



AMENDED AGENDA
Middleton Planning & Zoning
Commission Meeting

Date: **Monday, September 12, 2022**

Time: 5:30 p.m.

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

Call To Order, Pledge of Allegiance, Roll Call

Information Items

1. Middleton School District #134 status and information. – Superintendent Marc Gee.

Action Items

1. Consent Agenda (items of routine administrative business)
 - a. Consider approving August 8, 2022, regular meeting minutes.
 - b. Consider approving FCR for Hidden Mill Subdivision Preliminary Plat
2. Design Review – Middleton Self Storage – Jennica Reynolds
3. **Public Hearing:** Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (tax parcel no., R38207). The annexation involves 40.28 acres of vacant land currently zoned County "Agricultural." Applicants are requesting a rezone to R-3 (single family residential). The preliminary plat includes 105 single family home lots and 17 common lots. – Roberta Stewart
4. **Public Hearing:** Application by Patrick Connor/Hubble Homes for preliminary plat and development agreement termination with respect to the Waterford East Subdivision located at 0 Foothills Road (Tax Parcel Nos. R338540 & R33854011). The proposed preliminary plat consists of 164 single family home lots, 14 common lots, and 6 private lane lots on approximately 61 acres of vacant land zoned R-3 (Single-Family Residential). – Roberta Stewart

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Jennica Reynolds - Deputy Clerk, Planning

Date: September 9, 2022, at 2:30 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
AUGUST 8, 2022**

Pledge of Allegiance, Roll Call & Call to Order: The August 8, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Waltemate at 5:32 p.m. Commissioners Summers, Christiansen and Tremble were present. Commissioner Crofts was absent. Planning & Zoning Official, Roberta Stewart and Planning Deputy Clerk, Jennica Reynolds were also present.

Action Items:

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving July 11, 2022, regular meeting minutes.**

Commissioner Christiansen noted that his name was misspelled in the minutes and asked that it be corrected.

Motion: Motion by Commissioner Christiansen to approve the consent agenda items 1a. with corrections. Motion seconded by Commissioner Summers and passed unanimously.

- 2. Public Hearing: Application by Brien Riff for Special Use Permit with respect to a vacant parcel located at 0 E. 2nd Street (Parcel No. R186120). The parcel is .134 acres in size and is currently zoned M-F (Multi-Family). Applicant is requesting a Special Use Permit to construct a duplex home ("single family dwelling-attached") on the project site. – Roberta Stewart**

Planner Stewart explained why the Special Use Permit is not needed according to City Code, therefore there would be no public hearing.

- 3. Public Hearing: An application by Wade Thomas, IAG, LLC and Bob Unger, Unger Enterprises, LLC for preliminary plat, with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots and 4 common lots on approximately 6.665 acres of land currently in city limits and zoned R-3. – Jennica Reynolds**

Chairman Waltemate opened the public hearing at 5:43 p.m.

City Staff Reynolds presented a PowerPoint presentation of the Staff Report (Exhibit 1)

Applicant Representative Bob Unger, Unger Enterprises, LLC presented a slide show detailing the Hidden Mill Subdivision Preliminary Plat application. (Exhibit 2)

Commissioners questioned Mr. Unger and he responded on the issues regarding the School District, the pathway, common areas fire suppression and stormwater.

Chairman Waltemate opened the public testimony at 6:28 p.m.

Mike Graefe: Comment about lot size and length of cul-de-sac.

Mr. Unger Rebuttal: All lots are minimum of 8,000 square feet. All homes will have individual

fire suppression sprinklers. The cul-de-sac does meet city code.

Chairman Waltemate closed the public testimony at 6:32 p.m.

Discussion by Commissioners regarding conditions of approval.

Motion: Motion by Commissioner Summers to accept the findings of facts and conclusions of law from the Staff report and to recommend for approval to City Council the application by Wade Thomas and Bob Unger for preliminary plat with respect to the Hidden Mill Subdivision subject to all conditions in the Staff Report and adding an additional condition that the applicant needs to meet with School District to discuss possible ways to assist with the impact of the subdivision. Motion seconded by Commissioner Christiansen and approved unanimously.

Public Comments, Commission and Staff Comments

William Templeton – Very concerned about the duplex on 0 East 2nd Street regarding type and look of structure, water rights and the size of the property. He submitted comments written down. (Exhibit 3)

Discussion between Planner Stewart and Commissioners regarding the duplex and city code.

Mike Graefe: Questions about the water line and water supply for the duplex. He would also like to know when a workshop for gross acres vs. buildable acres regarding density would occur.

Planner Stewart explained if Mr. Riff taps into the city systems he will do it right. She also stated there have been zoning workshops.

Chairman Waltemate said he would like a date and time the zoning code change workshop will be brought to City Council.

Commissioner Summers asked what the City can do to bring in more commercial development?

Planners Stewart and Reynolds discussed the plans for commercial development in coordination with the River Walk Concept Plan. Commercial and Transportation is the top priority for this Administration and city staff.

Adjourn: Chairman Waltemate adjourned the meeting at 7:27 p.m.

Ray Waltemate, Chairman

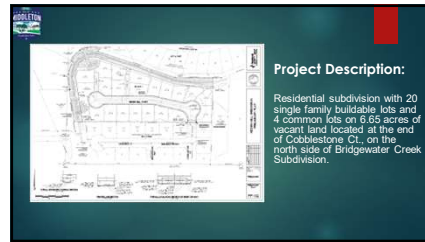
ATTEST: Jennica Reynolds
Deputy Clerk, Planning

Approved: September 12, 2022

Exhibit “1”



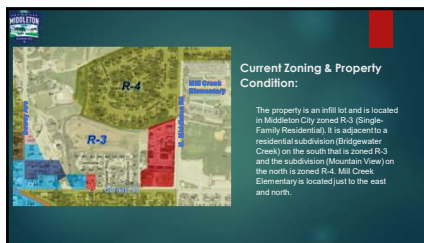
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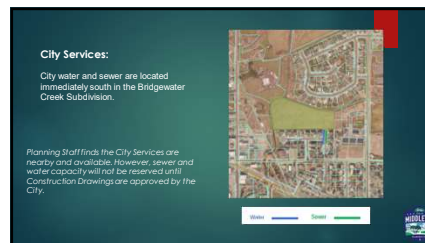
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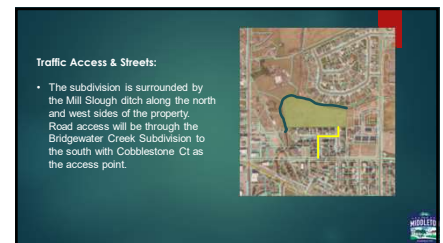
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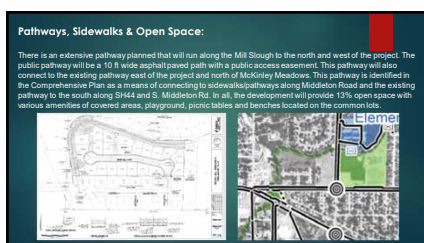
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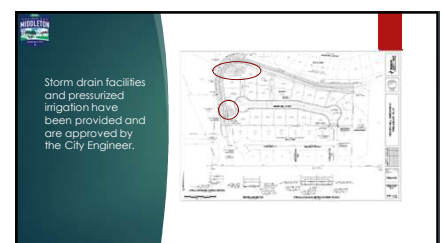
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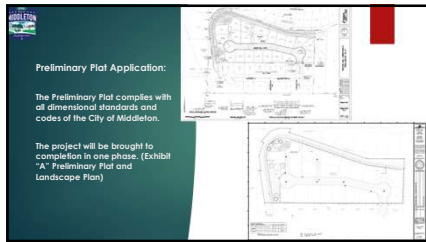
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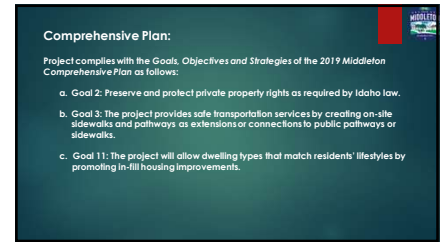
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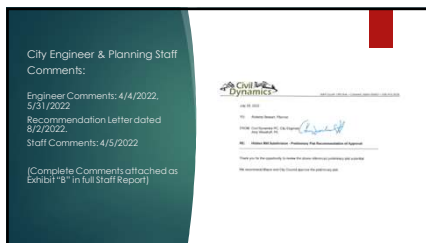
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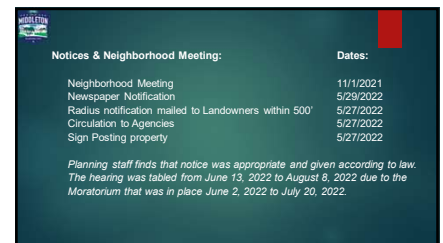
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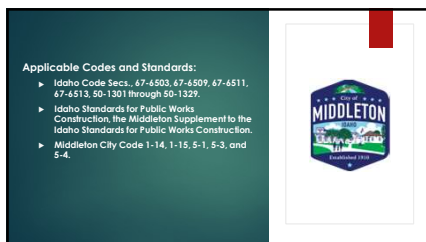
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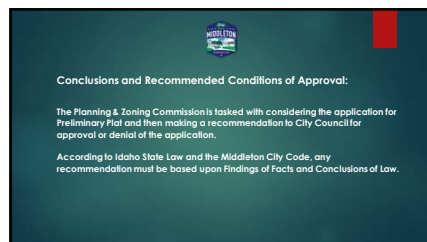
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Conclusions of Law:

Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial. Planning Staff also notes all public notice requirements were met, and set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the application. If the public hearing is held and conducted in compliance with Idaho State Code and the Middleton City Code, then the Commission may pass 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 City planner comments to be completed and approved.
4. All City approved comments from MRFD to be completed and approved.
5. All Floodplain Administrator comments are to be completed and approved.
6. Pathway along the slough is to be 10 ft wide with a public access easement.
7. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

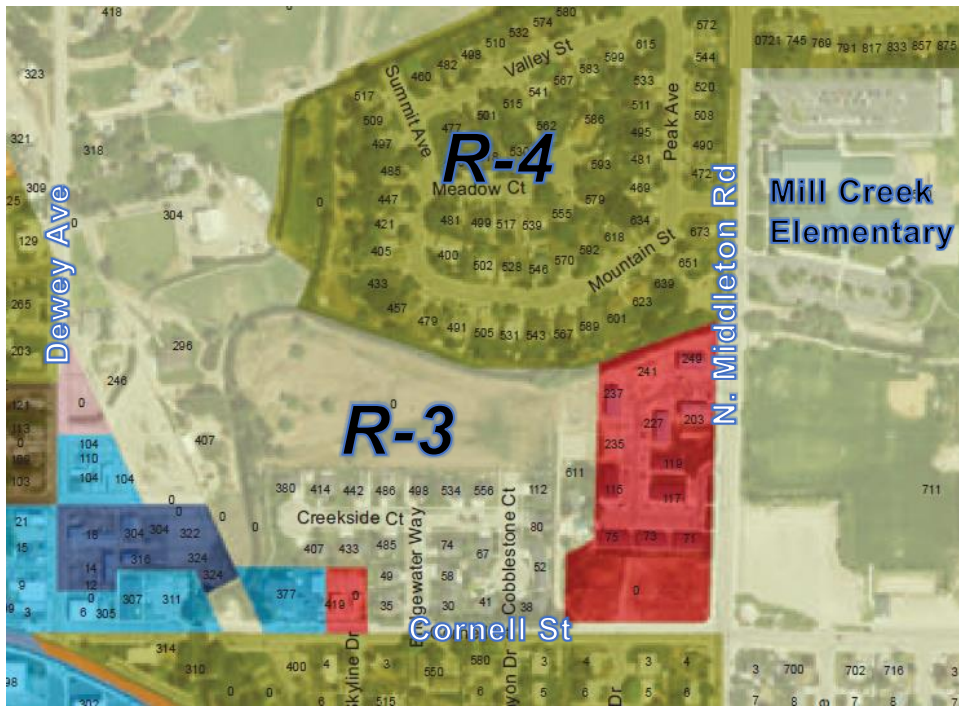
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Lastly, if the Commission denies the application, Middleton City Code 1-14(E)(8) requires that the Commission "identify what the Applicant can modify in the application" to gain approval.

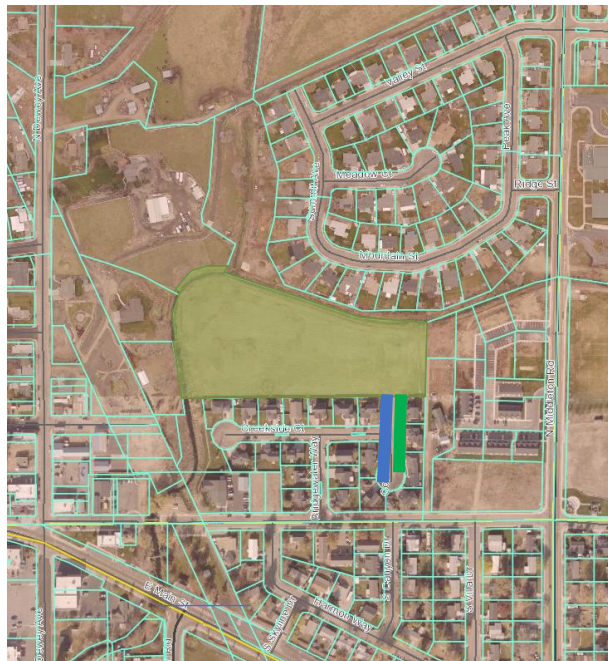


Planning Deputy Clerk
Jessica Reynolds
8/8/2022

21



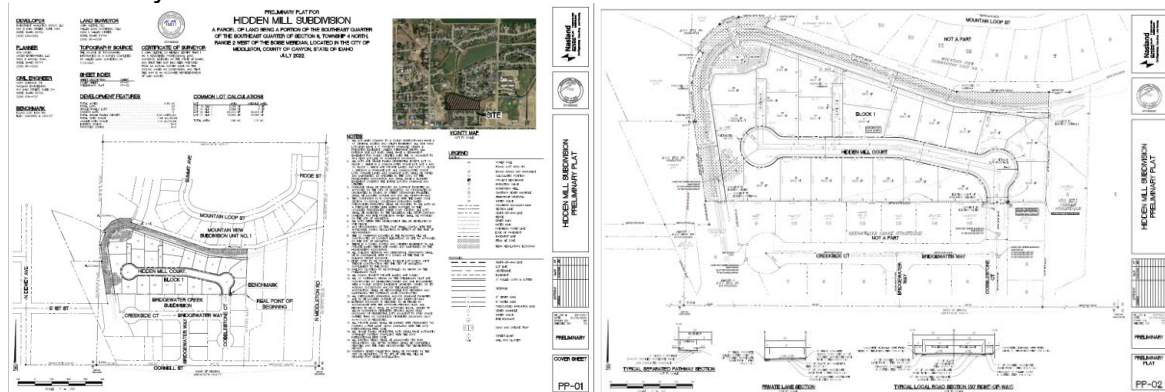
- F. **City Services:** City water and sewer are located immediately south in the Bridgewater Creek Subdivision.



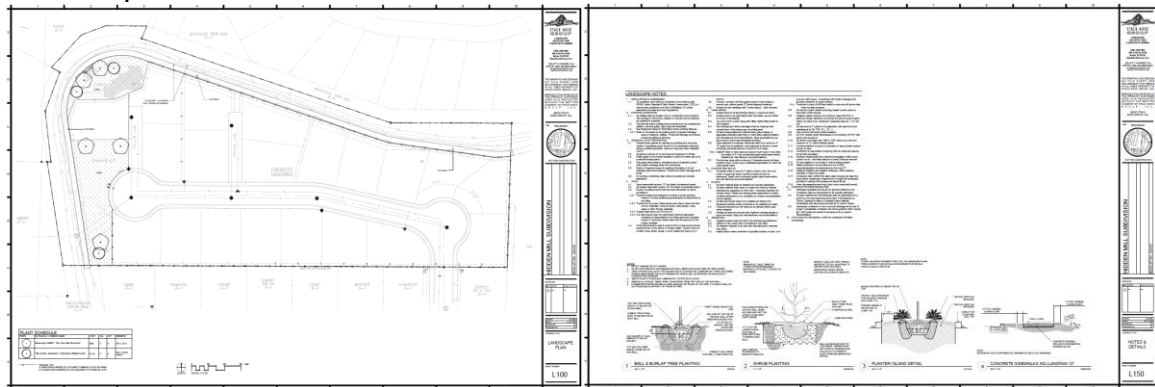
Water — Sewer —

- G. Traffic, Access & Streets:** The subdivision is surrounded by the Mill Slough ditch along the north and west sides of the property. Road access will be through the Bridgewater Creek Subdivision to the south with Cobblestone Ct as the access point.
- H. Pathway, Sidewalks & Open Space:** There is an extensive pathway planned that will run along the Mill Slough to the north and west of the project. The public pathway will be a 10 ft wide asphalt paved path with a public access easement. This pathway will also connect to the existing pathway east of the project and north of McKinley Meadows. This pathway is identified in the Comprehensive Plan as a means of connecting to sidewalks/pathways along Middleton Road and the existing pathway to the south along SH44 and S. Middleton Rd. In all, the development will provide 13% open space with various amenities of covered areas, playground, picnic tables and benches located on the common lots.
- I. Middleton Rural Fire District:** Fire Chief Deputy Islas of Middleton Rural Fire District requires that each residence have a fire suppression sprinkler system installed in the home to bring it up fire code. This is because there is no additional access to the subdivision except Cobblestone Ct. The developer has agreed to this condition.
- J. Storm Drain and Pressurized Irrigation:** Storm drain facilities and pressurized irrigation have been provided and are approved by the City Engineer.
- K. Floodplain:** Middleton City Code 5-4-13-2 outlines the requirements for developing in the floodplain. The developer has submitted a Floodplain Development Permit Application and will bring the site up to code per FEMA and Middleton City Code. In addition, prior to each building permit issued the builder will be required to submit a flood plain permit application and a pre-construction elevation certificate. A post construction elevation certificate will also be submitted and approved prior to Certificate of Occupancy. Both the pre-construction and post construction elevation certificates will be reviewed and approved by the City Floodplain Administrator.
- L. Preliminary Plat Application:** The project will be brought to completion in one phase. (Exhibit "A" Preliminary Plat and Landscape Plan)

Preliminary Plat:



Landscape Plan:



FINDINGS:

Planning Staff finds that the preliminary plat complies with all dimensional standards and codes of the City of Middleton, and as will be shown in more detail below is in harmony with the Comprehensive Plan.

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



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

- a. *Goal 2:* Preserve and protect private property rights as required by Idaho law.
- b. *Goals 3:* The project provides safe transportation services by creating on-site sidewalks and pathways as extensions or connections to public pathways or sidewalks.

- c. *Goal 11:* The project will allow dwelling types that match residents' lifestyles by promoting in-fill housing improvements.

L. Comments from City Engineer and City Staff: Exhibit "B" Copies of City Engineer comments dated 4/4/2022, 5/31/2022 and recommendation letter dated 8/2/2022.
Staff Comments dated 4/5/2022

M. Comments from Agencies: Exhibit "C"
MRFD dated 4/8/2022:

N. Comments Received from Surrounding Landowners: Exhibit "D"
Brent Schwab dated 6/4/2022
Sam Sommer dated 6/7/2022

O. Notices:	Dates:
Neighborhood Meeting	11/1/2021
Newspaper Notification	5/29/2022
Radius notification mailed to Landowners within 500'	5/27/2022
Circulation to Agencies	5/27/2022
Sign Posting property	5/27/2022

Planning staff finds that notice was appropriate and given according to law. The hearing was tabled from June 13, 2022 to August 8, 2022 due to the Moratorium that was in place June 2, 2022 to July 20, 2022.

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.

Q. Conclusions and Recommended Conditions of Approval:

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

According to Idaho State Law and the Middleton City Code, any recommendation must be based upon *Findings of Facts and Conclusions of Law*.

Findings of Facts:

Planning Staff has set forth the *Findings of Facts* above. If the Commission agrees with the testimony, evidence and *Findings of Facts* presented at the public hearing, the Commission may pass a motion to accept those *Findings of Facts*.

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. Planning Staff also notes all public notice requirements were met and set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the application. If the public hearing is held and conducted in compliance with Idaho State Code and the Middleton City Code, then the Commission may pass 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 Preliminary Plat application based upon the above *Findings of Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
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Lastly, if the Commission denies the application, Middleton City Code 1-14(E)(8) requires that the Commission “identify what the Applicant can modify in the application” to gain approval.

Prepared by: Jennica Reynolds - Deputy Clerk, Planning Dated: 8/4/2022

EXHIBIT “A”

Preliminary Plat & Landscape Plan

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

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

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

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

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

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

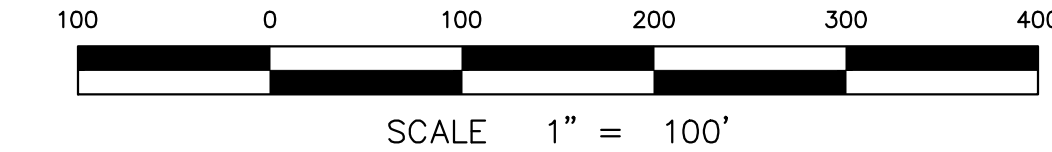
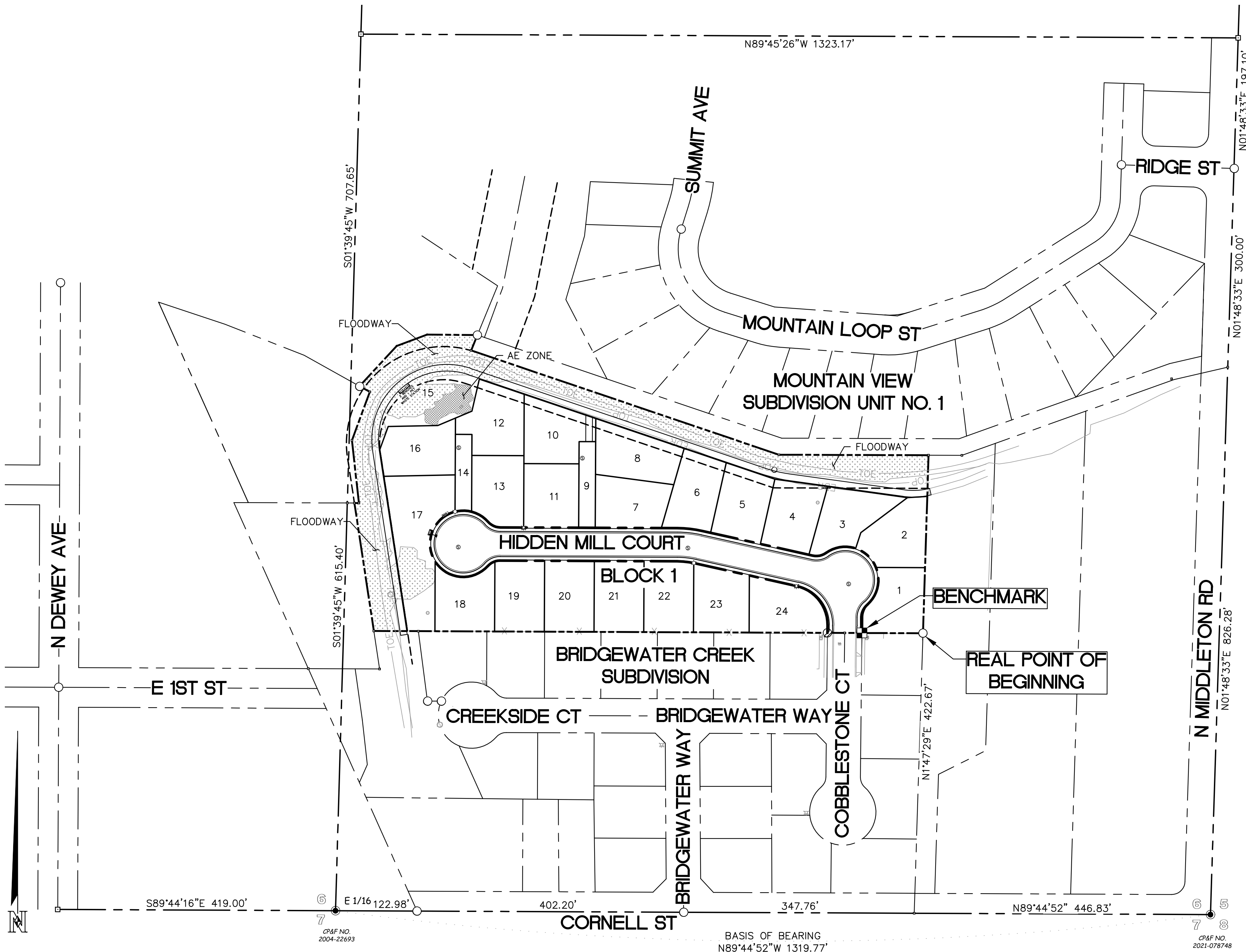
SHEET INDEX
SHEET DESCRIPTION SHEET
COVER SHEET PP-01
PRELIMINARY PLAT PP-02

DEVELOPMENT FEATURES

TOTAL ACRES 6.69 AC
TOTAL LOTS 24
SINGLE-FAMILY LOTS 20
COMMON LOTS 4
TOTAL SINGLE FAMILY DENSITY 3.00 UNITS/AC
TOTAL OPEN SPACE 1.98 AC/29.6%
USABLE OPEN SPACE 1.13 AC/16.9%
EXISTING ZONING R-3
PROPOSED ZONING R-3

COMMON LOT CALCULATIONS

LOT	AREA	USEABLE AREA
LOT 9, BLK 1	3,250 SF	0 SF
LOT 14, BLK 1	2,888 SF	0 SF
LOT 15, BLK 1	64,414 SF	33,515 SF
LOT 17, BLK 1	15,590 SF	15,590 SF
TOTAL AREA:	1.98 AC	1.13 AC

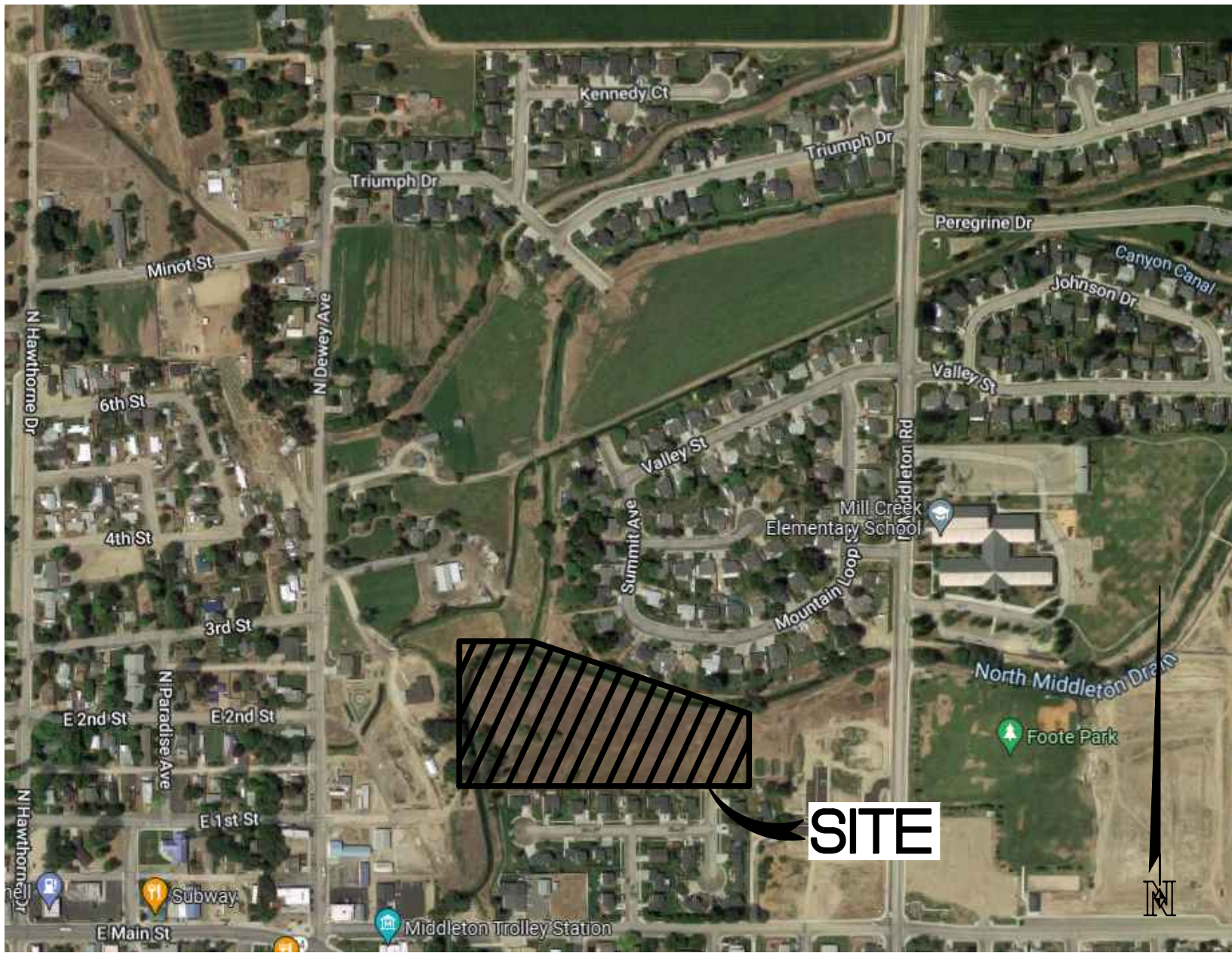


BASIS OF BEARING
N89°44'52"W 1319.77'

CH&F NO.
2021-078748

PRELIMINARY PLAT FOR HIDDEN MILL SUBDIVISION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH,
RANGE 2 WEST OF THE BOISE MERIDIAN, LOCATED IN THE CITY OF
MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO
JULY 2022



VICINITY MAP
NOT TO SCALE

LEGEND

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

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

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

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

PROFESSIONAL ENGINEER
CORY SCHRACK
17727
STATE OF IDAHO
07/18/2022

HIDDEN MILL SUBDIVISION PRELIMINARY PLAT

REVISION	DATE	BY
ORIGINAL	07/18/2022	MN

NE JOB # 321-105.1
DATE: 07/18/2022
DRAWN BY: MN
CHECKED BY: CS

PRELIMINARY

COVER SHEET

PP-01

HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT

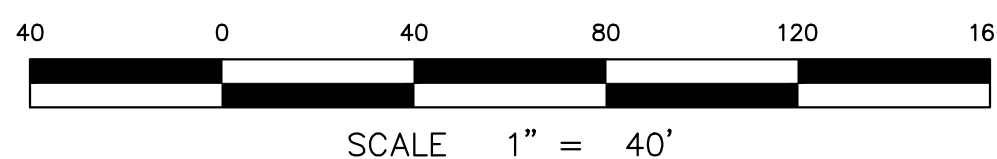
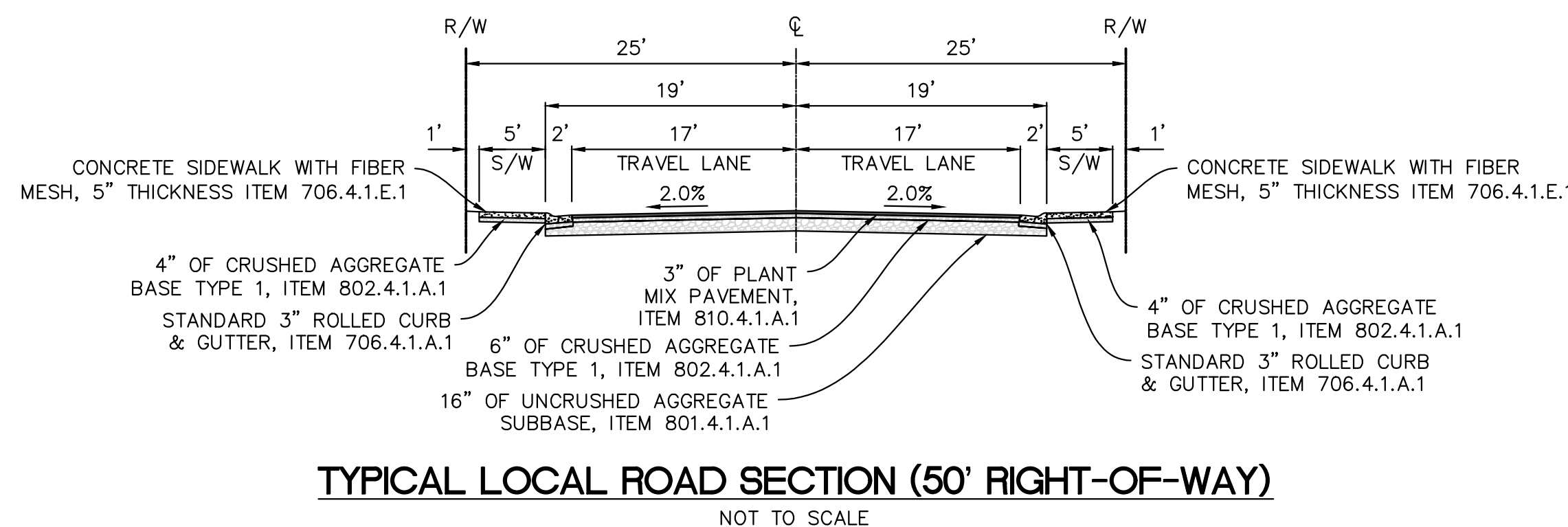
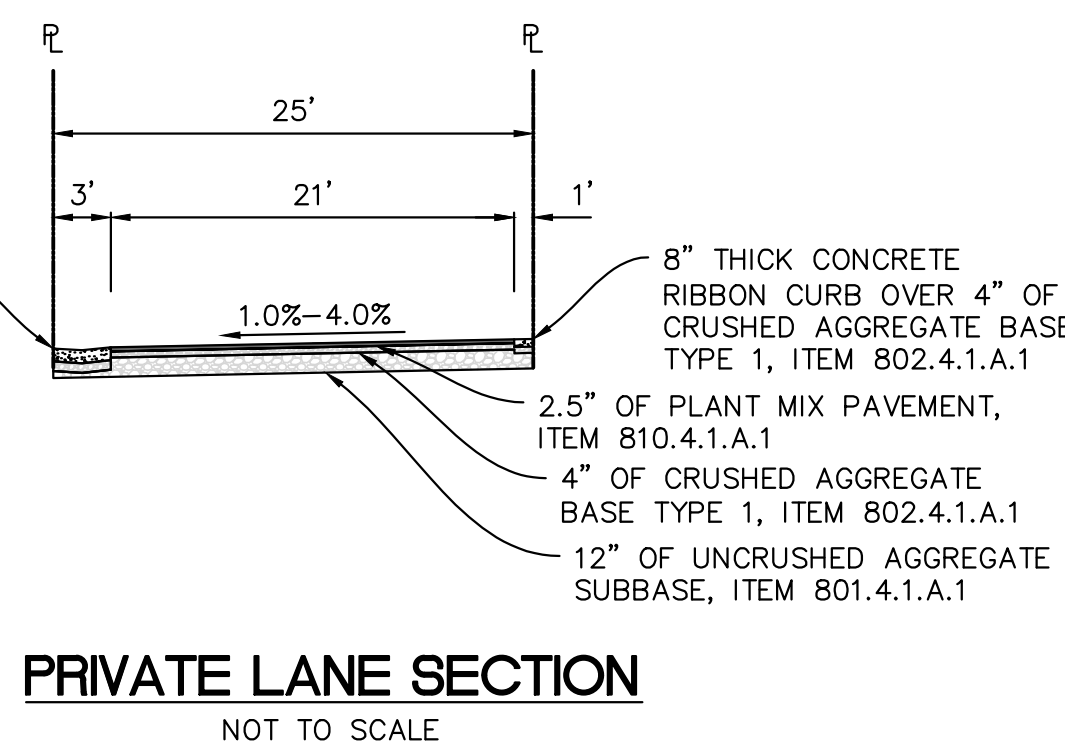
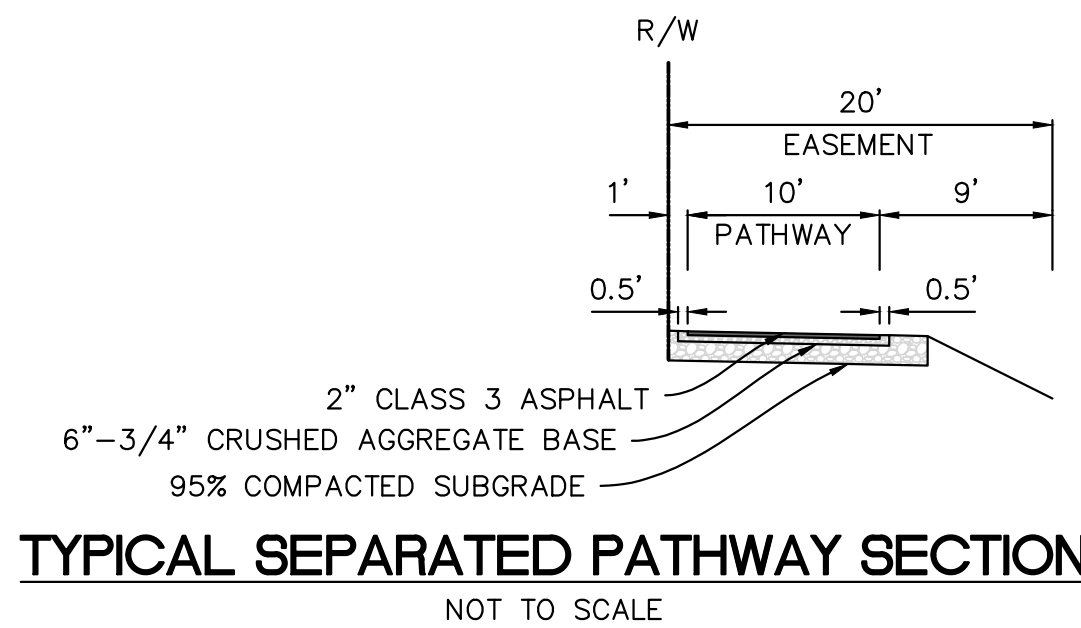
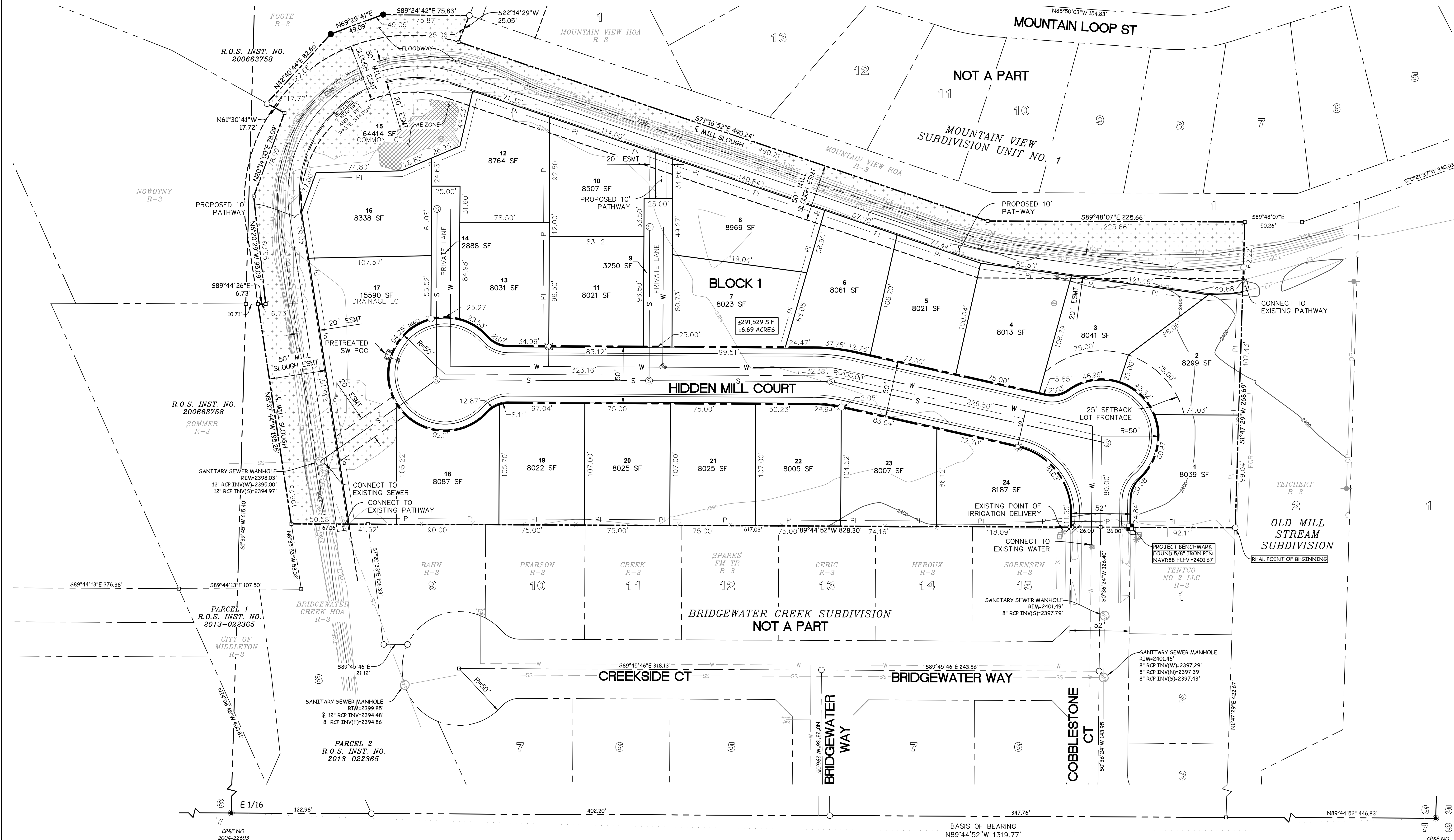
REVISION	DATE	BY
ORIGINAL	07/18/2022	MN

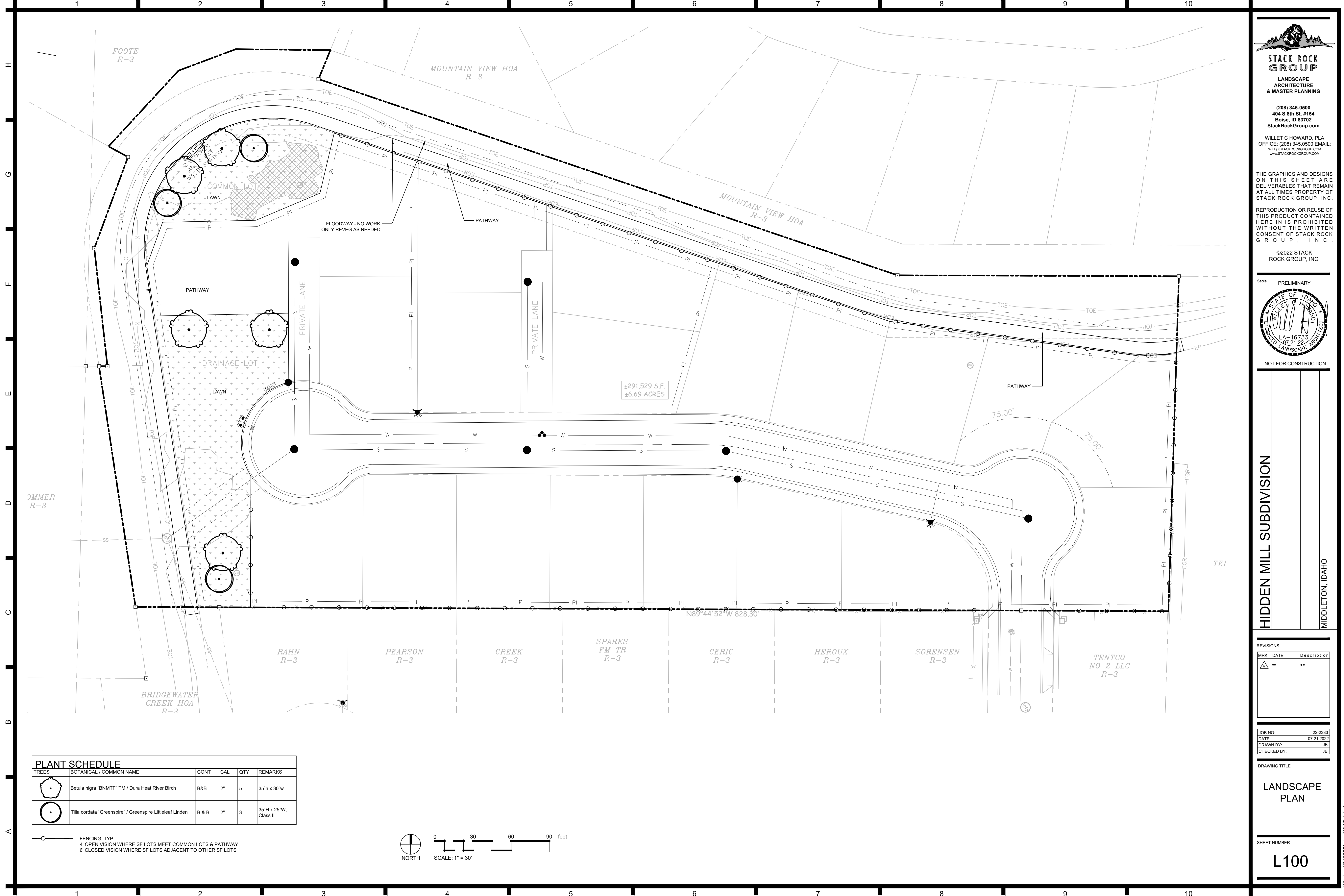
NE JOB #: 321-105.1
DATE: 07/18/2022
DRAWN BY: MN
CHECKED BY: CS

PRELIMINARY

PRELIMINARY
PLAT

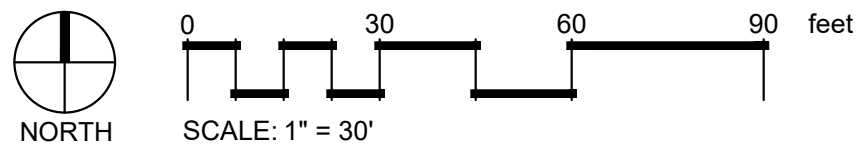
PP-02





PLANT SCHEDULE					
TREES	BOTANICAL / COMMON NAME	CONT	CAL	QTY	REMARKS
	Betula nigra 'BNMTF' TM / Dura Heat River Birch	B&B	2"	5	35'h x 30'w
	Tilia cordata 'Greenspire' / Greenspire Littleleaf Linden	B & B	2"	3	35'H x 25'W, Class II

FENCING, TYP
4" OPEN VISION WHERE SF LOTS MEET COMMON LOTS & PATHWAY
6" CLOSED VISION WHERE SF LOTS ADJACENT TO OTHER SF LOTS



STACK ROCK GROUP
LANDSCAPE ARCHITECTURE & MASTER PLANNING

(208) 345-0500
404 S 8th St. #154
Boise, ID 83702
StackRockGroup.com

WILLET C HOWARD, PLA
OFFICE: (208) 345.0500 EMAIL: WILLET@STACKROCKGROUP.COM
WWW.STACKROCKGROUP.COM

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Seals PRELIMINARY

NOT FOR CONSTRUCTION

HIDDEN MILL SUBDIVISION

MIDDLETON, IDAHO

REVISIONS		
MRK	DATE	Description
	**	**

JOB NO: 22-2383

DATE: 07.21.2022

DRAWN BY: JB

CHECKED BY: JB

DRAWING TITLE

LANDSCAPE PLAN

SHEET NUMBER

L100

LANDSCAPE NOTES:

1. REGULATIONS & STANDARDS

1.1. All contractor work shall be conducted in accordance with ISPWC (Idaho Standard Public Works Construction), 2022 (or most recent published), and City of Middleton, ID codes, standards and state and local regulations.
2. EXISTING CONDITIONS

2.1. All utilities shall be located prior to construction and protected. Any damage to structures, utilities or concrete will be replaced at contractor's expense.

2.2. The site has many existing improvements such as underground utilities, curb and gutter, light poles and sidewalks.

2.3. See Engineer's plans for information about existing features.

2.3.1. Refer to civil plans for all existing and/or proposed drainage pipes & locations, utilities. Protect all drainage at all times, protect all utilities at all times.
3. GRADING & SITE PREPARATION

3.1. Prepare finish grades for planting by grubbing and removing weeds. If necessary apply Round-Up (or equivalent herbicide), using a certified applicator. Remove rocks and other materials over 2".

3.2. All gravel overprep to be removed and disposed of off site.

3.3. Finish grade to be smooth transition to allow for entire site to be a natural flowing space.

3.4. Fine grade lawn areas to elevations set by Engineer's plans with positive drainage away from structures.

3.5. Refer to Engineer's plans for grading information & for all drainage pipes and locations. Protect and retain drainage at all times.

3.6. No pooling or standing water will be accepted per industry standards.
4. SOILS

4.1. Lawn areas shall receive 12" min depth of screened topsoil.

4.2. All planter beds shall receive 18" min depth of screened topsoil.

4.3. Reuse of existing topsoil that has been stockpiled on site is permitted if:

4.3.1. Topsoil is tested and analyzed to ensure a proper growing medium. Provide additional amendments as determined by soil tests.

4.3.2. Topsoil is to be loose, friable sandy loam that is clean and free of toxic materials, noxious weeds, weed seeds, rocks, grass or other foreign materials.

4.3.3. Topsoil shall have a pH of 6.5 to 8.0.

4.3.4. If on site topsoil does not meet these minimum standards contractor is responsible for providing approved imported topsoil or improving onsite topsoil per the approval of the project manager.

4.4. If imported topsoil is used it must be from a local source and be screened free of any debris or foreign matter. Topsoil must not contain rocks, sticks, lumps, or toxic matter and has a pH of
- 6.5-8.0.

Smooth, compact, and fine grade topsoil in lawn areas to smooth and uniform grade .5" below adjacent surfaces.

4.6. Amend all new plantings with 2 parts topsoil, 1 part compost.
5. LAWN AREAS

5.1. Sodded lawn to be tall turf-type fescue, or approved other.

5.2. Sodded lawn to be regionally/locally harvested, lay sod within 24 hours of harvesting.

5.3. Lay sod to form a solid mass with offset, tightly fitted joints on even grades.

5.4. Any existing lawn that is damaged shall be replaced with sodded lawn of the same type of existing lawn.

5.5. All lawn areas adjacent to planter beds, gravel areas, or aggregate pathways shall have 4" black steel edging installed per manufacturer recommendations. Other applications to be approved by owner and landscape architect.

5.6. Lawn adjacent to buildings, structures shall be a minimum of 18" away from foundations. Lawn adjacent to fences or other screening elements shall be a minimum of 9" away.

5.6.1. Install $\frac{3}{8}$ " chips or other approved gravel mulch type in mow strip at a depth of 3" over commercial grade weed barrier fabric installed per manufacturer recommendations.

5.7. Provide tree rings with a minimum 3' diameter around all trees located in lawn, mulch type & installation/application to match all other planter beds.
6. PLANTER BED MULCH

6.1. All planter beds to receive 3" depth of black & tan mini rock mulch or approved equal, submit for approval prior to placement. Install over commercial grade weed barrier fabric per manufacturer recommendations.
7. PLANTS

7.1. All plant material shall be installed per industry standards.

7.2. All plant material shall meet or exceed the minimum federal standards as regulated by ANSI z60.1, American Standard for Nursery Stock. Plants not meeting these standards for quality or plants determined to be unhealthy by Owner's representative, will be rejected.

7.3. All Ball and Burlap trees to be installed per Balled and Burlapped planting detail. All shrubs to be installed per detail.

7.4. Trees and shrubs over 30" shall not be planted within clear vision triangles.

7.5. Fertilize all trees and shrubs with 'Agriform' planting tablets or approved equal. Apply per manufacturers recommendations.
8. IRRIGATION

8.1. Irrigation system shall be built to the following specifications:

8.2. Adhere to city codes when connecting to city water.

8.3. All irrigation material to be new with manufacturers' warranty fully intact.

8.4. Install outdoor rated controller in specified location on plan, in a
- lock box with 2 keys. Coordinate with project manager and general contractor on exact location.

8.4.1. Controller to have On/Off rain switch or rain shut off device that does not alter program.

8.5. All remote control valves (including master control valve) to have flow control device.

8.6. Irrigation system piping to be minimum class 200 PVC or approved equal, sleeves to be double the size of pipes located within, all wires to be contained in separate sleeves 1-1/2" dia min.

8.7. All pipe above 3" caliber to be gasketed, with approved joint restraints at all 45, TEE, ELL, Z2, 11.

8.8. Use common trenching where possible.

8.9. All PVC located under hardscapes to be schedule 40 PVC with same req's as above.

8.10. All wires to be Paige wire 7350 or 7351 direct bury wire at a minimum of 12" below finished grade.

8.11. Connect mainline to point of connection in approximate location shown on plan.

8.12. Contractor is responsible complying with all codes and paying all permits necessary.

8.13. Sprinkler heads shall have matched precipitation within each control circuit. Velocities shall not exceed 5 feet per second.

8.14. All drip irrigation to be buried 2" below finished grade.

8.15. Water schedule to be provided at a min of 80% evapotranspiration as determined by the local ET.

8.16. Install all irrigation per irrigation drawings, utilize material specified or approved equal.

8.17. Contractor shall confirm the static water pressure at least five days before construction begins and to contact the landscape architect in writing if the pressure is below 80 psi.

8.18. If any discrepancies are found, then local codes shall prevail.
9. CONTRACTOR RESPONSIBILITIES

9.1. Estimated quantities are shown for general reference only. Contractor shall be responsible for all quantity estimates.

9.2. All plant material and workmanship shall be guaranteed for a period of one year beginning at the date of Acceptance by Owner. Replace all dead or unhealthy plant material immediately with same type and size at no cost to Owner.

9.3. Landscape contractor to turn in as built drawings at the end of project. Substantial completion will not be granted until 2 copies @ 1"=20' scale are turned in and approved by owner's representative.
10. In the event of a discrepancy, notify the Landscape Architect immediately.

- NOTES:
1. DO NOT DAMAGE OR CUT LEADER.

2. DO NOT DISTURB ROOT OR DAMAGE ROOT BALL WHEN INSTALLING TREE OR TREE STAKES.

3. TREE STAKING SHALL BE AT THE DISCRETION OF CONTRACTOR. HOWEVER ANY TREES DISTURBED FROM PLUMB DURING THE PLANT WARRANTEE PERIOD WILL BE REPAIRED OR REPLACED AT CONTRACTOR'S EXPENSE.

4. WATER PLANTS THOROUGHLY IMMEDIATELY AFTER INSTILLATION.

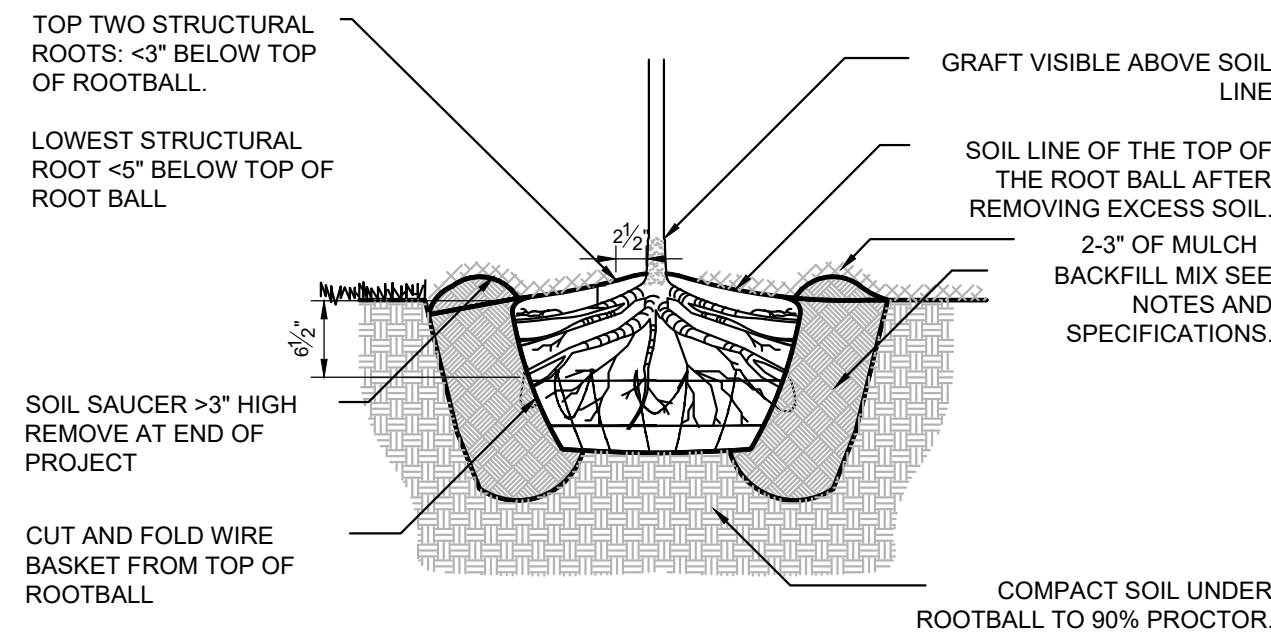
5. REMOVE ALL BURLAP, TWINE, ROPE, OR MATERIAL FROM THE TOP $\frac{1}{2}$ OF THE ROOTBALL.

6. 5" DIAMETER PLANTER BED/MULCH RING AROUND THE TRUNK OF THE TREE. 3" OF MULCH MIN. DO NOT PLACE MULCH WITHIN 2" OF TRUNK OF TREE.

NOTE:
REMOVE ALL TAGS, TWINE OR OTHER NON BIODEGRADABLE MATERIALS ATTACHED TO PLANT OR ROOT MASS.

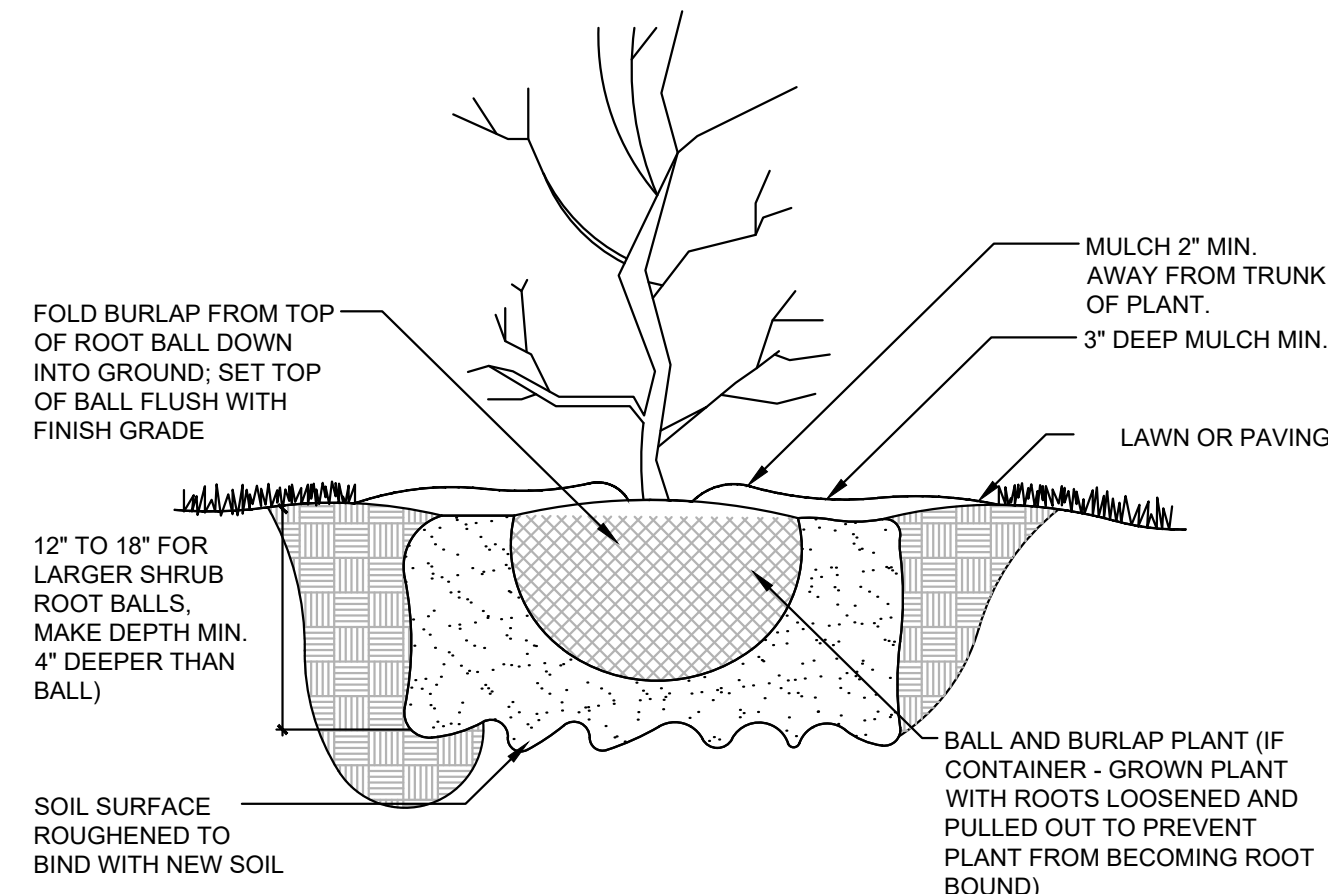
BACKFILL SHALL BE 100% TOPSOIL. WATER SETTLE ALL PLANTINGS TO ENSURE PLANT ROOTBALL MAINTAINS $\frac{3}{4}$ " HEIGHT ABOVE EXISTING SOILS WHEN COMPLETE.

NOTE:
*CURB & ADJACENT PAVEMENT PER CIVIL OR HARDSCAPE PLANS
*TREE & SHRUB TO BE INSTALLED PER RESPECTIVE DETAILS
*PLANTS & MULCH PER PLAN



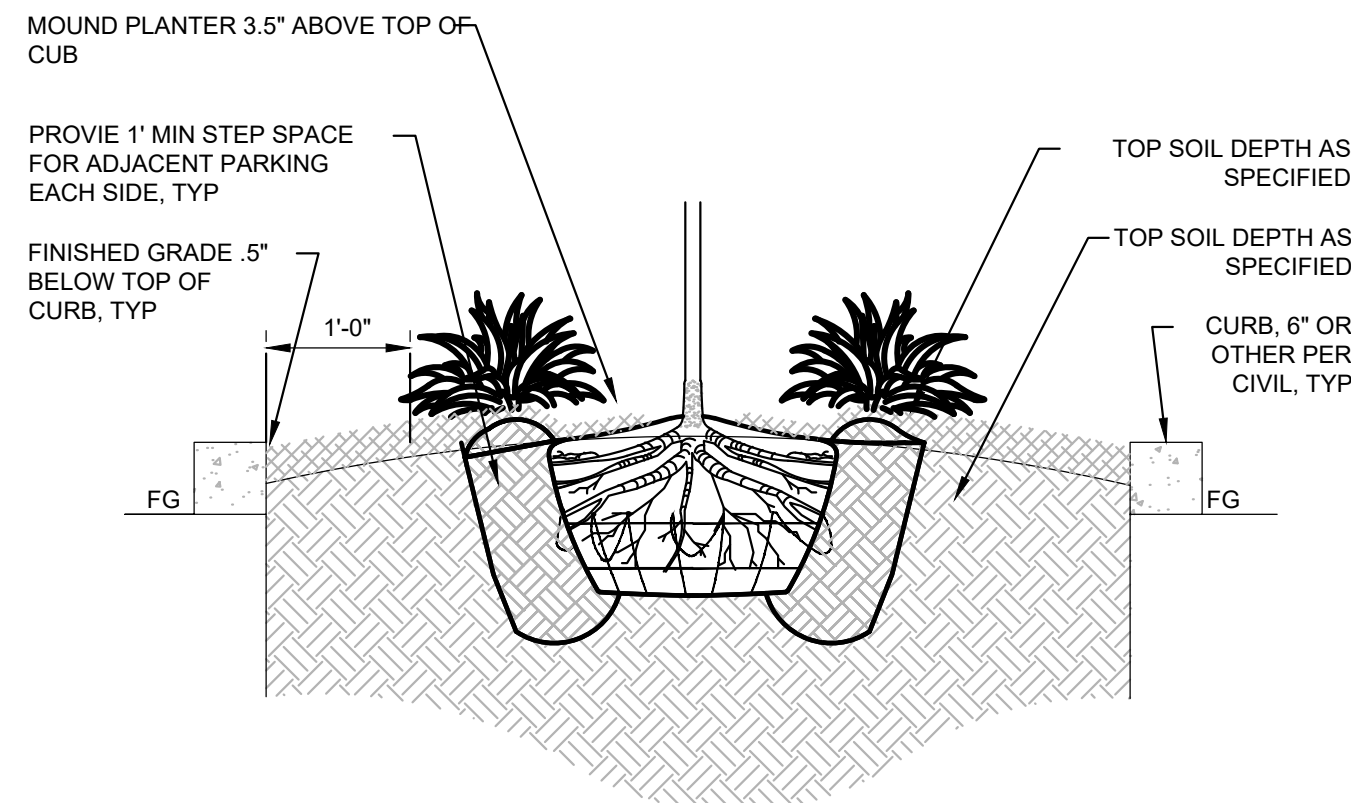
1 BALL & BURLAP TREE PLANTING
3/4" = 1'-0"

32933-01



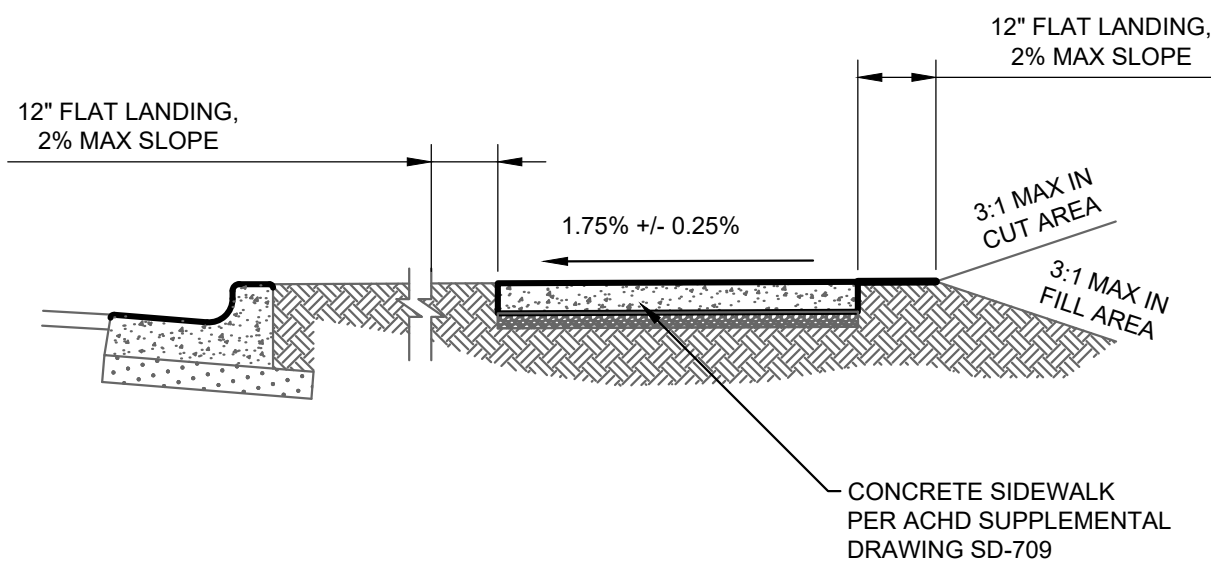
2 SHRUB PLANTING
1" = 1'-0"

329333-03



3 PLANTER ISLAND DETAIL
3/4" = 1'-0"

P-CO-01



NOTE:
REFERENCE ACHD SUPPLEMENTAL DRAWING SD-709 & CIVIL DRAWINGS

X CONCRETE SIDEWALKS ADJ LANDING-12"
3/8" = 1'-0"

329320-05



STACK ROCK
GROUP

LANDSCAPE
ARCHITECTURE
& MASTER PLANNING

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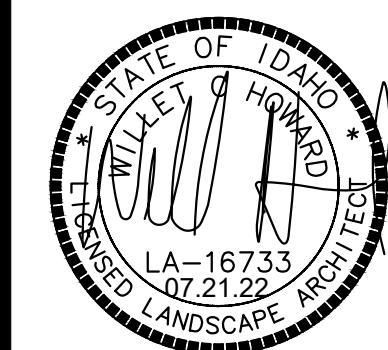
WILLET C HOWARD, PLA
OFFICE: (208) 345.0500 EMAIL:
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NOT FOR CONSTRUCTION

HIDDEN MILL SUBDIVISION

MIDDLETON, IDAHO

REVISIONS

MRK	DATE	Description
△	**	**

JOB NO: 22-2383
DATE: 07.21.2022
DRAWN BY: JB
CHECKED BY: JB

DRAWING TITLE

NOTES &
DETAILS

SHEET NUMBER

L150

EXHIBIT “B”

City Engineer & Planner Comments



April 4, 2022

TO: Jennica Reynolds, Planner

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

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

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

Reduce plat to one page.

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

MCC 5-4-4.2. b. Add title block to the upper center. Add location and date.

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

MCC 5-4-4.2. h.

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

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

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

MCC 5-4-4.3. a

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

MCC 5-4-4.3.c

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

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

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

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



May 23, 2022

TO: Jennica Reynolds, Planner

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

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

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

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

MCC 5-4-4.2. h.

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

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

MCC 5-4-4.3. a

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



July 28, 2022

TO: Roberta Stewart, Planner

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

RE: Hidden Mill Subdivision - Preliminary Plat Recommendation of Approval

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

We recommend Mayor and City Council approve the preliminary plat.

EXHIBIT “C”

Agency Comments



MIDDLETON STAR FIRE DISTRICTS

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

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

DATE: April 8, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: The Hidden Mill Subdivision

Fire District Summary Report:

1. **Overview** This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.
2. **Fire Response Time:** This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID 83644. Station 53 is 0.7 miles with a travel time of 2 minutes under ideal driving conditions to the entrance of the Bridgewater Subdivision.
3. **Accessibility:** Roadway Access, Traffic, Radio Coverage
 - a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
 - b. Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.
 - c. All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.
 - d. One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads. With this purposed development utilizing the Bridgewater Subdivision main entrance the entrance will now be used by over 30 homes. (Bridgewater = 21 single family lots, The Hidden Mill Subdivision = 20 Single family lots)
 - i. Option – Provide secondary access.
 - ii. Option – Provide secondary emergency access only.
 - iii. Option - Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.1.2 or 903.3.1.3, access from two directions shall not be required.



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- e. The fire district requires that Autoturn models be submitted for review. Autoturn models should reflect the utilization of a 36' long fire engine and a 50' long ladder truck.
 - f. Traffic calming devices will require approval by the Fire District
 - g. An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.
 - h. Dead-end fire apparatus access roads (Common driveways & streets) in excess of 150 ft shall be provided with width and turnaround provisions in accordance with Table D103.4 of IFC.
 - i. Signs – Fire lane signs as specified in IFC section D103.6 shall be posted on one side of the fire apparatus access roads more than 26 feet wide and less than 32 feet wide starting at the entrance of Bridgewater Subdivision. (See attached picture)
 - j. The applicant shall work with City of Middleton and Middleton Rural Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1
 - k. All residential, commercial, and industrial buildings within the City shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.
 - l. Address numbers shall have a minimum stroke width of one-half inch (0.5"), and of a color contrasting with the background. The required height of each address number shall be calculated by the distance of the addressed building from the road, as follows:

Less than one hundred feet (100')	6"
one hundred feet to one hundred fifty feet (100 - 150')	8"
one hundred fifty-one feet to two hundred feet (151 - 200')	10"
two hundred one feet to two hundred fifty-one feet (201 - 251')	12"
 - m. Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.
4. **Water Supply:** Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
- a. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.



MIDDLETON STAR FIRE DISTRICTS

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-
- b. Automatic Fire Sprinklers as option due to access. Will be in accordance with IFC and AHJ for review, approval and permitting.
 - c. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
 - d. Water Supply: Final Approval of the fire hydrant locations shall be by the Middleton Rural Fire District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - i. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
 - ii. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - iii. Fire hydrants shall be placed on corners when spacing permits.
 - iv. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
 - v. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
 - vi. Fire hydrants shall be provided to meet the requirements of the City of Middleton Water Standards.
 - vii. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.
 5. **Inspections:** Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued
 6. **Additional Comments:**
 - a. Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.
 - b. Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

EXHIBIT “D”

Surrounding Landowner Comments

June 4, 2022

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

To whom it may concern:

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

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

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

Thank you,

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

SITE

Crookside Ct

Bridgewater Way

Cobblestone Ct

Cornell St

anyon Dr

Dr

Public
Comment
Submitted
6/7/22
RLB

Sam Sommer


407 E. 1st St

Middleton Id, 83644

I own 260' across
the drain from your
project

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

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



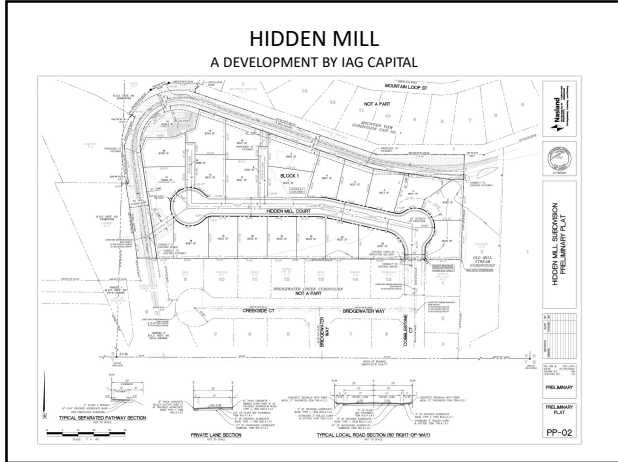
I am concerned
with the car lights
turning around in the
cold sac's

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

Thank you

Sam & Shannon
Sommer

Exhibit “2”



1



2



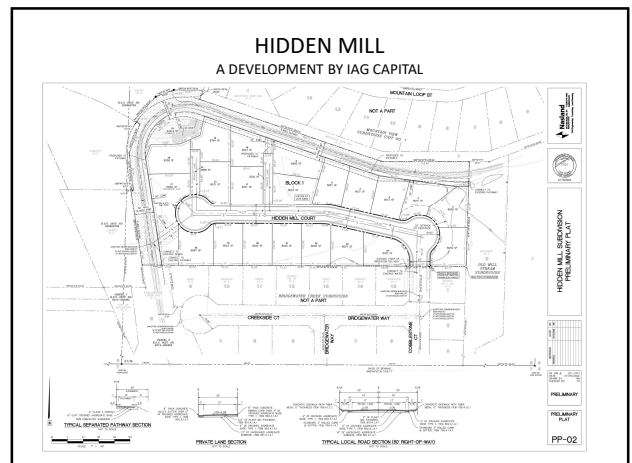
3



4



5



6

Middleton Planning & Zoning Commission

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



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

A. Findings of Fact:

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

B. Conclusions of Law:

1. That the City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 8, 2022, Exhibit "1".

C. Decision and Recommendation:

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

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

WRITTEN RECOMMENDATION APPROVED ON: September ____, 2022.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

Jennica Reynolds
Planning and Zoning Department

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



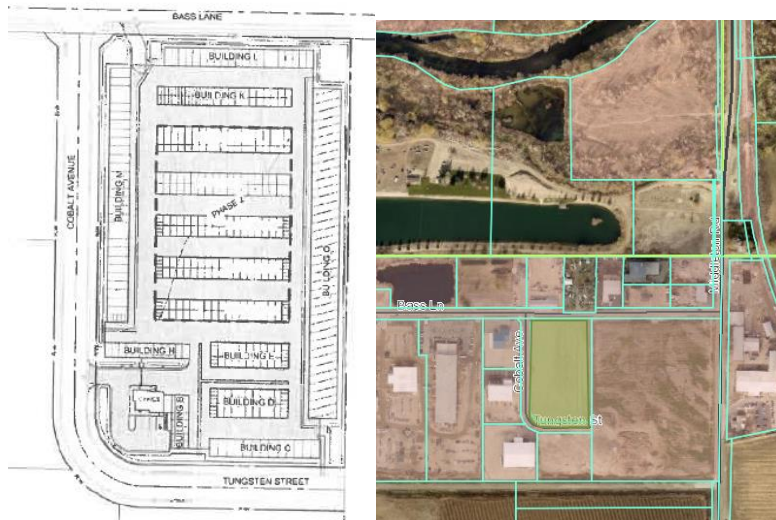
STAFF REPORT

Middleton Planning and Zoning Department

Design Review – Middleton Self Storage Phase 2

- A. Planning & Zoning Meeting Date:** September 12, 2022
- B. Applicant:** Middleton Self Storage, LLC
PO Box 1753
Eagle, Idaho 83616
- Representative:** Trevor Wright
PO Box 1753
Eagle, Idaho 83616
- C. Application:** The application was accepted by the City on August 15, 2022.
- D. Project Description:** An application by Middleton Self Storage, LLC for a Design Review Permit. The previous permit was approved September 9, 2019. Per Middleton City Code 1-15-8 "Design review approval expires twelve (12) months from the date of the decision."

The current permit application is to finish construction of 5 storage buildings (Phase 2) in the Middleton Industrial Park Subdivision that have not been completed. The property address is 21892 Cobalt Avenue, Caldwell, Idaho.



Middleton Self Storage - Phase 2



- E. **Applicable Codes and Standards:** Middleton City Code (MCC) 1-15-8
- F. **Zoning & Site Conditions:** See Staff Report from September 9, 2019 (Exhibit A)
- G. **Previous Planning and Zoning Comments:** See Staff Report from September 9, 2019 (Exhibit A)

H. Conclusions and Recommended Conditions of Approval: See Staff Report from September 9, 2019 (Exhibit A)

Staff recommends all previous conditions of approval as detailed in the Staff Report from September 9, 2019 (Exhibit A) be conditions of approval for this Design Review Permit.

Prepared by Jennica Reynolds – Deputy Clerk, Planning Dated: September 6, 2022

Exhibit “A”
Design Review
Staff Report
9/9/2019

ADMINISTRATIVE REVIEW AND REPORT

Middleton Planning and Zoning Commission

Middleton Self Storage

SUMMARY OF APPLICATION

An application by Middleton Self Storage, LLC for a Design Review Permit to construct a new storage facility and office building on the East side of Cobalt Avenue, North of Tungsten Street and South of Bass Lane. The new business entrance will be along Cobalt Avenue. The proposed project will be an 88,450 square foot complex on an approximately 4.9 acre site in the Middleton Industrial Park subdivision. The properties address is 21892 Cobalt Avenue, Caldwell, Idaho.

Applicant: Middleton Self Storage, LLC
PO Box 1753
Eagle, Idaho 83616

Representative: Trevor Wright
PO Box 1753
Eagle, Idaho 83616

1. **APPLICATION:** The application was accepted by the City on September 9, 2019.
2. **APPLICABLE CODES AND STANDARDS:** Middleton City Code (MCC) 1-15-8
3. **PLANNING AND ZONING REVIEW COMMENTS:**

A. Middleton Self Storage will be a new business located at 21892 Cobalt Avenue, Middleton, Idaho. The subject property is zoned M-1, Light Industrial, and mini-warehouse storage is an allowed use in that zone.

B. Design review is required for all nonresidential structures and residential structures containing more than three (3) residences (MCC 1-15-8-1). The purpose of design review is to maintain and enhance aesthetics and ornament of new commercial, industrial and public buildings in the city, and to protect and promote the economic base and general welfare of the community.

C. The Middleton Industrial Park is a relatively new subdivision South of the

Boise River, West of Middleton Road.

D. A traffic study is required to determine the applicant's pro-rata share of traffic impacts along Middleton Road and especially at the Middleton Road/Bass Ln. intersection.

E. Each building should contain three or more of the following design-review elements: A-frame or gable, some stucco, brick or rock, vertical or horizontal metal siding and roofing, some timber work, and a public art feature.

4. **CONCLUSION**

Application materials were received. Building colors and materials are compatible with the townscape, surrounding neighborhoods and adjoining structures. The proposed new buildings include rock, vertical metal siding and roofing and some timber (wood grain pattern) work. The office has silver and black siding, gray trim, rock and wood accent with gray panel roof. The storage units have silver vertical metal siding with gray top accents and gray roof paneling. It does not include A-frame or gable, some stucco, brick or a public art feature.

Parking requirements comply with city code. Pedestrian circulation needs to be as required to comply with Americans with Disabilities requirements. The applicant needs to have marked Americans with Disabilities parking space(s) complying with city code.

Vehicular traffic circulation still needs to be reviewed and approved.

These nonresidential buildings, if constructed as proposed, comply with Middleton's design review standards with the following conditions of approval:

- A) Fencing per City Code.
- B) The site requires an on-site screened/fenced dumpster.
- C) Utilities will be required to be extended to serve the office.
- D) Show the maximum heights for all the different building types.
- E) Exterior lighting must be shielded downlighting.
- F) Fire department associated requirements.
- G) After the applicant has constructed the office and two storage buildings (applies for a construction permit for the third storage building), the applicant will complete a traffic study and pay to the City for Middleton Road and intersection control improvement in an amount equal to the applicant's pro-rata share of traffic impacts on Middleton Rd. and to the Middleton Rd/Bass Ln. intersection.

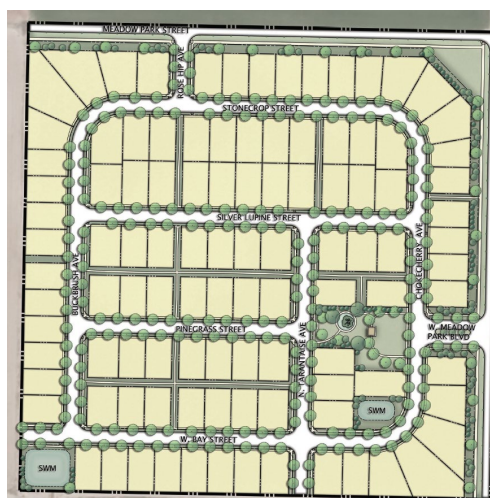
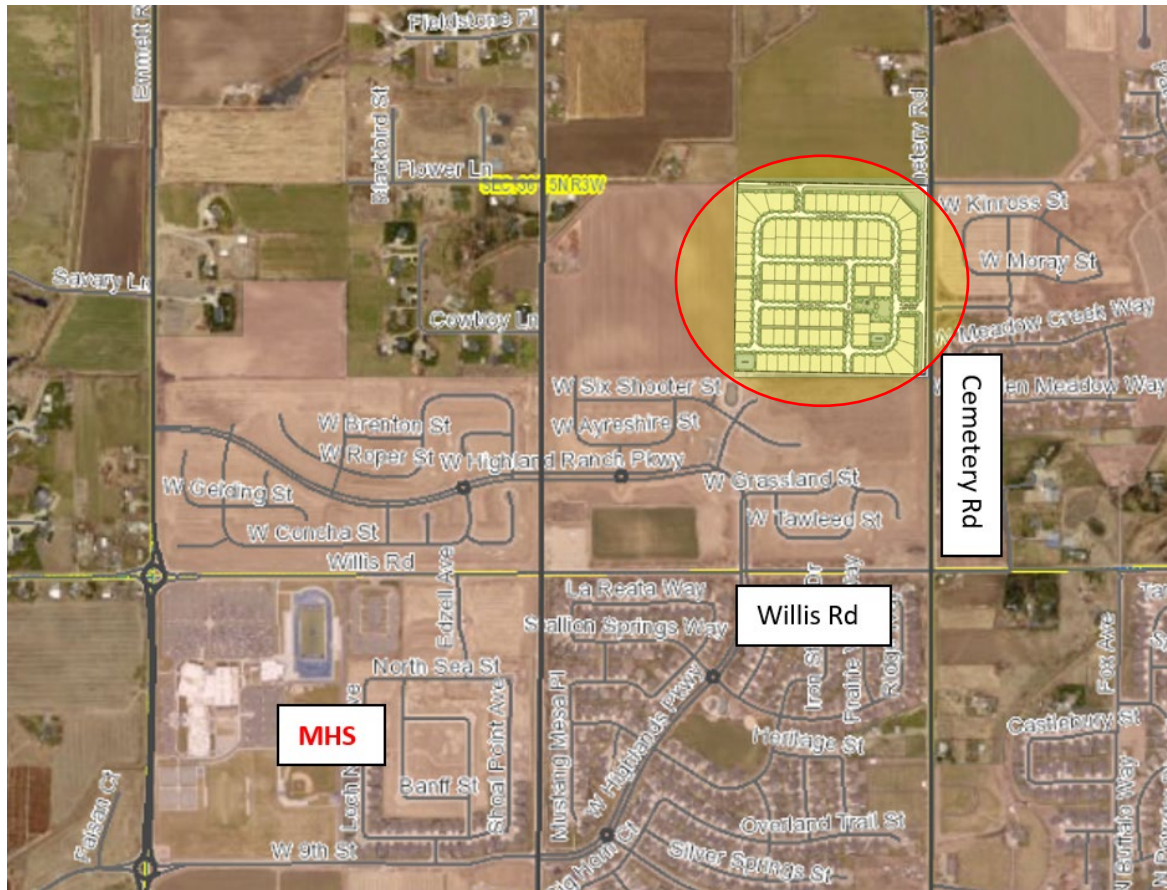
Drafted by: Bruce Bayne
Date: September 9, 2019



STAFF REVIEW AND REPORT

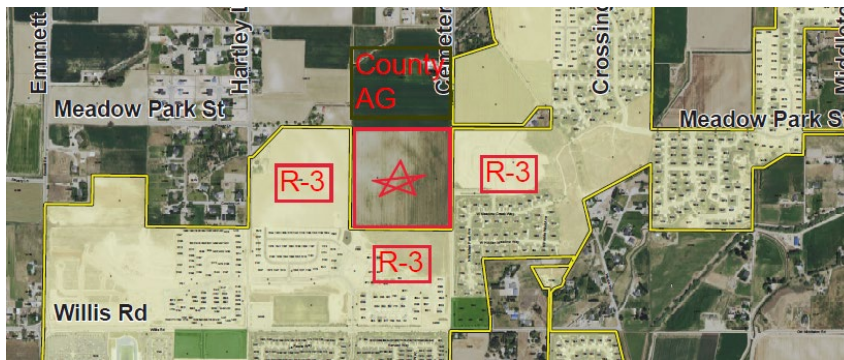
Middleton Planning and Zoning Commission

Black Powder Subdivision Snapshot Summary

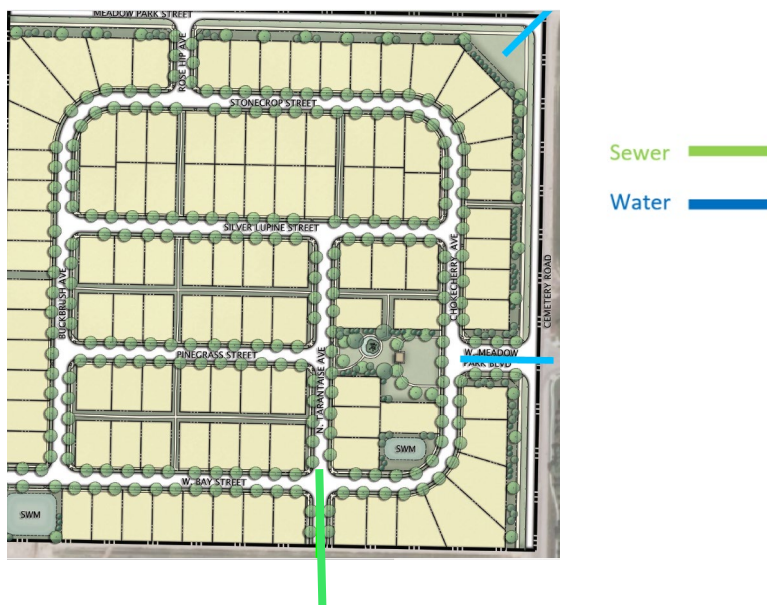


DESCRIPTION	DETAILS
Acreage	40.28 acres
Current Zoning	Canyon County "Agricultural"
Proposed Zoning	R-3 (Single Family Residential)
Current Land Use	Agriculture
Proposed Land Use	Residential
Lots	105 single family homesites and 17 common lots.
Density	2.61 (Max allowed is 3.0)
Open Space	6%
Amenities	Large Park with playstructure, shade ramada, benches and pathways.

- A. Planning & Zoning Commission Hearing Date:** September 12, 2022
- B. Project Description:** Single Family residential subdivision located at 0 Cemetery Road, Middleton (tax parcel no., R38207). Project contains 105 single family home lots and 17 common lots on 40.28 acres of vacant land. Amenities include park with play structure, lawn, benches and shade structure with picnic tables.
- C. Application Requests:** Applications include (1) annexation and rezone to R-3 (Single Family Residential), (2) Preliminary Plat, and (3) Development Agreement.
- D. Current Zoning & Property Condition:** The property is currently vacant land in Canyon County zoned "Agricultural." It is contiguous to Middleton City limits and is surrounded on three sides by City property zoned R-3. To the north is County property zoned Agricultural.

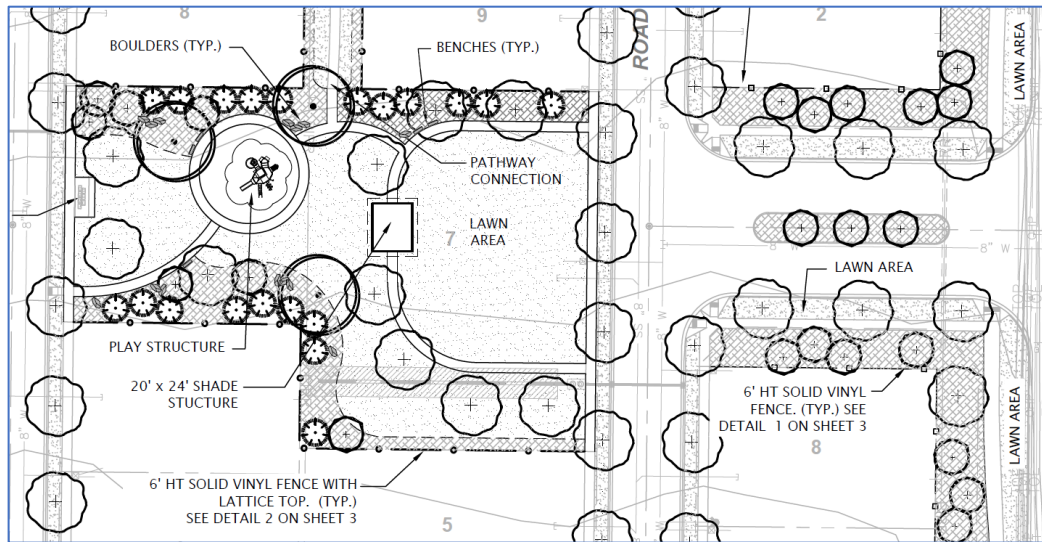


- E. City Services:** Water and sewer are immediately adjacent to the project site. Sewer will connect through the sewer line installed in W. Highlands Phase 17. Water will connect to a large water main located in Cemetery Road.

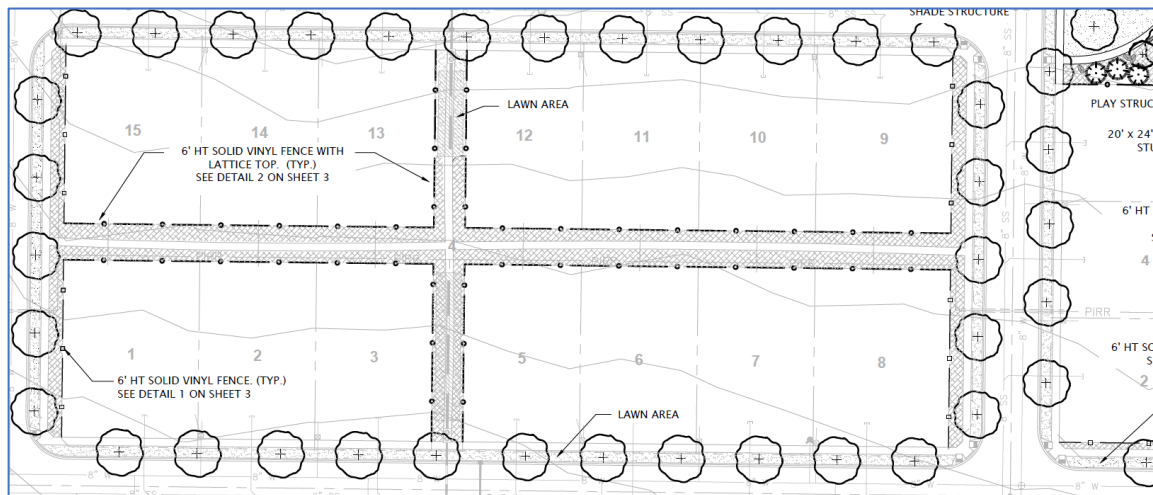


Sewer and water capacity are already included in the City's current capacity analyses. Capacity will not be formally reserved until the construction drawings are approved by City Engineer.

- F. Pathway, Open Space & Amenities:** Developer has provided open space in the form of a large landscaped common lot with play structure, benches, pathways, and shade structure with picnic tables.



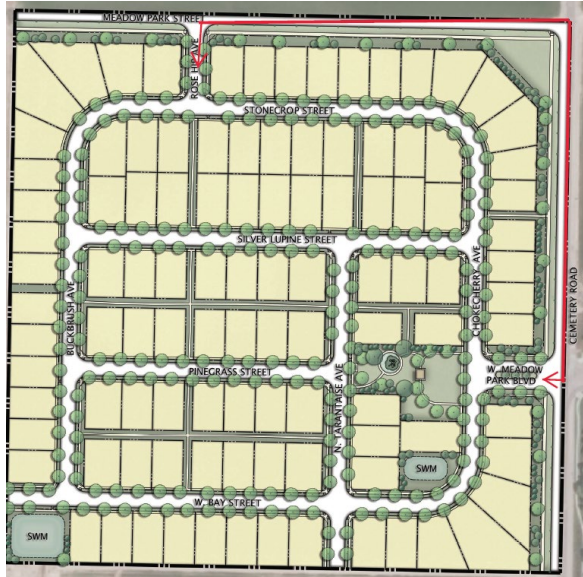
There are also wide landscaped areas with pathways that separate the rear yards of the interior homes. The common lots create a spacious landscaped buffer between homes while serving as connecting pathways.



These landscape pathways combined with the landscaped park area equal 6% open space. The City Code requires only a minimum of 5% open space.

G. Traffic, Access & Streets:

The primary access for the subdivision will be off of Cemetery Road and the future half road portion of Meadow Park Street. Stub roads to the east and south will connect into Phases 17 and 19 of the W. Highlands Subdivision.



The intersection of Cemetery Road and State Hwy 44 are of concern to City Engineer and City Staff. ITD owns and controls Hwy 44, and City does not have jurisdiction to mandate any traffic controls along Hwy 44. ITD has renewed its environmental studies and traffic analyses of Hwy 44, but they have admitted that it may take up to 7 to 10 years to determine long-term traffic solutions for Hwy 44.

In light of this protracted time-line, City Staff has requested ITD to collaborate on a smaller traffic study ("TIS") for Hwy 44 regarding interim traffic solutions that could alleviate current traffic congestion while ITD continues with its more comprehensive studies. ITD has indicated a willingness to consider interim traffic controls, prompting City Council to approve a \$93,000.00 TIS from Precision Engineering on August 17th. This TIS will cover Hwy 44 from the Emmett Road intersection to the Duff Lane Intersection. The TIS should be completed in January 2023.

Until the City can review the commissioned TIS and determine whether there are interim traffic solutions acceptable to ITD, City Staff and Engineer would advise the governing bodies to deny, or at least be very cautious in approving, any new annexation projects, including Black Powder's annexation application.

City Staff further recommends against approval based upon Developer's traffic study for Black Powder. A review of the TIS reveals that, in 2023, the Cemetery Road/Hwy 44 intersection will operate at a Level of Service "D" ("LOS" D) at peak hours due to a

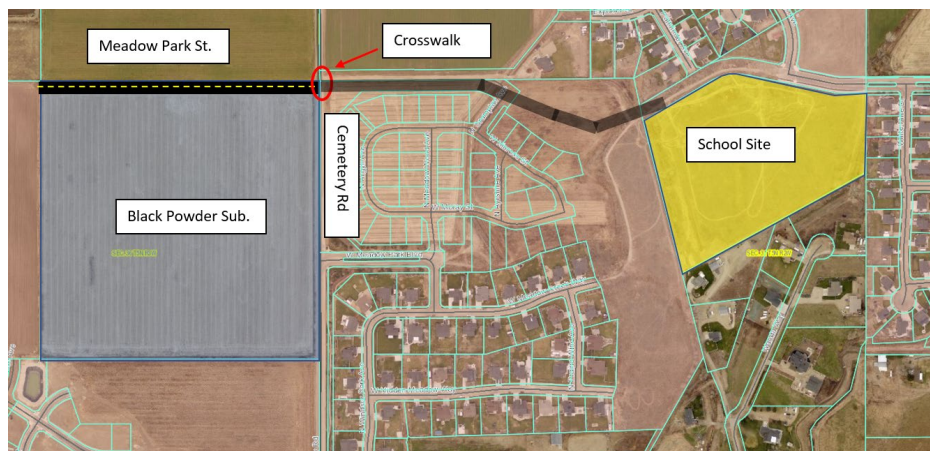
difficult left turn lane. (TIS page 8, attached hereto as Exhibit “A”.) City Code requires intersections in Middleton to operate at a LOS “C”, so this intersection will shortly be below standard. (Middleton Supplement to ISPWC, Pg. 23.) The problem may also be exacerbated by the recent opening of Jack in the Box at the corner of Cemetery Road and Hwy 44. We will not have conclusive evidence of this impact until the recently commissioned TIS is completed in January 2023.

Of import, Black Powder’s TIS states at page 8 that installing a traffic signal at the intersection of Cemetery Road & SH 44 will raise the intersection to a LOS “C” during peak hours, thereby meeting City standards.

Black Powder is a relatively small project with a minor impact on the Hwy 44 corridor. However, Middleton’s current traffic congestion is created by the accumulation of numerous “minor” impacts. The City is facing an integrated and “compounded” problem that will require an integrated and comprehensive solution. The City’s recently commissioned TIS should move the City closer to finding and implementing that comprehensive solution. Until then, however, the City Staff and Engineer recommend denial of any new annexation projects.

However, if Black Powder Subdivision is ultimately approved, Developer, at its own cost, will be required to construct the frontage improvements along Cemetery Road and the ½ road section of future Meadow Park Street. Pursuant to MCC 5-4-3, Developer will also be required to pay all pro-rata traffic fees to help improve intersections near the project site in the future. Those fees must be paid prior to final plat approval for phase 1. Finally, Developer will be required to pay a \$5,050 Transportation Impact Fee with every building permit pursuant to the Mid-Star Program.

The portion of Meadow Park Street to be constructed by Developer will lead to the future Meadow Park School Site. As a condition of approval, Developer should be required to stripe a crosswalk across Cemetery Road to ensure safe pedestrian access for kids walking to school.



- H. Schools:** The Black Powder Subdivision is in the Middleton School District #134. The City has no jurisdiction or control over the School system. Instead, the City can only support and collaborate with the School officials to try to address the over-crowding problem experienced by the schools. State law does not allow impact fees to fund new schools. In Idaho, new schools are generally built with bonds passed by the residents. In effect, the residents decide whether new schools will be built or not be built. Residents in Middleton and the surrounding County have not approved bonds for new schools for a number of years.
- I. Annexation and Rezone:** Applicants are requesting that the 40 acre project parcel be annexed into the City of Middleton with a zone change from County "Agricultural" to City R-3 (Single Family Residential).

There are three findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits (2) City services such as sewer, water, and roadway system can be extended to serve the site, and (3) the annexation is deemed to be an orderly development of the City allowing efficient and economical extension of City services. (Idaho Code 50-222.)

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

FINDINGS:

With respect to annexation, Planning Staff finds that Applicant's project meets the criteria of contiguity and requirement that city sewer and water be adjacent and readily available.

Planning Staff advises the governing bodies to carefully consider whether the proposed annexation is an "orderly development allowing the efficient and economical extension of services" and whether the City's roadway system can serve the site. The City's roadway system may be deficient to handle incoming annexation projects, although this may not be completely clear until the recently commissioned TIS is completed.

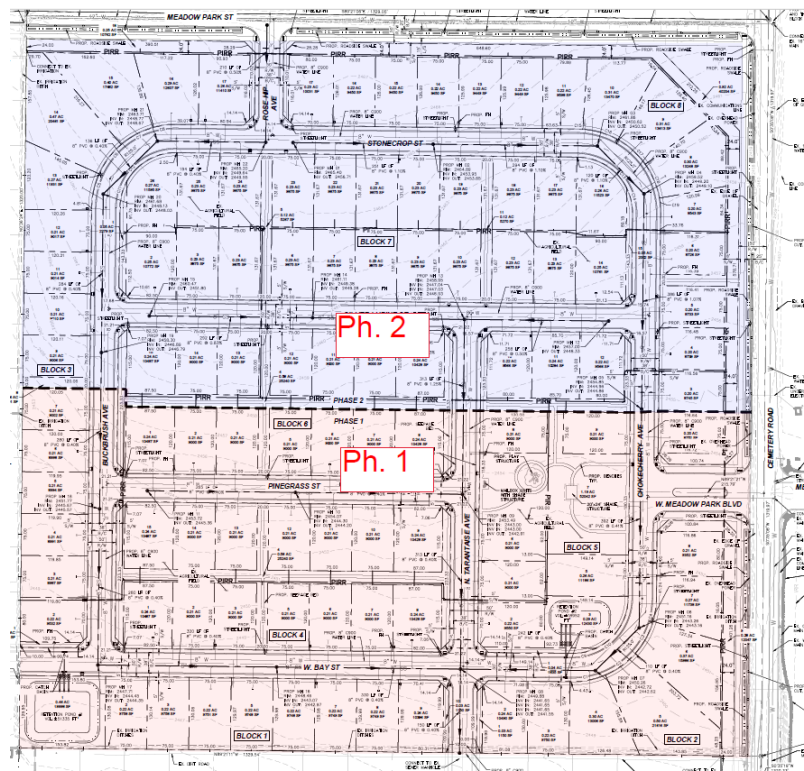
The question in front of the governing boards is further complicated by the fact that a City generally needs growth and annexed property to remain healthy and vital. Moreover, roads in Middleton are built primarily by Developers. It is the Developers who build new roads and improve old roads via frontage improvements constructed at their own cost. Developer's also pay significant amounts of money in Transportation Impact Fees and Traffic Pro-Rata fees. These monies are then applied to the improvement of intersections and roadways in and around Middleton. These

contending needs create a problem that may require a balanced and measured response.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver sewer and water as already noted above. However, the project may adversely impact the roadway system, affecting the City's ability to maintain a safe and viable roadway system. This would be in conflict with the Comprehensive Plan's Goals Nos. 1 & 3 to provide safe streets, pedestrian facilities, and adequate public services.

However, again, it should be noted that projects such as Black Powder are the main "tool" for getting streets built in Middleton. Moreover, this project upholds many other goals and strategies set forth in the City's comprehensive plan, as will be shown in more detail below.

- J. Preliminary Plat Application:** The preliminary plat shows two phases of development. It also complies with all the standards and dimensions set forth in City Code for the R-3 Zone. Applicant is not requesting any variances from Codes and Standards. Finally, the preliminary plat provides less density than permitted in City Code. Black Powder's density is 2.61 homes per gross acre, which is less than the 3 homes per gross acre allowed by code. (MCC 5-4-1, Table 2).



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

Findings:

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

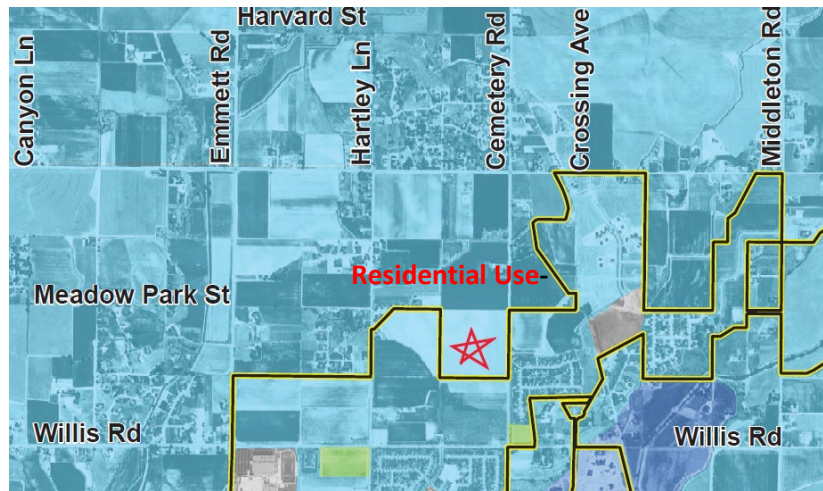
- K. Development Agreement:** Applications for annexation/rezone are generally accompanied by an application for Development Agreement (“DA”). Attached as Exhibit “C” is the proposed Development Agreement. The Developer has used the City’s DA form, and only Article III regarding conditions of development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

1. Developer will develop the community generally consistent with the concept plans attached to the DA.
2. Developer to stripe a crosswalk at the intersection of Cemetery Road and Meadow Park Street to provide safe access across Cemetery Road for pedestrians walking to the future Meadow Park School site to the east.
3. Developer to provide the following amenities: playground structure, benches, and shade structure with at least two picnic tables.
4. Developer shall improve the half road sections of Cemetery Road and Meadow Park Street at its own cost.
5. Developer to pay all code required Pro-rata Share Traffic Fees pursuant to MCC 5-4-3.
6. Developers will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to bring Phase 1 to final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat approval for Phase 2. This time period may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat.

[A full copy of the proposed Development Agreement is attached to this Staff Report as Exhibit “C”.]

Of note, Planning Staff has had discussions with Developer about the traffic issues discussed earlier in this Staff Report. Any assistance or collaboration between City and Developer can be memorialized in the DA for this project. Developer has offered to pay its Mid-Star transportation fees up front, which fees amount to \$530,000, in order to quickly fund the Mid-Star program. However, those fees are used at a myriad of intersections and roadways and may not effectively hasten any traffic solution for the intersection of Cemetery Road and SH 44.

- L. Comprehensive Plan & Land Use Map:** Applicant’s project complies with the Comprehensive Plan’s Future Land Use Map because the proposed R-3 zone correlates with the “Residential Use” shown on the Future Land Use Map.



As noted earlier, Applicant's project is in conflict with Goals #1 and 3 to provide safe roads and adequate delivery of services. However, it does comply with the following *Goals, Objectives, and Strategies* of the 2019 Middleton Comprehensive Plan as follows:

- a. *Goal 4:* The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole.
- b. *Goal 6:* Water, sewer, and adjacent road systems have been expanded in an orderly manner consistent with population growth.
- c. *Goal 10:* Project provides playgrounds, pathways and outdoor recreational activities.
- d. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located.

M. Comments Received from Surrounding Landowners: None.

N. Comments from Agencies: City received a comment from COMPASS in April 2022 and ITD in August 2022. A comment letter from Middleton School District #134 was received on 9/8/2022. (Copies of Agency comments are attached as Exhibit "D".)

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

P. Application Information: Applicants are Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn Engineering (3103 W. Sheryl Dr. #100, Meridian 83642 / 950 W. Bannock Street, #1100, Boise, 83702). Application was accepted on 1/25/2022.

Q. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	8/28/2022
Radius notice to adjacent landowners	8/23/2022
Circulation to Agencies	8/23/2022
Sign Posting property	8/23/2022
Neighborhood Meeting	1/10/2022

R. Applicable Codes and Standards:

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

S. Conclusions and Recommended Conditions of Approval:

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

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

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses. Staff also noted at great length that the governing boards should carefully consider whether approval of the Black Powder Subdivision will adversely affect the City's ability to provide a safe and efficient roadway system and delivery of services. (See sections G, H, J & K.) However, Staff further clarified that the City's health and vitality are dependent to some degree on the annexation of new property into the City. Staff also noted that Developers build valuable roads and pay into Transportation impact funds.

Middleton's current traffic situation is complicated, and it is further exacerbated by contending needs and requirements. Stopping growth may alleviate some traffic issues, but it can cause other problems. A solution may take study, time, and collaboration; therefore, City Staff recommends that no annexation projects be approved before City receives and reviews the Traffic Study for the Hwy 44 corridor.

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

Annexation/rezone, Preliminary Plat, and Development Agreement Applications:

Although City Staff has recommended against approval of this annexation project, if the Commission is inclined to recommend approval of the annexation/rezone, preliminary plat, and development agreement applications, then Planning Staff recommends that any approval be subject to the following conditions:

1. Developer to stripe a crosswalk at the intersection of Meadow Park Street and Cemetery Road to ensure a safe route for children to walk east to the future Meadow Park School site.
2. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
3. Developer to comply with all terms of the Development Agreement approved for the project.
4. Developer to install landscaping and all amenities in compliance with the Landscape Plan and preliminary plat submitted with the application.
5. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
6. Developer to construct, at its own cost, all frontage improvements on Cemetery Road and Meadow Park Street adjacent to the project parcel.
7. Owner/Developer to pay all City required pro-rata share traffic fees as required by MCC 5-4-3 prior to approval of final plat for Phase 1.
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 are to be completed and approved.
11. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

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

EXHIBIT A

Traffic Study Excerpt

EXECUTIVE SUMMARY

Kittelson & Associates, Inc. (Kittelson) has prepared a Transportation Impact Study (TIS) for the Black Powder Subdivision in Middleton, Idaho. The Black Powder Subdivision project is located to the west of Cemetery Road between Willis Road and Purple Sage Road within the City of Middleton area of influence. The proposed site is currently vacant farmland and consists of approximately 37.3 acres. The development plan proposes to build approximately 108 single-family homes. The anticipated buildout year is 2023.

The TIS resulted in the following findings and recommendations.

FINDINGS

Existing Conditions

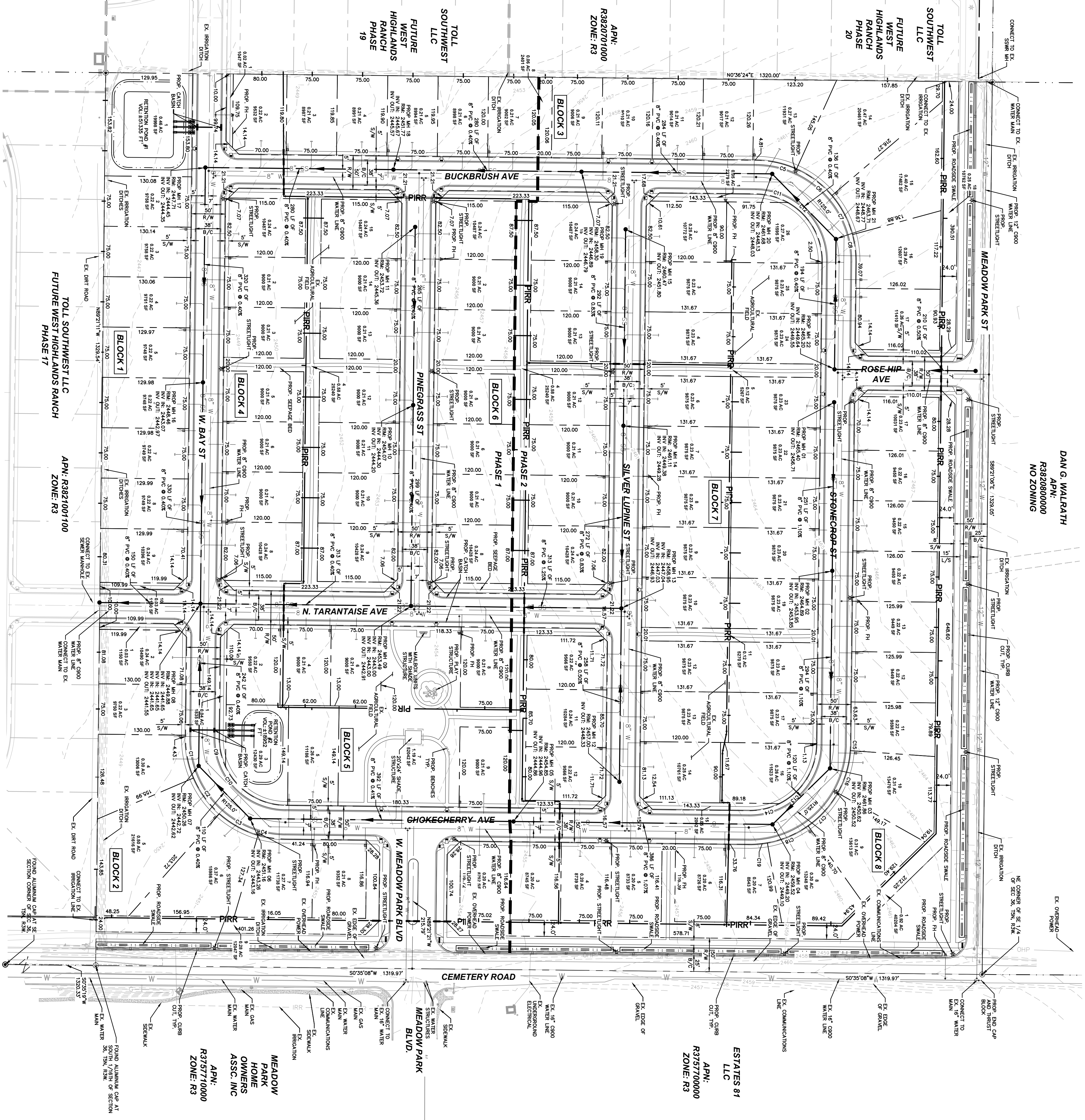
- All study intersections were found to operate at acceptable operating standards during the existing weekday AM and PM.

Year 2023 Background Traffic Conditions

- Year 2023 background traffic volumes were forecast using a 4% compounded annual growth rate on Cemetery Road and an 8% compounded annual growth rate on all other roadways.
- All study intersections were found to operate at acceptable operating standards during the 2023 background weekday AM and PM except for:
 - **SH 44 / Cemetery Road**
 - The southbound left-turn is projected to operate at LOS D during the AM and PM peak hours, but under capacity.
- Mitigations required for intersections to meet operational standards under 2023 background traffic conditions are required for:
 - **SH 44 / Cemetery Road (AM & PM peak hours)**
 - No mitigation is recommended since all movements are under capacity and meet ITD operational standards. However, the LOS can be mitigated to within the City of Middleton standards of LOS C through signaling the intersection.

EXHIBIT B

Proposed Preliminary Plat



BLACK POWDER PRELIMINARY PLAT

A PORTION OF THE SE $\frac{1}{4}$ OF SECTION 36,
TOWNSHIP 5 NORTH, RANGE 3 WEST
CANYON COUNTY, IDAHO

OWNER/DEVELOPER

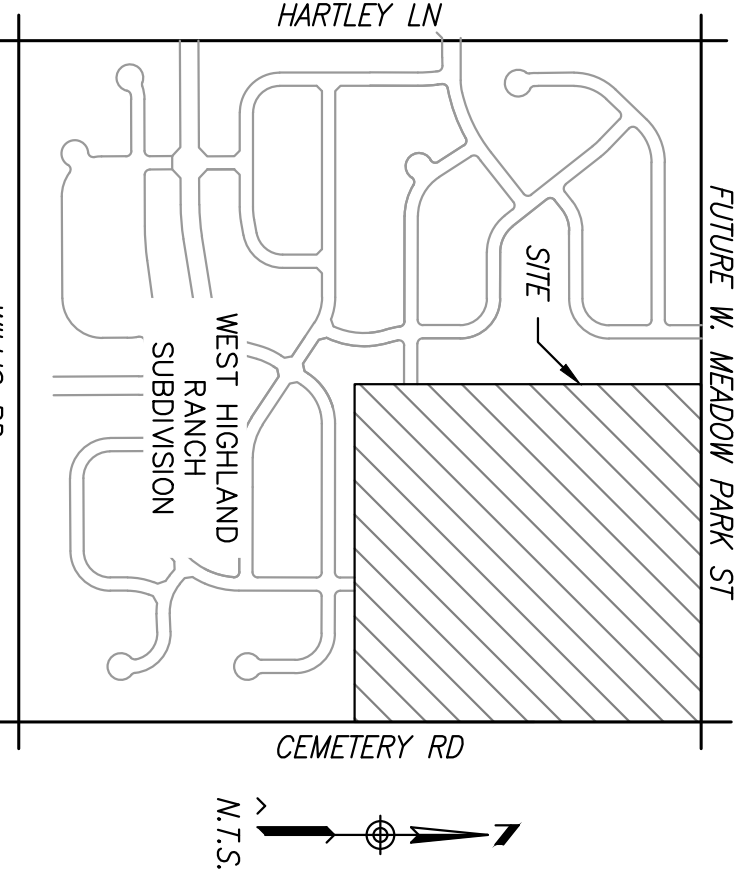
CIVIL ENGINEER/
LAND PLANNER

LAND SURVEYOR

3103 W. SHERYL DR., SUITE 100
MERIDIAN, ID. 83642
TELEPHONE: (208) 424-0020
CONTACT: ADAM CAPELL

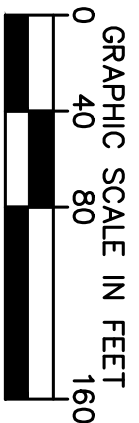
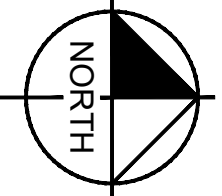
KIMLEY-HORN AND ASSOCIATES, INC.
950 BANNOCK STREET
SUITE 1100
BOISE, IDAHO 83702
PHONE: (208) 297-2885
CONTACT: BRANDON MCDUGALD, PE

MERIDIAN, ID 83642
 PHONE: (208) 288-2040
 CONTACT: CLINT HANSEN, PLS



PRELIMINARY PLAT DATA

MINIARY F

VICINITY MAP
T5N. R3W. SEC. 36

SHEET INDEX	
Sheet Number	Sheet Title
01	PRELIMINARY PLAT
02	PRELIMINARY PLAT DETAILS

PRELIMINARY PLAT NOTES

1. BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MIDDLETON.
2. DEVELOPMENT IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF MIDDLETON IN EFFECT AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
3. ALL LOTS COMING OFF EXISTING STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES AND PRIVATE UTILITIES. PUBLIC UTILITIES MAY ONLY BE IN FRONT LOT EASEMENT, UNLESS OTHERWISE SHOWN AND DIMENSIONED. ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC/PRIVATE UTILITIES, DRAINAGE, AND IRRIGATION OVER THE 5'-FEET ADJACENT TO ANY INTERIOR LOT LINE AND OVER 10'-FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
4. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
5. SEWER, SANITARY WATER SYSTEMS SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIDDLETON'S SUPPLEMENT TO THE ISPMSC STANDARD SPECIFICATIONS PER OGDEN'S REQUIREMENTS.
6. STORMWATER INFRASTRUCTURE WILL BE CONSTRUCTED PER CITY OF MIDDLETON POLICY AND ALL STORMWATER IS MANAGED USING RETENTION FACILITIES WITH PRE-TREATMENT.
7. PROJECT DATUM = NAVD 88.
8. THE SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM CE 18.1 OWNED AND MAINTAINED BY BLACK CANYON IRRIGATION DISTRICT THROUGH EXISTING WEST HIGHLANDS RANCH SUBDIVISION WHICH IS OWNED AND OPERATED BY TOLL BROTHERS INC. OR BY THE APPLICABLE HOME OWNERS ASSOCIATION FOR WEST HIGHLANDS RANCH. THE SYSTEM SHALL BE PROVIDED PER IDMO CODE, SECTION 3-3805 AND THE OWNER SHALL COMPLY WITH THE IDMO CODE 3-3805(B) AND ALL PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS. PIPING SHALL BE PLACED ALONG REAR LOT LINES (TYPICAL) AND IRRIGATION SERVICES PROVIDED TO EACH LOT. THE PRESSURE MAIN SHALL BE REQUIRED AS AN ADDITIONAL CONDITION OF CONSTRUCTION. PLAY SUBMITTALS SHALL SHOW THE LOCATION OF ALL CALCULATIONS WILL BE REQUIRED AS AN ADDITIONAL CONDITION OF CONSTRUCTION. PLAY SUBMITTALS SHALL SHOW THE LOCATION OF ALL LANDSCAPED COMMON LOTS ARE LOCATED THROUGHOUT THE PROJECT. THESE COMMON LOTS ARE IDENTIFIED AS LOT 1, LOT 10, BLOCK LOT 1, 9, BLOCK 2, LOTS 1, 8, 18, BLOCK 3, LOT 4, BLOCK 4, LOTS 1, 3, 7, BLOCK 5, LOT 4, BLOCK 6, LOTS 1, 5, 11, 15, BLOCK 7, AND LOT 1, BLOCK 8. THESE LOTS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
9. ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
10. THIS PROPERTY IS IN ZONE X-2 OF THE FLOOD INSURANCE RATE MAP NO. 1602702235F, COMMUNITY PANEL NO. 0235 WHICH BEARS AN OVERLAPPING FLOOD HAZARD ZONE 200 SPECIAL STUDY FLOOD HAZARD ZONE 200 SPECIFICATION.
11. DEVELOPER TO STRIKE CROSSWALK AT THE INTERSECTION OF GLENNVIEW ROAD AND MEADOW PARK ST., TO PROVIDE SAFE ACCESS ACROSS CEMETERY ROAD TO THE FUTURE MEADOW PARK SCHOOL, TO THE EAST.
12. DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
13. SANITARY SEWER COLLECTION THROUGH THE PROJECT SHALL BE PIDED WHERE THEY CROSS ROADSWAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY. ALL IRRIGATION AND DRAINAGE FACILITIES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY.
14. IRRIGATION DITCHES THROUGH THE PROJECT SHALL BE PIDED WHERE THEY CROSS ROADSWAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY. ALL IRRIGATION AND DRAINAGE FACILITIES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY.
15. SEWER AND WATER CAPACITY SHALL BE REVIEWED WHEN CITY APPROVES CONSTRUCTION DRAWINGS.
16. THIS SUBDIVISION IS SUBJECT TO THE PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED IN THE RECORDS OF CANYON COUNTY AS INSTRUMENT # _____

SCALE (H): 1"=50'
SCALE (V): NONE

DESIGNED BY: BG
DRAWN BY: SH
CHECKED BY: MO

DATE: 8/17/2022

Kimley»»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
950 Bannock Street, Suite 1100
Boise, Idaho 83702 (208) 297-2885

NO.	REVISION	BY	DATE APPR.

BLACK POWDER
PRELIMINARY PLAT
MIDDLETON, IDAHO

BLACK POWDER

MIDDLETON, IDAHO

PRELIMINARY
FOR REVIEW ONLY
NOT FOR CONSTRUCTION

Kimley»»Horn

ENGINEER B. MCDOUGALD
PE NO. 16551 DATE 07/22

PROJECT NO.

DRAWING NAME

01 of 02

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 5	1,835	0.04
2	BLOCK 5	9,550	0.22
3	BLOCK 5	12,430	0.29
4	BLOCK 5	9,000	0.21
5	BLOCK 5	11,186	0.26
6	BLOCK 5	9,000	0.21
7	BLOCK 5	52,042	1.19
8	BLOCK 5	9,000	0.21
9	BLOCK 5	9,000	0.21
10	BLOCK 5	9,566	0.22

50.0' R/W



EXHIBIT C

Proposed Development Agreement

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

Proposed Development Agreement

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and _____, a _____, referred to hereafter as Developer (**Developer**).

RECITALS

WHEREAS, Developer owns approximately forty (40) acres of real property located at 0 Cemetery Road (Tax Parcel No. R382070), Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

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

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

AGREEMENT

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

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

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

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Frontage Improvements. Developer shall, at its own cost, improve the fifty foot (50') half-road right of way of Cemetery Road and Meadow Park Street per City standards and codes and dedicate the same to City.

3.2 Cross-Walk. Developer to stripe crosswalk at intersection of Cemetery Road and Meadow Park Street to provide safe access across Cemetery Road to the future Meadow Park School to the east.

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

3.4 Proportionate Share Fees: Developer shall pay City required traffic pro-rata share fees for all traffic impacts and intersection controls affected by the subdivision prior to final plat approval for Phase 1 (MCC 5-4-3). Payment of the proportionate share fees will be a condition of approval for Phase 1 final plat. (Minus amount to be paid toward intersection improvement to prevent duplication.)

3.5 Final Plat Requirements Notwithstanding the provisions in Article IV, Developer shall obtain City Engineer's signature on the Phase 1 final plat within two (2) years of the preliminary plat approval. Said signature shall be processed expeditiously by City and in no event later than six (6) months from the time the Developer submits a "Completion Packet" with all items required by the Supplement to the ISPWC and final plat application. The six (6) month period will not be triggered if any information required by the Supplement is missing.

3.5.1 Developer may obtain a one (1) year extension to obtain the City Engineer's signature on Phase 1 final plat by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the initial two-year period, which approval shall not be withheld if Developer submits its request in a timely manner. Thereafter, City Council may approve an additional time extension of one (1) year if developer submits a written request for extension prior to the expiration of the previous extension period. Neither approval shall require a public hearing before City Council.

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

3.5.3 After final plat approval for the first phase, Developer shall obtain City Engineer's signature on the final plat for each phase in two (2) year intervals (subject to the requirement by the City to process such applications expeditiously and in no event later than six months from the time Developer submits a fully completed "Completion Packet" application and final plat application). Developer may obtain two (2) additional one-year extensions using the procedure as outlined above in paragraph 3.4.1. If Developer fails to comply with said timelines, the portions of the preliminary plat yet to be final platted will become null and void. The zoning for the unplatted area shall remain R-3 (single family residential) zoning.

3.6 **Amenities:** Developer shall provide the following amenities for the Project: Playground structures, benches, and shade structure with at least two (2) picnic tables.

3.7 **Hwy 44 Intersection:** -----

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

4.1.1 If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this Agreement shall be amended and the Developer shall comply with the amended terms.

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

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

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

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

ARTICLE V GENERAL PROVISIONS

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

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

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

delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

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

Developer: _____

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

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

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

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

5.6.2 The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other

obligations arising under this Agreement with respect only to such owner's lot or parcel.

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

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

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

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

Dated this ____ day of _____, 2022 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2022, personally appeared before me Steven J. Rule, who declared that he is the Mayor of the City of Middleton, Idaho and signed this Development Agreement as Mayor of the City of Middleton.

Notary Public

My Commission Expires: _____

State of Idaho)
 ss.
County of _____)

DEVELOPER

By: _____
Its: _____

I, a notary public, do hereby certify that on this ____ day of _____, 2022, personally appeared before me _____ who declared that he/she signed this Development Agreement in the capacity of _____ for HHIF V LLC.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

Legal Description of Property

EXHIBIT “B”

Concept Plan

EXHIBIT D

Agency Comments

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



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:

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Notice - Black Powder PZ
Date: Wednesday, August 24, 2022 8:47:56 AM
Attachments: [image001.png](#)
[image004.png](#)
[image002.png](#)

Thanks so much,

Jennica Reynolds

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



From: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Sent: Tuesday, August 23, 2022 8:48 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Subject: RE: Notice - Black Powder PZ

ITD does not anticipate any significant traffic impacts to the State Highway system from this development and has no objections to the proposal development.

Vincent Trimboli
District 3, Planning and Development Services Manager
Office: 208.334.8817
Cell: 208.949.3712



From: Jennica Reynolds <jreynolds@middletoncity.com>
Sent: Tuesday, August 23, 2022 11:24 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung (deann.gerthung@canyoncounty.id.gov) <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Julie Collette <gmpredjulia@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; carl@blackcanyonirrigation.com; Don Popoff- BCID <dpopoff@rh2.com>; Chris Hopper <chopper@canyonhd4.org>; Lenny Riccio <lrccio@canyonhd4.org>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Notice - Black Powder PZ

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

Please see the attached notice for Public Hearing.

Thanks so much,
Jennica Reynolds

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





Marc Gee
Superintendent

Lisa Pennington
Assistant Superintendent

Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for All New Development

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

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

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

***Please note a change in this rate from previous correspondence*

Black Powder Subdivision

Students living in the subdivision as planned would be in the attendance zones for Middleton Heights Elementary school, our most overcrowded school (though borders may change in order to equalize student loads at all elementary schools) . With 105 total lots, we would anticipate, upon completion, an increase of 53-74 students between Heights Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to approximately 2-3 classrooms of students (ave. 25 students).** Every classroom at Heights Elementary right now has an initial cost of \$125,000 just for the portable unit that would be required to house the students. That does not include the costs of other materials required (ie desks, chairs, curricular materials, etc).

In addition to the increase in student population, based on the location, bussing would be provided for middle school students, though that may change based on the design of the plat and its connection to a safe walking route to the other schools. Having not seen the design of the subdivision we would recommend the developers meet with the school district officials and transportation officials to ensure adequate access for bussing to the area.

5 South Viking Avenue
Middleton, ID 83644
(208) 585-3027
msd134.org

EXHIBIT E

City Engineer & Planner Comments



June 29, 2022

TO: Roberta Stewart, Planning and Zoning Official

Cc: Brandon McDougald

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

RE: Black Powder Subdivision

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

1. Update topography and include the existing utilities in Cemetery Road.
2. Boundary needs stamped by PLS.
3. MCC 5-4-4.2.f. Add benchmark information.
4. MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels.
5. MCC 5-4-4.2.k. Please add the lot count table, per phase, to 01.
6. MCC 5-4-10-2.J Correct street names.
7. Reduce the plat to no more than two (2) sheets.
 - a. The engineering and topography need transferred to preliminary plat. Do not submit separately.
 - b. A 70 scale is not approvable. 80 isn't desired but can work if no other options.
8. Note 2 - Identify easements required by code. Public utilities only in front lot easement.
9. Note 6. All stormwater is managed using retention facilities with pretreatment. Subsurface is not approvable. Submit preliminary stormwater management report per code.
 - a. Use $C = 0.60$ for front half of lots. $C = 0.95$ for rights of way.
 - b. Size facilities for 100yr/1 hour event.
10. Note 8. Include IC 313805(b). Identify irrigation district and whether lots will be subject to assessment.
11. Note 13. Delete.
12. Add note: Power and utilities to be relocated out of right of way.
13. Add note: All irrigation to be relocated out of rights of way.
14. MCC 5-4-4.3.a.b.c. Please plan to connect to the existing water main at the intersection of Cemetery and Meadow Park and extend a new 12" main in Meadow Park to the west boundary.



15. Extend sewer north in Road D using minimum grade from the connecting manhole in W Highlands 17. Sewer in Meadow Park is not required at this time. We are continuing to analyze sewer in the area.
16. What is happening with irrigation? Identify point of diversion and pump station location. If connecting to W Highlands, add note clarifying and add "updated pump station capacity calculations will be required as a condition of construction plan submittal".
17. Show streetlight location including Cemetery and Meadow Park.
18. Label centerline radii.
19. The single ADA ramps are not approvable at primary intersections.
20. The City of Middleton Supplemental Specification has guidance for required rights of way dedication at section line/quarter section line road intersections. Please review the proposed right of way dedication for Meadow Park and Cemetery intersection and revise.
21. Typical street sections:
 - a. Revisit Meadow Park dimensioning.
 - b. Please add structural section components per Middleton Supplemental. The City does not use alternative structural sections.
22. Show traffic buffer on Meadow Park typical section.
23. Show traffic buffer, per code, on Cemetery typical section.
24. Identify stormwater management for both Meadow Park and Cemetery.
25. Dimension rights of way sheet 01.
26. Add pedestrian connection to W Highlands Subdivision near the common lot at southwest corner of the project in the form of a pathway along the west lot line of Lot 1. Even if code required width cannot be met, a 5ft pedestrian connection can suffice.



CITY OF MIDDLETON

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

Black Powder Subdivision – Planner Comments (Review of Preliminary Plat dated 1/24/2022)

June 1, 2022

1. We need 2 sets of updated labels. On January 19, 2022, the City Council approved Ordinance 659, which expanded the area for “landowner notice”. Prior to 1/19/2022 it was 300’ from perimeter boundary. As of 1/19/2022, it is 500’ from perimeter boundary. Your application submittal date of 1/25/2022 is after the effective 1/19/2022 date.
2. Confirm that Road “H” will tie into revised W. Highlands #19 (W. Bay Street”). Does not match the W. Highland’s pre-plat.
3. Add proper names to the streets and reserve them with Tony Almeida at Canyon County. Looks like Road H should be W. Bay Street to tie into W. Highlands #19. Road “I” should be N. Tarantaise Ave., to tie into W. Highlands Phase 17. Road “A” should be W. Meadow Park Blvd., to match the existing street across Cemetery Road. Create names for all the other alphabet streets.
4. Change W. Meadow Park Street on the northern boundary to just “Meadow Park Street”, not “W. Meadow Park Street”.
5. Reserve Subdivision name with Tony Almeida at Canyon County.
6. Add to Lot 7, Block 5 descriptive notes and/or icons showing the play structure, lawn area, and shade structure. Show benches too, please. Just transfer over what you show on landscape plan.
7. Remove your “Typical residential street section” and add in the Middleton local residential street section found in Appendix B to Middleton’s Supplement to ISPMC.
8. Remove your Meadow Park Street Section and ask City Engineer Amy Woodruff which section from the Middleton Supplement to ISPMC Appendix B should be inserted in its place. I suspect it will be the 3-lane urban roadway, but she may inform you that it is the 5 lane urban roadway.
9. Remove Page 2 Lot Area tables and add the square footage to each individual lot on page 1.
10. You can probably contain your existing conditions page 4 with the engineering pages 5 and 6 to condense the pre-plat a little more. Amy Woodruff may require even more condensing.
11. Add dimension to traffic buffer lots L9/B2, L1/B8 and L18/B3. Per 5-4-10-2, the common lot/traffic buffer must be 24’ wide. It does not look like these common lots are more than 21’ wide.
12. Add number of lots by phase to “Preliminary Plat Data” on page 1.
13. Show mailbox clusters on pre-plat. Currently only shown on landscape plan.
14. Blend Note 9 about common lots with Note 12. Identify all common lots by lot and block, then note that they are actually “common lots”, then state that they are owned by HOA. If some of the lots you identify in Note 12 are not common lots (like a ditch lot...etc) then identify the nature of the lot. Also, on Note 12, correct mis-numbered common lot, Lot 17/Block 3. It should be Lot 18, Block 3, not Lot 17, Block 3.
15. Add note: *“Developer to stripe crosswalk at intersection of Cemetery Road and Meadow Park St., to provide safe access across Cemetery Road to the future Meadow Park School to the east.”*

16. Change Note 1 to state: *"Building setbacks and dimensional standards in this subdivision shall be in compliance with the City of Middleton standards at time of building permit issuance."*
17. Remove Note 13 right to farm. Does not apply in City limits.
18. Add note: *"Domestic and fire protection water shall be provided by the City of Middleton."*
19. Add Note: *"Sanitary sewer collection shall be provided by the City of Middleton"*
20. Add note: *"Irrigation ditches through the project shall be piped where they cross roadways with all structures located beyond any public right-of-way. All irrigation and drainage facilities shall be located outside of the right-of-way."*
21. Add note: *"Sewer and water capacity shall be reserved when City approves Construction Drawings."*
22. Delete Note 2 about Middleton generic easements and state instead the easement language directly below in items 23 and 24.
23. Add note: *"All lots have a permanent easement for public/private utilities and pedestrian walkways over the 10 feet adjacent to any public right-of-way. The easement shall not preclude the construction of hard-surfaced driveways and walkways to the lot."*
24. Add note: *"Unless otherwise shown and dimensioned, all lots are hereby designated as having a permanent easement for public/private utilities, drainage, and irrigation over the 5-foot adjacent to any interior lot line and over 10-feet adjacent to any rear lot line or subdivision boundary."*
25. Add note: *"This subdivision is subject to the provisions of Development Agreement recorded in the records of Canyon County as Instrument #_____."*
26. Update Traffic Study with pro-rata/proportionate share calculations as indicated in my additional email dated 6/1/2022.

Roberta L. Stewart

Middleton Planning & Zoning Director



CITY OF MIDDLETON

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

Black Powder Subdivision – Planner Comments (Review of Revised Preliminary Plat received 8/22/2022)

August 30, 2022

1. The roadway section for Meadow Park Street should match the road section shown on page 2 for Cemetery Road. Both, per code, must include the 24' wide traffic buffer with 3' berm and 6' fence. Please swap out the erroneous section shown for Meadow Park.
2. Reserve all street names and subdivision names with Tony Almeida at Canyon County.
3. Change Note 1 to state: *"Building setbacks and dimensional standards in this subdivision shall be in compliance with the City of Middleton standards at time of building permit issuance."* (You are missing the last 6 words: "at time of building permit issuance")
4. Add note: *"The Homeowners' Association (HOA) owns and manages the common areas, which include stormwater facilities. A plan for operation, maintenance, and repair of stormwater facilities (O&M Plan) has been prepared for all stormwater facilities maintained by the HOA. The O&M Plan shall be recorded with the CC&Rs. The O&M Plan shall be used for maintenance and operation of the stormwater facilities."*

Roberta L. Stewart

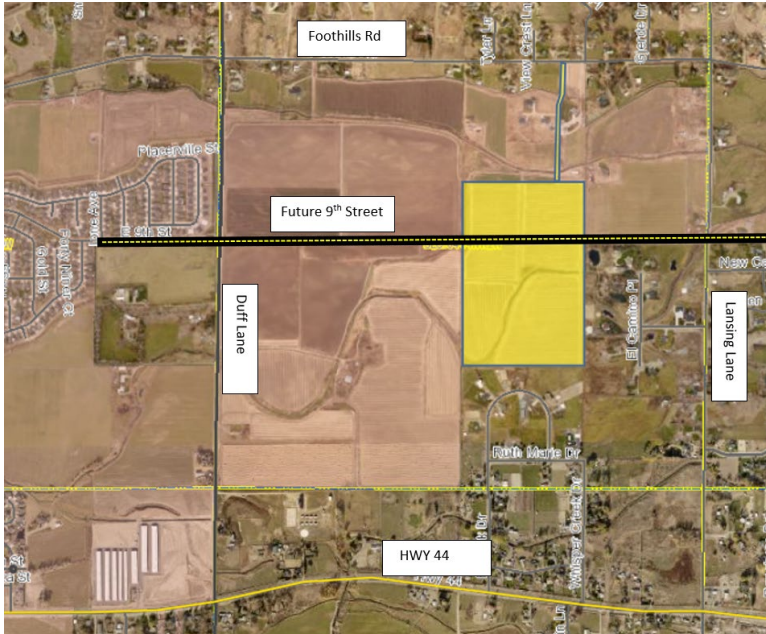
Middleton Planning & Zoning Director



STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Waterford East Subdivision

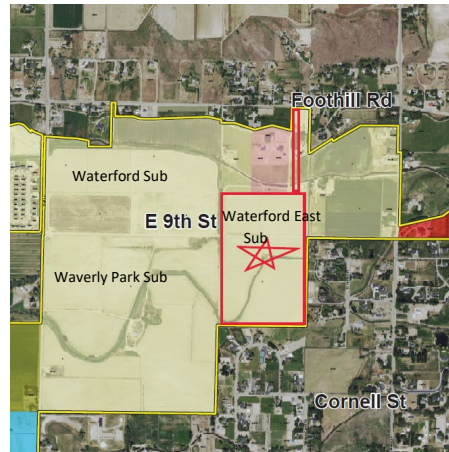
Snapshot Summary



- A. Planning & Zoning Commission Hearing Date:** September 12, 2022
- B. Project Description:** Residential subdivision located south of Foothills Road west of Lansing Lane (Tax Parcel Nos. R338540 & R33854011). Proposed subdivision includes 164 single family home lots, 14 common lots, and 6 private lane lots. Amenities include landscaped park area with play structure and paved pathway that spans along the Mill Slough.
- C. Applications:** Applications by Patrick Connor/Hubble Homes for (1) preliminary plat and (2) Development Agreement modification/termination.
- D. Current Zoning & Property Condition:** The property was annexed into City Limits prior to 2006. It was rezoned R-3 (Single Family Residential) in 2006, and a Development Agreement was executed for a large subdivision named "Paradise Valley." The Paradise Valley Subdivision was never developed, and the property has since been split into separate parcels and projects, including Waverly Park Subdivision and Waterford Subdivision, which were approved by the City of Middleton in 2021.

The project parcel is surrounded on the west and north side by City R-3 and R-2 zones. County parcels zoned “Agricultural” lie to the south and east of the project.

The project contains a “string” or “panhandle” component. It is used for access by the large residential parcels to the north, so Developer will not be changing that portion of the project parcel.



- E. City Services:** City water and sewer are accessible to the project. They are already located in the right of way for “future” 9th Street.

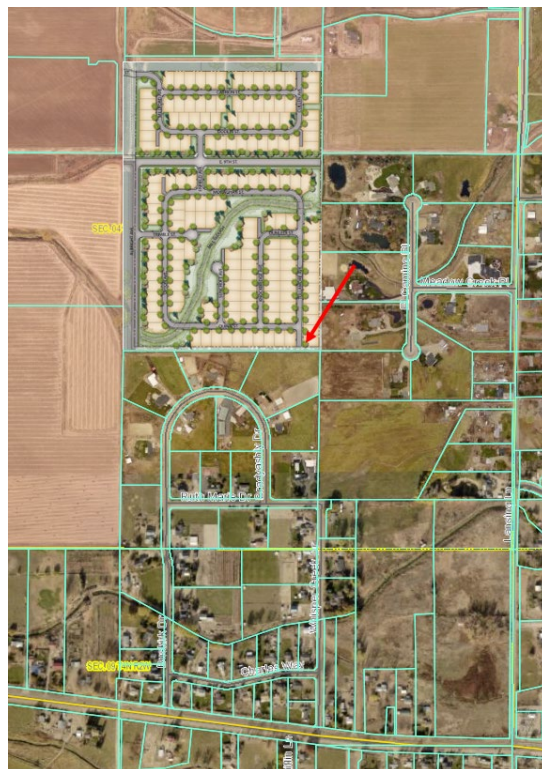


Sewer and water capacity are contemplated in the City’s current capacity study. However, sewer and water capacity will not be reserved until the Applicant’s construction drawings are approved.

- F. Traffic, Access & Streets:** Access to the subdivision is primarily through Duff Lane and the 9th Street collector. There will also be access through a local road in the adjacent Waterford Subdivision.



City Engineer is also requiring that Tullamore Avenue be stubbed to the south to help with connectivity of future development to the south and east.



As part of its frontage responsibilities, Developer will construct, at its own cost, the 100' wide section of 9th Street that transects the property in addition to the half-road portion of Albright Avenue to the west.

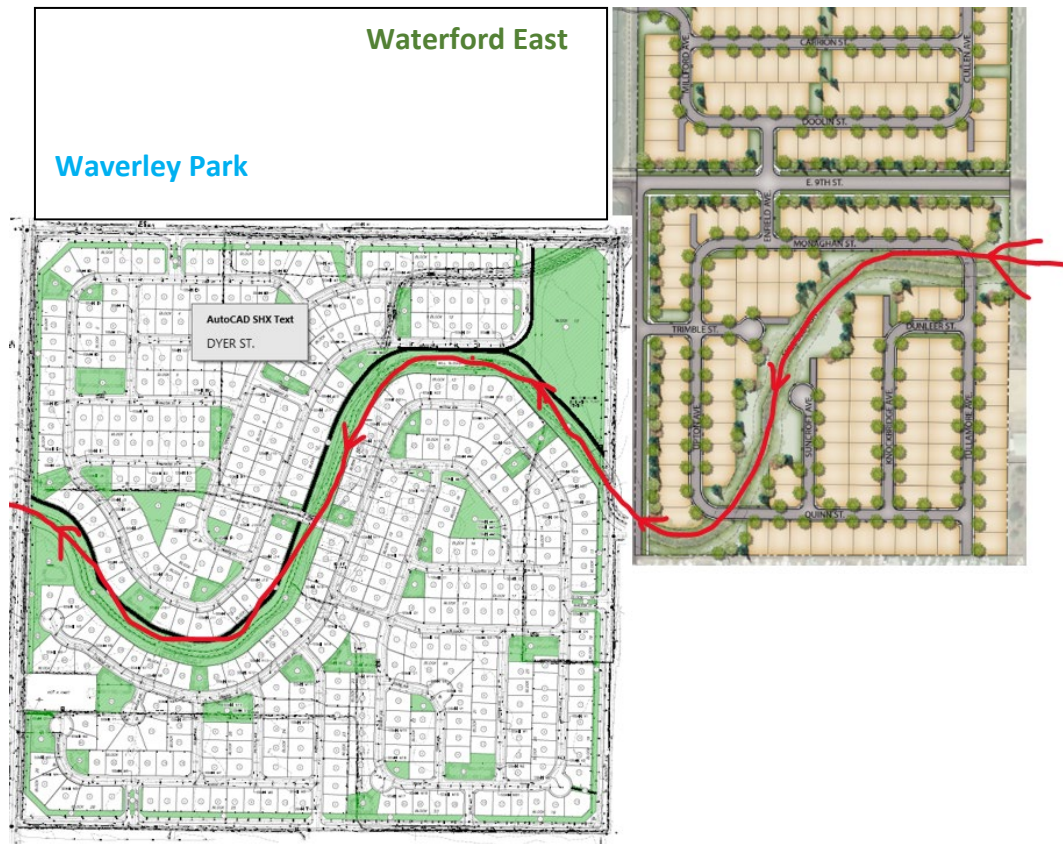


Middleton requires Development “to pay for itself” so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$828,200.00 in Mid-Star Transportation Impact Fees by the time all 164 residential building permits are issued (\$164 x \$5050).

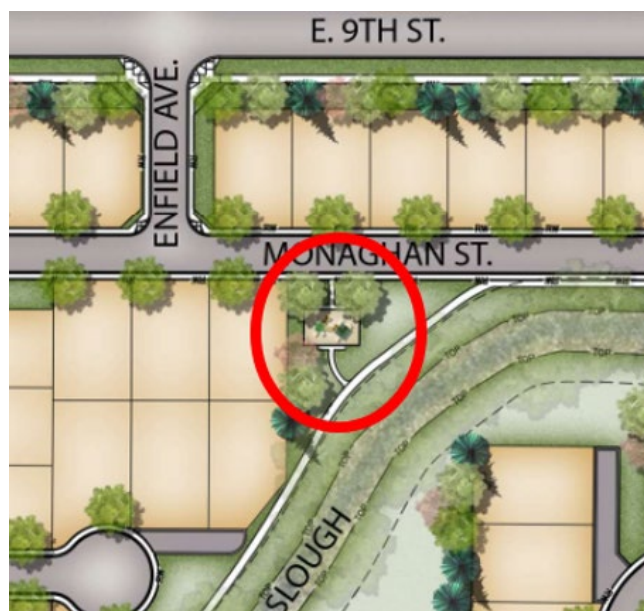
Applicant has also completed a Traffic Study, and pursuant to the impact percentages set forth in the study, Applicant will pay \$288,828.00 in additional “pro-rata traffic fees” pursuant to MCC 5-4-3. These fees cover the development’s direct impact on intersections near the project that are not already included in the Mid-Star program. Payment of this fee should be a condition of final plat approval for Phase 1.

In total, Developer/Builder will pay a total of \$1,117,028 toward traffic improvements in and around the City of Middleton.

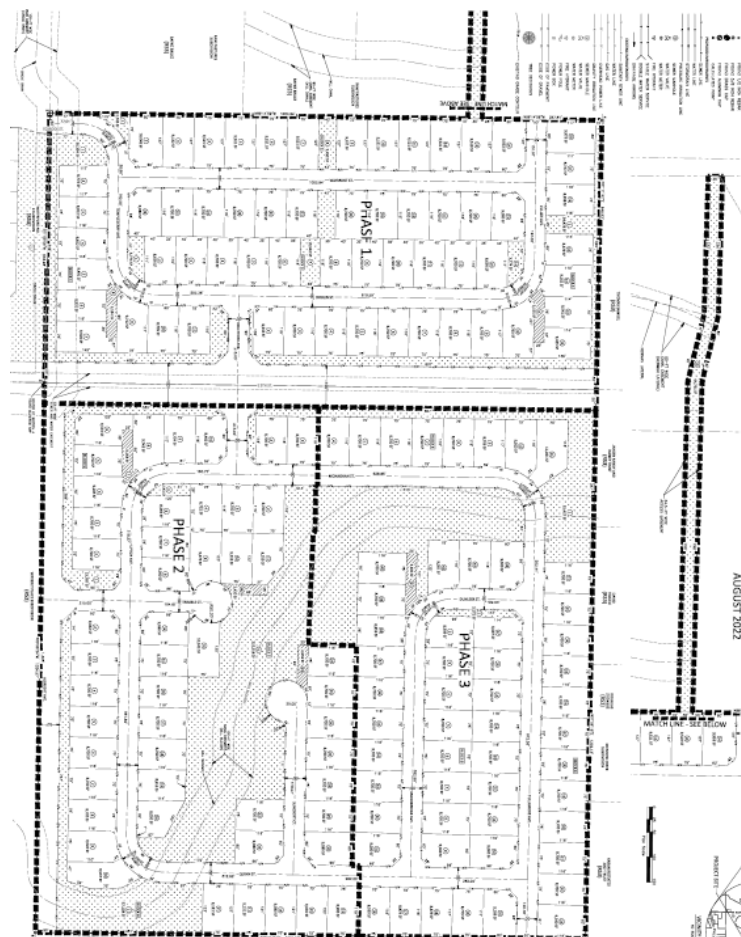
- G. Pathway, Amenities & Open Space:** The Comprehensive Plan’s *Transportation, Schools, and Recreation Map* requires the Developer to construct a public pathway across the project parcel to connect to the public pathway in the Waverley Park Subdivision. Developer has met this requirement with an 8’ wide asphalt paved pathway that follows the length of the Mill Slough.



Developer is also providing a landscaped park with play structure near the pathway system. City Code requires 5% open space. Developer has provided approximately 13% open space by converting the Slough into an attractive and usable walking path with park.



- H. **Schools:** The Waterford East Subdivision is in the Middleton School District #134. The City has no jurisdiction or control over the School system. Instead, the City can only support and collaborate with the School officials to try to address the over-crowding problem experienced by the schools. State law does not allow impact fees to fund new schools. In Idaho, new schools are generally built with bonds passed by the residents. In effect, the residents decide whether new schools will be built or not be built. Residents in Middleton and the surrounding County have not approved bonds for new schools for a number of years.
- I. **Preliminary Plat Application:** The preliminary plat shows three phases of development. It also complies with all the standards and dimensions set forth in City Code for the R-3 zone. Applicant is not requesting any variances from Codes and Standards. Finally, the preliminary plat provides less density than permitted in City Code. Waterford East's density is 2.67 homes per gross acre, which is less than the 3 homes per gross acre allowed by code. (MCC 5-4-1, Table 2).



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

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.

- J. Development Agreement Modification/Termination:** The Waterford East project parcel was originally part of a proposed subdivision in 2006 known as Paradise Valley. The Paradise Valley Subdivision had a Development Agreement that covered over 250 acres of land. Over the years, parts and pieces of the original Paradise Valley project have been sold and transferred to other developers and people.

The Waterford Developer is seeking a termination of the 2006 Paradise Valley Development Agreement, and City Staff supports that request. The DA no longer has any relevance in light of the fact that most of the property from the original Paradise Valley parcel has been transferred or sold to others.

[A copy of the proposed Development Agreement Termination is attached as Exhibit "B".]

- K. Comprehensive Plan & Land Use Map:** The Commission will surely note that Planning Staff has recommended the denial of another similar subdivision project (Black Powder Subdivision) but has not recommended denial of the Waterford East subdivision project. This is based on the fact that Black Powder involves an annexation/rezone application but Waterford East does not. A project involving annexation/rezone can trigger a different analysis and outcome than a project that is already in City limits and Zoned with a City designation.

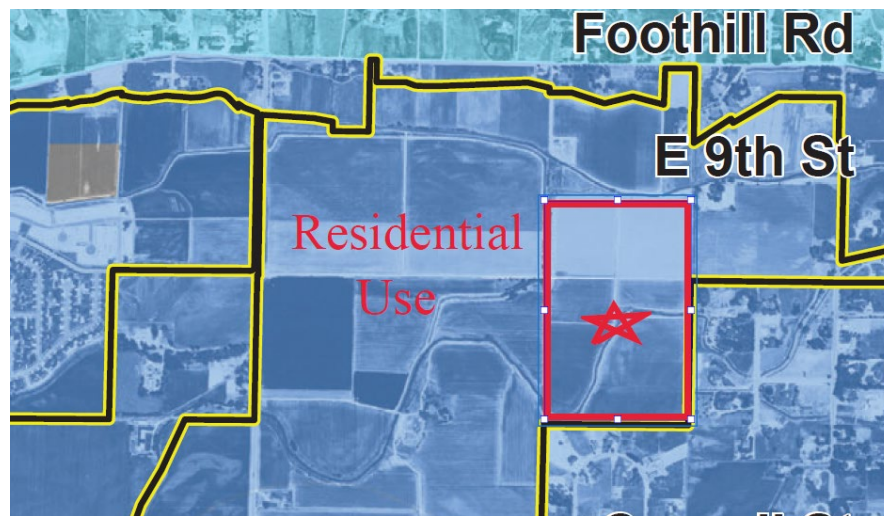
An annexation/rezone application is governed by LLUPA (Idaho State Code Title 67). Under Section 67-6511, the governing boards must consider how the rezone will affect the delivery of city services such as water, sewer, roadway system, police, fire and schools. Also, at rezone, the governing bodies should consider whether the proposed annexation meets the Comprehensive Plan's goals to provide safe streets and adequate public services...etc.

It is a comprehensive analysis. If the governing boards deny the annexation/rezone application, then they are declaring that the project parcel and proposed zone will adversely affect the City's public services and planning goals. If the governing boards approve the annexation/rezone application, then they are declaring that if a developer builds a project in compliance with the designated zone, then it will not have an adverse effect on City Services and the City's planning efforts.

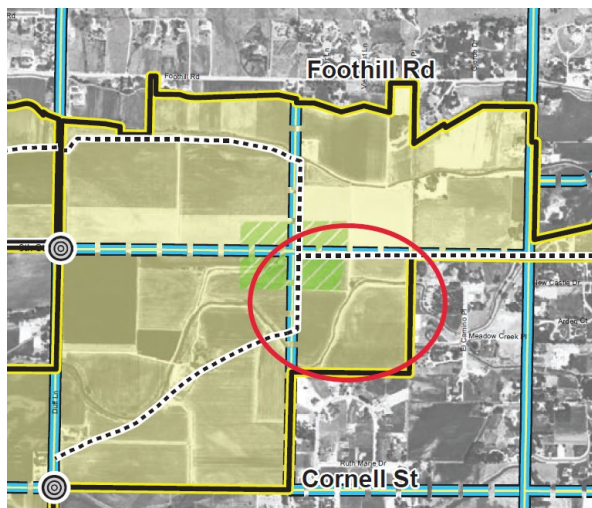
So, one project before P&Z on September 12th involves an annexation rezone ("Black Powder Subdivision"). The analysis is more detailed, and the governing boards must make decisions regarding city services. If Black Powder adversely affects the City's

delivery of services, then the governing boards should probably not approve the annexation/rezone application. Waterford East, on the other hand, does not involve annexation/rezone. It is within city limits and already zoned R-3. In effect, earlier governing boards already determined that if a developer builds a subdivision on the Waterford East parcel in compliance with the R-3 zone, then it should not have an adverse effect on City services. As already shown above, the Developer of Waterford East has strictly complied with the codes and standards for the R-3 zone.

Planning Staff further finds that Applicant's project complies with the Comprehensive Plan Future Land Use Map. The project parcel is designated "Residential" on the Land Use Map, which matches the Residential Use proposed for the project.



Additionally, the Comprehensive Plan's Transportation, Schools & Recreation Map shows a public pathway traversing the project site. Developer's preliminary plat shows the required pathway.



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

- a. *Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
- b. *Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.*
- c. *Goal 10: Project provides playgrounds and pathways that connect to a pedestrian system and provides outdoor recreational activities.*
- d. *Goal 11: The housing type matches the residents' lifestyle in the area the project is located.*

- L. Comments Received from Surrounding Landowners:** Staff received comments from Ms. Cox and Ms. Bucher on September 1 and 2, 2022. (See copy of comments attached as Exhibit "C").
- M. Comments from Agencies:** City received a comment from COMPASS on April 29, 2022 and a comment letter from Middleton School District #134 on September 8, 2022. (Copies of the Agency comments are attached as Exhibit "D".)
- N. Comments from City Engineer and Planning Staff:** Copies of Engineering and planning comments are attached as Exhibit "E".
- O. Applicant Information:** Application was accepted on April 4, 2022. Applicant is Patrick Connor of Providence Properties/Hubble Homes – 701 S. Allen St. #104, Meridian, ID.

P. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	8/28/2022
Radius notification mailed to Adjacent landowners within 500'	8/23/2022
Circulation to Agencies	8/23/2022
Sign Posting property	8/23/2022
Neighborhood Meeting	1/18/2022

Q. Pertinent Codes and Standards:

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

R. Conclusions and Recommended Conditions of Approval: The Planning & Zoning Commission is tasked with making a recommendation to City Council to either deny or approve the applications for preliminary plat and development agreement. The recommendation can be with or without conditions of approval.

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

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses. 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 affirm those findings while making the motion to approve or deny the applications.

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear these applications and to recommend approval or denial of the applications. Additionally, Planning Staff confirms that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making the recommendation(s). If the September 12th public hearing is conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may affirm these conclusions of law while making a motion to approve or deny the applications.

Applications Conditions of Approval: If the Commission is inclined to recommend approval of the preliminary plat and Development Agreement applications, then based upon the above findings of facts and conclusions of law, Planning Staff recommends that any approval be subject to the following conditions:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All pathways must be 8' wide, paved with asphalt, and encumbered by a 12' public access easement. The noted dimensions shall be clearly shown on the preliminary plat and set forth in a note to the preliminary plat. The HOA shall be responsible for the maintenance and repair of the pathways.
3. All landscaping and amenities to be installed in compliance with the submitted landscape plan dated March 2022.
4. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan

- shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
5. Owner/Developer to pay all City required pro-rata share traffic fees as required by MCC 5-4-3 prior to approval of final plat for phase 1.
 6. All City Engineer review comments are to be completed and approved.
 7. All Planner comments are to be completed and approved.
 8. All requirements of the Middleton Rural Fire District are to be completed and approved.
 9. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Commission recommends denial of the 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).

Prepared by Roberta Stewart
Planning & Zoning Director

Dated: 9/9/2022

EXHIBIT A

Proposed Preliminary Plat

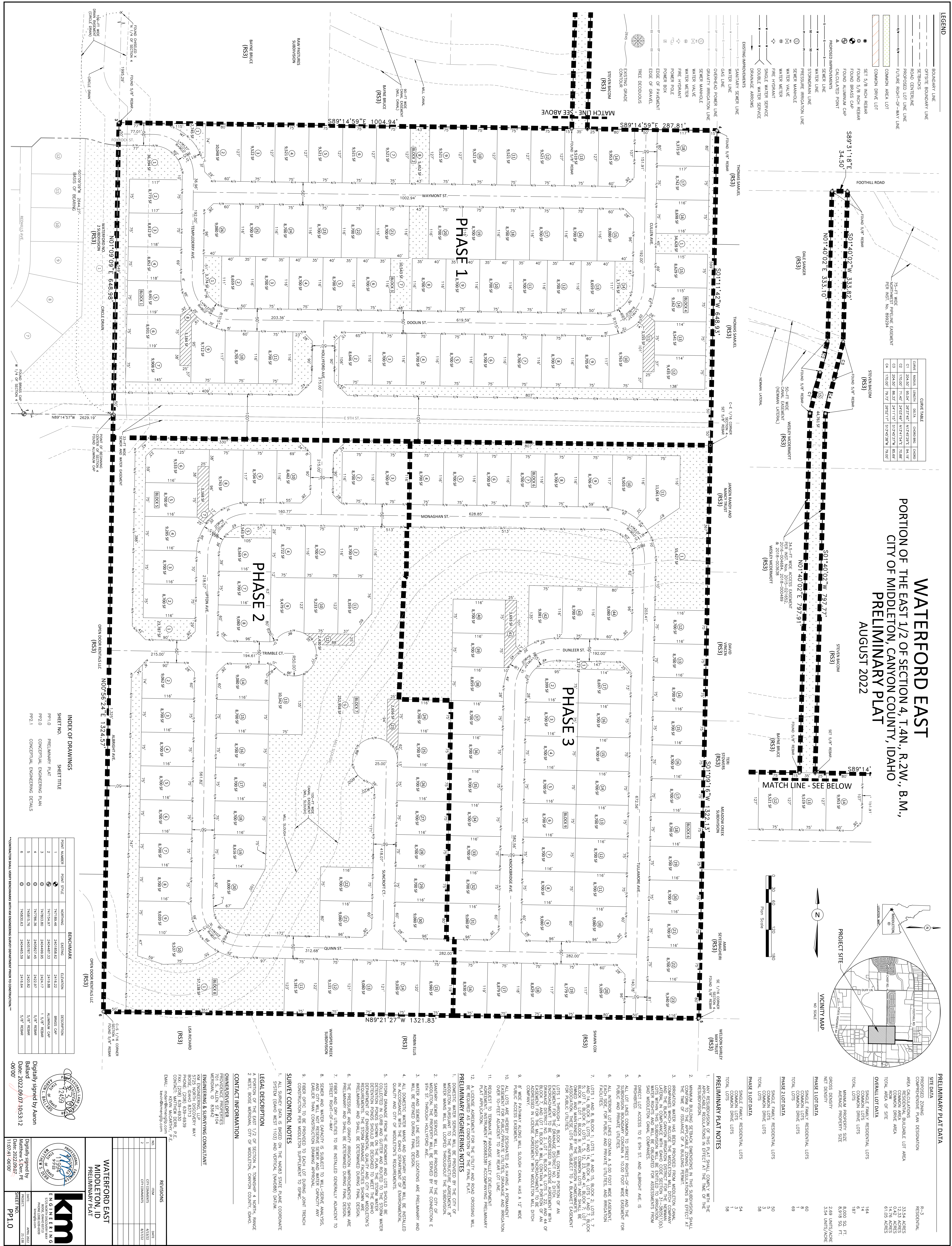


EXHIBIT B

Proposed Development Agreement Termination

RECORDING REQUESTED BY &
WHEN RECORDED RETURN TO:

City Clerk
City of Middleton
1103 W Main St
Middleton, Idaho 83644

DRAFT PROPOSED DEVELOPMENT AGREEMENT

FIRST AMENDMENT TO PARTIALLY TERMINATE DEVELOPMENT AGREEMENT - PARADISE VALLEY

This First Amendment to Development Agreement (Agreement) entered into by and between the City of Middleton, a municipal corporation of the State of Idaho, hereinafter referred to as “City,” and _____, a _____ in the State of Idaho, hereinafter referred to as “Developer.”

WHEREAS, Developer is the owner of real property comprised of approximately sixty one (61) acres (the “Property”), which Property is more fully described in EXHIBIT “A” and incorporated herein by this reference as if set forth in full; and

WHEREAS, the Property was made part of a Development Agreement when Developer’s predecessor in interest entered into that certain DEVELOPMENT AGREEMENT, PARADISE VALLEY (the “Original DA”), recorded with the office of the Canyon County Recorder as Instrument No. 200683381, a copy of which is attached hereto as “EXHIBIT B” and incorporated by this reference as if set forth in full; and,

WHEREAS, the Original DA encompassed the Property and additional real property not currently owned by the Developer, which additional real property totaled approximately one hundred ninety five (195) acres; and,

WHEREAS, the Property is currently zoned R-3; and,

WHEREAS, Developer and City have determined that the Original DA should be terminated as to the Property so the Property can be developed solely in accordance with the current R-3 Zone; and,

WHEREAS, Developer desires to proceed with the development of the property in a manner compliant with the City of Middleton’s R-3 Zone.

WHEREAS, the Developer and City have agreed to the terms of this Agreement as a means of terminating the Original DA as it relates to the Property, while not modifying the Original DA as it relates to any other real property not owned by Developer.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the City and Developer agree as follows:

1. That as to the Property, the Original DA is hereby terminated and shall be of no further force or effect as to the Property.
2. That the Property shall be subject to the R-3 Zone of the City of Middleton, Idaho, in effect at the time this Development Agreement is fully executed.
3. That this Agreement shall be recorded with the office of the Canyon County Recorder.

IN WITNESS WHEREOF, the parties have hereunto caused this Agreement to be executed, on the day and year set forth below.

DATED this _____ day of _____, 202__.

CITY OF MIDDLETON

Attest

BY: _____
Steven J. Rule, Mayor
City of Middleton

Becky Crofts,
City Clerk

STATE OF IDAHO)
) s.s.
County of Canyon)

On this _____ day of _____ in the year of 202__, before me _____, personally appeared Steven J. Rule, known to me to be the Mayor of the City of Middleton, and acknowledged to me that he executed the same, and was so authorized to do so for and on behalf of said City of Middleton.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for Idaho
Residing at _____
My Commission Expires: _____

DEVELOPER / -----

BY: _____

Its: _____

STATE OF IDAHO)

) s.s.

County of Canyon)

On this _____ day of _____, in the year of 202____, before me
_____, personally appeared _____,
known or identified to me to be the person whose name is subscribed to the within and forgoing
instrument, and acknowledged to me that he/she executed the same on behalf of
_____.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
year first above written.

Notary Public for Idaho
Residing at _____
My Commission Expires: _____

EXHIBIT C

Public Comments

From: [Roberta Stewart](#)
To: [linda butcher](#)
Subject: RE: RE Watertown East Sudivision
Date: Friday, September 2, 2022 12:47:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hello Ms. Butcher. I think I can answer 1 of your 2 questions below. As to where the school children will go to school, only Middleton School District #134 can answer that question. The City of Middleton has no jurisdiction or control over the school district and its decisions on where children will go to school.

As to access: the two primary accesses will be off of future 9th Street and future Albright Street to the west. There will also be an access from the Waterford Subdivision to the west once that connected phase is completed.



Roberta L. Stewart

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

Tele - (208) 585-3133

Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov



From: linda butcher <winniewoo1981@yahoo.com>
Sent: Friday, September 2, 2022 8:54 AM
To: Roberta Stewart <rstewart@middletoncity.com>
Subject: RE Watertown East Sudivision

Question: Since the school bond did not pass and Mill Creek Elementary is at 127% capacity, where will the children from this subdivision be going to school?

Question: Will there only be 1 road to access the subdivision or is an easement road proposed as another access road?

From: [Kristi Cox](#)
To: [Roberta Stewart](#)
Subject: FW: Waterford Estates Subdivision
Date: Thursday, September 1, 2022 9:05:10 AM
Attachments: [image003.png](#)
[image004.png](#)
[image005.png](#)
[image007.png](#)

I would like you to make public that I am disputing this connection road from Tullamore south to my property located at 23162 Brady Ashley Dr, Middleton, ID

Thank you

Kristi Cox

Escrow Officer
Pioneer Title Co.

Direct: (208) 442-4808
Email: kcox@pioniertitleco.com
5680 E Franklin Road, Ste 150
Nampa, ID 83687
www.pioniertitleco.com

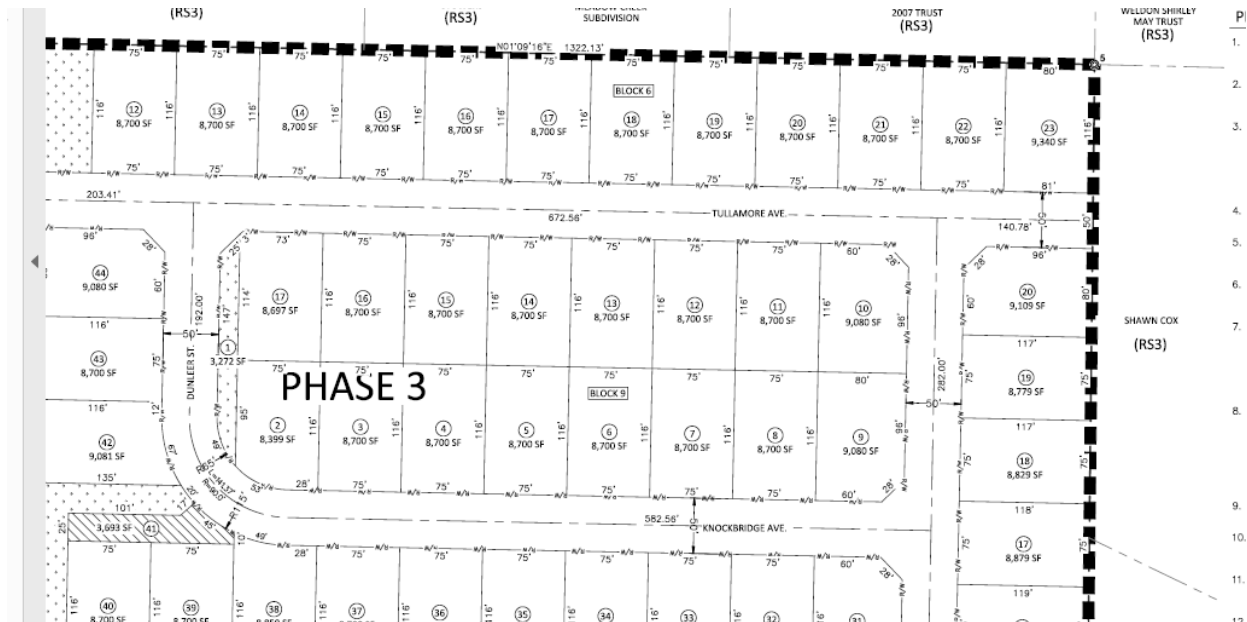
My office hours are 7 AM to 1 PM



From: Kristi Cox
Sent: Tuesday, August 30, 2022 9:38 AM
To: 'rstewart@middletoncity.com' <rstewart@middletoncity.com>
Subject: FW: Waterford Estates Subdivision

Roberta,

I received your voicemail yesterday, but I was not talking about the road to the north. I had left another voicemail and would love to visit with you about this. I am talking about the Tullamore Ave. The preliminary plat is showing this Avenue as a dead end at the North boundary of my property which is within an already platted subdivision. I am concerned of that dead end. Not only do I not understand the reasoning for it, but I also believe it will significantly reduce the value of my property. I am available at my work number below or at my cell # 208-250-2712. Thank you



Kristi Cox

Escrow Officer
Pioneer Title Co.

Direct: (208) 442-4808
Email: kcox@pioneertitleco.com
5680 E Franklin Road, Ste 150
Nampa, ID 83687
www.pioneertitleco.com

My office hours are 7 AM to 1 PM



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EXHIBIT D

Comments from Agencies

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

Bicycle and Pedestrian Infrastructure

An individual's trip is the entire journey from beginning to end. In many cases, a trip may combine a number of modes. While motorized vehicles will provide longer trips, users complete the first and last portion on their own. For example, almost every vehicle trip includes a walk or bike trip to the parking lot or transit stop. Good street connectivity increase the number of travel options and reduces the distances traveled to reach destinations. One way to measure route directness is take the ratio of the route distance to the straight line-distance. The closer the ratio is to 1, the better for connectivity of the area.

Some steps that can be taken to improve walk/bike infrastructure include:

- ✓ Providing sidewalks, crosswalks, and micropaths to connect destinations

Providing an improved pathway along a canal as a transportation and recreational option

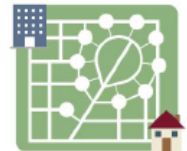
Siting pathways and sidewalks as directly as conditions allow or provide wayfinding signs

Reducing street lengths to discourage speeding on local roads

Providing sufficient and covered bike parking near destinations



A disconnected system means more trips onto arterial roads, resulting in fewer cyclists and pedestrians and less efficiency for vehicles.



A connected system provides options, including walking, cycling, or driving. More trips can be taken on local roads, avoiding busier arterials.

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:



Marc Gee
Superintendent

Lisa Pennington
Assistant Superintendent

Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for All New Development

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

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

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

***Please note a change in this rate from previous correspondence*

Waterford East Subdivision at Middleton Subdivision

Students living in the subdivision as planned would be in the attendance zones for Mill Creek Elementary school. With 170 total lots, we would anticipate, upon completion, an increase of 85-119 students between Mill Creek Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to approximately 4-5 classrooms of students (ave. 25 students).** Every classroom at Mill Creek Elementary right now has an initial cost of \$125,000 just for the portable unit that would be required to house the students. That does not include the costs of other materials required (ie desks, chairs, curricular materials, etc).

In addition to the increase in student population, based on the location, bussing would be provided for school students, though that may change based on the design of the plat and its connection to a safe walking route to school. The increase in students has the potential to increase the number of routes the district provides, thus increasing cost to the district and taxpayers. Having not seen the design of the subdivision we would recommend the developers meet with the school district officials and transportation officials to ensure adequate access for bussing to the area.

5 South Viking Avenue
Middleton, ID 83644
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msd134.org

EXHIBIT E

Comments from City Engineer & Planner



July 18, 2022

TO: City of Middleton
Roberta Stewart, Planning and Zoning Official

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

RE: Waterford East Subdivision Preliminary Plat

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

MCC 5-4-4:A.2.a. Reference the boundary to section corner(s). The boundary cannot be verified with the plat as submitted. Township/range/section information in the heading area – all sheets. Identify monuments.

MCC 5-4-4:A.2.d. Drawing doesn't scale correct.

MCC 5-4-4:A.2.f. Add benchmarks.

MCC 5-4-4:A.2.i. Add name of adjacent subdivisions.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0.

MCC 5-4-4:A.2.m. Verify the property owners adjacent are correct.

MCC 5-4-4:A.2.n. Add location and type of utility systems.

1. Show streetlights.
2. Submit preliminary engineering design/inverts for both sewer crossings at Mill Slough. Profile not required.

MCC 5-4-4:A.2.o.

1. Dimension offset cul-de-sac.

MCC 5-4-4:A.2.r. Please show the pathway to be developed along the Mill Slough for the full limits of the project. Extend pathway north along east boundary to the pathway in 9th.

MCC 5-4-4:A.3.d. The irrigation system location and point of delivery is required to be shown.

MCC 5-4-10-2:J.2. Review this code section and revise road names accordingly.

General comments:

1. Notes on PP1.0 - font needs to be larger. Difficult to read.
2. Note 5. Delete "lot drainage".
3. The curb type on vertical curb local section inconsistent.
4. Please revisit stormwater management/curb type for the common drives.
5. A license agreement for the utility and road crossing for will be required as a condition of final plat. Add note.
6. Show easement area in Instrument No.: 899294.
7. Identify Lucich and other access easements listed in title.



September 6, 2022

TO: City of Middleton
Roberta Stewart, Planning and Zoning Official

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

RE: Waterford East Subdivision Preliminary Plat

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

MCC 5-4-4:A.2.a. Reference the boundary to section corner(s). The boundary cannot be verified with the plat as submitted. Identify monuments.

MCC 5-4-4:A.2.d. Drawing doesn't scale correctly.

MCC 5-4-4:A.2.m. Verify the property owners adjacent - Bayne ownership to north is not correct.

MCC 5-4-4:A.3.d. The irrigation system location and point of delivery is required to be shown.

General comments:

1. Note 5. Delete "lot drainage".
2. Please revisit stormwater management/curb type for the common drives. How does reverse pan rolled curb function?
3. Show easement area in Instrument No.: 899294.
4. Identify Lucich and other access easements listed in title.



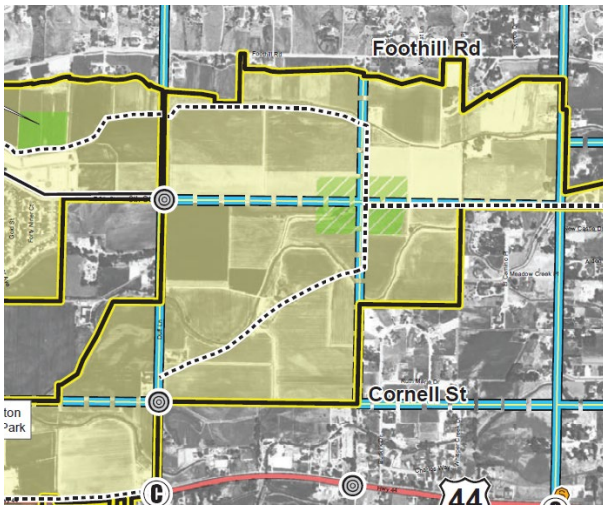
CITY OF MIDDLETON

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June 20, 2022

PLANNER COMMENTS – Waterford East Subdivision (Preliminary Plat received 4/14/2022)

1. Need deed showing conveyance of property to Providence Holdings LLC.
2. Need AOL to show Patrick Connor can apply on behalf of Providence Holdings. (I'm sure there's no issue here, but the City still needs to ensure there are no legal issues with ownership and the application. Just dotting our "I"s and crossing our "T"s.)
3. Please be aware that you will need a 2nd public access prior to the 31st building permit. Looks like 9th street will be the primary access but you'll need to access Foxrock in phase 4 of Waterford Subdivision to get your 2nd access.
4. What are your plans for that long swathe of area that reaches Foothills Road? If you plan to make it part of your access plan, what type of improvements do you intend to do to the culvert crossing over the Newman lateral?
5. Change all north/south roadways to "Avenue". Change all cul de sacs to "Court". So, Cullen Street should be Cullen Avenue. Millford St., change to Millford Ave. Enfield St., is Enfield Ave. Upton St., is Upton Ave. Tullamore St., is Tullamore Ave. Knockerbridge St., is Knockerbridge Ave. Trimble St., is Trimble Court. Suncroft St., is Suncroft Court.
6. Reserve all street names & subdivision name with Tony Almeida at the County.
7. I'm not sure that a stub road to the south on Tullamore Street is necessary. The Buskirk subdivision to the south may not be re-developed in any meaningful way for years to come. Maybe just add a private lane there, but consult with Amy Woodruff first.
8. Call out private lane lots in the note section as "private lanes" or add the hatching marks to the legend to designate them private lanes.
9. The Comp Plan Map entitled "Transportation Schools and Recreation Map" shows a public pathway system that connects to the Waverly Park pathway. It must be an 8' wide pathway with a 12' wide public easement overlay or otherwise dedicated to the public. See 5-4-11-2 which was amended in January 2022 (Ordinance 659). This comp plan requirement will be fulfilled if you add this pathway along the Mill Slough canal and hook it up to the same pathway on the north side of the canal in the adjacent Waverley Park Subdivision to the west. (See Waverley approved pre-plat attached to email.) There must be a public access easement of 12' wide over the 8' wide pathway. Show the dimensions of the pathway and the access easement on your pre-plat.
10. Add a note to the Note section: *"8' wide pathway along Mill Slough canal has a 12' wide public access easement."*



52 Sidewalks, Pathways, Bicycle Lanes, and Greenbelt:

- a. Five-foot (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City;
- b. for pathways not located along a road, the pathway shall be eight-foot (8') wide asphalt and situated on a twelve foot (12') wide public access easement or dedicated to the City if part of the Transportation, Schools & Recreation Map, detached pathways on both sides of the road; unless otherwise approved by the City;
- c. and six-foot (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and
- d. if a greenbelt pathway the pathway shall be a twelve-foot (12') wide asphalt pathway, located centered on a minimum twenty foot (20') wide common lot subject to a public access easement or dedicated to the city for public access; in the greenbelt.

11. The Transportation, Schools & Recreation Map also show that a large park should be incorporated into the project parcel. This was also true for Waterford Subdivision, but for some reason it was not enforced by the previous planner/administration. Also, be aware that 5-4-10-10 was amended in January before you submitted your plat. It requires that any subdivision with more than 75 units must provide amenities in the form of a park with play equipment, picnic area and shade structures, sports court, clubhouse, swimming pool or other similar amenity. Based on the comp plan map and the new code, you will need to add a substantial amenity to Waterford East. Additionally, because Waterford Sub did not provide a park as required by the comp plan, it is more imperative that you add a park to make up for that omission. Do not worry about putting it in the exact place shown on the Comp Plan Rec Map. It just needs to be a major amenity situated somewhere inside you plat.

5-4-10-10: OPEN SPACE AND AMENITIES:

- A. For residential developments five acres or larger that do not include parks as shown on the Middleton Transportation, Schools & Recreation Map, developers shall include five percent (5%) irrigated and landscaped open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities.
- B. Open Space is defined as areas that are accessible to all residents and used for social gathering and/or passive or active recreation. Such areas may include parks, playgrounds, sport courts, plazas, community center/clubhouse, swimming pool, pocket parks, picnic areas, lakes and/or ponds, water features, pathways that are 8' or wider located within a public access easement or dedicated to the City, and large landscaped common lots, including detention pond areas that are landscaped with sod and over 10,000 sf in size. Open space does not include small landscaped strips, common lots along roadways, or landscape buffers unless the landscape buffer is sized above minimum standards and contains a pathway at least eight (8) feet wide.
- C. Single family residential developments that include more than seventy five (75) dwelling units and multi-family subdivisions containing more than seventy five (75) dwelling units shall provide one or more amenities in the form of a park with play equipment, picnic area with tables and shade structure, one or more sport courts, community center/club house, swimming pool, recreational pond/lake, or other similar amenity.

12. Change the name of Lee Road to "Albright Avenue" to match the road name already approved for the Waverley Subdivision to the west.
13. Also, be prepared to possibly line up Trimble Court with Waverley's "Burlinson Street" that accesses Albright Avenue. That is an Amy Woodruff "call."



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14. Change title for “Lee Avenue” cross section to “Albright Avenue”. It should be a collector, but consult with Amy Woodruff to figure out correct road designation and cross-section to be inserted into the Pre-Plat.
15. Delete reference to “Lee Street” in Note 4 and add “Albright Avenue” instead.
16. Add note to note section: *“All lots are hereby designated as having a permanent easement for public/private utilities, drainage and irrigation over 10-feet adjacent to any rear lot line.”*
17. Delete note 9 regarding centerline radius of 90’ because the code changed in January 2022 to allow centerline radius of 90’. No longer a need for waiver or exception.
18. Add note: *“Sewer and water capacity is subject to will-serve analysis, and City will not reserve sewer and water capacity any earlier than construction drawing approval.”*
19. Add note: *“Fiber optic to be provided to each lot during joint trench construction per Middleton Supplement to ISPWC.”*
20. Add note: *“Request to terminate Paradise Valley Development Agreement, Instrument #200683381 accompanying Preliminary Plat application.”*
21. Break down lot count by phase in Preliminary Plat Data section.
22. Before sending us a revised pre-plat, please place revision date on pre-plat so we can keep them in order.

Thanks,

Roberta L. Stewart

Middleton Planning & Zoning Director



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August 22, 2022

PLANNER COMMENTS – Waterford East Subdivision (Preliminary Plat received 8/17/2022)

1. Still need deed showing conveyance of property to Providence Holdings LLC.
2. Still need affidavit of legal interest to show Patrick Connor can apply on behalf of Providence Holdings. (I'm sure there's no issue here, but the City still needs to ensure there are no legal issues with ownership and the application. Just dotting our "I"s and crossing our "T"s.)
3. What are your plans for that long swathe of area that reaches Foothills Road? If you plan to make it part of your access plan, what type of improvements do you intend to do to the culvert crossing over the Newman lateral?
4. I cannot see evidence that a major amenity/park has been added to your pre-plat per the Transportation, Schools & Recreation Map and newly revised MCC 5-4-10-10. Without a major amenity, your pre-plat will not comply with our Code and our Comp Plan, and I doubt the City Council will approve your pre-plat. Please add a park or other major amenity such as play structure, shade ramada, clubhouse, swimming pool...etc.

5-4-10-10. OPEN SPACE AND AMENITIES:

A. For residential developments five acres or larger that do not include parks as shown on the Middleton Transportation, Schools & Recreation Map ~~Connects Master Plan~~, developers shall include five percent (5%) ~~irrigated and landscaped~~ open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities.

B. Open Space is defined as areas that are accessible to all residents and used for social gathering and/or passive or active recreation. Such areas may include parks, playgrounds, sport courts, plazas, community center/clubhouse, swimming pool, pocket parks, picnic areas, lakes and/or ponds, water features, pathways that are 8' or wider located within a public access easement or dedicated to the City, and large landscaped common lots, including detention pond areas that are landscaped with sod and over 10,000 sf in size. Open space does not include small landscaped strips, common lots along roadways, or landscape buffers unless the landscape buffer is sized above minimum standards and contains a pathway at least eight (8) feet wide.

C. Single family residential developments that include more than seventy five (75) dwelling units and multi-family subdivisions containing more than seventy five (75) dwelling units shall provide one or more amenities in the form of a park with play equipment, picnic area with tables and shade structure, one or more sport courts, community center/club house, swimming pool, recreational pond/lake, or other similar amenity.

Thanks,

Roberta L. Stewart

Middleton Planning & Zoning Director