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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
FEBRUARY 14, 2022**

**Pledge of Allegiance, Roll Call & Call to Order:** The February 14, 2022, Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:35 p.m. Chairman Waltemate, Commissioners Summers, Brock, and Hoeskstra were present. Commissioner Crofts was absent.

**Action Items:**

- 1. Consent Agenda (items of routine administrative business)**
  - a. Consider approving January 10, 2022, regular meeting minutes.**

Chairman Waltemate called the item.

**Motion:** Motion by Commissioner Hoekstra to approve January 10, 2022, regular meeting minutes. Motion seconded by Commissioner Brock and approved unanimously.

- 2. Public Hearing: Applications of M3 and JUB Engineers for annexation/zone change, preliminary plat, and development agreement with respect to The Quarry East Subdivision located at 21500 Middleton Road and 11436 Lincoln Road (Tax Parcel Nos. R34076 and R34077). The proposed preliminary plat consists of 550 single family homesites, 90 duplex homesites, 1 mini-self storage lot, 68 common lots, 47 shared driveways/private roads on 237 acres of vacant land zoned County Agricultural, C-1, and M-1. Applicants are requesting a zone change to City Mixed Use (M-U). (Request for application to be tabled) – Roberta Stewart**

**Motion:** Motion by Chairman Waltemate to table item #2 to a date certain of March 14, 2022. Motion seconded by Commissioner Summers and approved unanimously.

- 3. Public Hearing: Application by Wade Thomas/IAG Capital, LLC, and Bob Unger for preliminary plat with respect to The Mill at Middleton Subdivision located at 0 N. Dewey Avenue (Tax Parcel Nos. R33892, R33888, and R33876). The proposed preliminary plat consists of 50 residential lots and 10 common lots on 16.71 acres of vacant land zoned R-3 (single family residential). – Roberta Stewart**

Chairman Waltemate opened the public hearing at 5:45 p.m.

City Planner Roberta Stewart presented a PowerPoint Presentation (Exhibit 1) of the staff report (Exhibit 2) of The Mill at Middleton Subdivision. She also submitted "Exhibit E" into the record.

*Commissioners asked Roberta questions about City water and sewer capacity. Discussion ensued.*

*Commissioners asked Roberta questions about Traffic Impact Studies, Traffic Impact Fees, and road development. Discussion ensued. Roberta said per the Idaho State Code, the City cannot exact more from a developer than their proportionate share. And the City code states the developer will improve the road and frontage adjacent to the property.*

*Commissioner Brock: Is this in the floodplain?  
Stewart: No*

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*Commissioner Waltemate:* Is the cul-de-sac large enough for fire?

*Stewart:* Yes, MRFD submitted comments.

*Commissioner Summers:* Are the size of 8,000 sq ft lots allowable in this subdivision? The school district did not comment?

*Stewart:* The lot size is allowable, and the school district did not comment.

*Commissioner Hoekstra:* *Noted COMPASS comments with concern of pedestrian and bicycle traffic.*

*Applicant Representative – Bob Unger, Unger Enterprises, LLC 9662 W Arnold Road, Boise.*

- Agree with Staff Report and Conditions of Approval.
- The interior roads are within City Code.
- They are doing extensive offsite improvements per request of City.
- They are providing the needed open space per city code.
- This project is restricted because it is an Infill project, and they were told they could not have access onto N. Middleton Road.

*Owner – Wade Thomas, IAG Capital, LLC 800 W. Main St, Ste 1460, Boise.*

- *He has no interest in preserving the old barns. Brent Foote has an interest in preserving the barns, so it is a good outcome to have Brent purchase the property and preserve the barns.*

*Questions from Commissioners:*

*Brock:* Do the Foote's intend to keep this property in perpetuity?

*Thomas:* All indications from those who will purchase the property is that yes, they intend to keep in perpetuity.

*Stewart:* The city is not interested in the site.

*Hoekstra:* What was the original driver for doing 900 ft of offsite improvements?

*Unger:* City wanted path along the northern border to continue to the south out to Dewey. It works to go through mountain Loos and out to Dewey instead of to the project. The requested pathway circulation makes more sense for Minot.

Chairman Waltemate opened the public comment portion at 6:35 p.m.

*Mike Scarpelli – 623 Mountain Street:* Concerned with traffic.

*Tim O'Meara – 501 N. Dewey:* Gave a brief overview of the history of the project site. He applauds the developers for the initiative to sell the land to the Foote's. The GMPRD would like to work with the parties to maintain the historical site. Speaking as a Fire District commissioner, Fire trucks do not like speed bumps on roads.

*Shannon Daellenbach – 518 Kennedy Ct and Kennedy Meadows HOA President:* Concerned about safety of children with regards to the canal. Wants the subdivision to connect to Middleton Road, not via Triumph.

*Kylie Billingsley – 507 Triumph Dr:* Read email submitted as public comment prior. (Exhibit E) Concerned with storm drainage, traffic, children safety, and school capacity.

*Kris Branner – 447 Summit:* Concerned that traffic will avoid Triumph because of speed bumps and will all go through Mountain View Subdivision.

*Claudia Moberly: Historical Society President – 10201 Willis Rd:* The site is important to the history of Middleton and the region. She hopes to work with the owner and GMPRD to establish an educational site. She believes the Foote's will preserve the site.

*Mike Graefe – 1889 Ridgeway:* Can the irrigation be piped? Is the mill site part of the 16.71 acres? He believes problems can be solved by changing the zoning codes. High density subdivisions of today are the slums of tomorrow.

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*Mike McDougal – 13037 Greenwell Lane:* Concerned with traffic. Tough to see subdivisions that meet city code being passed when there are things that make this unattractive.

*Todd Ognibene – 1973 Scotch Pine Dr:* Concerned about irrigation and mosquitoes. TIS doesn't take into consideration all other developments in area. He believes cities can bond for infrastructure that developers have to pay back. Middleton needs a master plan.

Chairman Waltemate closed the public comment portion at 7:33 p.m. He called a 10 min break and the meeting resumed at 7:43 p.m.

*Applicant Representative – Bob Unger, Unger Enterprises, LLC 9662 W Arnold Road, MotioBoise.*

- Mill site is not part of the 16.71 acres.
- No plans to tile the irrigation. They have been monitoring the ground water for over 6 months and are not seeing any issues. They do have 6 drainage lots planned.
- Asked staff about 8ft pathway instead of 10 ft. Staff confirmed only 8 ft pathway was needed.
- Lots in the subdivision meet the code with a minimum of 8000 sq ft. However, there are some lots that are 10,000 sq ft as well.

*Applicant Attorney – Lewis Spiker 199 N. Capital Blvd.*

- They are building the pathway along the northern border that should have already been done with the previous subdivision.
- Traffic concerns are primarily addressed with zoning/annexation.
- City code is how it is now. That is how this application should be judged.
- Pro-rata amount is based on the impact the subdivision will have.
- Pathway is required by city.
- They were not allowed to have access onto N. Middleton Rd, if a second, emergency access is required, it could be made a condition of approval.

*Questions from the Commissioners:*

*Hoekstra:* How do you address COMPASS comments?

*Spiker:* COMPASS did not address a specific intersection/roadway; therefore, he is not sure how to respond to the report.

*Waltemate:* No proposed safety measures along the canal?

*Spiker:* Could put up a wrought iron fence along the canal if the ditch company agrees.

*Hoekstra:* We know the plat impacts Middleton Rd. How do we recognize the legitimacy of the impact?

*Spiker:* Regarding individual impacts. The impact was already established when this was previously zoned R-3. Those impacts were addressed at that state. The additional impact that is occurring now is with construction.

*Brock:* Why are you not accessing Middleton Rd?

*City Planner – Roberta Stewart:* Middleton Rd is an Arterial Road. CHD4 and the City Engineer limit access onto Arterial roads. In this case the intersection would have been too close to Triumph Dr. to the north. She is not sure why if MRFD doesn't call for an emergency access the City would require it.

*Waltemate:* Where is the construction entrance?

*Spiker:* On Middleton Rd. This is allowable because it is considered a temporary access not a permanent access.

*Waltemate:* Do you have a plan if for some reason you discover an historical artifact?

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*Spiker:* Will follow State/City Code  
*Hoekstra:* Preserving the Mill Site in perpetuity.

*Stewart:* The Mill site was offered to the City. The City doesn't have an appetite to maintain those historical sites.

*Brock:* What is the timeline to break ground?

*Spiker:* Maybe next spring.

*Discussion by Commissioners:*

*Summers:*

- Drainage will be address with the Ditch Company
- The project does fit in the Comprehensive Plan
- Happy the four mill is being preserved.
- Regarding the Emergency Access, that should be left to MRFD and City Council.
- Pathway & Canal: City already planned a pathway along the canal and would have taken safety measures if needed.

*Hoekstra:*

- He has safety and traffic concerns. Would like city to more aggressively look into bonds to get ahead of the growth. The City plans to develop R-3 but he infrastructure is not there. He is left with a moral dilemma.

*Waltemate:*

- The infrastructure is built by developers. However, with this application, Dewey does not have a sidewalk and is not being improved.
- Commissioners cannot make decisions based on emotions.

*(There was a disturbance by Resident Steve Thompson who yelled obscenities and then left.)*

*Summers:* The project meets code.

*Waltemate:* The project meets code, meets requirements, is an infill project.

*Hoekstra:* The project increases traffic.

*Summers:* The project meets code; we cannot choose to deny.

**Motion:** Motion by Chairman Waltemate to accept the General Facts and Conclusions of Law set forth in the staff report and public hearing in regard to The Mill at Middleton Subdivision. Motion seconded by Commissioner Summers and approved unanimously

**Motion:** Motion by Chairman Waltemate to accept the Conclusions of Law set forth in the staff report and public hearing in regard to The Mill at Middleton Subdivision. Motion seconded by Commissioner Summers and approved unanimously.

**Motion:** Motion by Commissioner Hoekstra to recommend the application of by Wade Thomas/IAG Capital, LLC and Bob Unger for Preliminary plat with respect to The Mill subdivision located at 0 N. Dewey Avenue be denied until the Developer and City Administration devised a solution or plan for Dewey Avenue that will make it safe for vehicle and pedestrian traffic. Motion seconded by Commissioner Brock.

Waltemate, Hoekstra, Brock – Yes

Summers – Nay

Motion passed 3:1 vote.

Chairman Waltemate closed the public hearing at 8:29 p.m. and called a 5-minute break and resumed the meeting at 8:35 p.m.



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**Public/Commission/Staff Comments:**

*Mike Graefe – 1889 Rideway:* Outburst was uncalled for. He is concerned that Developers can get around the code in the DA. Our codes are outdated, and we need to have committees to discuss updating the codes.

*Todd Ogibene – 1973 Scotch Pine Dr:* He is happy to hear questions being brought up. A moratorium isn't the right answer, but there should be infrastructure before the developers come in. *Discussion ensued regarding how infrastructure is funded and built.*

*Mike McDougal – 13037 Greenwell Lane:* Wants to see a more aggressive method to get things accomplished. Developers do nothing for the school district. That has to stop. *(Discussion with Brock and McDougal on Impact Fees)*

*Greg Winchester – 916 Silver Springs St:* Would like to see Commissioners at City Council meetings. He is stunned that the School District does not comment on new developments. *Discussion ensued about who they can talk to at IT D and the Comprehensive Plan.*

*Robert Hunt – 24778 Desert Pine Ct:* Let developers build, but don't let them change zoning to R-3. He agrees he can't tell a farmer what to do with their land, they have a right to sell, but the buyer doesn't have the right to do whatever they want.

*Tim O'Meara – 501 N. Dewey:* Steve Thompson's outburst was uncalled for. He appreciated the way the Commission handled it. Sidewalks on Dewey would have been built, but the previous administration said no, because there was a culvert that was going to be put in. It didn't make sense to put in sidewalks when they would be torn out in a few years. GMPRD is working to get Impact fees in place. They have been road blocked at the County.

Additional discussion from Commissioners about government agencies and the need for the public to be involved.

**Adjourn:** Chairman Waltemate adjourned the meeting at 10:05 p.m.

ATTEST:

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



Ray Waltemate, Chairman

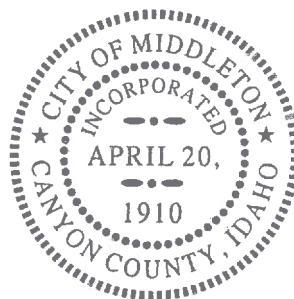



Exhibit “1”  
PowerPoint Presentation  
P&Z Hearing  
2-14-2022


**The Mill at Middleton Subdivision**  
Preliminary Plat Application - Middleton Planning & Zoning Commission  
Public Hearing February 14, 2022



DESCRIPTION	DETAILS
Acres	Approx. 17 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	R-3 (Single Family Residential)
Current Land Use	Residential
Proposed Land Use	Residential
Lots	50 single family lots & 10 common lots
Density	3.0 homes per gross acre
Open Space	Over 5%
Amenities	Three large common lots for gathering, playground, shade ramada, picnic table, long meandering pathway with seating areas.

1

**Project Description:** Residential subdivision with 50 single family home lots and 10 common lots on 16.77 acres of vacant land located at 1/2 Dewey Avenue. Amenities include three large common lots for gathering, playground, shade ramada, picnic table, and extensive meandering pathway. The only application before the governing bodies is an application for preliminary plat.





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

2

**Current Zoning & Property Condition:** The property is within city limits and zoned R-3. It is surrounded by city property zoned R-3 and R-4.


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

3

**Traffic, Access & Streets:**  
Access to the subdivision is through Triumph Drive in the Kennedy Meadows Subdivision to the north, Dewey Avenue to the west, and Surratt Avenue to the north.

Developer will be required to improve, at its own cost, the 1/2 mile portion of Dewey Avenue and Middleton Road that are adjacent to the subdivision boundary.




4

Developer has also agreed to improve the 1/2 mile portion of Dewey Avenue that will gage be adjacent to the project site once the lot line adjustment application is finalized.

This off-site work will be part of an agreement between the Developer and the corner of the historic site.

The Agreement will also ensure that the historic site owner dedicates three road improvements to the City once they are completed.


The off-site roadwork and dedication should be made a condition of approval for preliminary plat.



5



Middleton requires Development "to pay for itself" on the leeway will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/owners shall pay \$252,000 in Mid-Over Transportation Impact Fees by the time all 60 building permits are issued. This money will be used to improve many roads and intersections in and around Middleton.

Applicant has also completed a Traffic Study. Pursuant to the impact percentages set forth in the Traffic Study, Developer will also pay an additional \$31,000 in traffic provisions to cover its impacts on intersections directly nearby. This fee will be collected as a condition of approval for final plat.



6


**Pathway, Sidewalks & Open Space:** Developer has provided over 5% open space in compliance with the code by providing large common lots for social gathering. Amenities include a playground, shade ramada, picnic table and benches. Developer will also construct an 8 mile pathway that will help move foot traffic from Middleton Road to Dewey Avenue and over to Forest Street. This pathway is required by the Comprehensive Plan (Transportation, Schools & Recreation Map). Part of the pathway is to be constructed in the Kennedy Meadows Subdivision in a 200 wide easement dedicated to the City of Middleton. This easement of The Mill will meet the permission of the City to enter the easement area to construct the pathway. A part of this application, City Planning Staff is requesting the City to approve the temporary construction easement that is attached to the Staff Report as Exhibit "X". Completing this pathway on the Kennedy Meadows property before final plat approval should be a condition of approval for the preliminary plat application.

7

**Preliminary Plat Application:** The preliminary plat shows a single phase for development. The plat complies with all Middleton codes and standards with two exceptions: (1) the length of the cul-de-sac exceeds 600' (MCC 5-4-10-2.5) and (2) perimeter fencing is shown on the rear of some lots rather than on the perimeter boundary of the subdivision (MCC 5-4-11-2).


Middleton governing bodies are allowed to grant exceptions to City standards during the preliminary plat process (MCC 1-15-2). As to the exception to cul-de-sac length, Applicant is requesting the waiver in light of the newly elongated shape of the project parcel which necessitates a long cul-de-sac. As to the fencing waiver, adding fencing to the rear of some lots at certain locations rather than the subdivision boundary will open up much larger swaths of green space that flank the public pathway. In other words, it creates a more open and attractive final system.



8

**Findings of Facts:**  
Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code and State Base Code except for the two waivers noted above.

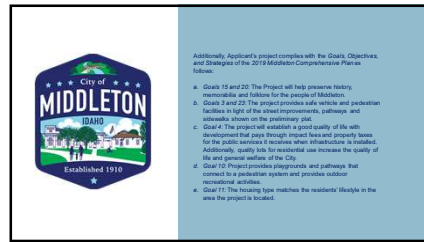
Planning Staff further finds that the preliminary plat is not materially detrimental to the health, safety and welfare of the Middleton public in that water and sewer service can be efficiently and economically delivered to the site and the Development is paying for the off-site impacts for transportation, law, justice, and public. Additionally the preliminary plat is in harmony with the Middleton Comprehensive Plan as will be shown in more detail below.



9



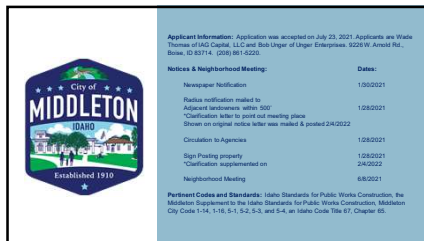
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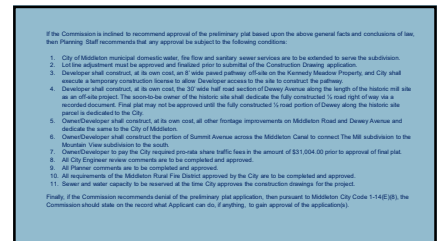
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Exhibit “2”  
Staff Report  
P&Z Hearing  
2-14-2022

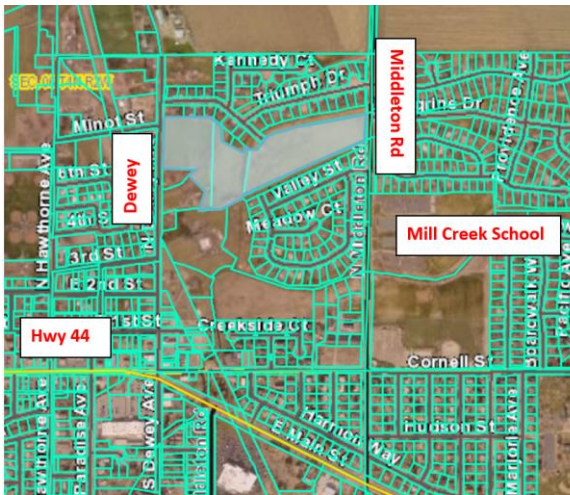


# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### The Mill at Middleton Subdivision

#### Snapshot Summary



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

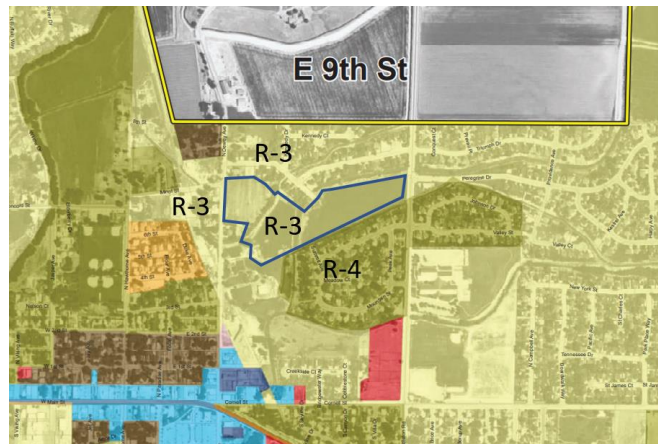


- A. **Planning & Zoning Commission Hearing Date:** February 14, 2022
- B. **Project Description:** Residential subdivision with 50 single family home lots and 10 common lots on 16.71 acres of vacant land located at 0 N. Dewey Avenue (Tax Parcels Nos. 33892, 33888, and 33876). Amenities include three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

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



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



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

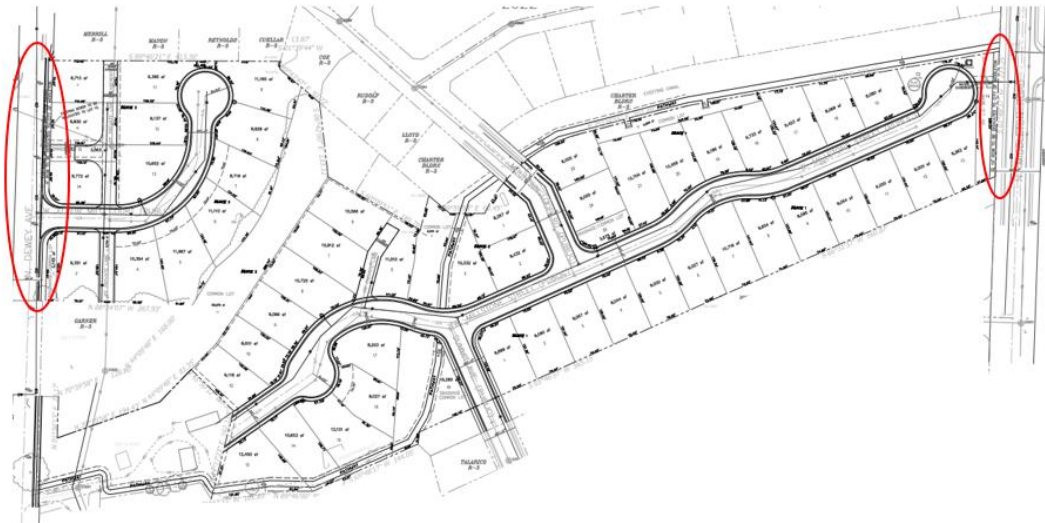


**F. Traffic, Access & Streets:**

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

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





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



Middleton requires Development “to pay for itself” so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders shall pay \$252,500 in Mid-Star Transportation Impact Fees by the

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

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

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

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



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

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



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

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

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

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



### Findings:

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

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

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



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



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

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

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

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

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

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

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

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

**O. Applicable Codes and Standards:**

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

**P. Conclusions and Recommended Conditions of Approval:**

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

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

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

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

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

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

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

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

# Exhibit "A"

## Proposed temporary construction Agreement



## TEMPORARY CONSTRUCTION LICENSE

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

### RECITALS

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

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

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

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

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

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

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

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

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

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

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

TEMPORARY CONSTRUCTION LICENSE - 1

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

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

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

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

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

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

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

**CITY OF MIDDLETON**

**DEVELOPER**

\_\_\_\_\_  
Steven J. Rule, Mayor

\_\_\_\_\_  
BY: \_\_\_\_\_

ITS: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Becky Crofts, City Clerk

# Exhibit "B"

## Proposed Preliminary Plat







# Exhibit "C"

## Agency Comments

**Boise Office**

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

**Challis Office**

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

**Twin Falls Office**

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

Fax (all offices)  
(208) 629-7559



# SAWTOOTH LAW

## OFFICES, PLLC



**David P. Claiborne \***

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**Evan T. Roth**

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**Patxi Larrocea-Phillips**

**Matthew A. Sturzen**

**Katie L. Vandenberg-Van  
Vliet**

**James R. Bennetts (retired)**

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

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

**Re: The Mill at Middleton Subdivision**

Dear Ms. Stewart:

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

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

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





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

Please contact me if you have any questions.

Yours very truly,

A handwritten signature in blue ink, appearing to read "S. Bryce Farris".

S. Bryce Farris

SBF:krk

cc: DD2/Canyon County Water Company

# Communities in Motion 2050 Development Review

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

**Development Name:**

**CIM Vision Category:**

**New Jobs:**

**CIM Corridor:**

**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](http://www.compassidaho.org)  
Email: [info@compassidaho.org](mailto:info@compassidaho.org)



**COMPASS**  
COMMUNITY PLANNING ASSOCIATION  
of Southwest Idaho

# ***Fiscal Impact Analysis Supplemental for the Development Review Checklist***

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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](http://www.compassidaho.org/prodserv/fiscalimpact.htm).

## **Overall Net Fiscal Impact**

### **Net Fiscal Impact, by Agency**

City

County

Highway District

School District

Break Even:

## Exhibit "D"

### Engineering & Planner Comments



January 10, 2022

TO: Roberta Stewart, Planner

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

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

---

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

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

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

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

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

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

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

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

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

MCC 5-4-4.2. h.

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



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

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

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

MCC 5-4-4.2. n

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

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

MCC 5-4-4.3. a

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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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

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

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





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

Note 8. Delete

Note 12. Add public utility to the easement purpose.

Note 19 and Note 20. Delete.

The City may limit access to Dewey.

Add a note regarding fiber.

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

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

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

Add centerline radii and intersection radii.

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

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

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

Submit Schedule B from the title commitment.



January 25, 2022

TO: Roberta Stewart, Planner

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

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

---

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

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

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

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

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

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

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

MCC 5-4-4.2. h.

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

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



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

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

MCC 5-4-4.3. a

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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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

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

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

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



Add centerline radii and intersection radii.

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

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

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



February 9, 2022

TO: Roberta Stewart, Planner

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

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

---

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

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

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

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

MCC 5-4-4.2. h.

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

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

MCC 5-4-4.3. a

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

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

MCC 5-4-4.3. b

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

MCC 5-4-4.3.c

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

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





Centerline radii labels not legible.

New comments:

No pressurized irrigation in the sewer easement.

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

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

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

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

Clearly show the ingress/egress easement along south boundary.

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



# CITY OF MIDDLETON

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

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

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

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



# CITY OF MIDDLETON

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

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

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

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

33. Add surveyor name and address

34. Add vicinity map

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

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

37. Add data showing cumulative lots per phase.

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

*Roberta L. Stewart,* Middleton City Planner

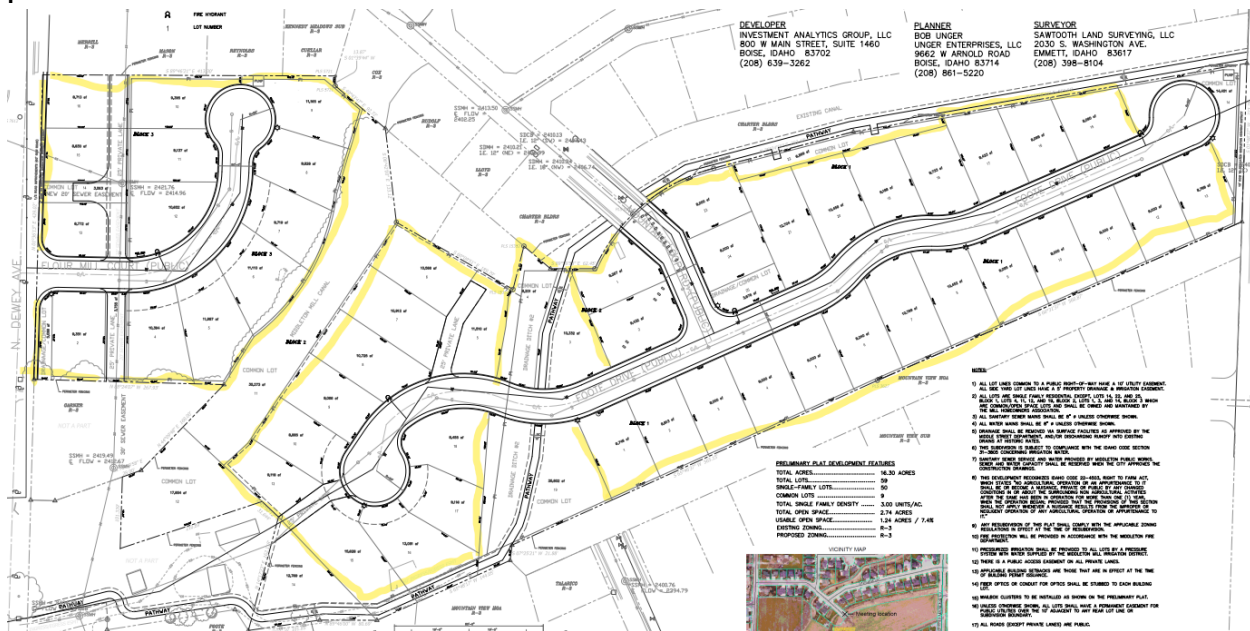


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## 2<sup>nd</sup> Round Planner Comments The Mill Subdivision (Pre-Plat dated 12/29/2021) January 5, 2022

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



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

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

*Roberta L. Stewart,*  
Middleton City Planner





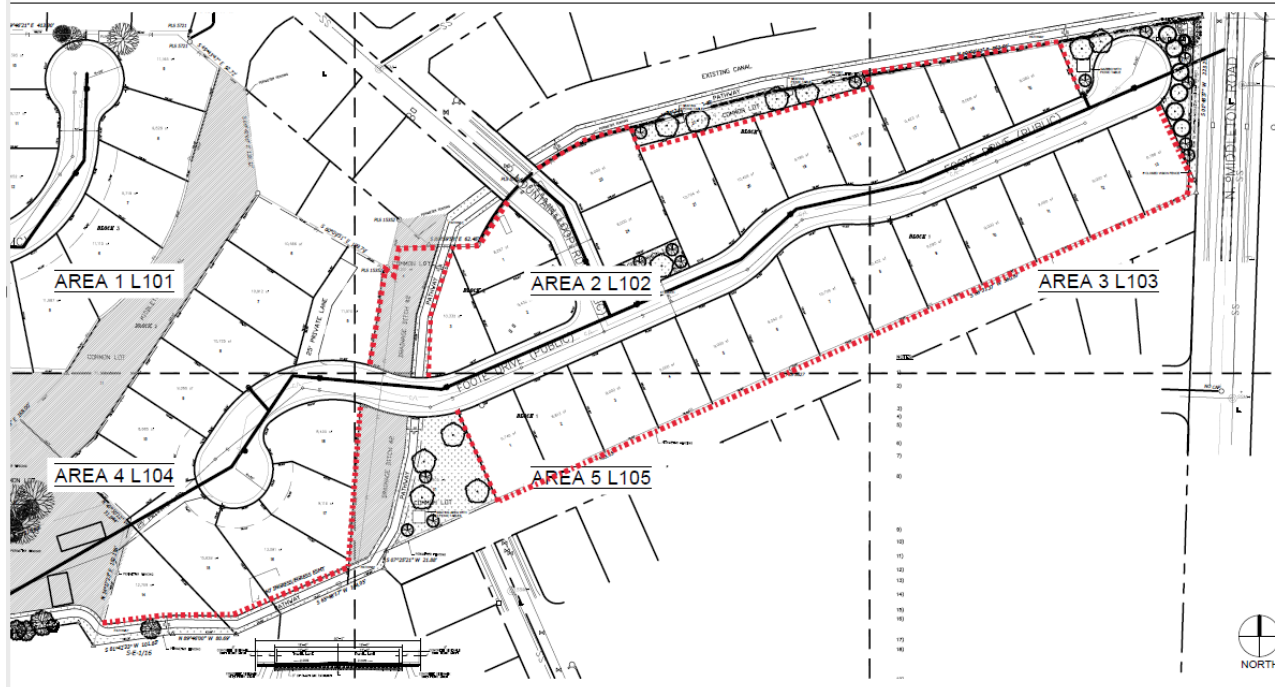
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## 3rd Round Planner Comments The Mill Subdivision (Pre-Plat dated 1/5/2022) January 12, 2022

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

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



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

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

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

*Roberta L. Stewart,*

Middleton City Planner

# Exhibit "E"

**Roberta Stewart**

---

**From:** Kylie Billingsley <drkylieb@gmail.com>  
**Sent:** Monday, February 14, 2022 4:16 PM  
**To:** Roberta Stewart  
**Subject:** Comments for Hearing This Evening

Dear Planning and Zoning Committee:

I am writing in regards to the The Mill at Middleton Subdivision with a public hearing scheduled for Monday, February 14th at 5:30 PM.

Our community in Kennedy Meadows has several concerns about this subdivision being built without necessary safeguards in place for our community as a whole before steps are taken to develop this land. Below are some major concerns:

1. Houses built adjacent to the Old Middleton Mill Site next to the Canal will likely face mass flooding at one point. Long-timers in Middleton will tell you that the Canal next to the Middleton Mill would blow out roughly every 10-20 years or so requiring parts of the Mill to be replaced/rebuilt. Homes with parcels adjacent the Mill property currently have massive water seepage / flooding problems from the Canal further showing its vulnerability to giving way at some point. Given the major safety concerns that this poses with such a high number of homes being built in this area we are requesting that the Canal be reinforced by the developer in conjunction with the ditch company prior to homes being built in that area. Should this not be remedied a copy of this letter along with all parties involved with pushing through the development will be provided to new homeowners should they wish to pursue legal counsel in the future for water related damages.
1. Increased traffic in front of the elementary school and in our small neighborhoods is a concern. I like that I do not have to worry about my 5 year old going to play with the neighbors across the street, but that will undoubtedly change with the increases in housing and traffic. If you talk with almost any homeowner on Triumph Drive the number one concern they have about the new development is related to child safety given the increase in traffic in our neighborhood. We have a neighborhood that values children playing and walking to school together, and the safety of these children is our number one concern.
1. Right now we face teacher shortages and teacher burnout like no other time in history. Just last month there was a class that a high school student taught at the high school because there was not a substitute available. More needs to be considered to support our schools with the influx of students from the housing boom in Middleton. If Middleton continues to allow unbridled construction in the wake of an already over-burdened school system, the ultimate message we are sending to our hard-working teachers and the future generation of our town is that money is more important than they are.

The majority of individuals in Middleton are not completely opposed to growth in our town, we simply would like growth in line with our values. Maintaining the safety of all citizens (including future citizens) while keeping in mind the next generation, whom we all need to protect and educate, should be at the forefront of those serving our community and making these decisions. I don't believe anyone in this town wants more crime, traffic and an educational system that cannot keep up with the influx of students. We would all like this to continue to be a desirable place to live.

Thank you for taking the time to read this.

Sincerely,

Kylie Billingsley, PhD

--

Kylie Billingsley, Ph.D.  
Licensed Psychologist  
Pediatric Assessment and Therapy  
Certificate in Neuropsychological Assessment  
[drkylieb@gmail.com](mailto:drkylieb@gmail.com)



## Public Comment

February 14, 2022 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
Ken Houser	625 Triumph Dr	760 920 1014	MILL CREEK
Kathy Houser	" "	"	"
Randy Mason	381 Triumph Dr.	208-713-2022	Mill Creek Sub.
Mike Hoffman	482 Valley St	208-573-3334	mill Creek Sub
Cindee Powell	P.O. Box 533		P&Z
Phillip Freeman	477 Valley St	208-585-9679	New Sub
Kylie Billingsley	507 Triumph Dr.	408-857-5489	Mill Creek Sub
STEVEN TRUE	13189 GLACIER WAY LW	916-3003764	CANYON LAM
R BRAUNER	447 Summit	Maybe	Mill Crk
MIKE ETIAEF-E	1530 RIDGE WAY	208-577-6717	
KENNETH LEYTER	24532 BLACKBIRD ST	408-421-7566	Zoning



## Public Comment

February 14, 2022 - Planning & Zoning Meeting

Name	Address	Phone or Email	Topic
Mrs M Duggan	13037 GREENWELL LN	208 606-2237 <del>2273</del>	GENERAL
Garry Beach	567 Mt St		
Elizabeth Beach	"		
<del>April Cladings</del>	<del>5007 Kennedy</del>	<del>208 608-9846</del>	<del>Sidewalks on Dewey</del>
TODD OGNIENE	1973 SLOTH PINE	916 549 0302	OVERALL GROWTH
GREGG Winchester	916 SILVER SPRINGS ST	925) 813-5537	
ROBERT L. HUNT	24478 DESCARTES DR CT	661-317-5774	OVERSIGHT ON CODES
Jim O'Hearn	501 N Dewey	208 850 1869	





Please check

[illegible]



### 3) The Mill at Middleton Subdivision - Preliminary Plat

February 14, 2022 - Planning & Zoning Public Hearing

Please check -

Name	Address	Phone or Email	Please check -			
			In Favor	Neutral	Opposed	Testify
✓ BUDGER MILLER	657 TRIUMPH DR	208-807-0353				
✓ Cindee Powell	P.O. BOX 533					
✓ DOMINIC SCARPELLI	623 MOUNTAIN					
✓ MIKE SCARPELLI	623 MOUNTAIN					X
✓ TIM O'MEARA	501 N. Dewey	208-850-1869				X
✓ SHANNON DUELLENBACH	518 Kennedy Ct	208-598-5899			X	
✓ AMY CRELL	543 Kennedy Ct.	208-899-3358			X	
✓ RANDY MASON	381 Triumph	208-841-2090			X	
✓ JEREMY RUDOLPH	507 TRIUMPH	650-296-8659			X	
✓ KYLIE BILLINGSLEY	507 Triumph Dr	408-857-5489			X	
✓ JERRY HOWELL	1703 N KC/D Rd				X	





### 3) The Mill at Middleton Subdivision - Preliminary Plat

February 14, 2022 - Planning & Zoning Public Hearing

Please check

Name	Address	Phone or Email	Please check			
			In Favor	Neutral	Opposed	Testify
✓ Ulvie Hochhalter	1702 N KCID Rd				X	
✓ Paula McEvoy	1703 N. KCID Rd				X	
✓ Kris Branner	447 Summit	208501 5979			X	
✓ Claudia Moberly	1020 Willis Rd	clmoberly@gmail.com		X		
✓ Cathy Madcox	574 Valley St	954-317-6546				
✓ MIKE GRAEFE	1889 RIDGE WAY	208-527-6227			X	
✓ Tammi Hanger	415 Triumph Dr	208-880-1068			X	
✓ JASON LENIUS	475 Triumph Dr	206 784 1156			X	
<del>Jeannie Melotchick</del>						
✓ Mike McDowell	13037 GREENWELL LN	208 606 2232			X	
✓ TODD OGNI-BENE	1973 SCOTCH PINE	916 549 0342		X		