



## **AGENDA**

### **Middleton Planning and Zoning Commission**

### **Middleton, Idaho**

Date: Monday, January 11, 2021

Time: 5:30 p.m.

Location: **Trolley Station** 310 Cornell Street, Middleton, Idaho

***The City is following the CDC/COVID-19 Social Distancing guidelines as directed by the Governor. This Meeting will be streamed live via Facebook. Persons desiring to testify at the Public Hearings will be welcomed in a few people at a time. Written comments are accepted by email to [citmid@middletoncity.com](mailto:citmid@middletoncity.com); mailed or dropped off at 1103 W Main Street, Middleton ID 83644 prior to 3:00 p.m. the day of the meeting.***

1. Call To Order, Pledge of Allegiance, Roll Call
2. Information Items
  - A. Public Hearing procedures – Bruce Bayne
  - B. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles. – Bruce Bayne
  - C. Public Meeting Schedule 2021 – Bruce Bayne
3. Action Items
  - A. Consent Agenda
    1. Consider approving December 7, 2020 regular meeting minutes.
  - B. **Public Hearing:** A request from Intermountain Specialty Gases for a special use permit approval allowing manufacturing specialty gases for the purpose of calibrating and function testing of gas monitors to be located at 21913 Cobalt Ave, Middleton Industrial Park. – Bruce Bayne
  - C. **Public Hearing:** An application from Skyline Homes and Development, LLC., for a special use permit to allow for a mineral extraction permit to create a 4.5-acre pond/water feature amenity for the Lakes of Telaga 2 subdivision. The site is approximately 14.8 acres, zoned "R-3" single-family residential and located near the southwest corner of Kingsbury Road and Telaga Way, parcel number R3383314300. – Bruce Bayne
  - D. **Public Hearing:** An application from Middleton Industrial Park, LLC for preliminary plat and special use permit with respect to the Middleton Industrial Park Subdivision No. 2 located at 0 S Middleton Road, Tax Parcel No., R34075014A0. The proposed preliminary plat is zoned M-1 ("light industrial") and consists of seven industrial lots on 16.36 acres. The special use permit requests decreased road width, elimination of pressurized irrigation, elimination of sidewalks on interior lots, elimination of 5% open space requirement, and reduction of right-of-way triangle at Bass Lane and Middleton Road. – Roberta Stewart
  - E. **Public Hearing:** An application from Drake Investments, LLC for preliminary plat,



## **AGENDA**

### **Middleton Planning and Zoning Commission**

#### **Middleton, Idaho**

development agreement modification and comprehensive plan map amendment for approval of the River Pointe Subdivision. The proposed preliminary plat consists of Mixed Use (M-U) development of 188 commercial, residential, and common lots on approximately 75 acres of vacant land. The address of the project is 10481 Highway 44 and 0 Highway 44, (south of Highway 44), parcel numbers R33920 and R3392001. – Roberta Stewart

4. Public Comments
5. Commission/Staff Comments
6. Adjourn

Posted by: *Bruce Bayne*  
Bruce Bayne, Planning and Zoning Official

Date: January 8, 2021 at 12:00 p.m.



# CITY OF MIDDLETON

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

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

[citmid@middletonidaho.us](mailto:citmid@middletonidaho.us)

[www.middleton.id.gov](http://www.middleton.id.gov)

## Public Hearing Procedures

1. Public Hearing called and time and date stated for the record
  - Staff Report read
  - Applicant Testimony
2. Public Comment portion called open and time stated for the record
  - Public Testimony
  - Applicant Testimony (if needed for clarification)
3. Public Comment portion closed, and time stated for the record
  - Discussion among Council/Commission
  - Motion made and voted on.
4. Public Hearing closed and time stated for the record.



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## City Council and the Planning and Zoning Commission

### Regularly Scheduled Meetings in 2021

All meetings are at 310 Cornell Ave (Trolley Station), Middleton, Idaho unless otherwise advised.

Please contact the City Clerk to arrange for language or access assistance.

**City Council meetings begin at 5:30 p.m.**  
**Planning and Zoning meetings begin at 5:30 p.m.**

2021		
Months	City Council	Planning & Zoning
January	6 <sup>th</sup> , 20 <sup>th</sup>	11 <sup>th</sup>
February	3 <sup>rd</sup> , 17 <sup>th</sup>	8 <sup>th</sup>
March	3 <sup>rd</sup> , 17 <sup>th</sup>	8 <sup>th</sup>
April	7 <sup>th</sup> , 21 <sup>st</sup>	12 <sup>th</sup>
May	5 <sup>th</sup> , 19 <sup>th</sup>	10 <sup>th</sup>
June	2 <sup>nd</sup> , 16 <sup>th</sup>	7 <sup>th</sup>
July	7 <sup>th</sup> , 21 <sup>st</sup>	12 <sup>th</sup>
August	4 <sup>th</sup> , 18 <sup>th</sup>	9 <sup>th</sup>
September	1 <sup>st</sup> , 15 <sup>th</sup>	7 <sup>th</sup> Tuesday
October	6 <sup>th</sup> , 20 <sup>th</sup>	12 <sup>th</sup> Tuesday
November	3 <sup>rd</sup> , 17 <sup>th</sup>	8 <sup>th</sup>
December	1 <sup>st</sup> , 15 <sup>th</sup>	6 <sup>th</sup>



## **Electric Vehicle (EV) Outlets**

### Building Comments

Comments and information by Shane Vigil & Jeff Fitzlofs – Middleton contract Electrical Inspectors

There are 4 possible sizes of outlets ranging from 120 volt/20 Amp (standard plug-in) to 220 volt/110 Amp

The cost to add an EV outlet during residential construction is approximately \$800 and between \$1,200 to \$1,500 for an installation post construction.

Several builders in Middleton install a 100 Amp breaker panel, which would not provide the amperage for the larger Amp requirement. This would necessitate installing a 200 Amp breaker panel at an additional cost. "Double the size, double the cost."

"Residences are built to the minimum standards and an EV outlet is above the minimum".

Mr. Vigil has been inspecting for 8+ years in the Boise Valley @ approximately 1,500 residences/year. During that time, he has inspected 12 or fewer EV installations. He has also inspected approximately 200 hot tub installations, which require a 220 volt, 30-50 Amp outlet. These have all been post construction installations.

The Boise Mayor has proposed EV plug-ins for all new residences in that city. Conversely, the Boise Contractor's Association is not in favor of this.

### Other Comments

Most builders do offer a package to new home owners to install the EV plug in during initial construction.

A large percentage of the cost is to upsize the panel usually from 100 to 200 Amps.

However, please know that the installation can always be completed in the future for basically the same cost.



# ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

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### Intermountain Specialty Gases, LLC – Special Use Permit

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#### APPLICATION SUMMARY

A request from Intermountain Specialty Gases for a special use permit approval allowing manufacturing specialty gases for the purpose of calibrating and function testing of gas monitors to be located at 21913 Cobalt Ave, Caldwell, Idaho, in the Middleton Industrial Park.

**Applicant:** Intermountain Specialty Gases, LLC  
520 N. Kings road  
Nampa, Idaho 83687

**Representative:** Scott Feely  
520 N. Kings road  
Nampa, Idaho 83687

1. **APPLICATION:** Application was accepted by the City on November 15, 2020.

2. **NOTICE OF THE SPECIAL USE PERMIT:**

Published Notice to Idaho Press Tribune:	December 18, 2020
Letters to Agencies:	December 18, 2020
Letters to Owners of Property within 300':	December 18, 2020
Property Posted:	December 18, 2020

3. **APPLICABLE CODES AND STANDARDS:**

Idaho Code Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-1, 1-14-2, 1-15-7, 5-4-1-Table 1

4. **PLANNING AND ZONING REVIEW COMMENTS:**

The subject property was annexed into the City of Middleton in 2105 and was zoned to "M-1", light industrial which allows for less intense industrial and manufacturing uses.

The applicant will be manufacturing, storing and distributing specialty gases for calibration and function testing of gas monitors and gas sensors that are then transferred to small cylinders that are sold to customers who use the gases to repair, calibrate and sell monitors and sensors for detection of noxious gases.



## ADMINISTRATIVE REVIEW AND REPORT

### Middleton Planning and Zoning Commission

Middleton City Code 5-4-1, Table 1, states that a special use permit is required for chemical storage and manufacturing in the "M-1" zoning district.

5. **Written Agency Responses Received to Date:** Caldwell Fire Dept.
6. **Written Comments From Landowners Received to Date:** None.
7. **Review Comments From City Engineer:** None.
8. **Neighborhood Meeting:** Completed.
9. **CONCLUSION:**  
The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area.

The Commission may approve, conditionally approve or deny this special use permit application.

Drafted by: Tom Blanchard  
Date: January 6, 2021



## CITY OF MIDDLETON

P O Box 487

1103 W MAIN ST, MIDDLETON, ID 83644

208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV



## Planning and Zoning Department

## Land Use Application

Rev: 4/24/2019

Fee Paid: \$ 500 3.167487

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_



## Applicant:

Intermountain Specialty Gases 208-466-9425 scott@isgases.com

Name Phone Email

520 N. Kings Road Nampa, Idaho 83687

Mailing Address City, State Zip

## Representative:

Scott Feely 208-466-9425 scott@isgases.com

Name Phone Email

520 N. Kings Road Nampa, Idaho 83687

Mailing Address City, State Zip Code

## PUBLIC HEARINGS\*\*

- ☐ Annexation and Zoning
- ☐ Rezone
- ☐ Vacate Right-of-Way
- ☐ Comprehensive Plan Map or Text Amendment

## PUBLIC MEETINGS\*

- ☐ Design Review
- ☐ Preliminary Plat
- ☐ Construction Plans \*\*\*
- ☐ Final Plat

## PUBLIC HEARINGS\*\*

- ☐ Development Agreement
- ☐ Ordinance Amendment
- ☒ Special Use Permit
- ☐ Variance

\* **Public Meetings:** Individuals have a right to observe, not comment, at an open meeting at which the application is being considered by decision makers. Plats designed to city code and standards do not require a neighborhood meeting or public hearing.

\*\* **Public Hearings:** a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.

\*\*\* **Administratively:** reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: ~~XXXX~~ Middleton Industrial Park

Site Address: 21913 Cobalt Ave. Total Acres: \_\_\_\_\_

Crossroads: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_

Floodplain Zone: \_\_\_\_\_ Hillside (grades exceeding 10%): \_\_\_\_\_

Scott Feely  
Applicant's Printed Name11-1-2020  
Date  
Applicant's Signature



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## Planning and Zoning Department

### Land Use Application

Rev: 4/24/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

#### Checklist - A complete Planning and Zoning Application must include the following.

☒ Application Form

☒ Application Fee (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. \_\_\_\_\_ Applicant Initial

☒ Vicinity Map: attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☒ Narrative: describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

#### Applicable Not Applicable

☐☒

Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only)

☐☒

Design review materials and information (design review application only)

☐☒

Proposed preliminary plat, drainage calculations, traffic impact study

☐☒

Proposed construction drawings (construction plans application only)

☐☒

Proposed final plat (for final plat application only)

☐☒

Proposed development agreement

☒☐

Worksheet (for special use permit or variance only)

☒ Proof of Ownership or Owner's Consent: attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ Property Boundary Description including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

☒ Neighborhood Meeting: If applicable, attach original sign-up sheet.

☒ Mailing Labels: Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☐ Complete Application (City use only: check box and Initial if Application is complete): \_\_\_\_\_



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Planning Department

## Special Use Permit Checklist

Rev: 2/11/2019

Property Owner(s): \_\_\_\_\_

Please answer the following questions:

1. Property Size: 1.46 acres
2. Crossroads: Bass Lane and Cobalt
3. Future Land Use Designation: Industrial
4. Surrounding Land Uses: Industrial
5. If approved, what is the expected effect on roadways and traffic? n/a

6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.?

No

If applicable:

Days and hours of operation: M-F, 8am-5pm, subject to change

Number of employees (full-time): 7 (part-time): 1

Number of employees (living on-site): n/a (living off-site): n/a

Frequency of deliveries: Daily, UPS/FedEx Location of deliveries: shipping and receiving

**Commission Evaluation:** A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 1-15-7 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future



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Planning Department

## Special Use Permit Checklist

Rev: 2/11/2019

neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.

**Conditions of Approval:** When approving a special use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).





Manufacturing calibration gases for your safety since 1992.



## Neighborhood Meeting Minutes

When: Monday, November 30<sup>th</sup>, 2020

Time: 6:00 P.M.

Where: 21913 Cobalt Street  
Middleton, ID 83605

Purpose: Special Permit Application

By: Intermountain Specialty Gases

Members present: Lyle Feely (President), Scott Feely (Vice President), Julie Feely (Secretary)

Others present: NONE

Meeting called to order at 6:00 pm.

-Discussed that Wright Brothers called earlier in the day asking what the purpose of the neighborhood meeting was for. Explained to Wright Brothers that we are applying for a Special Permit and this is part of the process. Invited them to attend.

Meeting adjourned at 6:30 pm.

Submitted by:

*Scott R. Feely*

Scott Feely

Vice President

Intermountain Specialty Gases



# Pioneer1031Co.

TAX-DEFERRED EXCHANGES

November 16, 2020

To: City of Middleton

This letter authorizes Intermountain Specialty Gases to apply for any applicable application they deem worthy to operate their day-to-day operations in regards to the real property located at 21913 Cobalt Avenue, Caldwell, ID 83605 and owned by #565 Pioneer Exchange Accommodation Titleholder, LLC.

Should you have any questions please feel free to contact me directly.

Sincerely,

A handwritten signature in dark ink, appearing to read "Jesse Hamilton", with a long horizontal flourish extending to the right.

Jesse Hamilton  
Senior Vice President  
#565 Pioneer Exchange Accommodation Titleholder, LLC.  
208-373-3733  
1211 W. Myrtle Street, Suite 100  
Boise, ID 83702

**Escrow No.:** 34602021029-KY

**2020-067573**  
RECORDED  
**11/13/2020 03:42 PM**  
CHRIS YAMAMOTO  
CANYON COUNTY RECORDER  
Pgs=2 HCRETAL \$15.00  
TYPE: DEED  
FIDELITY NATIONAL TITLE - BOISE  
ELECTRONICALLY RECORDED

## **WARRANTY DEED**

### **FOR VALUE RECEIVED**

**Middleton Industrial Park, LLC, an Idaho limited liability company**

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

**#565 Pioneer Accommodation Titleholder, LLC, an Idaho Limited Liability Company**

GRANTEE(S), whose current address is: **520 N Kings Road, Nampa, ID 83687**

the following described real property in Canyon County, Idaho, more particularly described as follows, to wit:

Lot 1 in Block 1 of Middleton Industrial Park No. 1, according to the official plat thereof, filed in Book 48 of Plats at Page(s) 27, records of Canyon County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

# WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this 13<sup>th</sup> day of November, 2020.

Middleton Industrial Park, LLC

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

Steven A. Peel  
Member/Manager

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

Gregory T. Burkhart  
Member/Manager

STATE OF Idaho, COUNTY OF Ada, -ss.

On this 13<sup>th</sup> day of November, 2020, before me, the undersigned, a Notary Public in and for said State, personally appeared Steven A. Peel and Gregory T. Burkhart, known or identified to me to be the person whose name is subscribed to the within instrument, as the Member/Managers of Middleton Industrial Park, LLC, a Limited Liability Company and acknowledged to me that he executed the same as such Member/Managers.

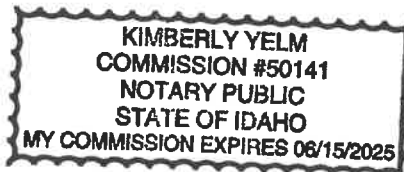
Signature: \_\_\_\_\_

Name: \_\_\_\_\_

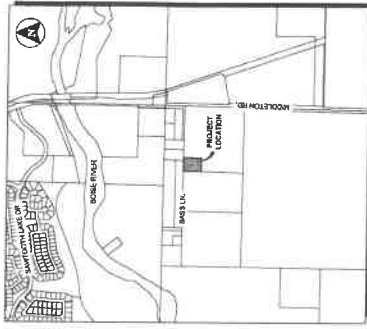
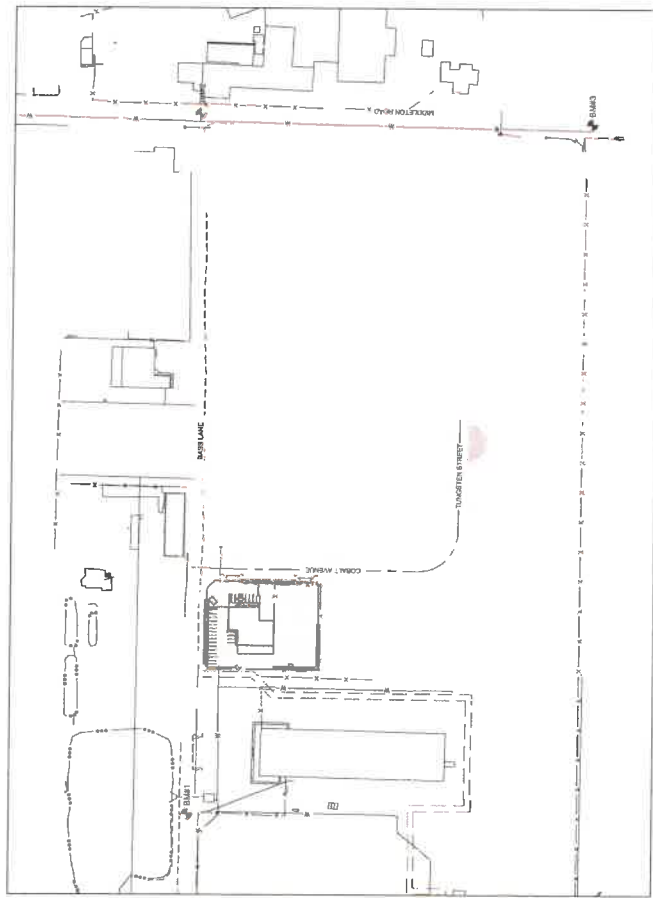
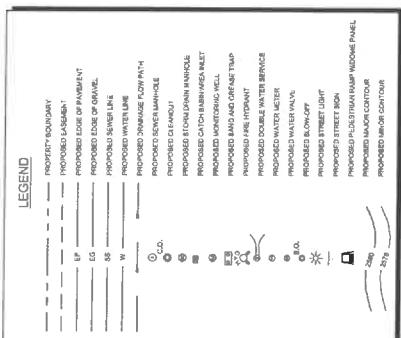
Residing at: \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

(SEAL)



**NOTE:** THE LOCATION OF EXISTING UNDERGROUND UTILITIES ARE SHOWN APPROXIMATELY ONLY PRIOR TO CONSTRUCTION. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO INFORM ALL UTILITY COMPANIES OF THE CONSTRUCTION SCHEDULE. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. THE CONTRACTOR IS RESPONSIBLE FOR ANY AND ALL DAMAGE WHICH MAY OCCUR BY FAILURE TO EXACTLY LOCATE AND PROTECT ALL UTILITIES.

[illegible]

SHEET NO.	DESCRIPTION
C0.00	COVER SHEET
C0.01	CONSTRUCTION NOTES
C1.00	SITE PLAN
C2.00	GRADING AND DRAINAGE PLAN
C3.00	DETAILS
C4.00	ESC PLANS
L5.00	LANDSCAPE PLAN
L6.01	DETAILS

CONSTRUCTION PLANS FOR:  
BURGESS PUMP SITE  
COVER SHEET

UTILITY REPRESENTATIVES		
UTILITY	AGENCY	PHONE
ELECTRIC	ENLIGHTEN	208-377-6609
TELEPHONE	VOX 818111-VMM	208-377-6609
SEWER	WILKINS-800-555-5555	208-383-5114
WATER	CITY OF MISSOULA	208-383-5114
ROADS	CITY OF MISSOULA	208-383-5114
PORE	DAVICK - 800-860-0000	208-383-5023
	INVEST CENTER	208-383-5023

SURVEY INFORMATION			
CONSTRUCTION STAGES WILL BE PROVIDED BY THE ENGINEER, AND QUALITY, AND PHONE NO. 1800-424-0300			
ALL TELEPHONE NUMBERS MUST BE IN THE AREA UNDER SURVEY (DATE OF 1989 JANUARY 19)			
STATION	MARK	TYPE	DESCRIPTION
11111111	100000.00	100000.00	100000.00
222222.22	200000.00	200000.00	200000.00
333333.33	300000.00	300000.00	300000.00
444444.44	400000.00	400000.00	400000.00
555555.55	500000.00	500000.00	500000.00
666666.66	600000.00	600000.00	600000.00
777777.77	700000.00	700000.00	700000.00
888888.88	800000.00	800000.00	800000.00
999999.99	900000.00	900000.00	900000.00
1000000.00	1000000.00	1000000.00	1000000.00
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4700000.00	4700000.00	4700000.00	4700000.00
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5500000.00	5500000.00	5500000.00	5500000.00
5600000.00	5600000.00	5600000.00	5600000.0

## NOTICE TO CONTRACTORS

## Untitled Map

Write a description for your map.

Legend  
Middleton







Manufacturing calibration gases for your safety since 1992.

### **NARRATIVE**

Intermountain Specialty Gases (ISG) is a family owned business. We are a safety company that helps save lives. ISG manufactures specialty gases for the purpose of calibrating and function testing of gas monitors and gas sensors. These specialty gases are sold in disposable cylinder that can consist of 0.6 cubic feet to 3.6 cubic feet per cylinder. To make these specialty gases, ISG first makes a parent mix in a large "K" size cylinder. A "K" size cylinder is similar to a helium tank you would find at a party store to fill helium balloons. The specialty gases in these "K" size cylinders are then trans-filled into small disposable or small refillable cylinders. These cylinders are then sold to our distributors.

#### **How our products are used....**

Our products are used in a wide range of industries (see list of industries). Our specialty gases are used to function-test and calibrate handheld gas monitors and/or fixed gas sensors. The purpose of function-test and calibrating these gas monitors is to confirm a safe environment for employees and the general public. OSHA suggests a function test before each shift or use of a handheld gas monitor to make sure they are working properly. Example: Underground parking garages have fixed carbon monoxide monitors through the garage. When the gas monitors sense that there is starting to be an unsafe level of carbon monoxide in the garage, a motherboard panel turns on the exhaust fans to evacuate this type of gas.

These gas monitors do occasionally fail due to environment exposure or misuse. This process of function testing will help determine if the sensor is working properly or not. Our products are also used to calibrate these same gas monitors and gas sensors. Each gas monitor and gas sensor manufacturer have different calibration requirements. The manufacturer may require calibration each six months or every 12 months. Should the gas monitor/sensor fail during a calibration, the gas monitor is taken out of service until it is repaired and working properly. Every gas monitor manufacturer has its own protocol on how the gas monitor/sensor is to be repaired.

Intermountain Specialty Gases is one of only a few manufacturers that are approved by the National Highway Traffic Safety Administration (NHTSA). ISG is an approved manufacturer/supplier listed on the Conforming Products List (CPL) for evidential breath alcohol measurement devices. ISG manufactures ethanol dry gas standards for interlock devices and breath analyzers instruments.

#### **Major customers....**

Most of our customers/distributors are safety supply houses. These customers are usually certified to repair, fix and sell various gas monitors and sensors in their geographic region. Our customers also distribute safety products such as fall equipment, traffic cones, safety clothing, eye wear, etc.

#### **Assumed impact**

When the majority of people hear the words specialty gases they immediately think of a product that is flammable, hazardous and that it might explode. I'd like to explain this misconception and how our business operates to avoid any of these scenarios.

Understanding what types of scenarios a gas becomes flammable.

**Lower explosive limit (LEL):** The lowest concentration (percentage) of a gas or a vapor in air capable of producing a flash of fire in presence of an ignition source (arc, flame, heat). The term is considered by many safety professionals to be the same as the lower flammable limit (LFL). At a concentration in air lower than the LEL, gas mixtures are "too lean" to burn. Methane gas has a LEL of 5.0%. If the atmosphere has less than 5.0% methane, an explosion cannot occur even if a source of ignition is present.

**Upper explosive limit (UEL):** Highest concentration (percentage) of a gas or a vapor in air capable of producing a flash of fire in presence of an ignition source (arc, flame, heat). Concentrations higher than UFL or UEL are "too rich" to burn. Explanation of what types of mixes/blends ISG manufactures.

**What are the standard mixes ISG makes?**

Two examples of the types of mixes/blends ISG makes are Methane 2.5% (50% LEL) in a balance of Air (20.9% Oxygen/76.6% Nitrogen) and Propane 1.1% (50% LEL) in a balance of Air (20.9% Oxygen/78.0% Nitrogen). When these gas mixtures are blended to these concentrations, an explosion cannot occur even if a source of ignition is present. Per the rules and guidelines of the Department of Transportation these mixes/blends are considered to be non-flammable. And this is the majority of our business.

**End result**

ISG is proud to have acquired a new industrial building in Middleton and looks forward to continuing to grow its business in collaboration with the City of Middleton. Our goal is to bring new jobs to the area, help stimulate the local economy, and contribute to the future growth of Middleton. We look forward to a mutually successful and beneficial relationship with the City of Middleton for many years to come.

Best regards,



Scott Feely  
Vice President  
Intermountain Specialty Gases



# ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

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### Lakes of Telaga 2 – Special Use Permit

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#### APPLICATION SUMMARY

An application from Skyline Homes and Development, LLC., for a mineral extraction permit to create a 4.5-acre pond/water feature amenity for the Lakes of Telaga 2 Subdivision. The site is approximately 14.8 acres, zoned "R-3" single-family residential and located near the southwest corner of Kingsbury Road and Telaga Way, parcel number R3383314300.

**Applicant:** Skyline Homes & Development, LLC  
3516 N. Black Butte Court  
Boise, Idaho 83687

**Representative:** Elwin Butler, Matrix Engineering, Inc.  
1020 N. Main Street, Suite 100J  
Boise, Idaho 83702

1. **APPLICATION:** The application was accepted by the City on November 24, 2020.

2. **NOTICE OF THE SPECIAL USE PERMIT:**

Published Notice to Idaho Press Tribune:	December 18, 2020
Letters to Agencies:	December 18, 2020
Letters to Owners of Property within 300':	December 18, 2020
Property Posted:	December 18, 2020

3. **APPLICABLE CODES AND STANDARDS:**

Idaho Code Title 67, Chapter 65  
Middleton City Code (MCC) 1-14-1, 1-14-2, 1-15-6, 1-15-7, 5-4-1-Table 1

4. **PLANNING AND ZONING REVIEW COMMENTS:**

The preliminary plat was approved by City Council November 18, 2020, which includes 15 lots and a 4.5-acre pond/water feature amenity. Each of the 15 lots back to and share ownership of the pond/water feature.

A special use permit is required prior to the applicant being able to construct the 4.5-acre pond/water feature in the subdivision.





## ADMINISTRATIVE REVIEW AND REPORT

### Middleton Planning and Zoning Commission

Several similar ponds exist in the adjacent subdivisions of Lakes of Telaga 1, The Lakes 1 and 2 and Crescent Lake.

The proposed development is bordered on the north and east by Lakes at Telaga Phase 1 Subdivision and The Lakes Subdivision on the south, east and west sides and is accessed from Kingsbury Road to Telaga Way and Silverwood Way.

**City Planning and Zoning Review Comments:** Completed.

**City Engineer Review Comments:** N/A

**Written Agency Responses Received to Date:** None to date.

**Written Comments From Landowners Received to Date:** One as attached.

**Neighborhood Meeting:** The lake was shown and discussed with the preliminary plat meeting.

#### 5. **CONCLUSION:**

The purpose of the special use is to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in the area.

The commission may approve, conditionally approve or deny this special use permit application.

If the commission approves this special use permit, it is recommended to be with the following conditions:

- A. Assure that excavation is maintained properly.
- B. Regulate points of ingress and egress for construction equipment.
- C. Require noise, vibration, odors or other similar nuisances to be as per City Code.
- D. State of Idaho Department of Lands reclamation approval, if required.
- E. The special use permit may be revoked if conditions and City Code are not followed.

#### 6. **ATTACHMENT**

Drafted by: Bruce Bayne

Date: January 11, 2021



# ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### ATTACHMENT



## Bruce Bayne

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**From:** Brett Bishop <brett@stackconstruction.com>  
**Sent:** Tuesday, September 08, 2020 3:05 PM  
**To:** Bruce Bayne  
**Cc:** Lori Bishop  
**Subject:** Lakes at Telaga Mining

Mr. Bayne,

I would just like to reiterate the concerns that I have in regards to the proposed mining of the former school district property in Lakes at Telaga subdivision.

My main concern is the access that will be used during the mining process. HMM Construction stated that they will be using the main entrance to Lakes at Telaga subdivision off of Kingsbury for their access point for all traffic coming and going for the mining process. There is currently a elementary school bus stop at the first round about that will be used by children in Kindergarten – 5<sup>th</sup> grade from both Lakes at Telaga and Lakes subdivision which share this access every morning for pickup and afternoon for dropoff. There is also a bus stop at the entrance to the subdivision at Kingsbury for middle and high school kids from both subdivisions and a house across Kingsbury from the entrance. The type and quantity of traffic that the mining operation will add in this area is definitely a safety hazard to the children that utilize the two bus stops everyday.

Another concern is the increased quantity and type of traffic that will be coming into the subdivision and trying to get onto the Hwy and Kingsbury from the Hwy and the safety issues and delays that this will cause. Also that there will now be houses with driveways trying to access the road near the 3 round abouts that currently exist.

Although I would prefer that the mining didn't take place at all and the old school property be required to have all access to homes be from internal streets from the next round abouts on each side in Lakes at Telaga and Lakes I realize that this may still happen. If mining is approved and the development to proceed as currently proposed I would strongly urge a requirement for them to access the site through the new development that they are working on, Crescent Lakes, to avoid the bus stops and minimize the amount of traffic through the built out subdivisions of Lakes at Telaga and Lakes through the main entrance. I would also like to see stipulations on the hours that they are able to commence the work each day as this is within a otherwise fully developed subdivision and on the timeframe for the work to be completed once started so that it covers a specific period and isn't open ended.

If you would like to discuss any of these concerns feel free to contact me.

Thanks,

**Brett Bishop**



RCE-40124  
408 S. Eagle Rd, Ste #201 | Eagle, ID 83616  
208-863-1395 | [www.stackconstruction.com](http://www.stackconstruction.com)

# I. Land Use Application



## CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

## Land Use Application

Rev: 4/24/2019

Fee Paid: \$ 500.00 Rec 1.237115

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

### Applicant:

**Skyline Homes and Development, LLC** 208.440.6751 [hmhconstructioncorp@gmail.com](mailto:hmhconstructioncorp@gmail.com)

Name Phone Email  
**3516 N. Black Butte Court** **Nampa, ID** **83687**

Mailing Address City, State Zip

### Representative:

**Matrix Engineering, Inc.** 208.860.3127 [dunger@mat-eng.com](mailto:dunger@mat-eng.com)

Name Phone Email  
**1020 W. Main Street, Ste 100J** **Boise, ID** **83702**

Mailing Address City, State Zip Code

### PUBLIC HEARINGS\*\*

- ☐ Annexation and Zoning  
☐ Rezone  
☐ Vacate Right-of-Way  
☐ Comprehensive Plan Map  
or Text Amendment

### PUBLIC MEETINGS\*

- ☐ Design Review  
☐ Preliminary Plat  
☐ Construction Plans \*\*\*  
☐ Final Plat

XXX Mineral Extraction

### PUBLIC HEARINGS\*\*

- ☐ Development Agreement  
☐ Ordinance Amendment  
☐ Special Use Permit  
☐ Variance

\* **Public Meetings:** Individuals have a right to observe, not comment, at an open meeting at which the application is being considered by decision makers. Plats designed to city code and standards do not require a neighborhood meeting or public hearing.

\*\* **Public Hearings:** a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.

\*\*\* **Administratively:** reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: The Lakes at Telaga Phase 2

Site Address: R3383314300 [Lot 1 Blk 4 - Lakes at Telaga Ph.1] Total Acres: 14.80 (+/-)

Crossroads: Telaga Way/Silverwood Way

Existing Zoning: R-3 Proposed Zoning: R-3

Floodplain Zone: NA Hillside (grades exceeding 10%): NA

**Doug Unger, P.E. for Skyline Homes and Development**  
**Matrix Engineering, Inc.** 10.29.2020

Applicant's Printed Name

Date

Douglas Unger  
Applicant's Signature

LAND USE APPLICATION  
PAGE 1 of 2



## CITY OF MIDDLETON

P O Box 487  
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208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

## Planning and Zoning Department

### Land Use Application

Rev: 4/24/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

**Checklist - A complete Planning and Zoning Application must include the following.**

**XXX** Application Form

**XXX** Application Fee (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. DU Applicant Initial

**XXX** Vicinity Map: attach an 8 1/2" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

**XXX** Narrative: describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable      Not Applicable

☐☒

Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only)

☐☒

Design review materials and information (design review application only)

☐☒

Proposed preliminary plat, drainage calculations, traffic impact study

☐☒

Proposed construction drawings (construction plans application only)

☐☒

Proposed final plat (for final plat application only)

☐☒

Proposed development agreement

☐☒

Worksheet (for special use permit or variance only)

**XXX** Proof of Ownership or Owner's Consent: attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.

**XXX** Property Boundary Description including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

**NA** Neighborhood Meeting: If applicable, attach original sign-up sheet.

**NA** Mailing Labels: Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☐ Complete Application (City use only: check box and initial if Application is complete): \_\_\_\_\_



## II. Special Use Permit Checklist



### CITY OF MIDDLETON

P O Box 487, 1103 W. MAIN ST., MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

Planning Department

### Special Use Permit Checklist

Rev: 2/11/2019

Property Owner(s): Skyline Homes and Development, LLC

Please answer the following questions:

1. Property Size: 14.80 Acres (+/-)
2. Crossroads: Telaga Way/Silverwood Way
3. Future Land Use Designation: R-3 (current and future). 15 lot subdivision pending.
4. Surrounding Land Uses: Residential subdivisions
5. If approved, what is the expected effect on roadways and traffic? Short term/limited gravel extraction operation will result truck transport traffic, typical of small gravel extraction operation. Upon conclusion of gravel extraction operation normal residential traffic will resume. Subject gravel extraction property is adjacent to Kingsbury Road.
6. Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.? Typical excavator and truck traffic and associated equipment function related to short term gravel extraction operation. Daytime operation only. Existing paved surface streets will not create dust during haul operation. High ground water of regional property will limit nuisance dust.

If applicable:

Days and hours of operation: 8am to 5pm, Monday – Friday for 12-week duration (intermittent)

Number of employees (full-time): 0 – short term operation(part-time):2 – for duration of extraction only

Number of employees (living on-site): 0 (living off-site): 0

Frequency of deliveries: Intermittent operation within 12-week timeframe to transport extracted gravel material to off-site location.

Location of deliveries: Off-site private stockpile

**Commission Evaluation:** A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 1-15-7 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

SPECIAL USE PERMIT APPLICATION  
PAGE 1 of 2



**CITY OF MIDDLETON**  
P O Box 487, 1103 W. MAIN ST., MIDDLETON, ID 83644  
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Planning Department  
**Special Use Permit Checklist**  
Rev: 2/11/2019

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.

**The short term, temporary gravel extraction operation will have limited impacts associated with current condition within and/or near existing properties (the Lakes and Lakes at Telaga Subdivisions). See III. City of Middleton Code 1-15-16 Mineral Extraction Permit Narrative.**

**Conditions of Approval:** When approving a special use permit, conditions may be attached to:

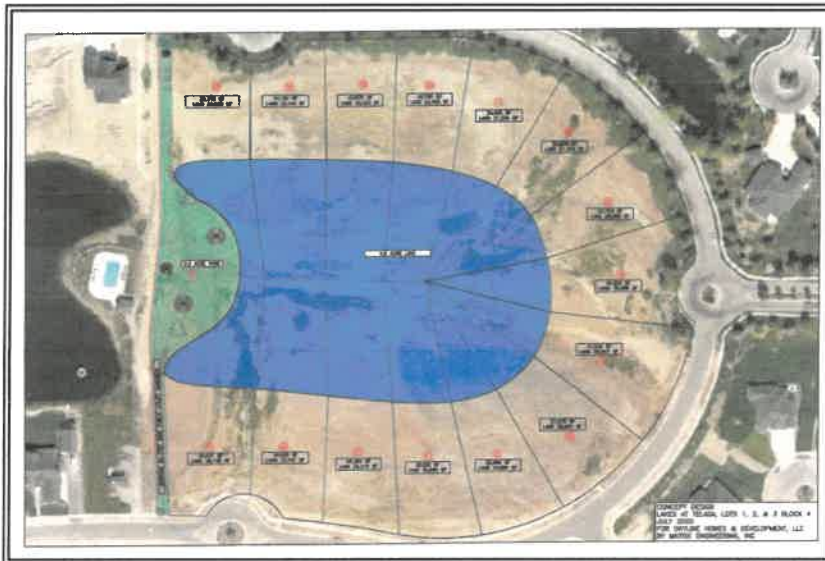
- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).

**City of Middleton  
Mineral Extraction Permit  
for**



**Lakes at Telaga Phase 2**

**A Portion of the NE $\frac{1}{4}$  of the SE $\frac{1}{4}$  of Sec. 3, T04N, R02W, B.M.  
Canyon County, Idaho**



**Prepared for:**

**Applicate**

**Skyline Homes and Development, LLC**  
Dale Newberry, John Odom  
3516 N. Black Butte Court  
Nampa, ID 83687  
Phone: 208.440.6751  
Email: [hnhconstructioncorp@gmail.com](mailto:hnhconstructioncorp@gmail.com)

**Prepare by:**

**Matrix Engineering, Inc.**  
Doug Unger, P.E.  
1020 W. Main Street, Suite 100J  
Boise, ID 83702  
208.860.3127

**Date: November 10, 2020**



**Summary Statement:** This City of Middleton Mineral Extraction Permit was prepared by Matrix Engineering, Inc. on behalf of Skyline Homes and Development, LLC for a temporary mineral extraction operation at the Lakes of Telaga Phase 2 property. The City of Middleton **Land Use Application, Special Use Permit Checklist, and Code 1-15-16: Mineral Extraction Permit**, are included and addressed within to satisfy the requirements of the City of Middleton for issuance of the Permit.

The subject property associated with this Mineral Extraction Permit is City of Middleton Assessor Parcel No. R3383314300, consisting of 14.80 acres, which is zoned as R-3. The property is further described as being located in a portion of the NE¼ of the SE¼ of Sec. 3, T04N, R02W, B.M., Canyon County, Idaho. The footprint area of the mineral extraction operation is approximately 4.5 acres. The anticipated mineral yield from the extraction operation is estimated to be in a range of 80,000 to 120,000 cubic yards (CY). Excavated mineral material will be stored on-site for a short duration before being hauled to the end user. The excavation and reclamation will create an in-fill (gravel pit) pond which will serve as an amenity to the subsequent development of a 15-lot residential subdivision. The mineral extraction operation and associated reclamation is anticipated to be completed within 12 weeks (intermittent activity).

No permanent structures will be constructed or placed on the site of the mineral extraction operation. The operation will only involve temporary extraction activities and the labor and material resources which are required for such activity. The Gibson Gravel Pit property mineral extraction operation will not have any detrimental effects to surrounding properties, nor will it be contrary to the public interest.

## **Mineral Extraction Permit Submittals**

- I. Land Use Application**
- II. Special Use Permit Checklist**
- III. City of Middleton Code 1-15-16  
Mineral Extraction Permit Narrative/Replies**
- IV. Vicinity Map**
- V. Property Ownership Data**
- VI. Preliminary Plat**

### III. City of Middleton Code 1-15-16 Mineral Extraction Permit Narrative

## CHAPTER 15 PERMITS, EXCEPTIONS TO STANDARDS, AND LICENSES

#### 1-15-16: MINERAL EXTRACTION PERMIT:

##### 1-15-16-1: DEFINITIONS:

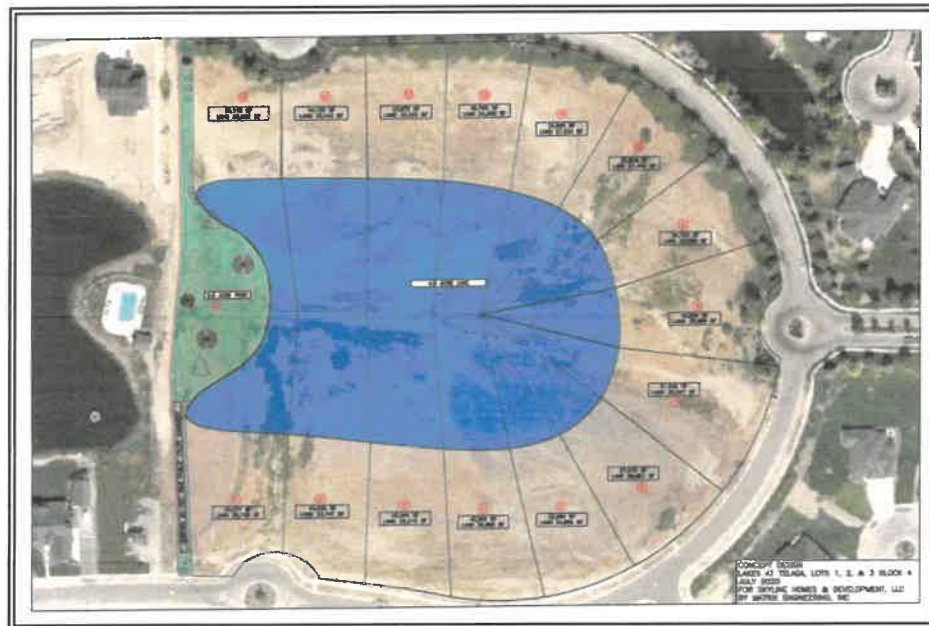
For the purpose of this section [1-15-16](#), definitions of applicable terms shall be those of Idaho Code title 47, chapter 15, the Idaho Surface Mining Act, and implementing regulations pursuant in the Idaho Administrative Procedures Act. (Ord. 528, 2-19-2014; amd. Ord. 609, 7-3-2018)

##### 1-15-16-2: SUBMITTAL REQUIREMENTS FOR MINING APPLICATIONS:

The applicant shall file a detailed written and graphic plan on a form prepared by the City and accompanying the necessary fees, as set by resolution of the Council. Submittals shall include the following:

A. Site plan (including phasing);

→ The site plan/exhibit below outlines the pond which will be created as a result of the Telaga Phase 2 project gravel extraction. The resulting 4.5-acre surface area pond is a desired amenity and feature for the development of the 15-lot residential subdivision, typical of landscape ponds which currently exist in The Lakes, Telaga Phase 1, and Crescent Lake Subdivision. Each residential lot within the pending Lakes at Telaga Phase 2 subdivision will include various proportional pond area. Due to the modest size and short-term period of the gravel extraction operation only one phase will be required to accomplish the Owner's obligation associated with this City of Middleton Extraction Permit.



**Telaga Property Site Plan**  
(Blue area represents gravel extraction area and resulting water pond)

**B. Operations plan (dust mitigation, equipment and vehicle maintenance, material storage, etc.);**

→ *Dust Mitigation:* Any nuisance dust associated with the excavation and transporting of extracted gravel material will be mitigated immediately. The contractor, HMM Construction, has the necessary equipment required for dust control. The high groundwater level of the Telaga property will aid to reduce dust as the excavated material will be below the groundwater table. The ingress/egress to the site is provided via paved roadways which will not create dust. The short term duration of the extraction operation, during the pending fall/winter season, will also serve to limit dust concerns.

→ *Equipment and vehicle maintenance:* Gravel excavation equipment will only reside on site during a short time as the extraction area is approximately 4.5 acres in size. The only equipment maintenance anticipated to be required is fuel filling from portable delivery trucks.

→ *Material storage:* The gravel material extracted from the Telaga site is to be employed for off-site projects. The excavated gravel will be stockpiled/stored on the property for a time period not to exceed 12 weeks (intermittent activity), until delivered to the end user.

*No permanent structures will be constructed or placed on the temporary site of the mineral extraction operation. The operation will only involve temporary extraction activities and the labor and material resources which are required for such activity. The Telaga property mineral extraction operation will not have any detrimental effects to surrounding properties, nor will it be contrary to the public interest.*

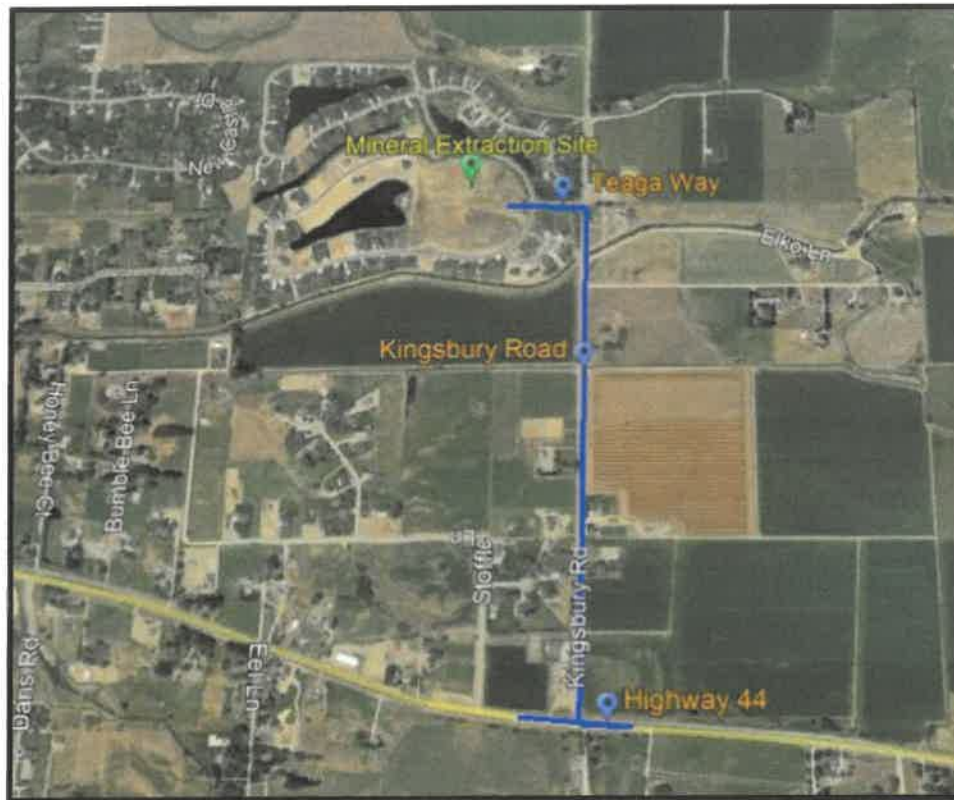
**C. Stormwater plan;**

→ *The existing site of the proposed temporary gravel extraction operation consists of former irrigated, cultivated farmland which has grown to weeds. As has historically occurred the pervious areas of the Lakes at Telaga Phase 2 property benefit stormwater management; no stormwater will leave the site. The regional soils consist of silty sand, poorly graded gravel with sand, well suited for stormwater infiltration. The mineral extraction operation will include the necessary provisions to retain stormwater on-site the subject property by berms and/or grading if necessary.*

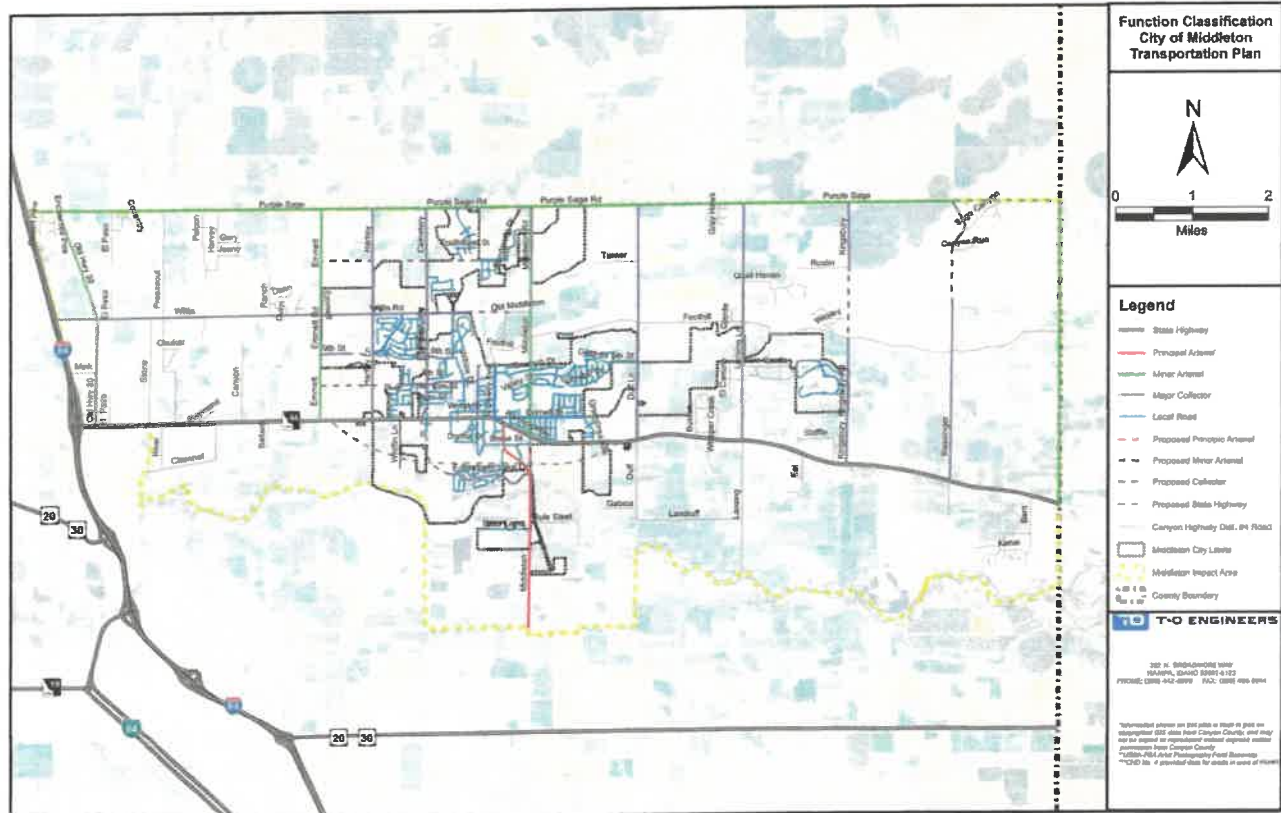
**D. Traffic plan (internal and off site);**

→ *Ingress/egress to the short-term Lakes at Telaga Phase 2 gravel extraction operation property is via Highway 44, Kingsbury Road, Telaga Way - haul road exhibit below. Trucks hauling gravel from the proposed site shall be subject to all laws regulating the operation of motor vehicles. Each of these surface roadways are paved with asphalt. Highway 44 is a State of Idaho asset, Kingsbury Road is classified as a "major collector" and Telaga Way is classified as a "local road" per the **City of Middleton Transportation Plan – Function Classification** (copy of exhibit below):*





**Haul Route for Transporting Product**



E. Reclamation plan, before submittal to other agencies. (Ord. 528, 2-19-2014; amd. Ord. 609, 7-3-2018).

→ *The reclamation of the mineral extraction property will create a water pond feature which is consistent with the pond amenities within the adjacent subdivisions. The proposed mineral extraction site does not have any current aesthetic appeal, and is antithetical with adjacent landforms and improvements. Existing condition image below. The extraction operation will result in a permanent in-fill pond with a water surface area of approximately 4.5 acres. The water depth of the pond, generally 4 to 5 feet below finished grade, will vary based on seasonal groundwater depths and irrigation supply demands. The perimeter area of the pond will be graded and contoured to create finished landscape edges. The finished pond will serve as the center core feature for the subsequent development of the Lakes at Telaga Phase 2 residential subdivision. Site reclamation will be consistent with existing improvements. The Preliminary Plat for the 15 lot residential subdivision has been submitted to the City of Middleton for approval. Copy of Preliminary Plat included in Section V.*



### **1-15-16-3: GOALS AND STANDARDS FOR MINERAL EXTRACTION AND SURFACE MINING:**

A. Temporary Use: Mineral extraction, surface mining and processing activities are considered a temporary use, and applicants shall be required to restore the land to a form suitable for future land use that is consistent with the property's zone designation and consistent with the comprehensive plan map designation. In granting the use, the City shall make a specific finding of fact that the proposed mineral extraction and processing meets all of the following criteria:

1. Is consistent with the City's comprehensive plan.

→ *This Mineral Extraction Permit seeks a temporary request for excavation and removal of a natural resource aggregate from private property which is zoned R-3. The short term use is consistent and comports with the development of the surrounding properties, and will not have impact to the comprehensive plan. The temporary mineral extraction operation does not change the existing character of the area or significantly impact the surrounding area.*



**2. Is compatible with adjacent zoning, existing and planned land use.**

→ *The current adjacent land use consists of residential subdivisions. The temporary gravel extraction operation property will be compatible with former development of adjacent property as the subsequent development of the property will create a 15-lot residential subdivision, typical of existing. The proposed use will not be injurious to other properties or property owners in the immediate vicinity and will not change the essential character of the area. All regulations of the agencies having jurisdiction over the property shall be complied with during the short-term gravel extraction operation.*

*The goal of the temporary and final land use is to leave the site in a safe, non-polluting, harmonious condition which adds value to the subsequent development of the 15-lot Lakes at Telaga Phase 2 subdivision and enhances the existing properties.*

**3. Provides for the mitigation of environmental impacts including visual quality, pollution control, natural and constructed environment, health, safety, and general welfare.**

→ *Understanding the appropriate sensitivity of the neighboring property owners associated with the mineral extraction operation, provisions will be implemented to reduce adverse noise, glare, dust, vibration, or general unsightliness concerns. No toxic or hazardous materials will be stored on site or used in the gravel extraction operation.*

*Due to the high ground water in the regional area dewatering will be required to facilitate the removal of the material. The mineral deposits to be extracted reside in subterranean and subaqueous layers. A flow-through pond will form when the mineral extraction occurs below the water table and fill with groundwater. The net effects of below-water extraction are normally minor and very localized, and no pollutants are introduced. The depth of the in-fill pond, and the hydraulic movement of the groundwater will not impact water quality.*

**B. Extraction Guidelines: Mineral extraction activities shall be planned, designed, and operated in compliance with the following extraction standards:**

**1. Prevent the deposit of mud on improved roads.**

→ *With the exception of the internal excavation area, the ingress/egress to the site is provided via paved roadways – Telaga Way, Kingsbury Road, State Highway 44. The temporary life, the traffic pattern, and the soils type, associated with the operation of the Lakes at Telaga Phase 2 mineral extraction operation will not create mud deposits.*

**2. Minimize the adverse impact of mining operations on surface and/or ground water:**

**a. Surface water and sediment control to conform to current State and Federal Best Management Practices.**

→ *The mineral extraction operation will adhere to conditions of approval and compliance with applicable City of Middleton, state and federal regulations related to surface water quality and sediment control. A storm water pollution protection plan (SWPPP) will be prepared and posted at the project site.*

**b. Mining activities within floodplain shall demonstrate adequate conveyance of flood flows, stabilization of the channel, and design to withstand capture of the main channel during a flood event.**

→ *The mineral extraction property is not within a floodplain. No mitigation considerations are required associated with floodplain/floodway impacts.*

- c. Material or mineral stockpiles and/or structures shall not be placed within the floodway.  
→ *The mineral extraction property is not within a floodplain.*
  - d. Use or reuse of water in mining and processing of sand and gravel to conform to adopted State and Federal Best Management Practices.  
→ *In order to facilitate the excavation and removal of the mineral materials site dewatering is necessary. A dewatering pump which lowers the water table is placed in a perimeter trench around the area to be excavated. The pumped effluent will be conveyed to and discharged in Drain Ditch No. 10 per Drain District No. 2. The water table is dewatered to an elevation lower than the area to be excavated for material harvesting. The material extraction does not occur in any standing water and will not impact water quality.*
3. Ensure community safety, health, and welfare from mining practices:
- a. Final slopes of pits shall not be greater than three to one (3:1) for safety and protection of property, unless stability at greater slopes can be demonstrated.  
→ *The natural angle of repose or less will result from mineral extraction and align with the Owner's landscape objectives.*
  - b. Hours of operation shall be established to ensure compatibility with surrounding uses.  
→ *The hours of operation for mineral extraction and hauling will be limited to the hours of 8 AM to 5 PM, Monday – Friday. Associated activities will occur on site, and will involve excavators and haul trucks, as well as de-watering equipment.*
  - c. Mining operations setbacks to be at least fifty feet (50') from adjacent property lines and at least two hundred fifty feet (250') from occupied dwellings.  
→ *The mineral extraction operation will adhere to the setback requirements. Ample staging area for the operation is available without setback impacts.*
4. Minimize adverse impacts due to truck traffic:
- a. Intersection of haul roads and the public road system shall be designed in accordance with the current AASHTO Design Manual.  
→ *Acknowledged and will be satisfied.*
  - b. Signs, speed zones, and lane markings consistent with safe ingress/egress of heavy truck traffic shall be used.  
→ *Acknowledged and will be satisfied.*
  - c. Adverse impacts to public roadways shall be mitigated through construction or maintenance of roadways as warranted by use.  
→ *Acknowledged and will be satisfied.*
5. Return the land to a form and productivity that is beneficial to the community:
- a. Provide timetable for in progress and final restoration.  
→ *Mineral extraction will occur over the 2020/2021 fall/winter season period during a time duration of 12 weeks (intermittent activity).*
  - b. During the mining process and after the mining operations have been completed, provide for the restoration of land that has been subjected to surface disturbance by mining thereby conserving natural resources, aid in the protection of wildlife and aquatic resources and establish recreational, open space, residential, and industrial

sites in conformance with the comprehensive plan. (Ord. 587, 1-18-2017; amd. Ord. 609, 7-3-2018).

→ *The operation of the temporary mineral extraction operation will satisfy and comply with the requirements of local and state codes and regulations, as well as specific City of Middleton Conditions of Approval. Upon completion of the extraction operation, the site will be reclaimed and rehabilitated and be consistent with and similar to the development of the adjacent subdivisions.*

*No permanent equipment or structures will be involved with the temporary operation of the gravel extraction operation. The associated activities will not impact or create a hazard to wildlife, waterways, public safety, or ecological conditions. The operation period of the gravel extraction facility will be limited to day-light hours. No site illumination will be provided. No fuel will be stored on the subject site, in either an underground storage tank (UST), or an aboveground storage tank (AST). There are not any significant sensitive features, vegetation, or shallow wells in close proximity of the mineral extraction operation.*



IV. Vicinity Map



## V. Property Ownership Data



775 S. Rivershore Ln., Ste. 120  
Eagle, ID 83616

ELECTRONICALLY RECORDED-DO NOT  
REMOVE THE COUNTY STAMPED FIRST  
PAGE AS IT IS NOW INCORPORATED AS  
PART OF THE ORIGINAL DOCUMENT

File No. 713029 KG/

2020-012134

RECORDED

03/04/2020 12:01 PM

CHRIS YAMAMOTO  
CANYON COUNTY RECORDER

Pgs=1 DLSTEPHENS \$15.00  
TYPE DEED  
PIONEER TITLE CANYON - CALDWELL  
ELECTRONICALLY RECORDED

### WARRANTY DEED


For Value Received Roxanne Wittman, an unmarried woman  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Skyline Homes and Development, LLC, an Idaho Limited Liability Company  
hereinafter referred to as Grantee, whose current address is 3516 Black Butte Ct. Nampa, ID 83687  
The following described premises, to-wit:

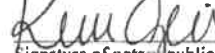
Lot 1, Block 4, Lakes at Telaga Subdivision Phase 1, according to the plat thereof, filed in Book 37 of  
Plats at page(s) 19, records of Canyon County, Idaho.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and  
Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the  
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are  
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those  
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,  
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,  
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,  
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: March 3, 2020

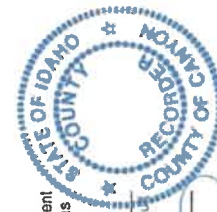
  
Roxanne Wittman  
State of Idaho, County of Ada


This record was acknowledged before me on 3/4/2020 by Roxanne Wittman

  
Signature of notary public  
Commission Expires:

Residing in: Meridian, ID  
Commission expires: 07-30-21

KIM GEIS  
COMMISSION #40458  
NOTARY PUBLIC  
STATE OF IDAHO

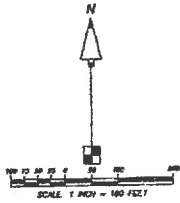


State of Idaho } ss.  
County of Canyon }  
I hereby certify that the foregoing instrument  
is a true and correct copy of the original as  
the same appears in this office.  
DATED 7-21-2020  
CHRIS YAMAMOTO, Clerk of the District Court  
By  Deputy

2020-012134

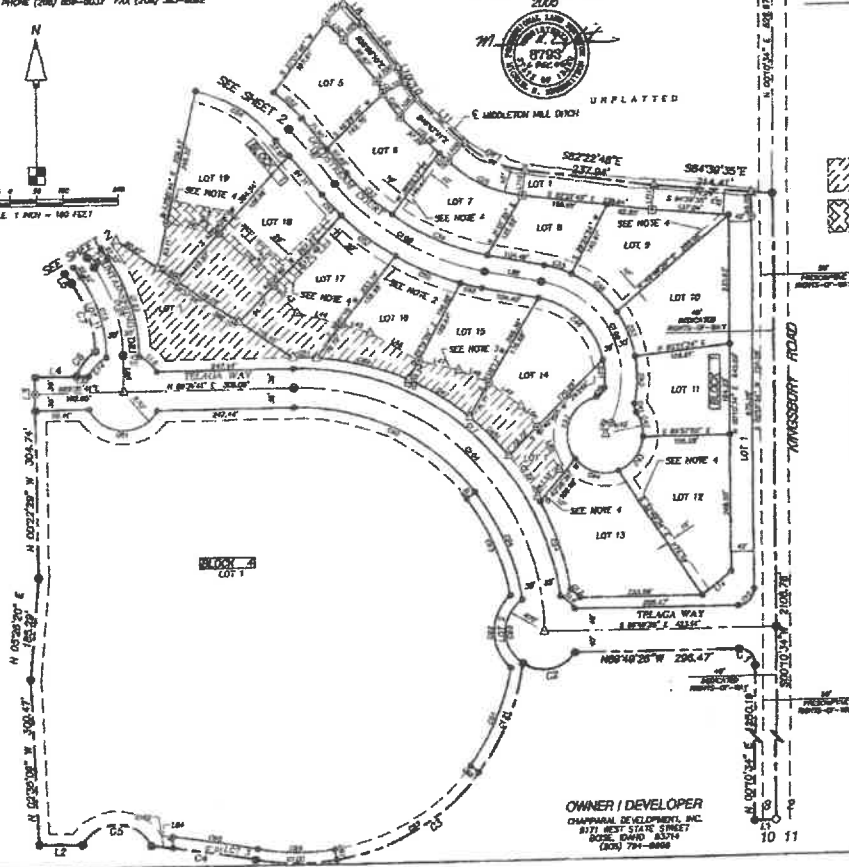


ENGEBRITSON LAND SURVEYS, INC.  
2201 S. JIMAC STREET  
BOISE, IDAHO 83706  
PHONE (208) 859-0311 FAX (208) 383-8882



# LAKES AT TELAGA SUBDIVISION PHASE I

FINAL PLAT  
SITUATED WITHIN A PORTION OF THE SE 1/4 OF SECTION 3  
TOWNSHIP 4 NORTH, RANGE 9 WEST, BOISE MERIDIAN  
CANYON COUNTY, IDAHO  
2005



OWNER / DEVELOPER  
CHAPMAN DEVELOPMENT, INC.  
8171 WEST STATE STREET  
BOISE, IDAHO 83714  
(208) 794-8888

## LEGEND

- SUBDIVISION BOUNDARY LINE
- PROPOSED LOT LINE
- EASEMENT LINE
- CENTER LINE
- SECTION LINE
- BRASS CAP MONUMENT
- ALUMINUM CAP MONUMENT
- SET 5/8"X30" STEEL PIN WITH CAP NRE PLS 8793
- SET 1/2"X24" STEEL PIN WITH CAP NRE PLS 8793
- FOUND 5/8" STEEL PIN
- WIRELESS CORNER SET 5/8"X30" STEEL PIN WITH CAP NRE PLS 8793
- REFERENCE MONUMENT SET 3/4"X30" STEEL PIN WITH CAP NRE PLS 8793
- CALCULATED POINT
- EASEMENT RESERVED FOR IRRIGATION, DRAINAGE AND LANDSCAPING
- EASEMENT RESERVED FOR DRAINAGE, PUBLIC AND PRIVATE UTILITIES, LANDSCAPING AND IRRIGATION

## NOTES

- LOT 1 OF BLOCK 1, LOTS 3, 5 AND 11 OF BLOCK 2, LOTS 1 AND 8 OF BLOCK 3, LOTS 2 AND 3 OF BLOCK 4, ARE HEREBY RESERVED AS COMMON AREA LOTS "NON-SELLING LOTS" TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- AN EASEMENT 30 FEET WIDE IS HEREBY RESERVED ADJACENT TO ALL LOT LINES COMMON TO PUBLIC RIGHTS-OF-WAY AND TO THE SUBDIVISION BOUNDARY FOR PUBLIC AND PRIVATE UTILITIES, DRAINAGE AND IRRIGATION PURPOSES EXCEPT AS SHOWN HEREON.
- AN EASEMENT IS HEREBY RESERVED FOR IRRIGATION, DRAINAGE AND LANDSCAPING PURPOSES AS SHOWN HEREON.
- AN EASEMENT IS HEREBY RESERVED FOR DRAINAGE, PUBLIC AND PRIVATE UTILITIES, LANDSCAPING AND IRRIGATION PURPOSES AS SHOWN HEREON.
- CANYON HIGHWAY DISTRICT No. 4 WITHIN THE 70 FEET QUARTER SECTION AND SECTION LINE NEADACH WITHIN THE BOUNDARIES OF THIS SUBDIVISION EXCEPT ALONG THE EAST SECTION LINE OF SECTION 3. ALL OTHER NEADACH REQUIREMENTS OF THE CANYON COUNTY ZONING ORDINANCE SHALL APPLY AT THESE LOCATIONS.
- THE HOMEOWNERS ASSOCIATION OR ANY OTHER PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING LAMN, IRRIGATION, SEEDING, OR OTHER LANDSCAPING APPROVED BY CANYON HIGHWAY DISTRICT No. 4 WITHIN THE PUBLIC RIGHT-OF-WAY.
- THE HOMEOWNERS ASSOCIATION IS RESPONSIBLE FOR ALL STORM DRAINAGE FACILITIES OUTSIDE THE PUBLIC RIGHT-OF-WAY.
- THIS DEVELOPMENT RECOGNIZES SECTION 22-4503, IDAHO CODE, RIGHT TO FARM, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPROPRIATE USE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NEIGHBORHOODS AFTER THE SALE HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN, PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEREIN A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR AN APPROPRIATE USE TO IT."
- THE DEVELOPER SHALL COMPLY WITH IDAHO CODE SECTION 22-3605 RELATING TO IRRIGATION RIGHTS, TRANSFER AND DISCONTINUING.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
- ALL STREETS SHOWN HEREON ARE HEREBY DEDICATED TO THE USE OF THE PUBLIC.
- WATER WILL BE PROVIDED BY THE LAKES AT TELAGA HOMEOWNERS ASSOCIATION COMMUNITY WATER SYSTEM. SANITARY SEWER WILL BE PROVIDED BY THE CITY OF MERIDIAN.

PREPARATION DATE: NOVEMBER 11, 2005

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City of Middleton  
PO Box 487  
1103 W MAIN ST  
Middleton ID 83644 208-585-3133

Receipt No: 1.237115 Nov 25, 2020

MATRIX ENGINEERING, INC

Previous Balance: .00

GENERAL FUND

ANNEXING, PLANNING & 500.00

ZONING/MINERAL EXTRACTION

PERMIT/ LAKES AT TELAGA

PHASE 2

Total: 500.00

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SunWest

Check No: 2043 500.00

Total Applied: 500.00

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Change Tendered: .00

11/24/2020 4:32 PM






# STAFF REPORT

## Middleton Planning and Zoning Department

### Middleton Industrial Park No. 2

#### Snapshot Summary

	DESCRIPTION	DETAILS
	Acreage	16.637 acres
	Current Zoning	M-1
	Proposed Zoning	to remain the same
	Current Land Use	Industrial
	Lots	7 lots ranging from 1.35 acres to 3 acres. No common lots.

- A. Planning & Zoning Commission Hearing Date:** January 11, 2021
- B. Project Description:** Industrial Subdivision with seven lots on 16 acres of vacant land located at 0 Middleton Road (southwest corner of intersection of Bass Lane and Middleton Road, Tax Parcel No. R34075014A0.)

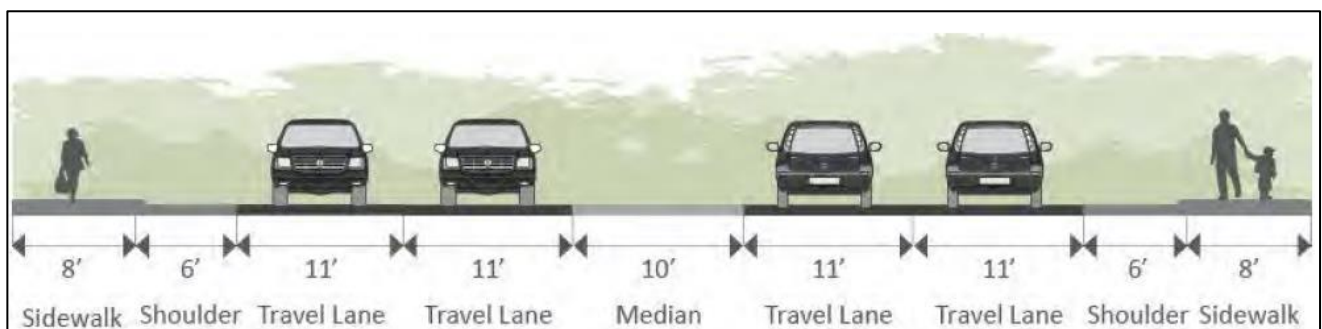
The project property was annexed into the City in 2015, and a Development Agreement was executed and recorded with the annexation. The final plat for Middleton Industrial Park No. 1 was approved in Spring of 2019 and recorded in June 2019. The current project, Middleton Industrial Park #2, is adjacent to Industrial Park #1 and expands the overall industrial project to the west.

- C. Application Requests:** The applications include: (1) Preliminary Plat application and (2) Special Use Permit application ("SUP"). (A floodplain administrative application is proceeding simultaneously with these two applications.) In the SUP application, Applicant is requesting the following:
1. A reduction from 40' to 35' of the right-of-way width for Bass Lane from the center line (or half road) to match the reduced width allowed for Middleton Industrial Park #1.
  2. Removal of Code required pressurized irrigation because there will be no landscaping or greenscape in the industrial park.
  3. Removal of sidewalks on the interior roadways (Tungsten St., and Thorsten Ave.), which is consistent with the special use permit granted for Middleton Industrial Park #1.
  4. Elimination of 5% Open Space requirement for subdivisions.
  5. Reduction of a 150' right-of-way triangle to 25' right-of-way triangle.

(See further discussion on Special Use Permit in sections below.)



- D. Current Zoning:** The property is currently zoned M-1 or Light Industrial, which allows a mix of light industrial and commercial uses. The project is flanked on the east and west side by Middleton City property zoned M-1. County property flanks the project on the north and south. The County property is zoned light industrial and agriculture. The uses generally surrounding the project are industrial uses, and one of the primary industrial businesses in the immediate vicinity is the Rule Steel facility.
- E. City Services:** Domestic water and sanitary sewer were extended to the Project property after the 2015 Annexation, and the service has been extended westward down Bass Lane. Sewer and water will also be extended south on Middleton Road along the frontage of the project. However, all lots in the project will hook up to water, sewer and dry utilities off of Bass Lane not Middleton Road.
- F. Traffic, Access & Streets:**
- 1. Bass Lane Road Improvements:** Access to the Project site will be through Bass Lane. Developer will be improving the south half of Bass Lane along the northern frontage of the project. Per the Middleton Supplement to the ISPWC, Bass Lane is required to have a half-road width of 40'. Applicant is requesting in the accompanying SUP application to lower the width amount from 40' to 35'. Staff recommends that this Special Use Permit be approved because a similar deviation from the code was approved for Middleton Industrial Park #1. Approving this SUP application will result in the two sections of road matching, making them tie into each other better. Additionally, reducing the width of the right-of-way will not create a nuisance or other adverse consequence to neighboring lots.
  - 2. Middleton Road Improvements:** Middleton Road is a principal arterial road. In 2016, the Cities of Middleton and Caldwell and the Canyon Highway District #4 adopted the Middleton Road Corridor Plan. For future improvements, the plan called for a cross section on Middleton Road as shown below:



**Figure 10. Proposed Middleton Road Cross Section**

The CHD4 and City Engineer recommend that Developer be required to construct one-half of this cross-section along the project's frontage of Middleton Road. However, both CHD4 and City Engineer recommend expanding the 10' center median shown above to 11' wide to accommodate a left turn lane on to Bass Lane for Middleton Road north bound traffic.

Additionally, City Engineer recommends Developer dedicate an acceleration lane for right turn traffic from Bass Lane traveling south on Middleton Road.

Finally, a Traffic Study has been commissioned but not yet completed. It is very likely that once the Study is completed, both CHD4 and the City Engineer will also recommend Developer be required to construct a right turn/deceleration lane for southbound traffic on Middleton Road that wishes to turn right onto Bass Lane.

3. **Traffic Control & Traffic Proportionate Share Fees:** The 2016 Middleton Road Corridor Study recommended a roundabout at the intersection of Bass Lane and Middleton Road. Since that time, however, the City has re-evaluated the intersection control, and the City is no longer inclined toward a roundabout. CHD4 has indicated that it is also open to considering a traffic control other than the roundabout based upon what is revealed in the upcoming Traffic Impact Study. Staff recommends that whatever traffic control is ultimately deemed appropriate for the subject intersection, Developer should be required to pay its proportionate share of the traffic control. Although there is some delay in determining the traffic control until the Traffic Study is completed, that intersection control will be determined before final plat, and final plat should not be granted until Developer pays its proportionate share.

Additionally, Applicant's project will have impacts on additional intersections in the general vicinity of the project. Staff recommends that, prior to final plat, Developer be required to pay proportionate share fees deemed appropriate by the City Engineer for these additional impacts.

4. **Right-of-Way Triangle:** The Supplement to ISPWC requires road intersections on section lines to have a dedicated 150' right-of-way triangle of area for future intersection control improvements. In its SUP application, Applicant is requesting that the right of way triangle for the Bass Lane and Middleton Road intersection be lowered from 150' to 25' in light of the fact that the City of Middleton no longer wants to construct a roundabout at that intersection. Staff recommends that the P&Z Commission deny this portion of the Special Use Permit application. Because the traffic control for the intersection is uncertain at this time, the City is not inclined to lower the right-of-way triangle because it may limit certain options or configurations in the future.

- G. Pathway & Sidewalks:** There will be 8' wide paved pathways along Middleton Road and Bass Lane. Applicant, however, is requesting a SUP to eliminate the 5' sidewalks required by code along the interior streets, Thorsten Avenue and Tungsten Street. Staff recommends that this request be approved for the Special Use Permit.

Because the Project is a light industrial complex, there is no need for a large degree of pedestrian connectivity. Developer requested this same special use permit with respect to Middleton Industrial Park #1, and it was approved for that Subdivision. Because Middleton Industrial Park #2 is a continuation of the same industrial park, Staff recommends that Industrial Park #2 be treated in the same manner, so sidewalks along interior streets should be eliminated in that Subdivision too. Sufficient pedestrian access will still be created by the 8' pathways along Bass Lane and Middleton Road. Additionally, eliminating interior sidewalks will not create a nuisance or other adverse consequence to neighboring lots because the streets affected are not adjacent to neighboring lots.

- H. Pressurized Irrigation:** MCC 5-4-11-2 requires all subdivisions to provide pressurized irrigation. Applicant requests the elimination of this requirement via a SUP. Staff Recommends the SUP application be approved because there is not a need for landscape and greenery in the industrial subdivision because there will be no substantial pedestrian traffic, and there will be no recreational activity or need to create "gathering places" or greenspace. If there is no need for landscaping, then there is no need for pressurized irrigation. Additionally, lack of landscaping and pressurize irrigation will not have any adverse effect on neighboring properties.
- I. Open Space:** MCC 5-4-10-10 requires all subdivisions to provide 5% Open Space, which is defined in the code as "irrigated and landscaped area." (MCC 5-4-10-10) Applicant is seeking a special use permit to eliminate this requirement. As indicated earlier, this project is an industrial complex where landscaped gathering places and pedestrian access are not entirely appropriate. For that reason, Staff recommends approval of the SUP application.
- J. Caldwell Rural Fire Protection District:** The subject property is in the Caldwell Rural Fire Protection District. The District is currently reviewing the submitted preliminary plat but has not issued any comments as of this date. As a condition of approval for final plat, Applicant should be required to comply with all comments or directives of the Caldwell Rural Fire Protection District.
- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Industrial" on the Land Use Map, which matches the industrial uses 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 3 and 23: The project provides safe vehicle and pedestrian facilities in light of the improvements to Middleton Road and Bass Lane. Pathways that are 8' wide will span along both roads, facilitating safe pedestrian passage.
- b. Goal 5: The project will establish development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.
- c. Goals 7 & 8: The project promotes a strong and diverse local economy by creating a desirable area for valuable industrial and commercial uses.

**L. Comments Received from Surrounding Landowners:** None.

**M. Comments from Agencies:** 12/23/2020 comments from Canyon Highway District #4. (Copy attached)

**N. Applicant Information:** Application was received on November 17, 2020. The Representative is David Sterling of T-O Engineers. Representative's contact information is 2471 S. Titanium Place, Meridian ID 83642, Tele: (208) 323-2288. Owner is Middleton Industrial Park, LLC, 11220 Bass Lane, Caldwell, ID 83605, Tele: (208) 585-3031.

<b>O. Notices &amp; Neighborhood Meeting:</b>	<b>Date:</b>
Newspaper Notification	12/26/2020
Radius notification mailed to Adjacent landowners within 300'	12/22/2020
Sign & Posting Box	12/23/2020
Circulation to Agencies	12/22/2020
Neighborhood Meeting	11/09/2020

**P. Applicable Codes and Standards:**

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

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

Staff recommends approval of both the Preliminary Plat application and Special Use Permit application, subject to the following conditions:

- a. Applicant's special use permit request to lower the right-of-way triangle from 150' to 25' be denied. (Staff recommends approval of the remaining four requests in the SUP).
- b. City of Middleton municipal domestic water, fire flow and sanitary sewer services are extended to serve the subdivision.
- c. City Engineer review comments are completed and approved. (A copy of the City Engineer's 12/8/2020 comments is attached to this Report.)
- d. Applicant shows all the proposed right-of-way dedications on the preliminary plat.
- e. Applicant dedicates and shows on the preliminary plat all sewer and water utility easements.
- f. Applicant dedicates and shows on the preliminary plat a utility and access easement of 10' or more in width along all front lot lines per MCC 5-4-10-5.
- g. Applicant dedicates and shows on the preliminary plat an easement of 15' in width for all pathways pursuant to MCC 5-4-10-5.
- h. Applicant constructs, at its own cost, 50% of Bass Lane and Middleton Road per the requirements of the City Engineer.
- i. Applicant constructs the half portion of Middleton Road in compliance with the specifications set forth in the 2016 Middleton Road Corridor Study, except the 10' center median shall be a 11' left turn lane.
- j. Applicant shows on the preliminary plat dimension in plan view centerline of new road.
- k. Applicant removes the "Commercial Roadway Typical Section" diagram and "Five-Lane Urban Roadway Typical Section" diagram from the preliminary plat because they are irrelevant and confusing.
- l. Applicant inserts a cross-section diagram that accurately reflects the Bass Lane 35' half road configuration. Pathway along Bass Lane shall match the detached 8' wide asphalt pathway already constructed in Middleton Industrial Park #1.
- m. Applicant inserts a diagram that accurately reflects the Middleton Road cross section in compliance with the 2016 Corridor study. Sidewalks should be shown attached to the 6' shoulder in compliance with the 2016 Corridor Study. Diagram should reflect the 11' left turn lane instead of a 10' median.
- n. Applicant prepares and submits an approved Traffic Impact Study for city approval and pays its proportionate share of traffic impacts.
- o. All requirements of Caldwell Rural Fire Protection District are completed and approved.
- p. All road names to be confirmed per MCC 5-4-10-2.J.
- q. Any lots in the floodplain will comply with the Floodplain Permit requirements prior to any building being constructed on the lots.

Prepared by Middleton City Planner: Roberta Stewart 208.585.3133





**CANYON HIGHWAY DISTRICT No. 4**

15435 HIGHWAY 44  
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135  
FAX 208/454-2008

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December 23, 2020

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

**RE:            Middleton Industrial Park No. 2  
                 Preliminary Plat**

Mrs. Stewart:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat dated 11/16/2020 for Middleton Industrial Park No. 2. The development consists of 16.36 acres with 7 buildable lots. Development is located on parcel R34075014A0. Parcel is zoned M-1 Light Industrial and is located on the southwest corner of Bass/Middleton.

CHD4 offers the following comments and recommendations:

**General**

By agreement with the City, CHD4 maintains Middleton Road from Lincoln Road to the south side of Sawtooth Lake intersection. Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Middleton Road.

Since Middleton Industrial Park No. 2 is within Middleton City Limits, Middleton City is the underlying jurisdiction. As a result, during review of development requests, CHD4 applies Middleton City design standards and road cross sections. In this instance, Middleton City has requested CHD4 to recommend a road cross-section for Middleton Road and review turn lane improvements.

The Middleton Road Corridor Study should be the nexus for road improvements of the Middleton Corridor.

**Middleton Road Corridor Study**

In 2016, the Middleton Road Corridor Plan was adopted by Caldwell, CHD4, and Middleton City. The study addressed road design, right-of-way dedication, and access control/spacing.

- Future cross section of Middleton Rd adjacent to the site includes one-half of a 10-foot median, two 11-foot through lanes, a 6-foot paved shoulder, curb, gutter, and attached 8-foot sidewalk



- Direct access to Middleton Rd is limited to collector road accesses at ½-mile intervals. Right-in-right-out access may be permitted at 660-foot intervals, with no intersections closer than 660-feet from any collector/arterial intersection
- Median U-turns are recommended to be provided at every ¼ mile to accommodate left turns along the corridor
  - A loon for accommodating median U-turns is conceptually shown near the south boundary of the subject parcel. Design and construction of the loon should occur when the south parcel develops, R3407600000
- Intersection controls are by roundabout
  - Middleton City does not desire a roundabout at the Bass/Middleton intersection. An alternative intersection control or geometric redesign of the intersection is required and will need to be reviewed after the traffic impact study is complete.

### **Traffic Impact Study (TIS)**

CHD4 recommends a TIS to better assess the impacts of this development on the Middleton Road corridor. The TIS should take into consideration all trips generated for the entire industrial park. CHD4 requests Middleton to include CHD4 in the scoping meeting.

### **Intersection Improvements**

In lieu of a roundabout, an alternative traffic control design is required. Either a traffic signal or geometric redesign for the intersection should be planned. This will not be known until after the TIS is complete.

Off tracking of heavy trucks should be taken into consideration.

Should the preliminary plat be approved before the TIS results are analyzed, the resulting improvements from the TIS could result in a significant change of the preliminary plat.

### **Middleton Road Frontage Improvements**

Based on previous reviews along the Middleton Road corridor, a northbound left turn lane and a southbound right turn lane are warranted (see all development plans annexed into Caldwell City that front Middleton Road).

Design speed shall be 50 mph to be consistent with existing traffic speeds and speed limit.

Proposed City of Middleton Five-Lane Urban Roadway Typical Section generally represents the Middleton Corridor Plan with the exception of the pathway location and drainage retention. CHD4 recommends requiring an attached 8' pathway. Furthermore, since Middleton Road is a principal arterial CHD4 recommends storing run-off outside of the right-of-way.

### **NB Middleton—North of Bass/Middleton Intersection**

- Continue improvements per five-lane urban roadway section north and beginning at north side of intersection taper up over length of 300' into existing ep.
- Recommend removing all obstructions in ROW
  - Fence



SB Middleton—South side of Bass Lane Intersection to end of project limits

- Improve and widen Middleton Road consistent with proposed five-lane urban roadway section. Recommend 8' attached pathway with storm run-off retained outside of ROW.

SB Middleton—north side of Bass Lane Intersection

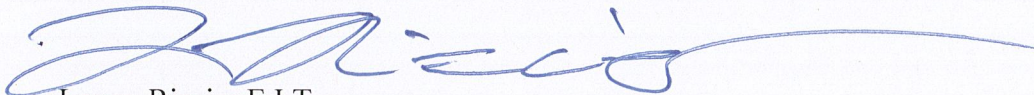
- Offset EP 33' from CL
  - Taper north at a rate of 1/50 for 300'
  - After taper of 300' change taper rate to match into existing pavement within 180'
  - Slope road shoulder per Middleton City specifications.
- Relocate utilities and power poles as needed

Recommend Middleton City relocate Tyson, Inc. access from Middleton Road to Bass Lane.

ROW dedication of 50' from section line applies across entire Middleton Road frontage.

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

Respectfully,



Lenny Riccio, E.I.T.  
Assistant District Engineer  
Transportation Planner  
Canyon Highway District No. 4



DATE: December 8, 2020

TO: Roberta Stewart, Planner

CC: David Sterling, PE, TO Engineers

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

RE: MIDDLETON INDUSTRIAL PARK NO 2  
PRELIMINARY PLAT REVIEW

A handwritten signature in blue ink, likely belonging to Amy Woodruff, PE, is written over the "FROM" field.

Thank you for the opportunity to review the preliminary plat for the above captioned development. We are in receipt of two (2) plan sheets, stamped and signed by David Sterling, 11-16-20, and Ladd F Cluff 11/17/20.

Summarized below are preliminary plat review comments. The City may have separate comments as well.

A traffic impact study may be required. [Per our 12/7/2020 meeting, the City is requesting that a TIS be completed. It is necessary for a proportionate share analysis and is necessary for CHD4 analysis](#)

Submit Schedule B from title policy.

**Page 1.**

Note 2. Please remove reference to irrigation and lot drainage from the note. The front easement is for utilities only.

Note 3. Add Bass Lane as access prohibited.

Note 4. Lots may be combined and/or size revised but no lots added.

Identify variance requested including Bass Lane reduced right of way and no interior sidewalks.

~~Add a statement regarding irrigation, preliminary irrigation layout and the point of delivery.~~

[SUP to remove P.I. instead.](#)

Dimension in plan view centerline of new road.

Show required 150' triangle right of way dedication at Middleton/Bass Lane, reference Middleton Supplemental. [\(p. 17\)](#)

Bass Lane section: specify 21" subbase. Dimension width of new pavement. Confirm centerline to tbc matches existing on the west end.

**Page 2.**

Dimension in plan view Bass Lane from centerline to south right of way.

Label contours and identify benchmarks.

Verify curb radii at the intersections is 30 ft min.

The City may require additional width for Bass Lane at the intersection of Bass/Middleton for a right turn lane from Bass to Middleton.

Existing utility box at Thorsten and Bass to be relocated outside the right of way.

Streetlights are required along Middleton Road.

Verify hydrant placement with Caldwell Rural Fire. If possible, move hydrant on south end Thorsten to the east side and eliminate nonpotable crossing.

Revise sewer main size to 15" for the sewer running parallel to Middleton Road.

Move the sewer main running parallel to Middleton Road out of the stormwater management area.

Remove the note/callout to rotate cone on manhole in Bass/Middleton intersection. We can resolve the manhole during construction (replace or relocate or) but rotating the cone is not approved by this note.

~~S Middleton area: identify existing irrigation and what is planned.~~ [SUP to remove P.I. instead.](#)

Middleton Road is 5 lane per Middleton Supplemental. Further coordination with Canyon Highway District #4 is required before Middleton section is finalized.

~~What easement width will be developed for irrigation on the south boundary? Side lot line easement and rear lot line easement?~~ [SUP to remove P.I. instead.](#)

What is the purpose and ownership of the 10ft common lot adjacent to Middleton Road?





# CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

## Planning and Zoning Department

### Land Use Application

Rev: 4/24/2019

Fee Paid: \$ \$7,500 11/17/20 & 12/31/20

Application Accepted by: MS & RS

Date Application Accepted: 11/17/2020

#### Applicant:

Middleton Industrial Park, LLC	(208) 585-3031	steve.peel@rulesteel.com
Name	Phone	Email
11220 Bass Lane	Caldwell, Idaho	83605
Mailing Address	City, State	Zip

#### Representative:

David Sterling ( T-O Engineers)	(208) 323-2288	dsterling@to-engineers.com
Name	Phone	Email
2471 S. Titanium Place	Meridian, ID	83642
Mailing Address	City, State	Zip Code

#### PUBLIC HEARINGS\*\*

- ☐ Annexation and Zoning
- ☐ Rezone
- ☐ Vacate Right-of-Way
- ☐ Comprehensive Plan Map or Text Amendment

#### PUBLIC MEETINGS\*

- ☐ Design Review
- ☒ Preliminary Plat
- ☐ Construction Plans \*\*\*
- ☐ Final Plat

#### PUBLIC HEARINGS\*\*

- ☐ Development Agreement
- ☐ Ordinance Amendment
- ☒ Special Use Permit
- ☐ Variance

\* **Public Meetings:** Individuals have a right to observe, not comment, at an open meeting at which the application is being considered by decision makers. Plats designed to city code and standards do not require a neighborhood meeting or public hearing.

\*\* **Public Hearings:** a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.

\*\*\* **Administratively:** reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: Middleton Industrial Park No. 2

Site Address: 0 S. Middleton Road Total Acres: 16.367

Crossroads: Middleton Road and Bass Lane

Existing Zoning: M-1 Proposed Zoning: N/A

Floodplain Zone: AE Hillside (grades exceeding 10%): No

Steve Peel	11/16/2020	
Applicant's Printed Name	Date	Applicant's Signature



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## Planning and Zoning Department

### Land Use Application

Rev: 4/24/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

#### Checklist - A complete Planning and Zoning Application must include the following.

- ☐ **Application Form**
- ☐ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. \_\_\_\_\_ Applicant Initial
- ☐ **Vicinity Map:** attach an 8 ½" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.
- ☐ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

#### Applicable      Not Applicable

- |                          |                          |  |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only) |
| <input type="checkbox"/> | <input type="checkbox"/> | Design review materials and information (design review application only)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed preliminary plat, drainage calculations, traffic impact study   |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed construction drawings (construction plans application only)   |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed final plat (for final plat application only)  |
| <input type="checkbox"/> | <input type="checkbox"/> | Proposed development agreement   |
| <input type="checkbox"/> | <input type="checkbox"/> | Worksheet (for special use permit or variance only)  |

- ☐ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and, if applicable, a letter from the landowner that authorizes the applicant to file an application.
- ☐ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.
- ☐ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.
- ☐ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.
- ☐ **Complete Application (City use only: check box and initial if Application is complete):** \_\_\_\_\_



## CITY OF MIDDLETON

P O Box 487, 1103 W. MAIN ST., MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601  
WWW.MIDDLETON.ID.GOV

Planning Department

### Special Use Permit Checklist

Rev: 2/11/2019



*paid  
\$3500.00  
\$4.00/252*

Property Owner(s): Middleton Industrial Park, LLC

Please answer the following questions:

- Property Size: 16.367
- Crossroads: Middleton Road & Bass Lane
- Future Land Use Designation: Industrial
- Surrounding Land Uses: Industrial & Agricultural
- If approved, what is the expected effect on roadways and traffic? New southbound acceleration lane and a dedicated left turn lane to Bass Lane from Middleton Road to improve flow of traffic.
- Will the proposed use generate a nuisance of light, glare, noise, vibration, smoke, fumes, odor, dust, etc.?  
No

If applicable:

Days and hours of operation: \_\_\_\_\_

Number of employees (full-time): \_\_\_\_\_ (part-time): \_\_\_\_\_

Number of employees (living on-site): \_\_\_\_\_ (living off-site): \_\_\_\_\_

Frequency of deliveries: \_\_\_\_\_ Location of deliveries: \_\_\_\_\_

**Commission Evaluation:** A public hearing will be scheduled before the Planning and Zoning Commission, which will review the application, receive verbal and written comments, and make a final decision based on the standards identified in Middleton City Code 1-15-7 and other applicable code sections.

How will the proposed use be harmonious with the goals, objectives, and strategies in the Comprehensive Plan?

Will the proposed use be served adequately by essential public facilities and services (pathways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools or will the proposed use create excessive additional requirements at public cost for public facilities and services?

Will the proposed use be injurious to others by involving activities, processes, materials, equipment or conditions of operation that will be hazardous, or a nuisance to a person, or to existing or future



## CITY OF MIDDLETON

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Planning Department

## Special Use Permit Checklist

Rev: 2/11/2019

neighboring uses? Nuisance means excessive traffic, vibration, noise, dust, fumes, glare, or odors or other similar nuisances.

**Conditions of Approval:** When approving a special use permit, conditions may be attached to:

- Minimize impact on other development;
- Control sequence and timing;
- Establish duration of the use;
- Assure the development is maintained properly;
- Designate the location and nature of development, including signs;
- Require the provision for on-site or off-site public facilities or services;
- Require more restrictive standards than those generally required in ordinance;
- Specify the period of time for which a permit is issued and conditions which, if not followed, will bring about revocation of the conditional use permit; and
- Require mitigation of effects of the proposed use upon service delivery by any political subdivision of the State of Idaho providing services within the planning area (Middleton's area of city impact).



CITY OF MIDDLETON

P O Box 487, MIDDLETON, ID 83644  
208-585-3133, Fax: 208-585-9601  
WWW.MIDDLETON.ID.GOV

PLANNING DEPARTMENT

Special Use Permit - Continued

Property Owner(s): Middleton Industrial Park, LLC

Please answer the following questions:

1. Size of property: 16.367
2. Crossroads? Middleton Road & Bass Lane
3. What ordinance standards are you requesting a variance from? (MCC) 5-4-11.2.A & 5-4-11.1.B & (Middleton Supplement to ISPWC) Streets.2 & Streets.3.A.2
4. What unique site characteristics prompt this variance request? Reduction of Bass Ln R/W width to match Middleton Industrial Park No. 1, reduction of 150' R/W triangle to 25' due to nature of intersection, no internal sidewalks or pressurized irrigation due to the industrial purpose of the lots
5. Does the variance arise from something you did? If so, what? No.
6. What affect would granting the variance have on neighbors? None.
7. Explain any hardship circumstances that should be considered in this variance request that was not known prior to your purchase and/or improvement of the subject property. None.
8. What special conditions and circumstances exist that is not applicable to other lots or structures in the same area or zone district? None. The proposed development is a continuation of Middleton Industrial Park No. 1 and will require special conditions similar to that previously approved development
9. What special privileges would granting the variance give your property that other similarly-zoned properties do not have? None. The city code is lacking in specifics for industrial development. The requested variance matches the existing industrial properties adjacent to the project.
10. Additional comments: \_\_\_\_\_

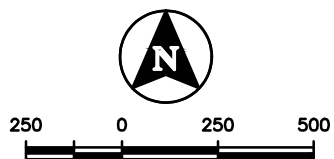
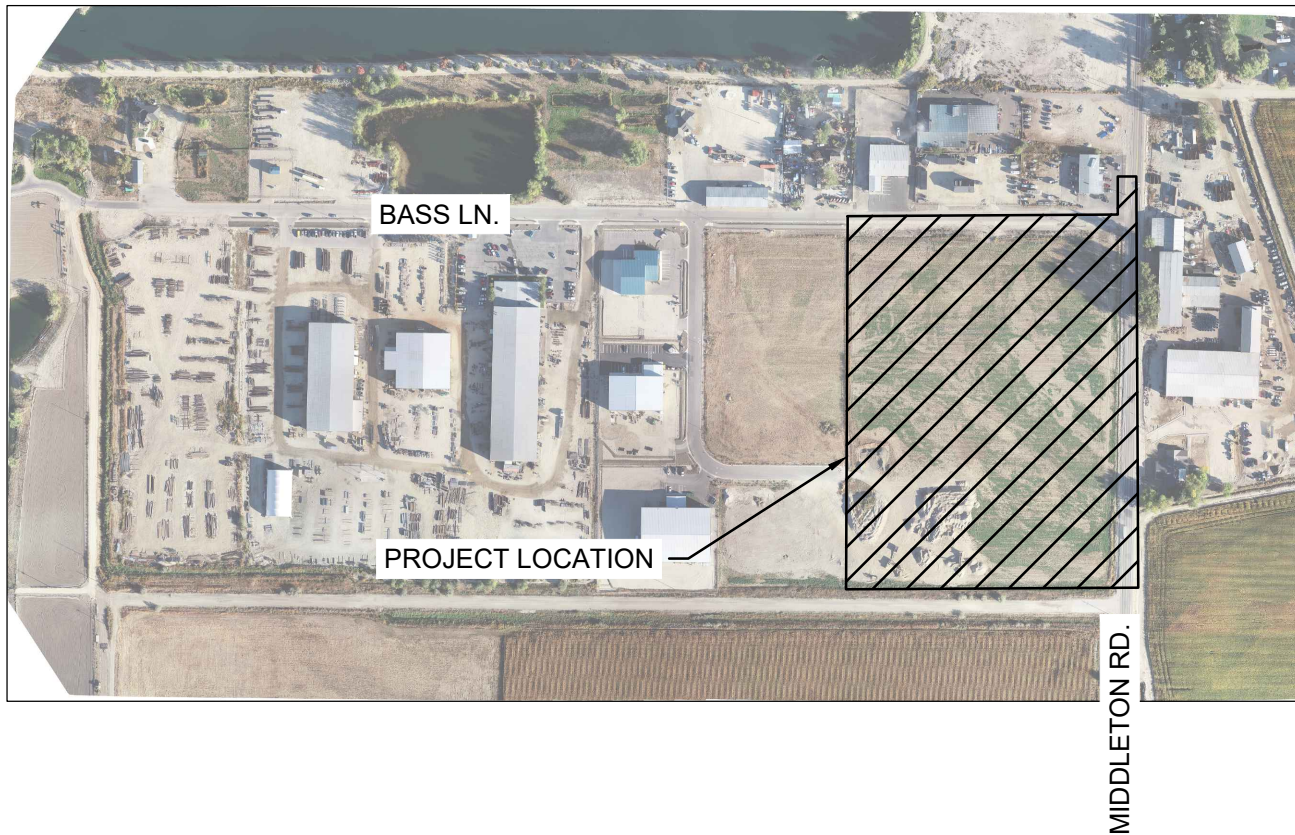
Dan A. A.

Owner or Representative's Signature

12-29-2020

Date





**T-O ENGINEERS**

2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642-6703

PHONE: (208) 323-2288

WWW.TO-ENGINEERS.COM

E-FILE: 200447 VICINITY MAP.dwg

DATE: 10/20/20

JOB: 200447



**T·O ENGINEERS**

December 30, 2020

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644



**Re. Middleton Industrial Park No. 2– Preliminary Plat Application Supplemental Narrative**

Dear Mayor Rule,

T-O Engineers is pleased to submit the attached supplemental application items for consideration of the proposed Middleton Industrial Park No. 2. The supplemental submittal includes an updated preliminary plat, a special use permit application narrative, special use permit checklist, variance checklist, flood application narrative and a floodplain development permit application. This letter is intended to serve as the narrative for the application supplement.

The parcel is comprised of (1) parcel owned by Middleton Industrial Park, LLC, located West of Middleton Road and south of Bass Lane. The total acreage of the subdivision is approximately 16.637 acres. Our application proposes (7) Industrial lots for a proposed density of approximately 0.51-units/acre. The current M-1 zone allows for a mixed use of light industrial and commercial use. Access to the site will be from Bass Lane. The sewer, water and dry utilities will be extended from Bass Lane.

The proposed subdivision is in conformance with the City Master Plan and Land Use Maps. The variety of lot sizes provides flexibility to accommodate the needs of future lot owners based on building size needs. Lots may be combined or changed to fit the needs of future owners. For example (2) 2.5 acre lots could be combined, during final platting, into one large 5-acre lot if needed.

The proposed subdivision meets the City of Middleton Comprehensive Plan outlined in the Land Use section. The city has identified this location for the majority of the industrial use land within the city and helps meet the city's "efforts to attract new business and industry to town" as stated in the Comprehensive Plan.

This development is phase 2 of the previously planned development for Middleton Industrial Park No. 1 and is anticipated to break ground in Spring 2021. The previous phase 1 for Middleton Industrial Park No 1 was constructed per the phasing plan.

The Middleton Road Corridor Plan was completed by Kittelson & Associates, Inc. and Precision Engineering for the City of Middleton, City of Caldwell and Canyon Highway District #4 in 2016. This plan proposed Middleton Road to be 4 lanes with a median and the intersection of Bass Lane and Middleton Road to be a roundabout. Due to right-of-way constraints a roundabout cannot be constructed at this time, particularly because of the negative impact the



## T.O ENGINEERS

roundabout will have on the parcel to the northwest of the intersection and due to the Rule Steel building abutting the existing R/W to the East of Middleton Road which does not provide any space needed for a roundabout. Therefore we propose to construct a north bound left turn lane on Middleton Road for left turn traffic onto Bass Lane, widen Middleton Road to one half the City Standard for a five lane urban roadway along our frontage and dedicate an acceleration lane for right turn traffic from Bass Lane to accelerate and merge onto Middleton Road.

There are a few variances from the City code and Middleton's supplement to ISPWC for this development that we would like to specially request. The first thing we ask is that the R/W width for Bass Lane from the centerline be reduced from 40-ft to 35-ft for a portion of Bass Lane. Please see the attached plan indicating where a 35' half R/W will be used for Bass Lane. This is consistent with the existing dedicated R/W along Bass Lane and Middleton Industrial Park No. 1. Secondly, we ask to omit pressurized irrigation due to the industrial nature of this development, in which zeroscaping will be utilized such that no water will be required. Thirdly, we ask to omit sidewalks within the internal roadways of the proposed development in a manner consistent with the Middleton Industrial Park No. 1 development. Lastly, we ask the 150' R/W triangle at the intersection be reduced to 25' due to the nature of the intersection. A special use permit application and variance checklist is included in this submittal which discusses these variances in more detail.

Thank you for the consideration of our application. We feel the proposed Middleton Industrial Park No. 2 will bring needed industrial lots to the city providing for new opportunities to attract businesses. We have been as thorough as possible in preparation of this application. However, if there is any additional information or clarification that would be helpful in the timely review of our application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Enclosures: Preliminary Plat  
Application Fee's  
Special Use Permit Narrative  
Special Use Permit Checklist  
Variance Checklist  
Flood Permit Application Narrative  
Floodplain Development Permit Application

Cc: Project File 200447  
Middleton Industrial Park, LLC



**T·O ENGINEERS**

December 29, 2020

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644

**Re. Middleton Industrial Park No. 2– Variance Narrative**

Dear Mayor Rule,

T-O Engineers is pleased to submit the attached Variance Request. A previous submittal was made to the city, which consisted of a completed application for the preliminary plat, application fee, warranty deeds, property boundary description, vicinity map, neighborhood meeting sign in sheet, required mailing labels, preliminary plat lot dimensions and preliminary utility plan. This letter is intended to serve as the narrative for the Variance Request.

There are a few variances from the City code and Middleton's supplement to ISPWC for this development that we would like to specially request.

1. Reduce the half road dedication for Bass Lane from 40' to 35'. This is consistent with Phase 1 and matches the existing R/W along Bass Lane. The required roadway cross section fits within the proposed 35' R/W and therefore the 40' is not needed.
2. Reduce the R/W triangle for the Bass Lane and Middleton Road intersection from 150'x150' to 25'x25'. A 150'x150' R/W triangle is not needed for this intersection because a round-a-bout will not be built out in the future. The R/W granted to the City provides enough room for the planned five-lane road and the R/W for Bass Lane will not be widened. The 25x25' R/W triangle will be sufficient for the build out of traffic control features for the Bass Lane and Middleton Road intersection.
3. Omission of sidewalks along internal roadways for the development. This is to remain consistent with Phase 1 of the development by the City that sidewalks were not needed within the industrial park. This reduces pedestrian traffic internally to the industrial park. The project instead provides 8' wide detached pathways along Bass Lane and Middleton Road so that pedestrian traffic can easily go around the development.
4. Omission of pressure irrigation installation. The industrial nature of the development has limited landscaping and what landscaping there is is zeroscaped requiring no watering. This is consistent with Phase 1 of the development and other industrial parcels along Bass Lane.

Please see the attached Variance Checklist for additional information

Thank you for the consideration of our application. We feel the proposed Middleton Industrial Park No. 2 will bring needed industrial lots to the city providing for new opportunities to attract businesses.





## T.O ENGINEERS

We have been as thorough as possible in preparation of this application. However, if there is any additional information or clarification that would be helpful in the timely review of our application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Enclosures:   Variance Checklist  
                  Special Use Permit

Cc:     Project File 200447  
          Middleton Industrial Park, LLC





**T•O ENGINEERS**

January 6, 2021

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644

**Re. Middleton Industrial Park No. 2– Supplemental SUP Narrative**

Dear Mayor Rule,

T-O Engineers is pleased to submit the following special use permit narrative. A previous special use permit narrative submittal was made to the city, which included several items of variance from City code and Middleton's supplement to ISPMC. This letter is intended to serve as a narrative for an additional variance request.

The variance from City code involves the exclusion of open space for this development, which is a City Code requirement within Section 5-4-10-10. The request to exclude open space is due to the nature of the industrial development. We feel this request is consistent with our original variance request to exclude pressurized irrigation and internal sidewalks and is consistent with Middleton Industrial Park No. 1.

Thank you for the consideration of our application. We feel the proposed Middleton Industrial Park No. 2 will bring needed industrial lots to the city providing for new opportunities to attract businesses.

If there is any additional information or clarification that would be helpful in the timely review of our application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Cc: Project File 200447  
Middleton Industrial Park, LLC

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## SHEET INDEX

- LOT DIMENSIONS
- UTILITY PLAN

## SITE DATA

**OWNER/DEVELOPER**  
MIDDLETON INDUSTRIAL  
PARK, LLC  
11299 BASS LANE  
CALDWELL, ID 83605

**ENGINEER**  
DAVID N. STERLING, P.E.  
DUSTIN HAYES, E.I.  
T-O ENGINEERS, INC.  
2471 S. TITANIUM  
MERIDIAN, ID 83642  
PH: (208) 323-2288

**SURVEYOR**  
ROB O'MALLEY, P.L.S.  
T-O ENGINEERS, INC.  
332 N. BROADMORE WAY  
NAMPA, ID 83687  
PH: (208) 442-6300

**ZONING AND SETBACK**  
ZONE - M-1 LIGHT INDUSTRIAL  
**CITY SETBACKS**  
FRONT = 10'  
REAR = 0'  
SIDE = 0'  
STREET SIDE = 10'

**FIRE DISTRICT**  
CITY OF CALDWELL

**SEWER AND WATER DISTRICT**  
CITY OF MIDDLETON

**IRRIGATION DISTRICT**  
CANYON COUNTY WATER CO LTD DISTRICT  
(SURFACE IRRIGATION)

**ROADWAY JURISDICTION**  
CITY OF MIDDLETON

## AREA AND LOT SUMMARY

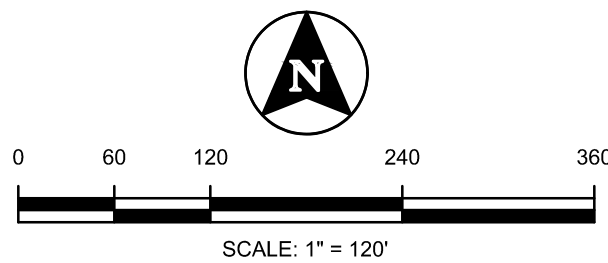
TOTAL AREA	712,920 SF	16.637 ACRES
TOTAL RESIDENTIAL AREA	0 SF	0 ACRES
TOTAL COMMON AREA	0 SF	0 ACRES
TOTAL OPEN SPACE	114,860 SF	2.64 ACRES
TOTAL COMMERCIAL AREA	598,060 SF	13.73 ACRES
TOTAL NUMBER OF LOTS	7 LOTS	
TOTAL NUMBER OF COMMERCIAL LOTS	7 LOTS	
TOTAL NUMBER OF COMMON LOTS	0 LOT	
AVERAGE LOT SIZE	85,437 SF	1.96 ACRES

## SURVEY INFORMATION

CONSTRUCTION STAKING WILL BE PROVIDED BY T-O ENGINEERS- ANDREW POE, PLS PHONE NO. (208)-323-2288

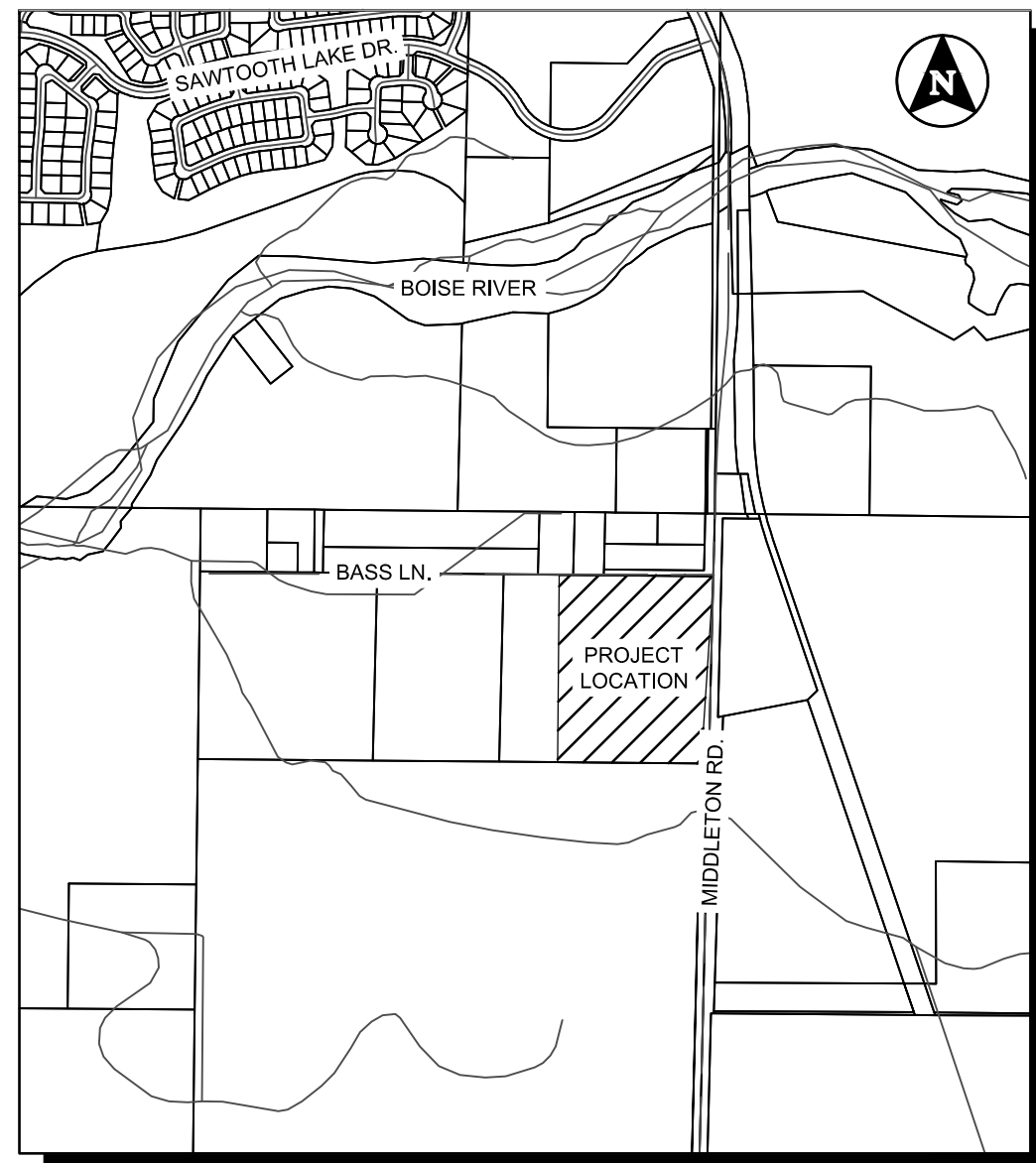
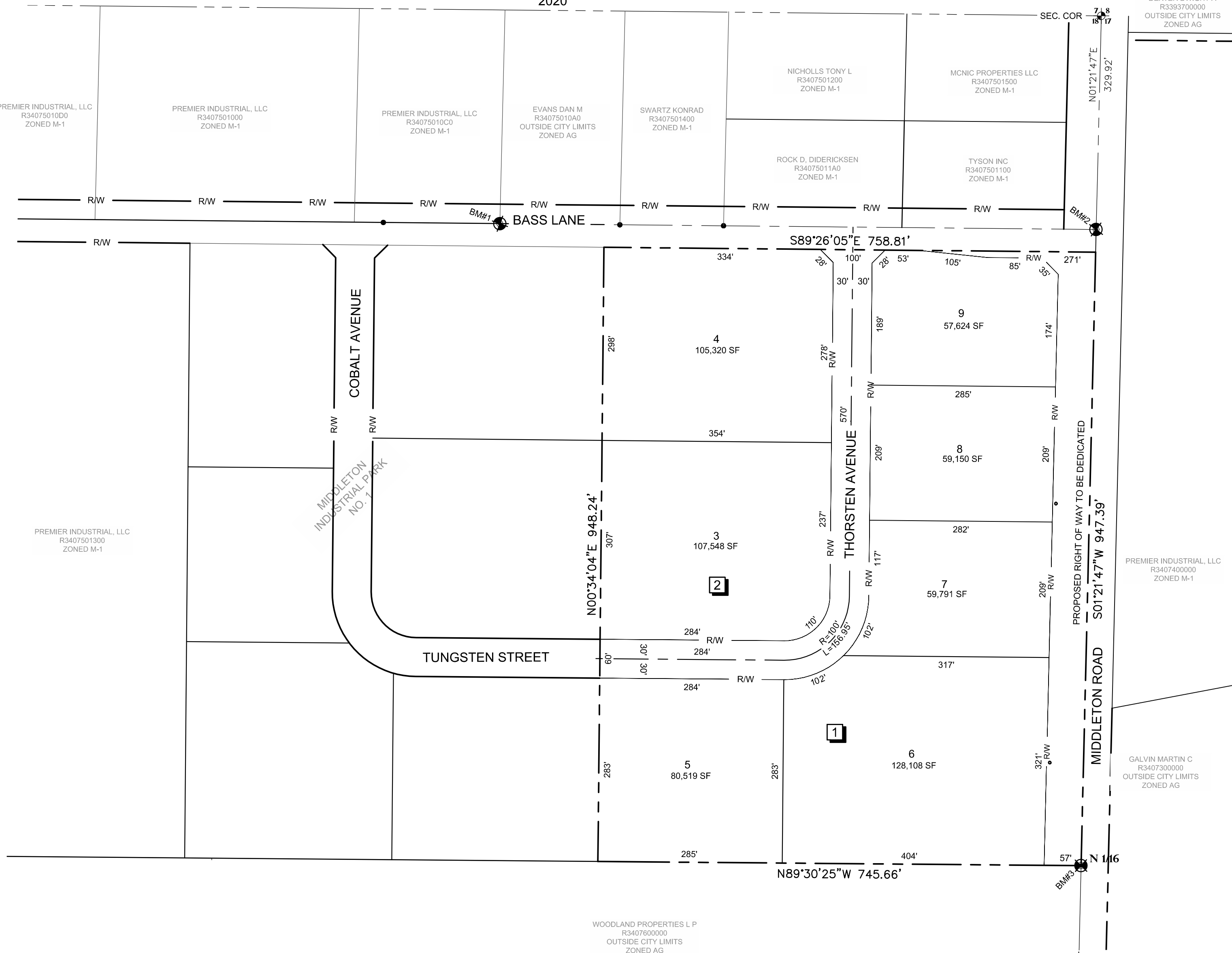
ALL ELEVATIONS SHOWN ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).

	BM#1	BM#2	BM#3
NORTHING:	739059.619	739050.6760	738068.5580
EASTING:	2395745.7710	2396665.8590	2396642.5990
ELEVATION:	2397.6700	2402.7000	2402.8400
DESCRIPTION:	FOUND ¾"	FOUND ¾"	FOUND ¾"



## PRELIMINARY PLAT FOR: MIDDLETON INDUSTRIAL PARK NO. 2

LOCATED IN THE N1/2 OF THE NE1/4 OF SECTION 18  
TOWNSHIP 4 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CITY OF MIDDLETON  
CANYON COUNTY, IDAHO  
2020



## VICINITY MAP

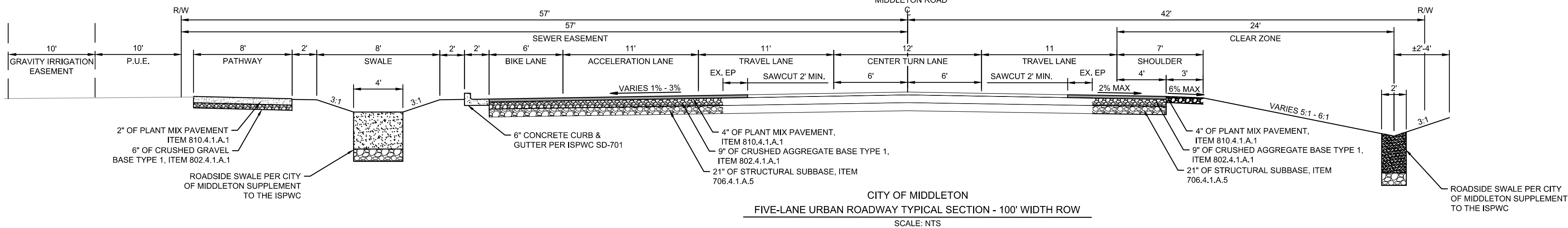
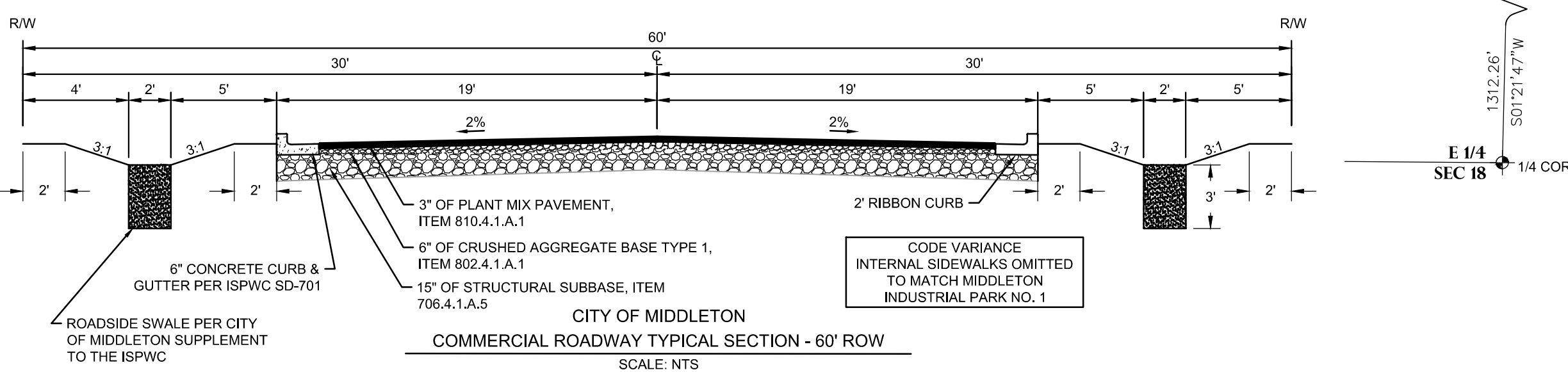
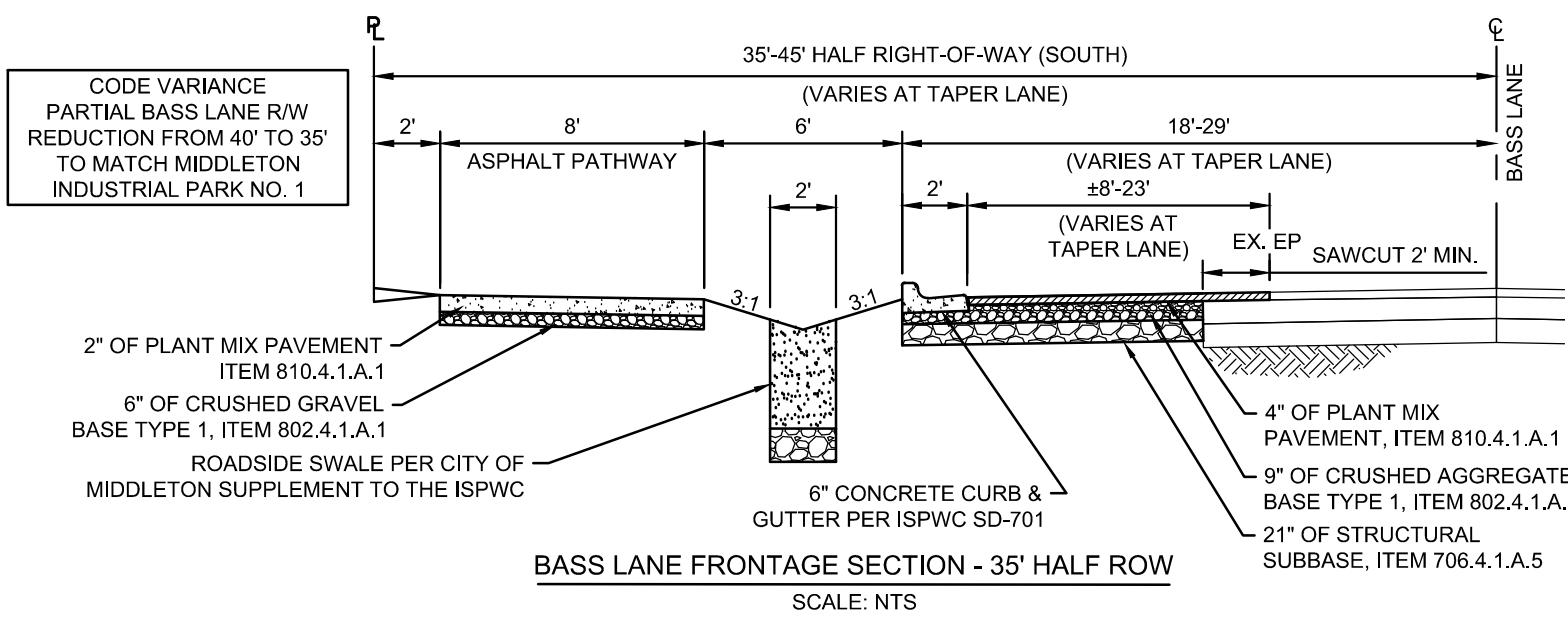
SCALE: 1"= 1000'

## NOTES

- BUILDING SETBACKS IN ACCORDANCE WITH CITY ZONING ORDINANCE.
- A GENERAL UTILITY EASEMENT OF 10 FEET ALONG ALL RIGHT OF WAY LINES PER CITY OF MIDDLETON SUBDIVISION REQUIREMENTS.
- DIRECT LOT ACCESS TO MIDDLETON ROAD AND BASS LANE IS PROHIBITED.
- LOTS MAY BE COMBINED OR SIZE REVISED AT TIME OF PLATTING BASED ON FINAL BUILDING OCCUPANCY, BUT NO LOTS MAY BE ADDED.

## LEGEND

---	SUBDIVISION BOUNDARY
---	RIGHT-OF-WAY
---	ROAD CENTERLINE
---	LOT LINE
1	LOT NUMBER
1	BLOCK NUMBER
•	FOUND BRASS CAP
•	FOUND 5/8 REBAR
•	FOUND 1/2" IRON ROD



NOTE: TO THE BEST OF THE PREPARER'S KNOWLEDGE THIS PRELIMINARY PLAT MEETS ALL REQUIREMENTS OF MIDDLETON CITY CODE.

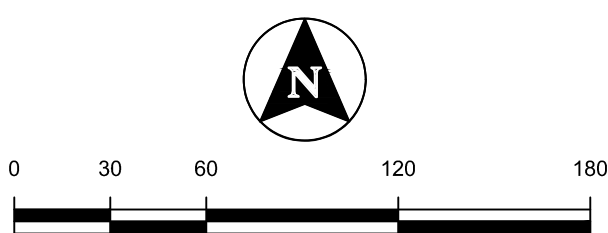
NOTE: P.L.S. SIGNATURE OF THIS DOCUMENT ONLY CERTIFIES THE SUBJECT PROPERTY BOUNDARY SHOWN HEREON

**T-O ENGINEERS**  
CONSULTING ENGINEERS, SURVEYORS & PLANNERS  
2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642  
PHONE: (208) 323-2288  
WWW.TOENGINEERS.COM

PRELIMINARY PLAT FOR:  
MIDDLETON INDUSTRIAL PARK NO 2  
COVER

ATTENTION: 1/2"  
IF THIS BAR DOES NOT MEASURE 1" ON 22x34 SHEET or 1/2" ON 11x17 SHEET, THEN DRAWING IS NOT TO SCALE.  
DATE: 12/30/20  
PROJECT: 200447  
SHEET: 1





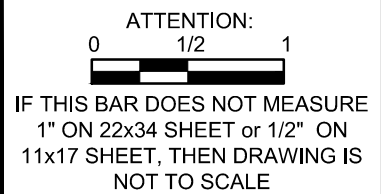
1. ALL WATER MAINLINES ARE TO BE 12" IN DIAMETER.
2. ALL SEWER LINES ARE TO BE 8" IN DIAMETER.
3. ALL RIGHT-OF-WAY STORM WATER DRAINAGE SHALL BE DIRECTED TO ROADSIDE SWALES.
4. EXISTING TOPOGRAPHIC SURVEY BY T-O ENGINEERS (09/21/2020 & 10/08/2020).
5. ALL ELEVATIONS SHOWN ARE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88).
6. A BLANK CONDUIT SHALL BE ADDED TO JOINT TRENCH FOR CITY REQUIRED FIBER OPTICS.

	PROPOSED BOUNDARY LINE
	ROAD RIGHT-OF-WAY
	PROPOSED EASEMENT
	PROPOSED EDGE OF PAVEMENT
	PROPOSED EDGE OF GRAVEL
	PROPOSED SEWER MAIN
	PROPOSED WATER MAIN
	PROPOSED STORM DRAIN LINE
	PROPOSED PRESSURE IRRIGATION MAIN
	PROPOSED FLOW LINE
	PHASE LINE
	PROPOSED SEWER MANHOLE
	PROPOSED SEWER CLEAN-OUT
	PROPOSED IRRIGATION BOX
	PROPOSED IRRIGATION SERVICE
	PROPOSED SIGN
	PROPOSED PED RAMP
	STREET LIGHT
	PROPOSED ASPHALT PAVEMENT

NO.		REVISIONS		BORDER SIZE	
		DESCRIPTION	DATE	22"x34"	
				DESIGNED	DJH
				DRAWN	DJH
				CHECKED	DS
				APPROVED	DS

**TO** **T-O ENGINEERS**  
CONSULTING ENGINEERS, SURVEYORS & PLANNERS  
2471 S. TITANIUM PLACE  
MERIDIAN, IDAHO 83642  
PHONE: (208) 323-2288 [WWW.TO-ENGINEERS.COM](http://WWW.TO-ENGINEERS.COM)  
BOISE • CODY • COEUR D'ALENE • HEBER CITY  
MERIDIAN • NAMPKA • SPOKANE

PRELIMINARY PLAT FOR:  
MIDDLETON INDUSTRIAL PARK NO 2  
MASTER UTILITY PLAN



DATE:	12/30/20
PROJECT:	200447
SHEET:	

THIS INSTRUMENT FILED FOR RECORD  
BY FIDELITY NATIONAL TITLE AS AN  
ACCOMMODATION ONLY. IT HAS NOT  
BEEN EXAMINED AS TO ITS EXECUTION  
OR AS TO ITS AFFECT UPON THE TITLE.

<b>2018-009391</b>	
RECORDED	
<b>03/06/2018 03:16 PM</b>	
CHRIS YAMAMOTO	
CANYON COUNTY RECORDER	
Pgs=3 MBROWN	\$15.00
TYPE: DEED	
FIDELITY NATIONAL TITLE - BOISE	
ELECTRONICALLY RECORDED	

## SPECIAL WARRANTY DEED

### FOR VALUE RECEIVED

**Premier Industrial, LLC, and Idaho limited liability company AND Greg T Burkhart and Terri A Burkart, husband and wife**

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

**Middleton Industrial Park, LLC, an Idaho limited liability company**

whose address is **11299 Bass Lane, Caldwell, ID 83605**, the Grantee(s), the following described premises, in Canyon County, Idaho, TO WIT:

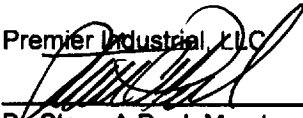
See attached Land Description – Parcel C


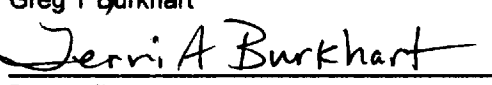
TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that no encumbrances were initiated during the ownership of the undersigned nor is the undersigned aware of any such.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 3/05/2018

Premier Industrial, LLC  
  
By Steve A Peel, Member

  
Greg T Burkhart  
  
Terri A Burkhart

State of Idaho

County of Canyon

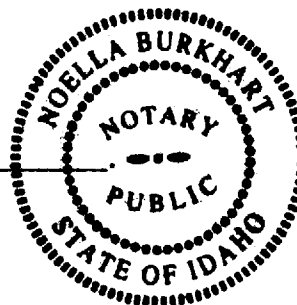
On this 5th day of March, <sup>2018</sup>~~2017~~, before me the undersigned, a Notary Public in and for said state, personally appeared Greg T Burkart and Terri A Burkart known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Noella Burkhart

Notary Public Name: Noella Burkhart

Residing at Middleton Idaho

My Commission Expires: 1-11-22



State of Idaho

County of Canyon

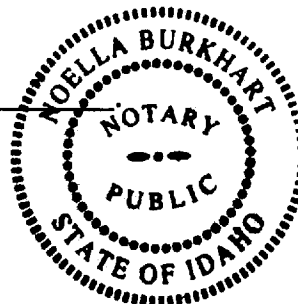
On this 5th day of March 2018, before me the undersigned, a Notary Public in and for said state, personally appeared Steve A Peel known or identified to me to be the person(s) whose name is/are subscribed to the within instrument as the Member of Premier Industrial, LLC and acknowledged to me that he executed the same as such Member.

Noella Burkhart

Notary Public Name: Noella Burkhart

Residing at Middleton Idaho

My Commission Expires: 1-11-22





November 17, 2020

Project No. 200447

**MIDDLETON INDUSTRIAL PARK NO. 2  
LAND DESCRIPTION**

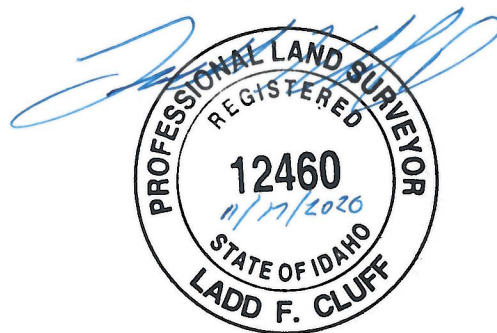
A parcel of land located in the NE1/4 of the NE1/4 of Section 18, Township 4 North, Range 2 West, Boise Meridian, City of Middleton, Canyon County, Idaho, more particularly described as follows:

**COMMENCING** at the Northeast corner of said Section 18; thence, along the east boundary of said NE1/4,

A) S.01°21'47"W., 364.93 feet to the South right-of-way of Bass Lane, being the **POINT OF BEGINNING**; thence, continuing along the east boundary line of said NE1/4,

- 1) S.01°21'47"W., 947.39 feet to the North One-Sixteenth corner of said Section 18; thence along the south line of said NE1/4 of NE1/4,
- 2) N.89°30'25"W., 745.66 feet to the Southeast corner of Middleton Industrial Park No. 1, recorded in Book 48, Page 27, under instrument number 2019-024374, Canyon County records; thence, along the east boundary of said Middleton Industrial Park No. 1,
- 3) N.00°34'04"E., 948.24 feet to the south right-of-way of said Bass Lane; thence, along said south right-of-way
- 4) S.89°26'05"E., 758.81 feet to the **POINT OF BEGINNING**.

**CONTAINING:** 16.367 acres, more or less.



## NEIGHBORHOOD MEETING SIGN IN SHEET

**Purpose:** Pre-Application neighborhood meeting for Preliminary Plat of 15.28 Acres for Middleton Industrial Park No. 2 along Bass Lane.

**Location:** On site along Bass Lane, just west of the Bass Lane and Middleton Road Intersection.

**Date:** Monday, November 9, 2020 **Time:** 6:00p.m.

### PLEASE SIGN IN

Name

Address

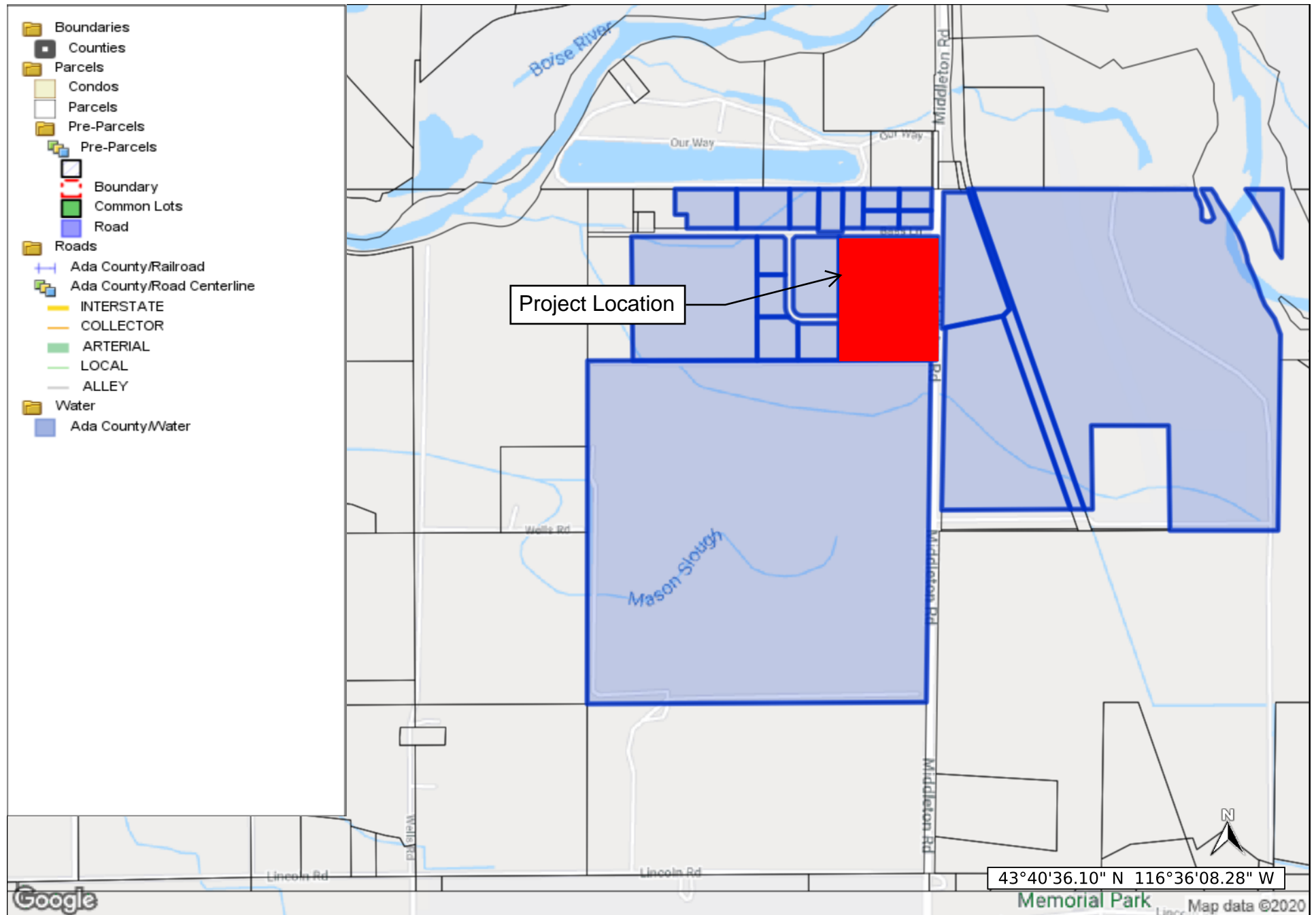
Phone Number

David Sterlily 2471 S. Titanium PL 208-323-2288

Arrived at 8:45 and stayed until 6:15.

# Middleton Industrial Park No. 2

## Mailing List - 300'



County	Parcel	Primary Owner	Property City	Owner Address	Owner City
Canyon	R3407300000	Galvin Martin C	Caldwell, ID	PO Box 115	Middleton ID 83644
Canyon	R34075010A0	Evans Dan M	Caldwell, ID	11160 Bass Lane	Caldwell ID 83605
Canyon	R3407501200	Nicholls Tony L	Caldwell, ID	21991 Middleton Road	Caldwell ID 83605
Canyon	R3407501100	Tyson Inc	Caldwell, ID	PO Box 1237	Caldwell ID 83605
Canyon	R3407501500	Mcnic Properties LLC	Caldwell, ID	21991 Middleton Road	Caldwell ID 83606
Canyon	R3407501400	Swartz Konrad	Caldwell, ID	606 Mason Road	Caldwell ID 83605
Canyon	R34075011A0	Didericksen Rock D	Caldwell, ID	11807 W Carlisle Bay Drive	Star ID 83669
Canyon	R3407600000	Woodland Properties	Caldwell, ID	444 W Karcher Road	Nampa ID 83687
Canyon	R3407510300	Kings Landing LLC	Caldwell, ID	5712 N High Country	Star ID 83669
Canyon	R3407510400	Middleton Self Storage	Caldwell, ID	PO BOX 1753	Caldwell ID 83605
Canyon	R3407400000	Premier Industrial LLC	Caldwell, ID	11220 Bass Ln	Caldwell ID 83605



**T·O ENGINEERS**

December 14, 2020

City of Middleton  
1103 W. Main Street  
Middleton, ID 83644

**Re. Middleton Industrial Park No. 2– Floodplain Application Narrative**

Dear Mayor Rule,

T-O Engineers is pleased to submit the attached floodplain application. A previous submittal was made to the city, which consisted of a completed application for the preliminary plat, application fee, warranty deeds, property boundary description, vicinity map, neighborhood meeting sign in sheet, required mailing labels, preliminary plat lot dimensions and preliminary utility plan. This letter is intended to serve as the narrative for the floodplain application.

The Middleton Industrial Park No. 2 development contains three proposed lots that are within Flood Zone AE; lots 4, 8 and 9. These three lots will be graded such that the minimum lot elevation will be at least 1' above the Base Flood Elevation (BFE) and will have minimum finished floor elevations at least 2' above the BFE. A LOMR-F will also be submitted for these three lots once the preliminary plat is recorded.

Thank you for the consideration of our application. We feel the proposed Middleton Industrial Park No. 2 will bring needed industrial lots to the city providing for new opportunities to attract businesses.

We have been as thorough as possible in preparation of this application. However, if there is any additional information or clarification that would be helpful in the timely review of our application, please do not hesitate to call me at (208) 323-2288 or email me at [dsterling@to-engineers.com](mailto:dsterling@to-engineers.com)

Sincerely,

David N. Sterling, P.E.  
Project Manager

Enclosures: Floodplain application

Cc: Project File 200447  
Middleton Industrial Park, LLC





## CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV

## Planning and Zoning Department

### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

#### Applicant:

Middleton Industrial Park, LLC	(208) 585-3031	steve.peel@rulesteel.com
Name	Phone	Email
11220 Bass Lane	Caldwell, Idaho	83605
Mailing Address	City, State	Zip

#### Property Owner(s):

Middleton Industrial Park, LLC	(208) 585-3031	steve.peel@rulesteel.com
Name	Phone	Email
11220 Bass Lane	Caldwell, Idaho	83605
Mailing Address	City, State	Zip Code

#### Representative:

David Sterling ( T-O Engineers)	(208) 323-2288	dsterling@to-engineers.com
Name	Phone	Email
2471 S. Titanium Place	Meridian, ID	83642
Mailing Address	City, State	Zip Code

#### Site Information:

0 South Middleton Road	Caldwell, Idaho	83605
Street Address	City, State	Zip Code

Assessor's Tax Parcel No(s): R34075014A0

Total Acres of Site: 16.367 Subdivision: Middleton Industrial Park Lot(s): 8 Block(s): 2

#### Description of Work (Complete for all Work):

##### 1. Proposed Development Description

- ☐ New Building
- ☐ Manufactured Home
- ☐ Improvement to Existing Building
- ☐ Filling
- ☒ Other: Industrial Park



# CITY OF MIDDLETON

P O Box 487  
1103 W MAIN ST, MIDDLETON, ID 83644  
208-585-3133, FAX: 208-585-9601

WWW.MIDDLETON.ID.GOV

## Planning and Zoning Department

### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_

Application Accepted by: \_\_\_\_\_

Date Application Accepted: \_\_\_\_\_

2. Size and location of proposed development (attach site plan):

16.367 acres located at 0 S. Middleton Road in Caldwell, Idaho.

3. Is the purposed development in a Special Flood Hazard Area (Zones A of AE)?

☒ Yes  
☐ No

4. Per the floodplain map, what is the zone and panel number of the area of the purposed development?

Zone(s): AE Panel No. 0253

5. Are other Federal, State or local permits obtained?

☐ Yes  
☒ No

6. Is the purposed development in an identified floodway?

☐ Yes  
☒ No

7. If yes to No. 6, "No Rise Certification" with supporting data attached?

☐ Yes  
☐ No

#### Complete for New Structures and Building Sites:

1. Base Flood Elevation at the site: N/A feet NGVD
2. Required lowest floor elevation (including basement): N/A feet NGVD
3. Elevation to which all attendant utilities, including all heating and electrical equipment will be protected from flood damage: N/A feet NGVD

#### Complete for Alterations, Additions, or Improvements to Existing Structures:

1. What is the estimated market value of the structure? \$ N/A
2. What is the cost of the proposed construction: \$ N/A
3. If the cost of the proposed construction equals or exceeds 50% of the market value of the structure, then the substantial improvement provision shall apply.

#### Complete for Non-Residential Floodproofed Construction:

1. Type of floodproofing method: \*See Below
2. The required floodproofing elevation is: See the attached site plan feet NGVD
3. Floodproofing certification by a registered engineer is attached  
☐ Yes  
☒ No \*Proposed lots 4, 8 and 9 are within the FEMA floodplain. Each lot will be filled to be above the BFE elevation and a LOMR-F will be submitted to FEMA to remove the lot from the floodplain once the plat is recorded.