47-4502, 47-4509, 47-4511, 47-4513, 50-1301 through 50-1329.
- ▶ Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction.
- ▶ Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.



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Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the application for Preliminary Plat and making a recommendation to City Council for approval or denial of the application.


Per State Law and the Middleton City Code, any recommendation must be based upon General Facts and Conclusions of Law.



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As to General Facts:


Planning Staff has set forth general facts as stated above. If the Commission agrees with those general facts and agrees with the testimony and evidence presented at the public hearing, the Commission needs to make a motion to accept the general facts set forth in the staff report and public hearing.



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As to Conclusions of Law:


Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of this application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.



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If the Commission is inclined to recommend approval of the application based upon the above General Facts and Conclusions of Law, then Planning Staff recommends that any approval be subject to the following conditions:


1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
4. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.



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

Planning Deputy Clerk
Jenelle B. Reynolds
1/10/2021



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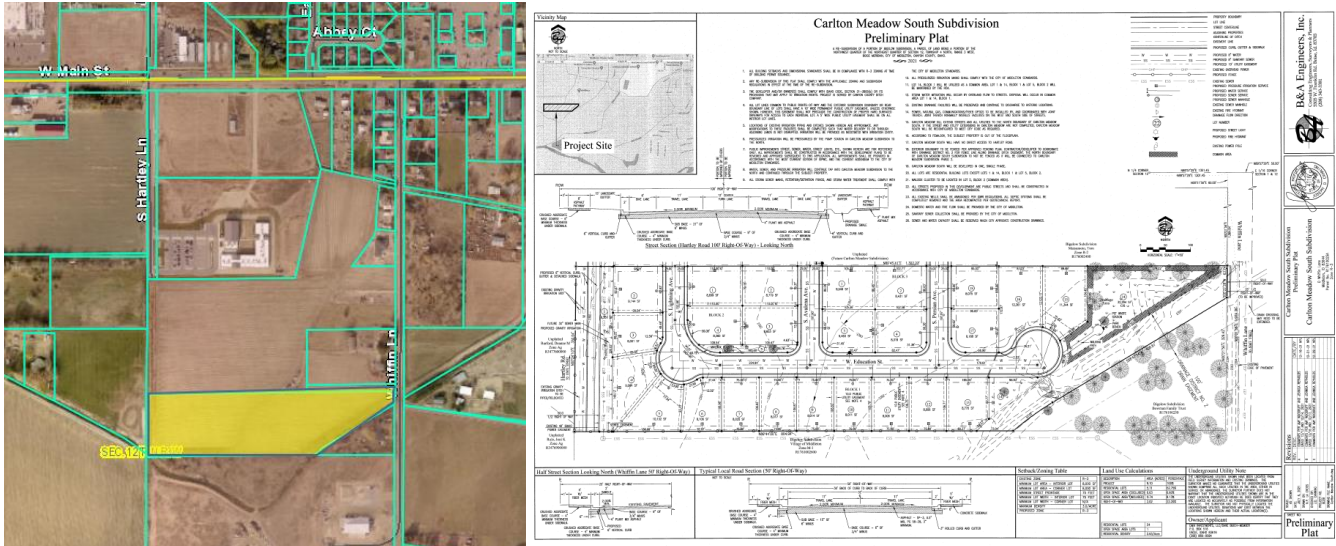
Exhibit “2”
Staff Report
P&Z Hearing
1-10-2022



STAFF REVIEW AND REPORT

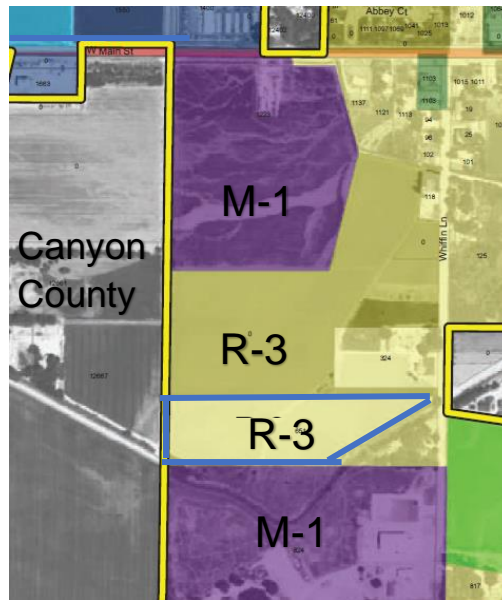
Middleton Planning and Zoning Commission

Carlton Meadows South Subdivision

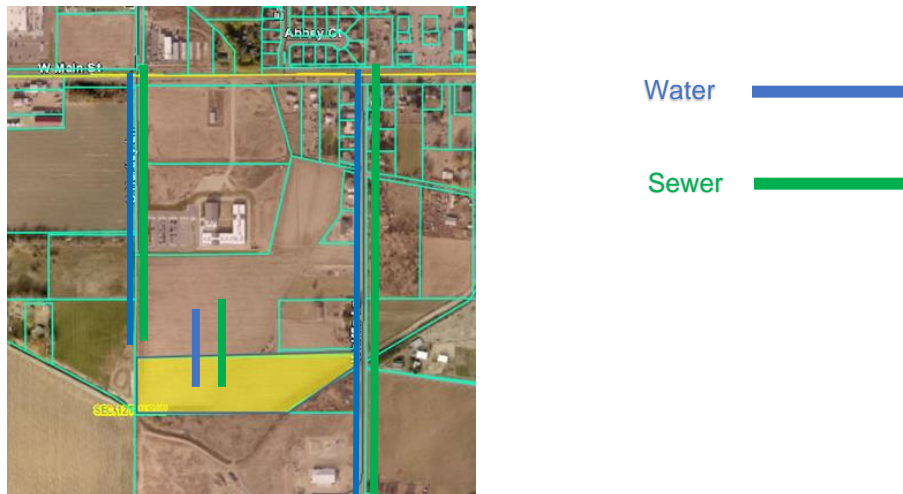


DESCRIPTION	DETAILS
Acreage	8.56 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	to remain the same
Current Land Use	Residential
Proposed Land Use	Residential
Lots	24 residential lots and 3 common lots
Open Space	8.13%
Amenities	Pocket park, walking path, benches, pet waste station

- A. **Planning & Zoning Commission Hearing Date:** January 10, 2022
- B. **Project Description:** Residential subdivision consisting of 24 buildable lots and 3 common lots on 8.56 acres located at 0 Whiffin Lane (Tax Parcel No. R17610025A0)
- C. **Application Requests:** Applicant is applying for Preliminary Plat.
- D. **Current Zoning & Property Condition:** The property is currently located in city limits and zoned R-3 (Single Family Residential).

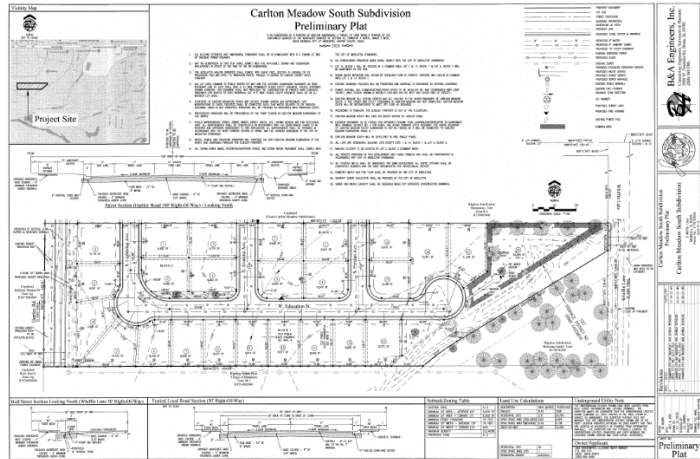
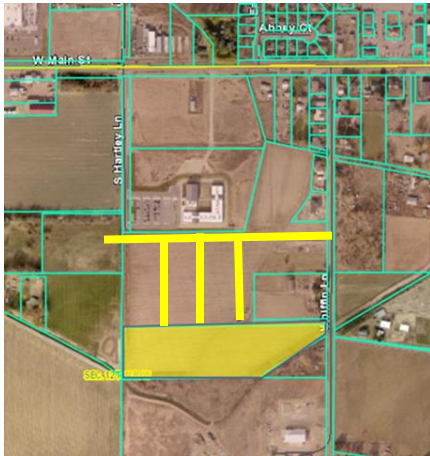


- E. City Services:** City water and sewer are located in Whiffin Lane at the north east corner of the project and in Hartley Road to the north west. Water and sewer will connect from the Carlton Meadows Subdivision directly adjacent to the north.



Planning Staff finds that City Services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.

- F. Traffic, Access & Streets:** Access to the subdivision is proposed north connecting to the local roads in Carlton Meadows Subdivision that access Hartley Road to the west and Whiffin Lane to the east.



The Developer will construct their ½ road section and frontage of Hartley Road per Middleton City Code. Each residential building permit will be assessed a Transportation Impact Fee (currently \$5,050.00 x 24 for a total of \$121,200.00) to go towards the City roads and intersection improvements.

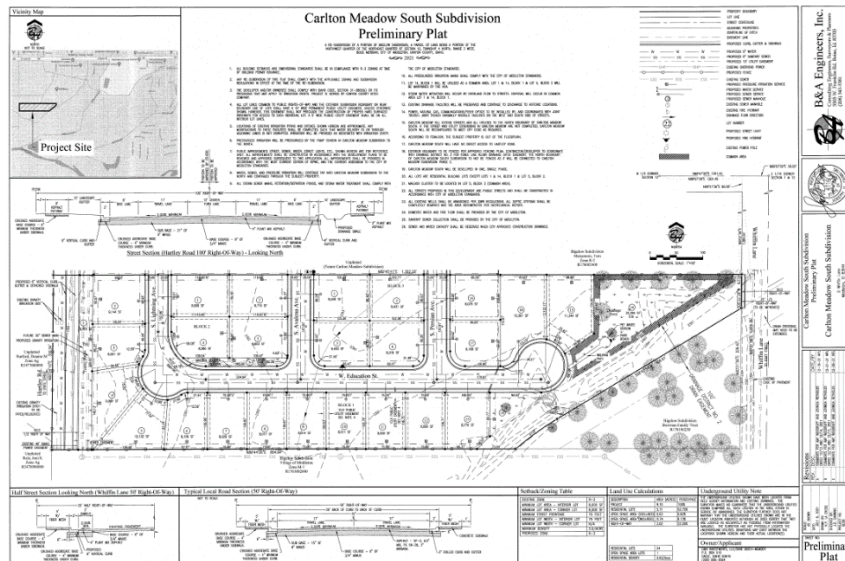
- G. Pathway, Sidewalks & Open Space:** The developer will be required to construct a landscape buffer west along Hartley Road. A pathway to a sitting area will be located in the park by the irrigation ditch.

Developer has provided 8% open space which exceeds the 5% minimum required by MCC 5-4-10-10. A pocket park, pathway, benches and a pet waste station are shown as amenities.

- H. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The Fire Chief submitted comment attached as Exhibit “C” As a condition of approval, the preliminary plat will be subject to compliance with the District’s comments approved by the City.
- I. Preliminary Plat Application:** The preliminary plat does not show a phasing plan, and the project will be brought to final plat in one phase. The preliminary plat complies with all dimensional standards and codes of the City of Middleton.

FINDINGS:

Planning Staff finds that the preliminary plat is not materially detrimental to the public health, safety and welfare, and the preliminary plat is in harmony with the Middleton Comprehensive Plan. (See more detail in Section J below.)



A copy of the preliminary plat and landscape plan is attached as Exhibit “A”.

- J. Comprehensive Plan & Land Use Map:** Applicant’s project complies with the Comprehensive Plan’s Future Land Use Map because the project is designated Residential (blue color) 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:

- Goals 3 and 23:* The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- Goals 4 and 5:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the city.
- Goal 11:* The housing type matches the residents’ lifestyle in the area the project is located and is an in-fill improvement project.

K. Comments from City Engineer and Planning Staff: City Engineer and Planning Staff comments attached as Exhibit “B”.

L. Comments from Agencies: MFRD Chief Islas comment attached as Exhibit “C”.

M. Comments Received from Surrounding Landowners: Fax received 1/6/2022 from Roy Bowman with sellers’ agreement attached. Exhibit “D”. This is a landowner dispute with the neighboring parcel on the amount of acreage in the preliminary plat.

N. Applicant Information: Application was received and accepted on July 20, 2021. The Applicant/Owner Dave Buich – D&N Investments, P.O. Box 516, Eagle, ID 83616 and Representative Nick LaCross – B&A Engineers, Inc – 5505 W Franklin Road, Boise, ID 83705.

O. Notices:	Dates:
Neighborhood Meeting	6/20/2021 & 6/21/2021
Newspaper Notification	12/26/2021
Radius notification mailed to Adjacent landowners within 300’	12/21/2021
Circulation to Agencies	12/21/2021
Sign Posting property	12/21/2021

Planning Staff finds that notice was given according to Idaho State Law and Middleton City Code.

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

T. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the application for Preliminary Plat and making a recommendation to City Council for approval or denial of the application.

Per State Law and the Middleton City Code, any recommendation must be based upon *General Facts and Conclusions of Law*.

As to General Facts, Planning Staff has set forth general facts as stated above. If the Commission agrees with those general facts and agrees with the testimony and evidence presented at the public hearing, the Commission needs to make a motion to accept the general facts set forth in the staff report and public hearing.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of this application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

If the Commission is inclined to recommend approval of the application based upon the above *General Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
4. 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, pursuant to Middleton City Code 1-14(E)(8), the Commission must state on the record what Applicant can do, if anything, to gain approval of the application.

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 1/5/2022

Exhibit “A”

Vicinity Map



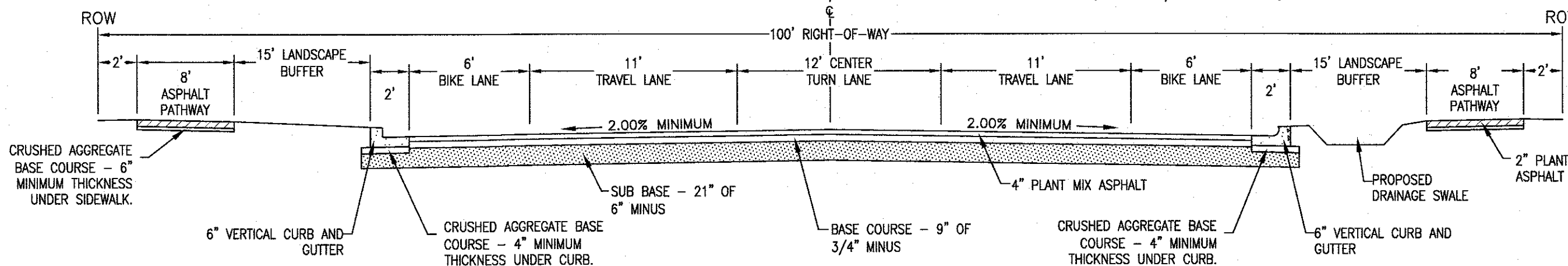
Project Site

Carlton Meadow South Subdivision Preliminary Plat

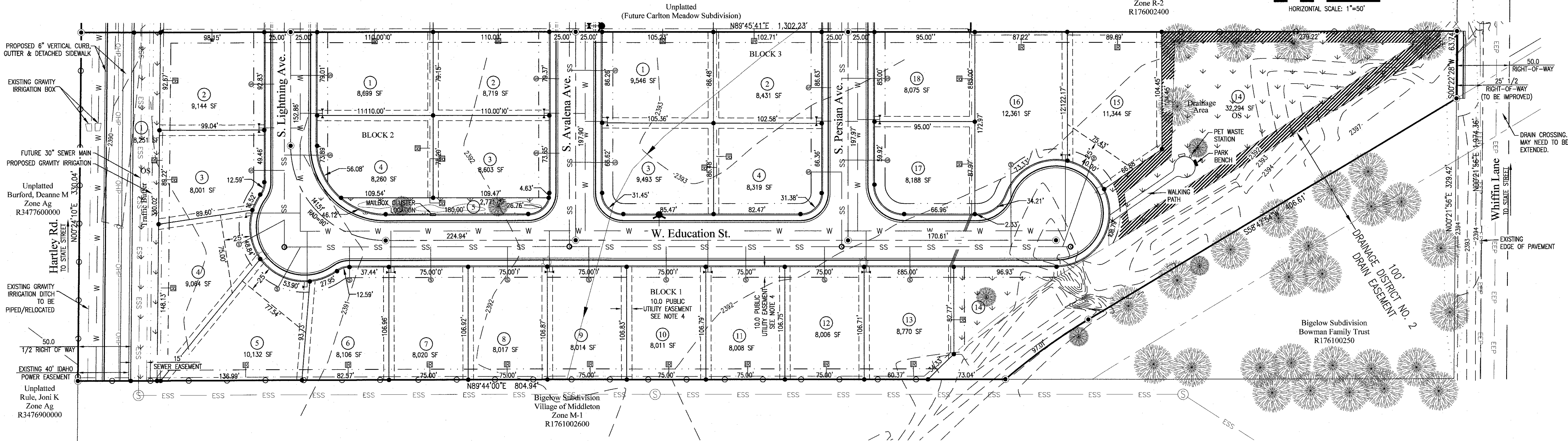
A RE-SUBDIVISION OF A PORTION OF BIGELOW SUBDIVISION, A PARCEL OF LAND BEING A PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 4 NORTH, RANGE 3 WEST, BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO.

2021

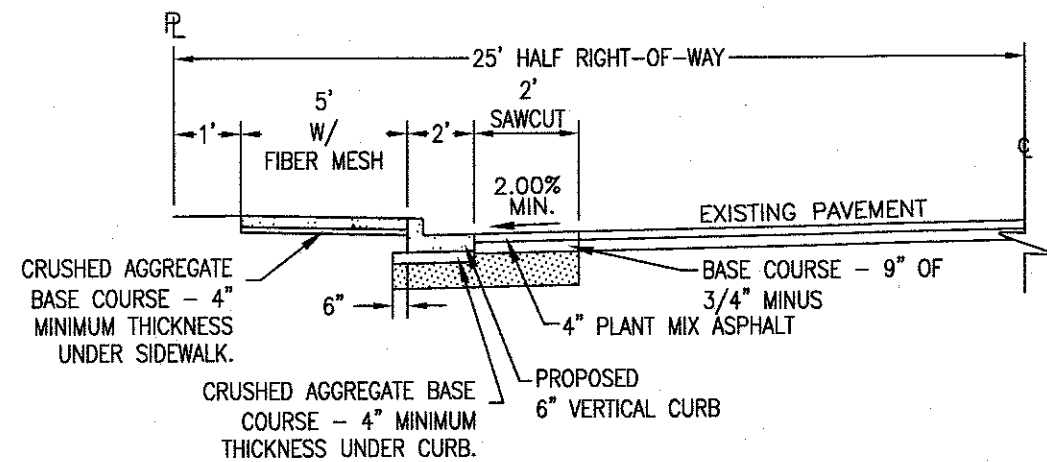
- ALL BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN COMPLIANCE WITH R-3 ZONING AT TIME OF BUILDING PERMIT ISSUANCE.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING AND SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- THE DEVELOPER AND/OR OWNER(S) SHALL COMPLY WITH IDAHO CODE, SECTION 31-3805(b) OR ITS PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS. PROJECT IS SERVED BY CANYON COUNTY DITCH COMPANY.
- ALL LOT LINES COMMON TO PUBLIC RIGHTS-OF-WAY AND THE EXTERIOR SUBDIVISION BOUNDARY OR REAR BOUNDARY LINE OF LOTS SHALL HAVE A 10' WIDE PERMANENT PUBLIC UTILITY EASEMENT, UNLESS OTHERWISE SHOWN. HOWEVER, THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF PROPER HARD SURFACED DRIVEWAYS FOR ACCESS TO EACH INDIVIDUAL LOT. A 5' WIDE PUBLIC UTILITY EASEMENT SHALL BE ON ALL INTERIOR LOT LINES.
- LOCATIONS OF EXISTING IRRIGATION PIPING AND DITCHES SHOWN HEREON ARE APPROXIMATE. ANY MODIFICATIONS TO THESE FACILITIES SHALL BE COMPLETED WATER DELIVERY TO OR THROUGH ADJOINING LANDS IS NOT DISRUPTED. IRRIGATION WILL BE PROVIDED AS NEGOTIATED WITH IRRIGATION ENTITY.
- PRESSURIZED IRRIGATION WILL BE PRESSURIZED BY THE PUMP STATION IN CARLTON MEADOW SUBDIVISION TO THE NORTH.
- PUBLIC IMPROVEMENTS STREET, SEWER, WATER, STREET LIGHTS, ETC., SHOWN HEREON ARE FOR REFERENCE ONLY. ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE DEVELOPMENT PLANS TO BE REVIEWED AND APPROVED SUBSEQUENT TO THIS APPLICATION. ALL IMPROVEMENTS SHALL BE PROVIDED IN ACCORDANCE WITH THE MOST CURRENT EDITION OF ISPWC, AND THE CURRENT ADDENDUM TO THE CITY OF MIDDLETON STANDARDS.
- WATER, SEWER, AND PRESSURE IRRIGATION WILL CONTINUE TAP INTO CARLTON MEADOW SUBDIVISION TO THE NORTH AND CONTINUED THROUGH THE SUBJECT PROPERTY.
- ALL STORM SEWER MAINS, RETENTION/DEFINITION PONDS, AND STORM WATER TREATMENT SHALL COMPLY WITH THE CITY OF MIDDLETON STANDARDS.
- ALL PRESSURIZED IRRIGATION MAINS SHALL COMPLY WITH THE CITY OF MIDDLETON STANDARDS.
- LOT 14, BLOCK 1 WILL BE UTILIZED AS A COMMON AREA. LOT 1 & 14, BLOCK 1 & LOT 5, BLOCK 2 WILL BE MAINTAINED BY THE HOA.
- STORM WATER MITIGATION WILL OCCUR BY OVERLAND FLOW TO STREETS. DISPOSAL WILL OCCUR IN COMMON AREA LOT 1 & 14, BLOCK 1.
- EXISTING DRAINAGE FACILITIES WILL BE PRESERVED AND CONTINUE TO DISCHARGE TO HISTORIC LOCATIONS.
- POWER, NATURAL GAS, COMMUNICATIONS/FIBER OPTICS TO BE INSTALLED BY, AND COORDINATED WITH JOINT TRENCH. JOINT TRENCH NORMALLY INSTALLS FACILITIES ON THE WEST AND SOUTH SIDE OF STREETS.
- CARLTON MEADOW SILL EXTEND STREETS AND ALL UTILITIES TO THE NORTH BOUNDARY OF CARLTON MEADOW SOUTH. IF THE STREET AND UTILITY EXTENSIONS IN CARLTON MEADOW ARE NOT COMPLETED, CARLTON MEADOW SOUTH WILL BE RECONFIGURED TO MEET CITY CODE AS REQUIRED.
- ACCORDING TO FEMA.GOV, THE SUBJECT PROPERTY IS OUT OF THE FLOODPLAIN.
- CARLTON MEADOW SOUTH WILL HAVE NO DIRECT ACCESS TO HARTLEY ROAD.
- CARLTON MEADOW SOUTH WILL BE DEVELOPED IN ONE, SINGLE PHASE.
- ALL LOTS ARE RESIDENTIAL BUILDING LOTS EXCEPT LOTS 1 & 14, BLOCK 1 & LOT 5, BLOCK 2.
- MAILBOX CLUSTER TO BE LOCATED IN LOT 5, BLOCK 2 (COMMON AREA).
- ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF MIDDLETON STANDARDS.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- DOMESTIC WATER AND FIRE FLOW SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SEWER AND WATER CAPACITY SHALL BE RESERVED WHEN CITY APPROVES CONSTRUCTION DRAWINGS.



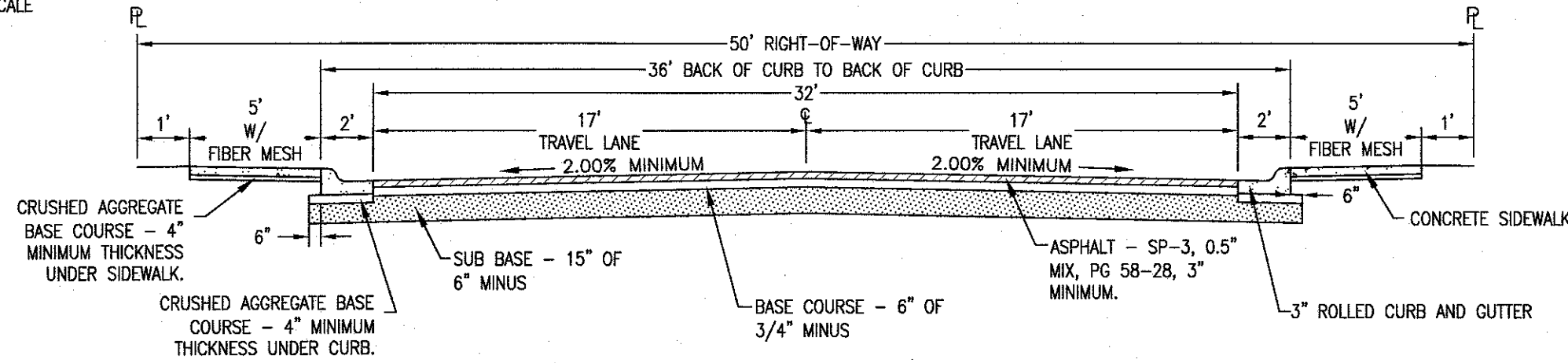
Street Section (Hartley Road 100' Right-Of-Way) - Looking North



Half Street Section Looking North (Whiffin Lane 50' Right-Of-Way)



Typical Local Road Section (50' Right-Of-Way)



Setback/Zoning Table

EXISTING ZONE	R-3
MINIMUM LOT AREA - INTERIOR LOT	8,000 SF
MINIMUM LOT AREA - CORNER LOT	8,000 SF
MINIMUM STREET FRONTAGE	75 FEET
MINIMUM LOT WIDTH - INTERIOR LOT	75 FEET
MINIMUM LOT WIDTH - CORNER LOT	N/A
MAXIMUM DENSITY	3.0/ACRE
PROPOSED ZONE	R-3

Land Use Calculations

DESCRIPTION	AREA (ACRES)	PERCENTAGE
PROJECT	9.10	100%
RESIDENTIAL LOTS	5.71	62.75%
OPEN SPACE AREA (EXCLUDED)	0.63	6.92%
OPEN SPACE AREA (INCLUDED)	0.74	8.13%
RIGHT-OF-WAY	2.02	22.20%

RESIDENTIAL LOTS	24
OPEN SPACE AREA LOTS	1
RESIDENTIAL DENSITY	2.63/Acre

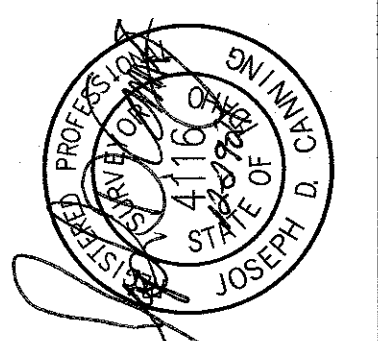
Underground Utility Note

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. DEVIATIONS MAY EXIST BETWEEN THE LOCATIONS SHOWN HEREON AND THEIR ACTUAL LOCATION(S).

Owner/Applicant

D&N INVESTMENTS, LLC/DAVE BUCH-MEMBER
P.O. BOX 516
EAGLE, IDAHO 83616
(208) 886-0594

B&A Engineers, Inc.
Consulting Engineers, Surveyors & Planners
5505 W. Franklin Rd. Boise, Id. 83705
(208) 343-3381



Carlton Meadow South Subdivision
Preliminary Plat
Carlton Meadow South Subdivision
Preliminary Plat
O. Whiffin, L.S.
Middleton, ID 83644
Parcel No. R17610025A
Zone R-3

REV.	DESC.	DATE/BY
A	COMMENTS PER AMY WOODRUFF AND JENICA REYNOLDS DATED 12/15 AND 12/14, 2021	12-16-21 NPL
B	COMMENTS PER AMY WOODRUFF AND JENICA REYNOLDS DATED 12/15 AND 12/14, 2021	12-21-21 NPL
C	COMMENTS PER AMY WOODRUFF AND JENICA REYNOLDS DATED 12/15 AND 12/14, 2021	12-29-21 NPL

SCALE: AS SHOWN
DATE: JULY 6, 2021
DRAWN BY: N.P. LA CROSS
CHECKED BY: J.D. CANNING
PROJECT NO.: B028
DRAWING FILE NAME: Carlton Meadow South.dwg
SHEET NO.:
Preliminary Plat

Exhibit “B”



December 13, 2021

TO: Jennica Reynolds, Planner

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

RE: CARLTON MEADOWS SOUTH PRELIMINARY PLAT

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

- 1) Confirm the subdivision name "Carlton Meadows South" can be approved by the City.
- 2) MCC 5-4-4.2 a and I. The boundary is required to be surveyed and stamped by PLS, including ties to corners.
 - What is status of the southeast corner - south of the drain? If split off, please provide the documentation. If not, the property may be eligible for a one time division or please include it in the subdivision boundary.
- 3) MCC 5-4-4.2.f. and g. Need to show the topography in addition to contours.
 - Include Whiffin, drains, trees, utilities, benchmark, etc.
 - Identify the drain crossing on Whiffin and note it may need to be expanded.
 - Dimension the existing right of way for Whiffin – identify area being dedicated.
- 4) Show fully the water in Hartley.
- 5) Label/identify all easements - existing and proposed. Include Hartley sewer.
- 6) Note 4. Identify purpose of side lot line easement: utility, irrigation, etc.
- 7) Note 7. *Most current* edition of ISPWC
- 8) Note 8. Add language: Carlton Meadows will extend streets and all utilities to the north boundary of Carlton Meadow South. If the street and utility extensions in Carlton Meadows are not completed, Carlton Meadow South will be reconfigured to meet City Code as required.
- 9) Note if project is in floodplain.
- 10) Add note: No direct access to Hartley.



- 11) Add note: Exterior boundary to be fenced per approved fencing plan.
- 12) Show the irrigation system layout.
- 13) Lot 15/Lot 16 both need a sewer service. Extend sewer main east and take service to main if possible, not manhole.
- 14) Show Hartley in plan view including curb and pathway. Identify the location of power structures.
- 15) Clearly show the landscape easement area.
- 16) Show hydrant location.
- 17) Show location of mailbox cluster or note included in Carlton Meadows or?
- 18) Correct street names. Street is east/west. Avenue is north/south.
- 19) Centerline radii is 90ft minimum.
- 20) The stormwater management area is 1 to 2 ft higher than the west end of the project. Understand the site may be filled or other – please note it almost always becomes a problem when the topography doesn't closely follow the project layout.



CITY OF MIDDLETON

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

PLANNER COMMENTS – Carlton Meadows South Preliminary Plat

December 14, 2021

1. Show perimeter fence around development.
2. Note 4. City code only requires 5 ft wide utility easement on interior lot lines
3. Show right of way and utility easements within right of way. Call out in notes.
4. Add note the project will be developed in one phase.
5. Call out dimensions for L4/B1, L5/B1, L15/B1 of frontage at 25 ft setback. Needs to be at least 75 ft.
6. Work with City Engineer - Roads need to show a turning radius of minimum of 90 ft. Call out in notes.
7. L1/B1 is not considered open space. It is a landscape buffer, but still maintained by the HOA. Please revise the Open space area and percentage.
8. MCC 5-4-10-10 requires 5% open space and defines it as irrigated and landscaped in a concentrated location sufficiently large to accommodate group or recreational activities. The Irrigation ditch doesn't meet this requirement. Please note what lots are being used as open space, the percentage and how the open space will be utilized.
9. It would be nice if you could add an amenity such as a bench or shade structure in common space.
10. Add note to call out common areas by lot and block and state who owns and maintains them.
11. Add note: All lots are residential building lots except lots (insert L/B)
12. Add cluster mailbox(s) in common area(s). Call out in notes.
13. MCC 5-4-10 (2J) "roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets., and cul-de-sacs shall be courts." Change Street names accordingly. (I am verifying your proposed road names with Canyon County, there may be some changes)
14. Education Ct needs to be changed to Education Street. (There are only 3-4 houses built on the cul-de-sac so we will keep it street the maintain the general flow of addressing.
15. Add note: All streets proposed in this development are public streets and shall be constructed in accordance with City of Middleton standards.
16. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
17. Add note: Domestic water and fire flow shall be provided by the City of Middleton,
18. Add note: Sanitary Sewer collection shall be provided by the City of Middleton.
19. Remove Key with setbacks
20. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
21. Show all public and private easements on preliminary plat.

22. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.

23. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning



CITY OF MIDDLETON

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

2nd BATCH PLANNER COMMENTS – Carlton Meadows South Preliminary Plat Revision Date 12/16/2021

December 16, 2021

1. Show perimeter fence around development Add note to explain how it ties into the Carlton Meadows Subdivision to the north.
2. Note 4. Change to the following: “All lot lines common to public Rights-of-Way and the exterior subdivision boundary or rear boundary line of lots shall have a 10’ wide permanent public utilities easement, unless otherwise shown. However, this easement shall not preclude the construction of proper hard surfaced driveways for access to each individual lot. A 5’ wide public utility easement shall be on all interior lot lines.”
3. Show Open Space square footage in the common lots. It looks like only Lot 14/Block 1 will be able to be used as a common, greenspace lot.
4. Please add a small walking path (crushed granite, asphalt, etc) and perhaps a few benches and a pet waste station to make the large part of Lot 14/Block 1 usable as a gathering space. See attached drawing (Obviously not to scale).
5. Please revise the Open space area and percentage in table. If the Open space is not at least 5% you will have to get a license agreement from the ditch company to gain access on their easement.
6. Remove Key with setbacks and maximum building height.
7. Revise Landscape plan to show trees and/or shrubs in common areas
8. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.

Please submit revisions no later than December 27, 2021 to remain on schedule for January 10, 2022 P&Z Hearing.

Jennica Reynolds

Middleton City Deputy Clerk, Planning

From: [Jennica Reynolds](#)
To: ["Nick LaCross"](#)
Cc: [Roberta Stewart](#); [Amy Woodruff](#)
Subject: RE: Carlton Meadow South Pre Plat
Date: Wednesday, December 22, 2021 3:00:00 PM
Attachments: [image001.png](#)

Nick,

Per our conversation please change the following:

1. Add to note 4 " All lot lines common to Public Rights-of-Way and the Exterior Subdivision Boundary **or Rear Boundary Line ...**"
2. Call out the Open Space area with hash marks and in the legend so that the actual square footage of the lot is easily identified.
3. Revisit the Landscape Plan and add a few more trees where it makes sense for privacy of adjacent lots to the common area.

We also need to get working on the Lot Line/Administrative Lot Split to make sure we are in conformance with the code for that southern triangle piece. We can't move to on to City Council until that is done.

Thanks for all your work on this. I think as long as Amy's Comments are addressed we will have a very clean plat to take to P&Z. Merry Christmas. Talk to you next week.

Happy Holidays,

Jennica Reynolds

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

From: Nick LaCross <nplacross@centengr.com>
Sent: Wednesday, December 22, 2021 1:48 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Carlton Meadow South Pre Plat

Jennica,

Please find attached the preliminary plat for carlton meadow south. I will be at your office to drop off the hard copies shortly.

Thanks

Best Regards,

Nick LaCross

Centurion / B&A Engineers, Inc.

Project Manager

208.343.3381 x 219

nplacross@centengr.com



Exhibit “C”

MIDDLETON RURAL FIRE DISTRICT



Carlton Meadow South Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: January 5, 2022

TO: Middleton City Planning & Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Carlton Meadow South Subdivision

Fire District Summary Report:

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.

Fire Response Time: This development will be served by the Star Fire Protection District Station 53, located at 302 East Main St., Middleton, Idaho. Station 53 is 1.1 miles with a travel time of 3 minutes under ideal driving conditions to the proposed entrance of the development off Mulligan St.

Accessibility: Roadway Access, Traffic, Radio Coverage

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.

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.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

One-or two-family dwellings residential developments: Developments of one-or two-family dwellings where the number of dwellings units exceeds 30 shall be provided with at least two separate and approved fire apparatus access roads.

Note: This development is under 30 buildable lots and the proposed connector streets to the south will meet access requirements. Please note that the development to the south will be required to have two access points.

The applicant shall work with City of Middleton, and 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



MIDDLETON RURAL FIRE DISTRICT

Carlton Meadow South Subdivision

STAR FIRE PROTECTION DISTRICT

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.

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"

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.

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.

Specialty/Resource needs:

No specialty/resources will be needed for this development.

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.

1. 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.
2. 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.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - a. 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.
 - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - c. Fire hydrants shall be placed on corners when spacing permits.

(208) 286-7772
11665 W. STATE ST., SUITE B
STAR, IDAHO 83669



Carlton Meadow South Subdivision

MIDDLETON RURAL FIRE DISTRICT

STAR FIRE PROTECTION DISTRICT

- d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.

- e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
f. Fire hydrants shall be provided to meet the requirements of the Fire District and City of Middleton Standards.
g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

Exhibit “D”



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



December 21, 2021

Roy Bowman

Re: Public Hearing Notice – Preliminary Plat (Carlton Meadows South Subdivision)

To Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a **public hearing at 5:30 p.m. on Monday, January 10, 2022**, at 1103 W. Main St., Middleton, Idaho, to consider the following:

Application by D&N Investments, LLC and B&A Engineers, Inc for preliminary plat with respect to the Carlton Meadows South Subdivision located at 651 Whiffin Lane (Tax Parcel No. R17610025A) zoned R-3 (Single Family Residential). The proposed preliminary plat consists of 24 single-family homes and 3 common lots on 8.56 acres.

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho or online at middleton.id.gov/PublicHearingNotices. Everyone is invited to attend the public hearing, and those who wish to do so, may ask questions and/or offer comments. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Department at jreynolds@middletoncity.com. Comments may also be mailed to City of Middleton, P.O. Box 487, Middleton, ID 83644.

Please call the City Clerk at (208) 585-3133 at least five days prior to the meeting to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

Jennica Reynolds

Middleton City
Deputy Clerk, Planning

FAX

1-208-454-7349

R17610025A

0

1 208 454 7431

8A 11

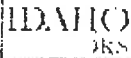
ADDENDUM

1

(All addendums shall be numbered sequentially.)

JULY 2018 EDITION
Page 1 of 1

RE-11 ADDENDUM



THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS.
IF YOU HAVE ANY QUESTIONS, CONSULT YOUR ATTORNEY AND/OR ACCOUNTANT BEFORE SIGNING.



Today's Date:

5/26/2021

This is an **ADDENDUM** to the ☒ Purchase and Sale Agreement ☐ Other

n/a

("Addendum" means that the information below is added material for the agreement (such as lists or descriptions) and/or means the form is being used to change, correct or revise the agreement (such as modification, addition or deletion of a term)).

AGREEMENT DATED: 1/8/2021

ID #

98759929

ADDRESS: TBD Whiffin Lane

Middleton

ID

83644

BUYER(S): D&N Investments, LLC

SELLER(S): Roy Bowman

Marsha Bowman

The undersigned parties hereby agree as follows:

1. Section 2 - Purchase price to be \$600,000 (Six Hundred Thousand Dollars).

2. Section 3A - Buyer to release \$10,000 earnest money currently held by First American Title to Sellers - Roy & Marsha Bowman. Additional \$40,000 to be released as a Cashier's Check made out to Roy & Marsha Bowman.

3. Attached legal description and plat to be included as Exhibit B.

4. Buyer reserves the right to update the legal description and extend the South/East property line along the ditch bank, but no farther than to the center of the ditch, and at no expense to the sellers.

To the extent the terms of this ADDENDUM modify or conflict with any provisions of the Purchase and Sale Agreement including all prior Addendums or Counter Offers, these terms shall control. All other terms of the Purchase and Sale Agreement including all prior Addendums or Counter Offers not modified by this ADDENDUM shall remain the same. Upon its execution by both parties, this agreement is made an integral part of the aforementioned Agreement.

BUYER: Dave Buich

5/26/2021 3:44:38 PM MDY

Dave Buich D&N Investments, LLC

Date:

BUYER:

Date:

SELLER:

Date:

SELLER:

Roy Bowman

Marsha Bowman

Date:

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JULY 2018 EDITION

RE-11 ADDENDUM

Page 1 of 1

This form was prepared by Scott Dykstra | Coldwell Banker Tomlinson-Meridian | adykstra@cbbolles.com | 208-871-1133

Thence S89°26'21"W, 804.79 feet along the southerly boundary of said Lot 12 to the southwest corner of said Lot 12;

Thence N00°05'38"E, 330.15 feet along the westerly boundary of said Lot 12 to the northwest corner of said Lot 12;

Thence N89°28'12"E, 1,302.22 feet along the northerly boundary of said Lot 12 to the Point of Beginning.

Comprising 7.89 acres, more or less.

Subject to all existing easements and rights-of-way of record or apparent.

This description has been prepared from information of record shown on Record of Surveys 2014-022132 and 2018-014638 within the office of the Canyon County, Idaho, Recorder. The basis of bearing is based upon Record of Survey 2018-014638. A new survey specific to this description has not been performed by the Professional Land Surveyor executing this description.

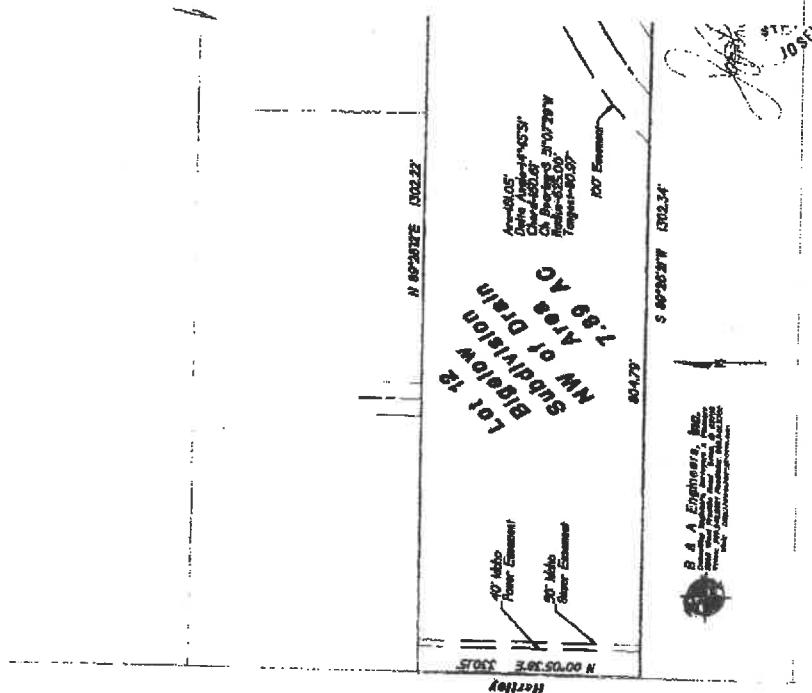


Sellers Roy Brown Date 5/26/21
Archa Brown 5/26/21
Archa Brown
Buyer Dave Buich Date _____
Archa Brown Archa Brown

Lot 12 of Bigelow Subdivision
Northwest of Drainage District No. 2 Drain

Page 2 of 2

Proud to be Serving the
Pacific Northwest for 100 Years

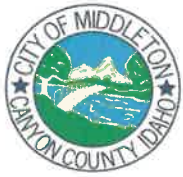




January 10, 2022 - Planning & Zoning Public Hearing

Please check

[illegible]



Public Comment

January 10, 2022 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
MELISSA MATTHASEN	Caldwell 23444 Whole Bay Ln	hawknoel14@gmail.com	
BRETT ORTLAND	13859 GLACIER Bay LN	brettortland@gmail.com	
MIKE GRAEPE	1889 RIDGE WAY	208-527-6227	
Nick LaCross	5505 W. FRANKLIN RD.	208-343-3381	CARLTON MEADOW SOUTH
DAVE BUICH			
Chuck Hull	1711 MUSTANG MESA		
Mike McDevan	13037 GREENWELL 2nd	208 606 2273	GROWTH
Scott Dykstra	Caldwell Baker Tomlinson 3006 E. Goldstone Meridian, ID 83642	208-871-1133	

*Handout from
Mike Grady*

- Impact of the number of houses per gross area as opposed to the number of houses per buildable area
- Potential impact of granting variances
- Foot notes ?? just another way to by-pass codes
- Minimum lot size 2014 under 6,000 square feet, some lots in Toll Brothers are 5,700 square feet
- Development agreement's expire after 2 years...good thing (West Highlands signed 2006... 2022? Completed)
- Time to look out for the City instead of the developers if we have to give into everything that the developers want (exemptions, waivers) then maybe we don't need them to develop here
- This our City. We live here. Developers build and move on to the next town

One (1) acre

...

R-1

43,560 sq ft.

R-2

#4

21,780 sg ft.

21,780 sg ft.

R-3

#5

14,520 sq
ft.

14,520 sq
ft.

14,520 sq
ft.

of lots allowable
under current R-3
@ 8,000 sq ft. minimum
lot size

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.

8,712 sq
ft.

2014 R.3

5662
08 ft.

5662
38 ft.

5662
38 ft.

5662
08 ft.

5662
08 ft.

5662
08 ft.

5662
08 ft.

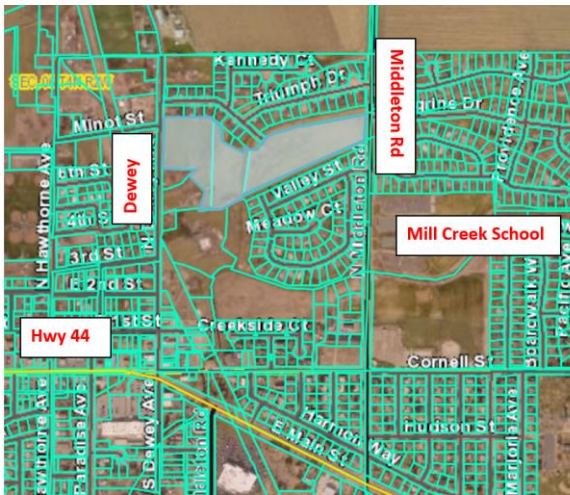


STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

The Mill at Middleton Subdivision

Snapshot Summary



DESCRIPTION	DETAILS
Acreage	Approx. 17 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	R-3 (Single Family Residential)
Current Land Use	Residential
Proposed Land Use	Residential
Lots	50 single family lots & 10 common lots.
Density	3.0 homes per gross acre
Open Space	Over 6%
Amenities	Three large common lots for gathering, playground, shade ramada, picnic table, long meandering pathway with seating areas.

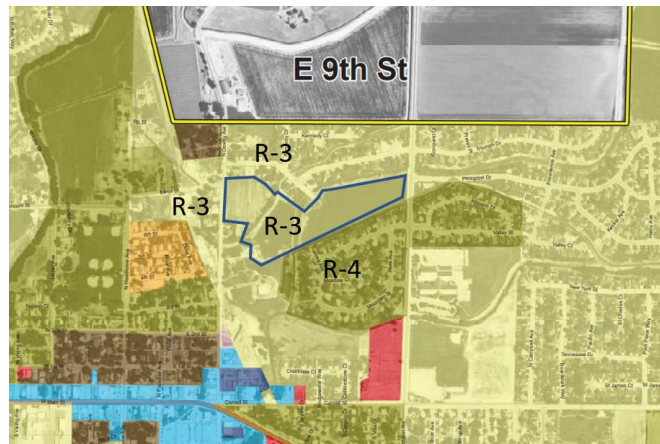


- A. **Planning & Zoning Commission Hearing Date:** February 14, 2022
- B. **Project Description:** Residential subdivision with 50 single family home lots and 10 common lots on 16.71 acres of vacant land located at 0 N. Dewey Avenue (Tax Parcels Nos. 33892, 33888, and 33876). Amenities include three large common lots for gathering, playground, shade ramada, picnic table, and extensive meandering pathway.

A portion of the property currently included in the project parcel is the location of the historic barns and buildings of the old Middleton Mill. (See blue shaded area on rendering below.) Developer has entered an agreement with a 3rd party to transfer that portion of the project parcel to the 3rd party so they can maintain the location as an historic site. In order for this to occur, the Developer has submitted an administrative application for lot line adjustment. This administrative application is proceeding in tandem with the preliminary plat application, and once finalized, the boundaries of the preliminary plat and the newly formed historic site will be settled. It is recommended that the successful finalization of this lot line adjustment be a condition of preliminary plat approval.



- C. **Application Requests:** The only application before the governing bodies is an application for preliminary plat. The lot line adjustment application will be handled by administrative staff.
- D. **Current Zoning & Property Condition:** The property is within city limits and zoned R-3. It is surrounded by city property zoned R-3 and R-4.



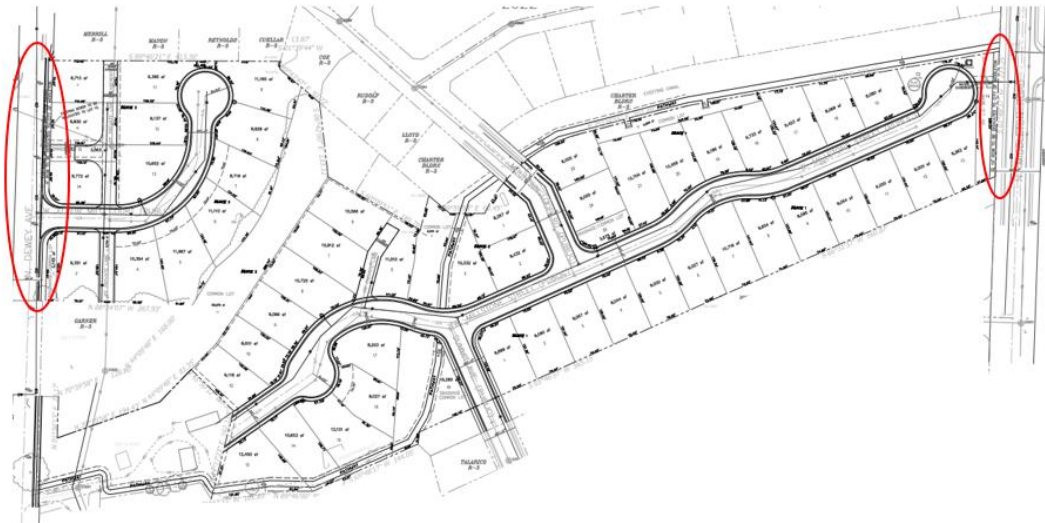
- E. City Services:** City water and sewer are easily accessible to the project. The utilities are located in Dewey Avenue, Middleton Road, and Triumph Drive, immediately adjacent to the project site.



F. Traffic, Access & Streets:

Access to the subdivision is through Triumph Drive in the Kennedy Meadows Subdivision to the north, Dewey Avenue to the west, and Summit Avenue to the south.

Developer will be required to improve, at its own cost, the ½ road portions of Dewey Avenue and Middleton Road at locations that are adjacent to the subdivision boundary.



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



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 shall pay \$252,500 in Mid-Star Transportation Impact Fees by the

time all 50 building permits are issued. This money will be used to improve many roads and intersections in and around Middleton.

Applicant has also completed a Traffic Study. Pursuant to the impact percentages set forth in the Traffic Study, Developer will also pay an additional \$31,004 in Traffic pro-rata fees to cover its impacts on nearby intersections directly impacted by the subdivision. This fee will be collected as a condition of approval for final plat.

- G. Pathway, Sidewalks & Open Space:** Developer has provided over 6% open space in compliance with the code by providing large common lots for social gathering. Two of the common lots contain a playground, shade ramada, picnic table and benches. Developer will also construct an extensive meandering path that will span from Middleton Road to Dewey Avenue.

Part of the pathway to be constructed is located in Kennedy Meadows Subdivision in a 20' wide easement dedicated to the City of Middleton. The Developer of The Mill will need the permission of the City to enter that easement area to construct the pathway. As part of this application, City Planning Staff is requesting the City to approve the temporary construction license attached hereto as Exhibit "A".



Completing this pathway on the Kennedy Meadows property before final plat approval should be a condition of approval of this preliminary plat application.

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



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

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

Middleton governing bodies are allowed to grant exceptions or waivers to the code during the preliminary plat process. (MCC 1-15-2) As to the exception to cul de sac length, Applicant is requesting the waiver in light of the overly elongated shape of the subdivision. Due to the shape of the project, a long cul de sac road cannot be avoided.

As to the fencing waiver, adding fencing to the rear of home lots at certain locations rather than the subdivision boundary will open up much larger swathes of green space that flank the public pathway. In other words, it creates a more open and attractive trail system.



Findings:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code except for the two waivers noted above.

Planning Staff further finds that the preliminary plat is not materially detrimental to the health, safety and welfare of the Middleton public in that water and sewer service can be efficiently and economically delivered to the site and the Development is paying for itself through impact fees for transportation, fire, police, and parks. Additionally, the preliminary plat is in harmony with the Middleton Comprehensive Plan as will be shown in more detail in Section I below.

- I. **Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which 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. *Goals 15 and 20*: The Project will help preserve history, memorabilia and folklore for the people of Middleton.
- b. *Goals 3 and 23*: The project provides safe vehicle and pedestrian facilities in light of the street improvements, pathways and sidewalks shown on the preliminary plat.
- c. *Goal 4*: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- d. *Goal 10*: Project provides playgrounds and pathways that connect to a pedestrian system and provides outdoor recreational activities.
- e. *Goal 11*: The housing type matches the residents' lifestyle in the area the project is located.

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

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

K. Comments from Agencies: A comment letter was received from Middleton Mill Ditch Co. It outlined the typical instructions on how Developer should handle ditch easements and other considerations. Additionally, a form comment letter was received from COMPASS. It stated merely that a bus transit station should be built on Hwy 44/Main Street. (Copies of Agency comments are attached as Exhibit "C".)

L. Comments from City Engineer and Planning Staff: Copies of Engineering and planning comments are attached as Exhibit "D".

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

N. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	1/30/2021
Radius notification mailed to Adjacent landowners within 500'	1/28/2021
*Clarification letter to point out meeting place Shown on original notice letter was mailed & posted	2/4/2022

Circulation to Agencies	1/28/2021
Sign Posting property	1/28/2021
*Clarification supplemented on	2/4/2022
Neighborhood Meeting	6/8/2021

O. Applicable Codes and Standards:

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

P. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the application for preliminary plat and making a recommendation to City Council for approval or denial of the application. Approval can be with or without conditions.

Per State law and the Middleton City Code, any recommendation must be based upon general facts and conclusions of law.

As to General Facts, Planning staff has set forth general facts above in parentheses. If the Commission agrees with those findings of facts and further agrees with the general facts presented at the public hearing, then the Commission may simply make a motion to accept the general facts presented by planning staff.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications. If the February 14th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Commission is inclined to recommend approval of the preliminary plat based upon the above general facts and conclusions of law, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.

2. Lot line adjustment must be approved and finalized prior to submittal of the Construction Drawing application.
3. Developer shall construct, at its own cost, an 8' wide paved pathway off-site on the Kennedy Meadow Property, and City shall execute a temporary construction license to allow Developer access to the site to construct the pathway.
4. Developer shall construct, at its own cost, the 30' wide half road section of Dewey Avenue along the length of the historic mill site as an off-site project. The soon-to-be owner of the historic site shall dedicate the fully constructed $\frac{1}{2}$ road right of way via a recorded document. Final plat may not be approved until the fully constructed $\frac{1}{2}$ road portion of Dewey along the historic site parcel is dedicated.
5. Owner/Developer shall construct, at its own cost, all other frontage improvements on Middleton Road and Dewey Avenue and dedicate the same to the City of Middleton.
6. Owner/Developer shall construct the portion of Summit Avenue across the Middleton Canal to connect The Mill subdivision to the Mountain View subdivision to the south.
7. Owner/Developer to pay the City required pro-rata share traffic fees in the amount of \$31,004.00 prior to approval of final plat.
8. All City Engineer review comments are to be completed and approved.
9. All Planner comments are to be completed and approved.
10. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
11. Applicant to add note to Preliminary Plat that private lane between lots 2 and 4, Block 3, is reserved for future access to lot(s) to the south.
12. 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 preliminary plat application, then pursuant to 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 application(s).

Exhibit "A"

Proposed temporary construction Agreement

TEMPORARY CONSTRUCTION LICENSE

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

RECITALS

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

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

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

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

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

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

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

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

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

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

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

TEMPORARY CONSTRUCTION LICENSE - 1

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

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

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

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

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

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

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

CITY OF MIDDLETON

DEVELOPER

Steven J. Rule, Mayor

BY: _____

ITS: _____

ATTEST:

Becky Crofts, City Clerk

Exhibit "B"

Proposed Preliminary Plat

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

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

SURVEYOR
SANTOOTH LAND SURVEYING, LLC
2030 S. WASHINGTON AVE.
EMMETT, IDAHO 83617
(208) 398-8104

N. KENNEDY DRIVE (PUBLIC)

N. MIDDLETON ROAD
S 01°48'35" W 1323.350'

9662 W ARNOLD RD
BOISE, ID 83714
208-861-5220
BUNGER@ULCMANAGEMENT.COM

SURVEY LEGEND

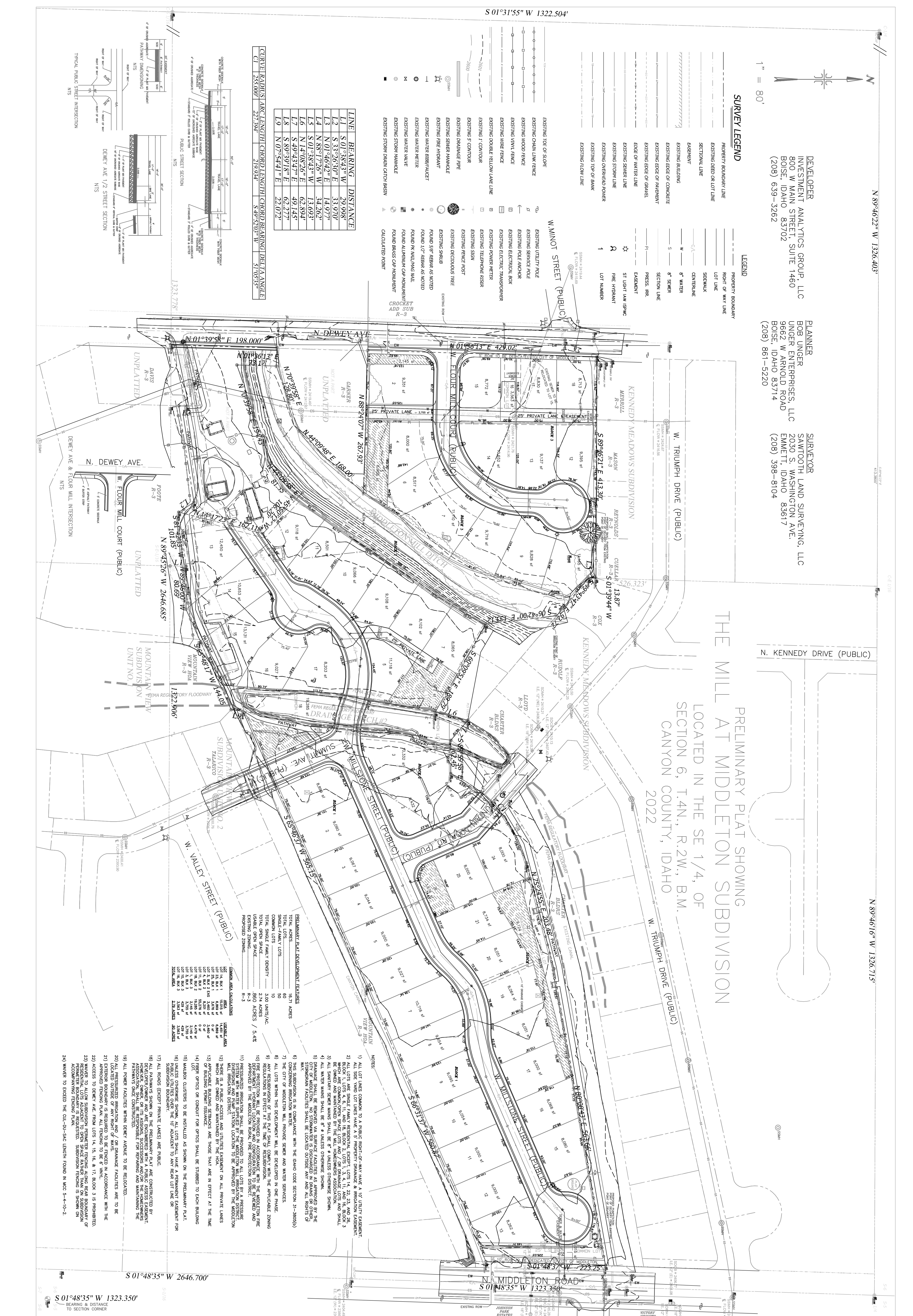
LEGEND

- PROPERTY BOUNDARY LINE
- RIGHT OF WAY LINE
- EXISTING DEED OR LOT LINE
- SECTIONAL LINE
- EASEMENT
- EXISTING BUILDING
- EXISTING EDGE OF CONCRETE
- EXISTING EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- EDGE OF WATER LINE
- EXISTING SEWER LINE
- EXISTING STORM LINE
- EXISTING OVERHEAD POWER
- EXISTING TOP OF BANK
- EXISTING FLOW LINE
- PROPERTY BOUNDARY
- RIGHT OF WAY LINE
- LOT LINE
- SIDEWALK
- C/L CENTERLINE
- W 8" WATER
- S 8" SEWER
- SECTION LINE
- PRESS. IRR.
- EASEMENT
- ST LIGHT LAW ISWC
- FIRE HYDRANT
- LOT NUMBER

- EXISTING TOE OF SLOPE
- EXISTING CHAIN LINK FENCE
- EXISTING WOOD FENCE
- EXISTING VINYL FENCE
- EXISTING WIRE FENCE
- EXISTING DOUBLE YELLOW LANE LINE
- EXISTING 1' CANTOUR
- EXISTING 5' CANTOUR
- EXISTING DRAINAGE PIPE
- EXISTING SEWER MANHOLE
- EXISTING FIRE HYDRANT
- EXISTING WATER METER
- EXISTING WATER VALVE
- EXISTING STORM MANHOLE
- EXISTING STORM DRAIN CATCH BASIN
- EXISTING UTILITY POLE
- EXISTING SERVICE POLE
- EXISTING POLE ANCHOR
- EXISTING ELECTRICAL BOX
- EXISTING ELECTRIC TRANSDUCER
- EXISTING POWER METER
- EXISTING TELEPHONE RISER
- EXISTING SIGN
- EXISTING FENCE POST
- EXISTING DECIDUOUS TREE
- EXISTING SHAUB
- FOUND 5/8" REBAR AS NOTED
- FOUND 1/2" REBAR AS NOTED
- FOUND OR NAILING NAIL
- FOUND ALUMINUM CAP MONUMENT
- FOUND BRASS CAP MONUMENT
- CALCULATED POINT

LINE	BEARING	DISTANCE
L1	S 01°38'43" W	20.998'
L2	S 33°26'50" E	33.970'
L3	N 01°46'42" E	14.977'
L4	N 88°17'26" W	34.262'
L5	S 01°38'43" W	13.693'
L6	N 14°08'56" E	63.894'
L7	S 49°43'47" E	49.145'
L8	S 89°39'18" E	62.277'
L9	N 07°54'41" E	22.072'

CURVE RADII	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	255.000'	227.394'	210.924'	S 49°52'03" W
				51°03'55"



DATE: 01-31-2022
DRAWN BY: RCU
CHECKED BY: RCU
JOB NUMBER: 21-025

DATE: _____
DESCRIPTION: COMMENTS

THE MILL
PRELIMINARY PLAT

UNGER
ENTERPRISES

9662 W ARNOLD RD
BOISE, ID 83714
208-861-5220
BUNGER@ULCMANAGEMENT.COM

Exhibit "C"

Agency Comments

Boise Office

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

Challis Office

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

Twin Falls Office

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

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC



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Patxi Larrocea-Phillips

Matthew A. Sturzen

**Katie L. Vandenberg-Van
Vliet**

James R. Bennetts (retired)

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

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

Re: The Mill at Middleton Subdivision

Dear Ms. Stewart:

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

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

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



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

Please contact me if you have any questions.

Yours very truly,

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

S. Bryce Farris

SBF:krk

cc: DD2/Canyon County Water Company

Communities in Motion 2050 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2050* (CIM 2050), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2050 goals.

Development Name:

CIM Vision Category:

CIM Corridor:

New Jobs:

New Households:



Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure number of vehicle lanes, and travel speeds.

Pedestrian level of stress
Bicycle level of stress



Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

Activity Center Access
Farmland Preservation
Net Fiscal Impact
Within CIM Forecast



Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations.

Nearest bus stop
Nearest public school
Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation

Automobile Transportation
Public Transportation
Roadway Capacity



Improves performance



**Does not improve or
reduce performance**



Reduces performance

Comments:

Communities in Motion 2050
[2020 Change in Motion Report](#)
[Development Review Process](#)

Web: www.compassidaho.org
Email: info@compassidaho.org



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at: www.compassidaho.org/prodserv/fiscalimpact.htm.

Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

City

County

Highway District

School District

Break Even:

Exhibit "D"

Engineering & Planner Comments



January 10, 2022

TO: Roberta Stewart, Planner

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

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

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

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

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

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

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

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

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

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

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

MCC 5-4-4.2. h.

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



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

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

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

MCC 5-4-4.2. n

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

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

MCC 5-4-4.3. a

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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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

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

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



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

Note 8. Delete

Note 12. Add public utility to the easement purpose.

Note 19 and Note 20. Delete.

The City may limit access to Dewey.

Add a note regarding fiber.

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

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

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

Add centerline radii and intersection radii.

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

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

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

Submit Schedule B from the title commitment.



January 25, 2022

TO: Roberta Stewart, Planner

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

RE: The Mill at Middleton Subdivision –Preliminary Plat

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

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

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

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

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

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

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

MCC 5-4-4.2. h.

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

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



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

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

MCC 5-4-4.3. a

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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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

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

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

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



Add centerline radii and intersection radii.

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

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

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



February 9, 2022

TO: Roberta Stewart, Planner

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

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

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

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

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

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

MCC 5-4-4.2. h.

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

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

MCC 5-4-4.3. a

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



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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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



Centerline radii labels not legible.

New comments:

No pressurized irrigation in the sewer easement.

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

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

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

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

Clearly show the ingress/egress easement along south boundary.

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



CITY OF MIDDLETON

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

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

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



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

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

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

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

33. Add surveyor name and address

34. Add vicinity map

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

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

37. Add data showing cumulative lots per phase.

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

Roberta L. Stewart, Middleton City Planner

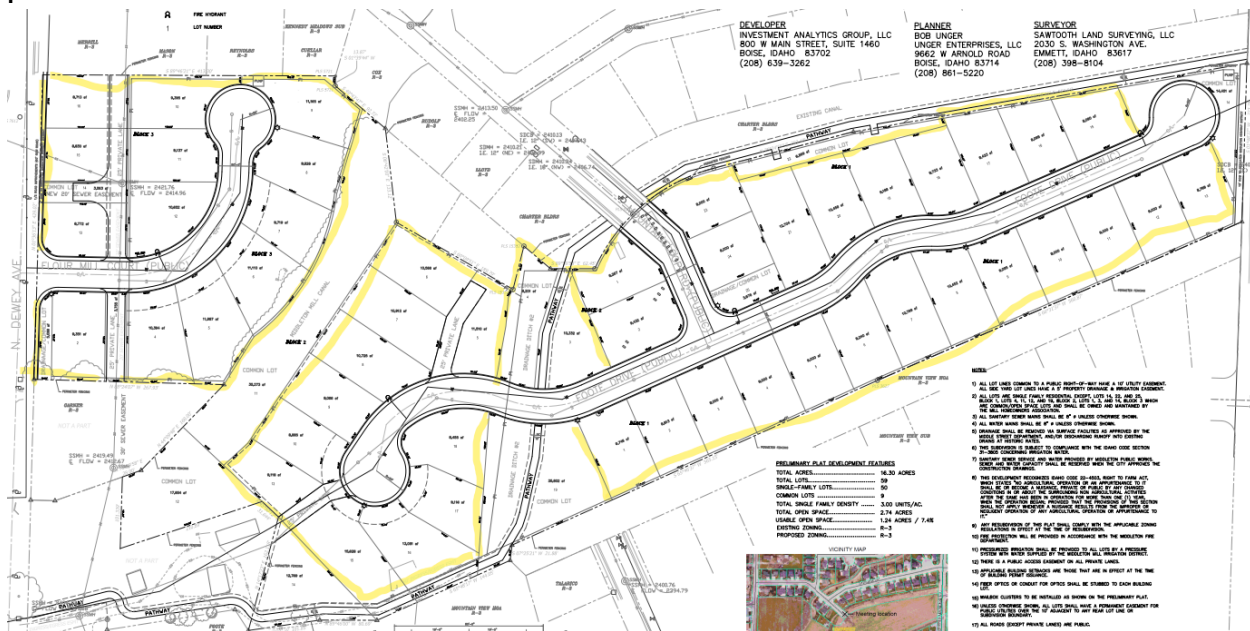


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2nd Round Planner Comments The Mill Subdivision (Pre-Plat dated 12/29/2021) January 5, 2022

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



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

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

Roberta L. Stewart,
Middleton City Planner



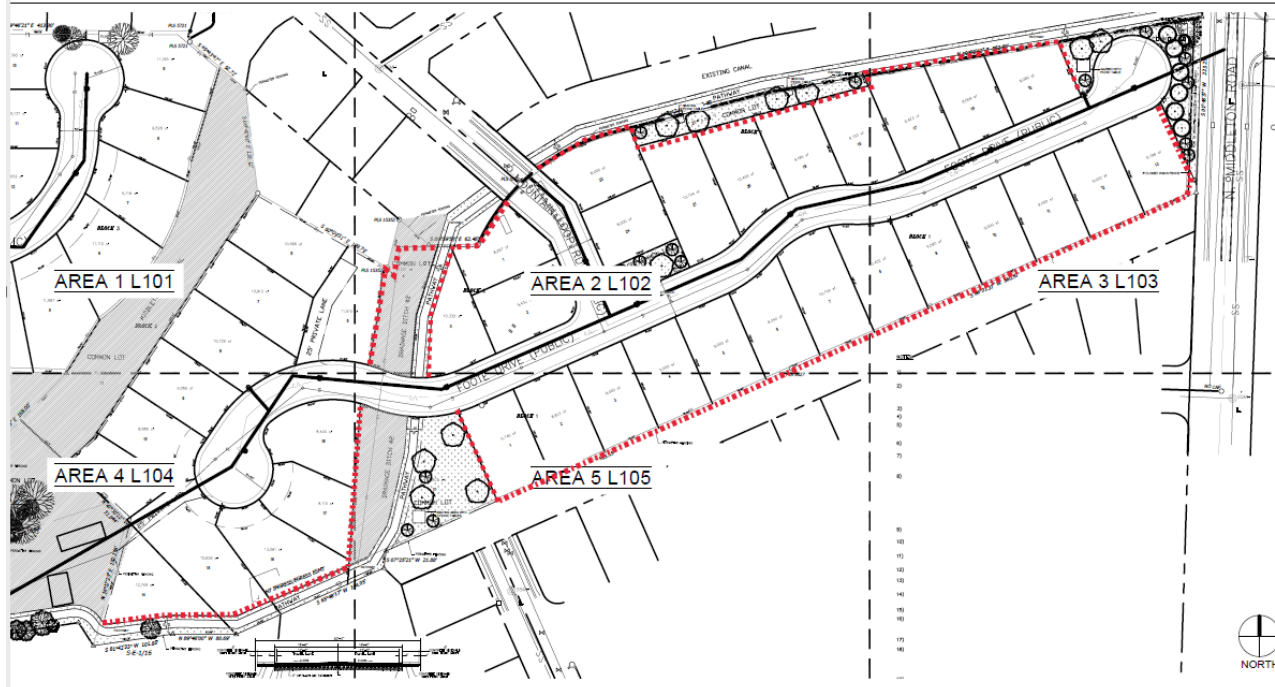
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3rd Round Planner Comments The Mill Subdivision (Pre-Plat dated 1/5/2022) January 12, 2022

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

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



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

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

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

Roberta L. Stewart,

Middleton City Planner



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation

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

A. Findings of Fact:

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

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Secs., 67-6503, 67-6513, & 67-6511.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the

attached Staff Report for the hearing date of February 14, 2022, Exhibit "A".

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:

City Council approve the application of Wade Thomas/IAG Capital LLC & Unger Enterprises for Preliminary Plat with respect to The Mill at Middleton Subdivision subject to the conditions of approval set forth in the Staff Report for the February 14, 2022, public hearing on the matter.

WRITTEN RECOMMENDATION APPROVED ON: February ____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Department