

# AGENDA Middleton Planning and Zoning Commission Middleton, Idaho

Date: Monday, December 7, 2020

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. To testify on the public hearing items below, written comments are accepted by email to <a href="mailto:citmid@middletoncity.com">citmid@middletoncity.com</a>; mailed or dropped off at 1103 W Main Street, Middleton ID 83644 prior to 3:00 p.m. the day of the meeting; to verbally testify contact Jennica Reynolds at 208-585-3133 prior to 5:00 p.m. day of meeting and leave a callback number to be called during the hearing.

- 1. Call To Order, Pledge of Allegiance, Roll Call
- 2. Information Items
  - Townhomes, Condominiums, Apartment, Dwellings, Villas, Shared Walls, Patio Homes Access
  - B. Equivalent Dwelling Unit power requirements to be able to charge electric vehicles
- 3. Action Items
  - A. Consent Agenda
    - 1. Consider approving November 9, 2020 regular meeting minutes.
    - 2. Consider approving FCO Stonehaven Amended Preliminary Plat
  - B. **Public Hearing:** An application from Drake Investments, LLC for preliminary plat, 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.
  - C. Ordinance No. 646 of the City of Middleton, Canyon County, Idaho amending Title 1 and Title 4.
  - D. Public Hearing: Ordinance No. 644 of the City of Middleton, Canyon County, Idaho, amending Title 5 of the Middleton city code updating general zoning provisions; modifying zoning regulations, subdivision regulations, standards, multi-family and cluster housing; modifying and updating land use, setback and area tables, subdivision of land, road standards and recreational vehicle park requirements, modifying design and development standards; updating special developments provisions; making other changes, additions and minor modifications and providing an effective date.
- 4. Public Comments
- 5. Commission/Staff Comments



## **AGENDA** Middleton Planning and Zoning Commission Middleton, Idaho

6. Adjourn

Bruce Bayne, Planning and Zoning Official December 4, 2020 at 5:00 p.m. Posted by:

Date:

Residential garages, for the purposes of vehicle parking, constructed in combination with one and-two-family dwellings and townhouses in new construction, require at least one 240-volt, 40 ampere dedicated branch circuit terminating at a receptacle or electric vehicle supply equipment, to be provided that may be used for electric vehicle charging, located in close proximity to the parking spaces. The branch circuit shall be identified as "EV Ready" in the service panel or subpanel directory and the termination at the receptacle location shall be marked as "EV Ready". Only one vehicle garage per parcel requires an "EV Ready" receptacle or electrical vehicle supply equipment. Installation shall comply with applicable provisions of the National Electrical Code.

# MIDDLETON CITY PLANNING AND ZONING COMMISSION MINUTES NOVEMBER 9, 2020

The November 9, 2020 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:34 p.m.

#### 1. Call to Order - Pledge of Allegiance

**Roll Call:** Chairman Ray Waltemate, Commissioners Janet Gregory, Whitney Springston were present. Commissioners Jackie Hutchison, Bill Deaver were absent.

Planning and Zoning official Bruce Bayne introduced the newest planner – Roberta Stewart to the Commission.

#### 2. Action Items

#### A. Consent Agenda

1. Consider approving September 14, 2020 and October 19, 2020 regular meeting minutes.

Chairman Waltemate called the agenda item and asked if any of the commissioners saw anything, they wanted corrected: None.

**Motion:** Motion by Commissioner Gregory to approve the minutes for September 14, 2020 and October 19, 2020 as written. Motion seconded by Commissioner Springston and approved unanimously.

- 2. Consider approving FCO Rule Steel Industrial Park Variance
- 3. Consider approving FCO Lakes of Telaga 2 Preliminary Plat

Chairman Waltemate called the agenda item and asked if any of the commissioners saw anything, they wanted corrected: None.

**Motion**: Motion by Commissioner Springston to approve both the FCO's for Rule Steel Industrial Park Variance and Lakes of Telaga 2 Preliminary Plat as discussed per the last planning and zoning meeting. Motion seconded by Commissioner Gregory and approved unanimously.

B. Consider recommending to City Council approval of a request by TBC Landholdings, LLC / Todd Campbell Construction, Inc., for approval of an amended preliminary plat for a revised phasing plan and lot configuration for Stonehaven Subdivision.

Chairman Waltemate called the item. Planning and Zoning Official Bruce Bayne read the staff report. The revised phasing plan is requested in order to allow for a secondary access on Willis Road. Originally there were 12 phases approved. With the revision there are now 8 phases. Also, when the initial project was approved there is a nature preserve that is part of the open space requirement of the 5% required that has not been annexed into the City. The city requested phase 6 be revised to include the nature

preserve.

Applicant Representative: Jay Walker of Alterra Consulting gave a power point presentation that explained and detailed the reason for the request for the amended preliminary plat for a revised phasing plan and lot configuration for Stonehaven Subdivision.

**Motion:** Motion by Commissioner Gregory to recommend approval to City Council of a request by TBC Landholdings, LLC / Todd Campbell Construction, Inc., for approval of an amended preliminary plat for a revised phasing plan and lot configuration for Stonehaven Subdivision with the conditions per the administrative report. Motion seconded by Commissioner Springston and approved unanimously.

#### Public/Commission/Staff Comments:

#### **Public Comment:**

Shawn Maybon: He questioned the public meeting and public hearing process. He wants to know why the staff report says it complies to most city standards. He wants to know what standards it does not comply with.

Bruce responded and said the reason that was written was because the City just barely received the final drawing today and the City and Engineer needs time to review it to make sure everything they require there before it will go to City Council for approval.

Mike Graefe: 1889 Ridge Way: Asked if any of the buildable lots have had the setbacks changed? He also asked if the roadway/right of way up to Willis Road was changed from 60 to 50ft. Bruce said no the setbacks have not changed. The roadway was built to the 60 ft. requirement.

Sandi Sinclair: 1871 Ridge Way: Regarding the nature preserve, are they going make it that grass or is that going to stay the natural. She said the project is a good one and gave Jay Walker a thumbs up.

Bruce said the only thing in the agreement states that there is a bridge that is brought in to create a walkway. But it is meant to stay as it is.

#### Staff Comment:

Roberta Stewart stated there has been discussion in the planning department about the amount of work that is coming down the pike. It might be time to consider a second planning and zoning public meeting/hearing each month. Or as an alternative perhaps the second one would be a tentative meeting that would be tentatively scheduled and if needed it would take off some pressure in that we could have two meetings some months, maybe not other months. One of the other reasons this has been discussed is because City Council meets twice a month but sometimes there are things that the commission might need to hear to catch up with City Council, but have to wait till the next month and then that sets City Council behind too. This is just the beginning of a discussion.

Chairman Waltemate said his first gut reaction is we are already building pretty fast in the City of Middleton; he thinks by having two meetings we are inviting more building faster than our infrastructure can keep up with. He would like to keep it at one meeting and look if the agenda is

too big, then do a tentative meeting. But doing two full agendas, and meetings a month he thinks we will be getting ahead of ourselves as far as infrastructure and other issues that may arise. He wants to keep it to one meeting a month in order to be able to keep some kind of leash on the speed of development.

Commissioner Springston said she worries about decision fatigue as we experienced recently. She wants to make sure nothing can slip through the cracks because they are moving so fast. The one meeting a month keeps that bandwidth narrowed until we have the infrastructure to handle the new growth, much less the current growth.

Chairman Waltemate recommended that if an application is missing more than 5 or 6 items it is not heard on the agenda. There needs to be a drop-dead date where all the items are received, or the application is not on the agenda.

Commissioner Gregory said it would make better use of the commissions time to make sure they are given complete packets, so they are not having to revisit the same applications 2 and 3 times.

| Adjourn: Commissioner Gregory adjourned the               | e meeting at 6:08 p.m.  |
|---|-------------------------|
| ATTEST:   | Ray Waltemate, Chairman |
| Jennica Reynolds, Deputy Clerk Approved: December 7, 2020 |                         |



# CITY OF MIDDLETON Planning and Zoning Commission

Stonehaven Amended Preliminary Plat

October 20, 2020 Application November 9, 2020 P&Z Approval December 7, 2020 P&Z FCO's Findings of Fact, Conclusions of Law, and Decision

#### SUMMARY OF THE REQUEST

A request by TBC Holdings, LLC and Todd Campbell Construction, Inc. for approval of an amended preliminary plat for a revised phasing plan and lot configuration to accommodate Middleton City Code requirement for secondary vehicular access for Stonehaven Subdivision, located on approximately 78.25 acres west of Hartley Lane, south of Willis Road, east of Emmett Road, and mostly north of Canyon Hill Canal.

Applicant: TBC Holdings, LLC

P.O. Box 140298 Boise, ID 83714

**Representative:** Jay Walker

849 State Street, Suite 104

Eagle, ID 83616

1. **APPLICATION:** The application was accepted by the City on October 20, 2020.

2. APPLICABLE CODES AND STANDARDS:

Idaho Code Title 67, Chapter 65 Middleton City Code (MCC) 1-14-5; 5-4-4; 1-15-1 Middleton Transportation, Schools and Recreation Map, Dec. 20, 2018 version

- 3. PLANNING AND ZONING REVIEW COMMENTS:
  - A. The Planning and Zoning Commission concludes that the amended preliminary plat meets City Code Standards per Section 5-4-4.
  - B. Written Agency Responses Received to Date: none.
  - C. Written Property Owners Responses Received to Date: none.
  - D. **Preliminary Plat Standards**: Per City Code Section 5-4-4.



# CITY OF MIDDLETON Planning and Zoning Commission

#### **CONCLUSIONS OF LAW**

Notice of the application was given according to law. The Planning and Zoning Commission public meeting was conducted according to law, and the City has Kept a record of the application and related documents.

#### **DECISION**

Based on the Findings of Facts, and Conclusions of Law, the Planning and Zoning Commission hereby recommends to City Council approval of the Preliminary Plat with the following conditions:

- 1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are extended to serve the subdivision.
- 2. Comply with MCC 5-4-10-10, open space requirement: Lot 3, Block 4, Phase 4 with an amenity as defined in MCC 1-3-1, together with Lot 30, Block 8, Phase 6 which must be annexed and remain as a natural preserve, unimproved with wildlife habitat and connected by a pedestrian bridge to Durness Bay Ave. Annexation to occur before the City will issue building permits for lots in Phase 6.
- 3. Corrections identified by the City Engineer and Planning and Zoning Official are made.

#### NOTICE

This decision is deemed by Idaho law to be a final decision. An affected person aggrieved by a final decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by title 67, chapter 52, Idaho Code. The applicant has a right to request in writing to the city a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

| Signed: December, 2020.                   |  |
|---|--|
|   | Ray Waltemate, Chairman Planning and Zoning Commission |
| Attest:                                   |  |
| Bruce Bayne, Planning and Zoning Official |  |



## ADMINISTRATIVE REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### **River Pointe Subdivision**

#### **Snapshot Summary**

|                  | DESCRIPTION       | DETAILS   |
|------------------|-------------------|---|
|                  | Acreage           | 74.5 acres  |
| HWY 44           | Current Zoning    | M-U / Mixed Use   |
|                  | Proposed Zoning   | to remain the same  |
|                  | Current Land Use  | Agriculture   |
|                  | Proposed Land Use | Mixed Use   |
|                  |                   | 184 Total Lots (125 single family lots, 4   |
| PROJECT LOCATION |                   | commercial lots; 1 assisted living lot; 25  |
|                  | Lots              | townhome lots and 29 common lots)   |
|                  | Density           | 12 Units per acre allowed   |
|                  | Open Space        | 12.5%. (Only 5% required by Code)   |
| BOOK MINDS       |                   | Pool, clubhouse, pocket parks, expansive<br>greenbelts with 8' pathways, gazebo,<br>small lake and fountain at entry, and |
|                  | Amenities         | enhanced waterway features  |

A. Hearing Date: December 7, 2020

B. Project Description: Subdivision with 184 total lots on 74.5 acres of vacant land located at 10481 Highway 44 (west of the intersection with Duff Lane), tax parcel nos. R33920 and R3392001. The subdivision lots include (a) four commercial lots at the north end of the project along Hwy 44, (b) one assisted living lot, (c) 25 townhome lots surrounding the assisted living facility, (d) 26 garden home lots, (e) 78 medium density residential lots south of the Middleton Drain, (f) 21 low density residential lots at the south end of the project, and (g) 29 common lots throughout.

Project amenities include clubhouse with swimming pool, enhanced waterways and lakes with 8' wide walking paths that connect to the future Boise River greenbelt trails, and landscaped open space with park features, including a gazebo.

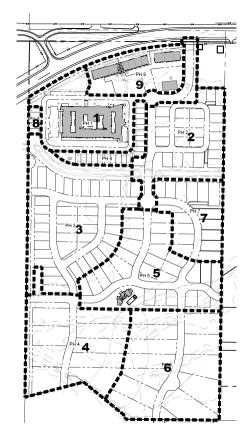
The proposed assisted living facility is a single-story, 71,000 sf building located on a four acre lot. The four proposed commercial buildings are located on lots ranging from .85 acre to 1 acre. The commercial buildings proposed are approximately 6,000 sf to 10,500 sf.

The 26 single-family "garden home" lots are located around the ring road "Chena Circle" located east of the townhomes and commercial lots. Developer has indicated that they are intended for 55+ ownership. Staff is recommending that the Development Agreement specifically provide that these lots be dedicated to a 55+ community.

Developer is also requesting that the 26 "garden home" lots be allowed setbacks lower than the setbacks provided in the M-U zone and be allowed a minimum lot size of 6000 sf. Staff is recommending that the request be approved because of the low maintenance needs of older homeowners and because the lots are close to the townhomes and commercial lots. (Please see more discussion on the subject in Section L. below regarding "Variances".)

As to all the other single family home lots, Staff is recommending that these lots be subject to the dimensional standards of the R-3 zone despite the fact that the project is zoned M-U. (See more detail below in Section L., regarding variances from Code.)

As to Phasing, Applicant is proposing nine phases for construction:



C. Application Requests: (1) Preliminary Plat, (2) Modified Development Agreement, and (3) Comprehensive Plan Map Amendment. (Please note that a floodplain administrative application is preceding simultaneously with these applications.)

A copy of the proposed modified development agreement is attached to this Staff Report.

**D. Current Zoning:** The property is currently zoned Mixed Use (M-U). The property was zoned M-U in 2006 when it was annexed into the City of Middleton. Applicant is not requesting any change to the zoning district.

The M-U zone is intended to create an area that accommodates a mixture of medium and high density residential and commercial uses. Applicant's proposed project generally fits within this definition or goal.

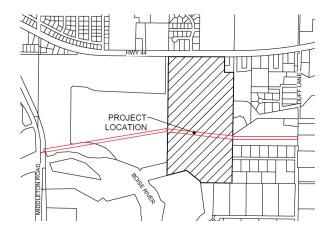
All uses proposed in the application (assisted living facility, townhomes, single family dwellings, and commercial business) are allowed uses in the M-U zone. Staff is recommending that the Development Agreement prohibit certain uses that are normally "allowed" in the M-U zone per MCC 5-4-1 Table. Specifically, Staff recommends that the following uses be prohibited from the project: (a) pawnbrokerage, (b) printing/blue print shop, (c) laundromat, (d) veterinarian clinic, (e) cabinet shop, (f) cemetery, and (g) government or public utility building. (See more detail on this variance in Section L. below.)

As to density, Developer has not exceeded the density of 12 units per gross acre as allowed in the M-U zone.

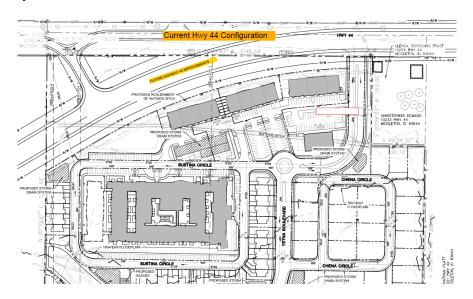
- **E.** Land Use Map: The Comprehensive Plan Land Use Map was not amended in 2006 with the earlier annexation and zoning applications, necessitating that the Land Use Map be changed from "Agricultural" to "Mixed Use" in the current application.
- **F. Surrounding Area:** The project site is surrounded on the west, south, and east side by county property zoned primarily Rural Residential or R-1. Directly to the north, the property is located within Middleton city limits, and the contiguous parcels are zoned C-2 Commercial and R-4 Residential.
- G. City Services: Domestic water and sanitary sewer run along Highway 44 and have been extended to the project site to be accessed by the Applicant. A sewer lift-station is required near the southern end of the project to facilitate sewer service throughout the project. As a condition of approval, developer shall complete all of the City Engineer's comments and requirements regarding water and sewer service.
- H. Middleton Rural Fire District: The Preliminary Plat has been reviewed by Deputy Chief Victor Islas, and he has issued comments and requirements dated November 30, 2020. As a condition of approval for final plat, Applicant should be required to comply with all comments or directives of the Middleton Rural Fire District. (A copy of the Fire District comments are attached to this Staff Report.)

### I. Traffic, Access & Streets:

a. Access: The project has three access points. One proposed access is off of Highway 44, and it is intended to serve primarily the commercial lots, townhomes, assisted living facility, and garden homes. As a condition of approval, Applicant must obtain an access permit from Idaho Transportation Department for the Hwy 44 access. Applicant should also be required to comply with all Highway 44 road improvements mandated by ITD. Two additional access points are proposed via an east/west road ("River Street" shown below). This street will extend to the east to intersect with Duff Lane. It will also extend to the west to intersect with Middleton Road. Staff recommends that the Development Agreement contain a provision that Applicant will not be allowed to start construction of any improvements south of the Middleton Drain (or Phase 2) until either the connection to Duff Lane or the connection to Middleton Road is completed. This will prevent failure of the Hwy 44 access while the other two accesses are being completed.



Please note that the preliminary plat design incorporates the "alternative route" proposed for Highway 44. Applicant's commercial buildings are situated along the frontage of the "alternate" Hwy 44 route rather than along the current configuration of Highway 44. Until the Hwy 44 alternate route is constructed (which could be a number of years from now), this Hwy 44 frontage area could appear unkempt and unsightly. Staff recommends that the Development Agreement contain a provision that Applicant shall install and maintain sod and irrigation on the location of the future alternative route until the alternative route is actually constructed.



- b. **Traffic Impact Study**: Applicant has completed a Traffic Impact Study ("TIS") but it included a 14 acre parcel for development that created a connection to Duff Lane. That 14 acre parcel has been removed from the current Preliminary Plat under review. Applicant is in the process of updating the TIS so that it is modeled **exactly** after the current preliminary plat.
  - Staff recommends that the Development Agreement provide that, prior to approval of final plat for Phase 1, Applicant be required to pay a prorata fee or proportionate share amount as determined in the revised TIS.
- c. Street/Sidewalk Design: Applicant is proposing a street and sidewalk width that does not comply with Middleton's city code. Specifically, in the Garden Home section of the subdivision ("Chena Circle), Applicant is requesting that the right of way width be lowered from the standard 50 feet to 36 feet. Because of the compact nature of the Garden Home lots and because they are in close proximity to the townhome lots that are allowed a 36' wide right of way per city code, Staff recommends that this variance be allowed. However, Staff recommends that on-street parking be prohibited on Chena Circle. Also, Staff recommends that this variance be included in the Development Agreement.
- J. Open Space and Pathways: Applicant is proposing a comprehensive pathway system that will connect the Project's pedestrian pathways to the Boise River greenbelt trail to the south and to the Hwy 44 pathway to the north. The project's pathway will connect to the future greenbelt trail at a location in the southwest corner of the project, which is the connection point shown on the current "Transportation, Schools & Recreation Map," so Applicant's plan is in compliance with the vision set forth in the "Middleton Connects" plan.

However, in order to ensure connectivity and public access to all the trails, Staff recommends that the Development Agreement provide that Applicant will grant a public access easement over the portions of the pathway system required to link the Boise River greenbelt trails to the pathway along Highway 44. Applicant shall still be responsible for the construction and maintenance of the pathway, and Applicant will defend and indemnify the City of Middleton for any injuries or claims that are a result of applicant's installation and maintenance of the pathway.

As to Open Space, MCC 5-4-10-10 requires Applicant to set aside 5% of the project for irrigated and landscaped open space. The preliminary plat shows 9.3 acres of open space spanning across a number of common lots, clubhouse lot, and extensive pathways. This amounts to 12.5% open space, well exceeding the 5% required by code.

It should be noted that pathways shown on the preliminary plat are only 8' wide in some locations. Per MCC 5-4-10-8, pathway minimum width should be 10' wide. Staff

recommends a variance from the 10' requirement in light of the extensive nature of the trail system. (See more detail in section L. regarding variances requested.)

- **K. Comprehensive Plan Compliance:** Applicant's project complies with the Goals, Objectives, and Strategies of the Middleton Comprehensive Plan as follows:
  - a. Goal 3: the project interconnects roads, sidewalks, and the Boise greenbelt trails.
  - b. Goal 4: it promotes commercial development on Highway 44 in light of the four commercial lots located in the north end of the Project.
  - c. Goal 5: The project incorporates a logical extension of City services and the project will pay for development through impact fees and property taxes.
  - d. Goal 7: Commercial development in the project will promote employment opportunities for local residents.
  - e. Goal 9: Project increases parks and open spaces within City limits.
  - f. Goal 10: Open space facilities and extensive pathway expand recreational opportunities to the residents and public at large.
  - g. Goal 11: The project promotes a variety of housing types.
  - h. Goal 22: The project establishes interesting gathering places that encourage walkability, social interaction, and good health.
  - i. Goal 23: Pathways promote pedestrian connection between commercial and residential uses.
- L. Variances from Code Requirements Per Development Agreement: Staff is recommending the proposed Development Agreement provide the following deviations or variances from the Middleton City Code:
  - a. Garden Home Code Variances: The Garden Home lots are located directly east of the commercial, assisted living and townhome lots. Because of the compact nature of the area and the more intensive uses located there, Staff recommends that the Garden Home lots be allowed the following lower setbacks:
    - i. Front yard setback: 20' (R-3 requires 25'; M-U requires 20')
    - ii. Rear yard setback: 15' (R-3 requires 20'; M-U requires 20')
    - iii. Interior side yard setback: 5' if mechanical equipment is not allowed in the side yard area (R-3 requires 10'; M-U requires 12')
    - iv. Street side yard setback: 15' (R-3 requires 20'; M-U requires 20')

Staff further recommends that the Garden Home lots be allowed the 6000 sf minimum lot size set forth in the M-U zone. The R-3 zone minimum lot size of 8000 sf may not be appropriate for these homesites in light of their close proximity to the commercial area and townhomes.

b. **Medium & Low Density Single Family Lots Code Variations:** Even though this project is zoned M-U, Staff recommends that the medium and low density single family homesites south of the Middleton Drain be required to comply with

the dimension standards set forth for lots zoned R-3. Staff bases its reason on the fact that the homesites in this rural subdivision are better suited for the more open and expansive dimensions required for the R-3 zone. Therefore, Staff recommends the following:

- i. Minimum lot size 8000 sf. (M-U is 6000 sf)
- ii. Minimum frontage or width: 75' (M-U is 50')
- iii. Setbacks:
  - 1. Front setback: 25' (M-U is 20')
  - 2. Rear setback: 20' (M-U is 20')
  - 3. Interior side yard: 10' (M-U is 12')
  - 4. Street side yard: 20' (M-U is 20')

Please note that the current preliminary plat dated 12/3/2020 under review does not show lots with these dimensions. Specifically, some lot widths are 60' wide rather than 75' wide per R-3 standards. Applicant is requesting that the medium and low density single family homes have a minimum lot width of 60' rather than the 75' width as recommended by Staff.

- c. **Townhomes/High Density Attached:** Staff recommends the following setback variances for the townhome lots in light of the compact nature of the lots and their close proximity to the commercial lots and assisted living lot:
  - i. Front yard setback: 20' (M-U is 20')
  - ii. Rear yard setback: 15' (M-U is 20')
  - iii. Interior side yard setback: 0' (M-U is 12')
  - iv. Street side yard: 12' (M-U is 20')
  - v. Side yard for exterior side of any end unit: 12' (This is to create at least 24' between each 5-unit structure.)
- d. **Pathway Width:** MCC 5-4-10-8 requires pathways that are not along a street to be at least 10' wide. Because of the extensive nature of the pathway, Staff recommends that the minimum width be lowered to 8', which is still ample room for pedestrians to cross paths in comfort.
- e. Roadway Variance: Staff recommends that Applicant be allowed a lower right of way width of 36' (rather than the standard 50' width) for Chena Circle, which is the ring road that runs through the higher density garden homes. Staff recommends this variance because of the more compact nature of the 55+ neighborhood and because of its close proximity to the townhomes and commercial lots. Additionally, a variance for this lesser width would simply mirror the 36' wide right of way on the assisted living and townhome lots ("Sustina Circle"), which is allowed by code. In light of that, this 36' wide variance for Chena Circle would not seem out of place or discordant because of the close proximity to the 36' wide Sustina Circle.

- However, Staff recommends that if this lower 36' width is allowed, on-street parking should be prohibited on Chena Circle.
- f. **Use Table Variances:** Staff is recommending that certain uses that are normally allowed in the M-U zone not be allow in this project (See MCC 5-4-1 Table 1). Those uses are: (a) pawnbrokerage, (b) printing/blue print shop, (c) laundromat, (d) veterinarian clinic, (e) cabinet shop, (f) cemetery, and (g) government or public utility building.
- M. Comments Received from Surrounding Landowners: Two written comments have been received from landowners in the Riverbend Subdivision to the east of the project. both landowners were concerned that the road running through the Riverbend Subdivision would be improved to accommodate the River Pointe project. No such improvements are contemplated, and the landowners were informed of that fact. They were also concerned about additional traffic on Duff Lane and Hwy 44. (Copies of the landowners' emails are attached to this report.)
- N. Comments from Agencies: Comments from Deputy Chief Victor Islas of the Middleton Rural Fire District. See Conditions of Approval noted below in section Q.
- O. Applicant Information: The Representative is Breckon Land Design for Owner Drake Investments, LLC. Representative's contact information is P.O. Box 44465, Boise, ID 83711. Tele: (208) 376-5153. Owner's address is 1125 W. Two Rivers Lane, Eagle ID 83616.

| P. Notices & Neighborhood Meeting:                         | Date:      |
|--|------------|
| Newspaper Notification                                     | 11/22/2020 |
| Radius notification mailed Adjacent landowners within 300' | 11/13/2020 |
| Sign & Posting Box   | 11/16/2020 |
| Circulation to Agencies                                    | 11/13/2020 |
| Neighborhood Meeting                                       | 09/02/2020 |

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

Staff recommends approval of the subject application with the following conditions:

- a. City of Middleton municipal domestic water, fire flow and sanitary sewer services are extended to serve the subdivision.
- b. Prior to approval of the preliminary plat, the Development Agreement is modified to reflect the current agreement between the City and Developer and recorded.

- c. The 26 garden home lots on Chena Circle are reserved for 55+ ownership in compliance with the laws of the State of Idaho.
- d. City Planning & Zoning review comments are completed and approved. (See copy of City Comments attached to this Report.)
- e. City Engineer review comments are completed and approved. (A copy of the City Engineer's comments is attached to this Report)
- f. Applicant obtains from ITD an Access Permit for Highway 44 access.
- g. Applicant completes any road improvements required by ITD.
- h. Applicant may not construct any improvements south of the Middleton Drain (or Phase 2 of the 10/30/2020 preliminary plat) until a second access to either Duff Lane or Middleton Road is completed.
- i. Applicant shall construct, at its own cost, 50% (or 26') of Ember Road connected to the Project.
- j. All requirements of Middleton Rural Fire District are completed and approved.
- k. All impact fees and prorata/proportionate share traffic fees are paid as required.
- I. All lots shall receive pressurized irrigation service.
- m. Any requirements of the Middleton Mill Ditch Company are completed and approved.
- n. All road names to be confirmed per MCC 5-4-10-2.J.
- o. Cluster mailbox locations to be shown on the plat.

## DRAFT PROPOSED SECOND AMENDMENT TO DEVELOPMENT AGREEMENT FOR THE RIVER POINTE SUBDIVISION

#### CONDITIONS ON DEVELOPMENT

- 3.1 Developer shall develop the Property subject to the conditions and limitations set forth in this Agreement, the M-U zoning classification, and the City's Design Review Ordinance as they exist in final form at the time the preliminary plat application is submitted, except as otherwise provided in this Agreement (the "Project"). Developer shall further submit such applications regarding preliminary and final plat reviews and any other applicable applications as may be required by the City.
- 3.2 Developer agrees that, unless otherwise agreed to by the Parties, the overall Conceptual Plan (the "Conceptual Plan"), attached as Exhibits "B-1" and "B-2," shall dictate the type and density of development to be constructed in each of the components of the Project. Residential densities shall not exceed twelve (12) dwelling units per gross acre within the residential components of the Project. Developer shall be allowed to construct those other uses allowed under the M-U zoning classification and the City's Design Review Ordinance, as they exist in final form at the time the preliminary plat application is submitted, except the following uses shall not be allowed:
  - (a) Pawnbrokerage,
  - (b) Printing/blueprint shop,
  - (c) Laundromat,
  - (d) Veterinary Clinic,
  - (e) Cabinet Shop,
  - (f) Cemetery,
  - (g) Government & Public Utility Building.

Developer shall apply for Conditional Use Permits when required under the same M-U zoning classification.

- 3.3 The Developer has submitted a Traffic Impact Study (TIS) to the City for review with the preliminary plat application. The TIS includes intersection analysis for nearby intersections at peak hour and consideration of the cumulative impacts of surrounding developments. The Developer agrees to mitigate its proportionate share of off-site traffic impacts recommended in the TIS and required by the City. Any such improvements will include consideration of the cumulative impacts of surrounding developments. Developer shall pay the designated fees for its proportionate share on or before Final Plat for Phase 1, and such payment shall be a condition of approval for final plat.
- **3.4** It is further understood that the proposed State Highway 44 Alternate Route project will be constructed through the Project as shown on the Conceptual Plan. Developer shall cooperate with the City and the Idaho Transportation Department ("ITD") to dedicate to the City sufficient property for the Alternate Route Right of Way.

**3.4.1** Developer shall cause the Right of Way for the proposed Highway 44 Alternate

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Route to be improved with minimallandscaping to prevent an eyesore and public nuisance pursuant to MCC 8-1-2. Landscaping shall include, at a minimum, sod with irrigation. Said landscaping must be installed prior to the issuance of a Certificate of Occupancy for the first structure in the Project Development. Developer shall have a duty to maintain the landscaped area until the time the Highway 44 Alternate Route is constructed.

- 3.5 Developer shall provide one major east/west connector road through the Project south of the Middleton Drain as shown on the Conceptual Plan, or a similar road acceptable to the City and Developer in an alternate location to be determined. Developer shall also provide one major north/south connector road through the Project.
  - **3.5.1** Developer shall not be allowed to construct any improvements south of the Middleton Drain or below Phase 2 (which includes the 1<sup>st</sup> roundabout south of the Drain) shown on the preliminary plat until a second access is constructed and completed to either Duff Lane or Middleton Road.
- **3.6** Developer shall be required to construct, at its own cost, fifty (50) percent of Ember Street and the connected sidewalk, curb and gutter. Construction shall be in compliance with City codes and standards.
- 3.7 The Project shall comply with the Middleton Comprehensive Plan and City Code, as they exist in final form at the time the development application was submitted, except as otherwise provided in this Agreement. As to the number of lots and lot dimensions detailed in the Conceptual Plan, the following conditions shall be satisfied:
  - **3.7.1 Setbacks.** Developer shall maintain minimum setbacks on both the commercial and residential portions of the Project in accordance with Section 5-4-1, Table 2 of the Middleton City Code, except as otherwise modified herein.
  - **3.7.2** Conceptual Plan. All development within the Project shall be substantially consistent with the Conceptual Plan, unless otherwise approved by the City and the Developer.

#### 3.8 Design Standards Applicable to Commercial Lots.

- **3.8.1** All retail and office buildings on Commercial Lots contiguous to the proposed Highway 44 Alternate Route shall have their primary entrance facing the parking lot or the wall perpendicular to the parking lot. However, the rear elevations and side elevations visible from the roadway shall be enhanced with additional architectural detail similar to the front façade.
- 3.8.2 Commercial building design must be in compliance with the Middleton Design Review Guidelines for architectural style requirements, except as otherwise modified herein.
- **3.8.3** Developer shall provide at least one (1) parking stall for every 300 SF of floor area in retail and office buildings. Restaurants require one (1) parking stall for every 50

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SF of dining area. Such parking may be averaged across all Commercial Lots located within a single block and not separated by a public street, provided that a recorded, reciprocal access and parking easement permits shared and reciprocal use of such parking by all building owners and occupants on said block. Total parking area required shall not exceed parking area available.

- **3.8.4** The roadway in the commercial portion of the subdivision and roadway for the assisted living facility and townhomes shall be constructed in compliance with City Code.
- **3.8.5** Each retail and office building and other structure on the Commercial Lots shall be of first quality construction and architecturally designed so that their exterior elevations (including signs and color) will be architecturally compatible and harmonious with all other buildings on the Commercial Lots.
- **3.8.6** No retail building, office building, restaurant, entertainment facility or other structure shall be constructed or erected upon any Commercial Lot, nor shall any exterior alteration, addition or improvement be commenced, until complete plans and specifications thereof have been reviewed and approved in writing by the City's Design Review Board and the Developer's Architectural Review Committee ("ARC").

#### 3.9 Design Standards Applicable to Assisted Living Facility.

- **3.9.1** Design for the assisted living facility must comply with the Middleton Design Review Guidelines for architectural style requirements, except as otherwise modified herein.
- **3.9.2** The assisted living facility may not be constructed or erected, nor shall any exterior alteration, addition or improvement be commenced, until complete plans and specifications thereof have been reviewed and approved in writing by the City's Design Review Board and the ARC.
- **3.9.3** Developer shall be required to construct on-street parking as shown on the preliminary plat.

#### 3.10 Design Standards Applicable to All Single-Family Residential Lots

#### 3.10.1 Exterior Elevations & Siding

- (a) The front walls of garages and columns on the front of the residences shall be wrapped with brick, stone, stucco or suitable material as approved by the ARC, which shall generally be 35% of the front elevation and shall wrap around the side walls two (2) feet or more.
- **(b)** Exterior siding materials may be of natural or synthetic wood (Hardie-Plank type product), natural or synthetic stone, brick, or stucco.

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(c) No vinyl, T-111 or metal siding, concrete block, "Z-brick" or stamped concrete shall be permitted on buildings or structures.

#### 3.10.2 Roofing and Projections

- (a) Roofs shall be tile or Architectural Grade Composition Shingles 30 year minimum. d.
- (b) Roof overhangs of less than 12 inches shall be prohibited.
- (c) Vinyl and metal-clad vents, fascia and soffits shall be permitted if the color and materials proposed are non-reflective and compatible in color and texture with the remainder of the structure. A combination of ridge, soffit and dormer vents is preferred, and metal vents and vent caps projecting from the roof surface are discouraged.

#### 3.10.3 Garages & Driveways

- (a) Minimum three-car garage shall be required on lots with area of 8,500 square feet or greater, and minimum two-car garage required on lots less than 8,500 square feet in area.
- (b) Driveways shall provide off-street parking for at least two (2) vehicles per residential unit.

#### 3.10.4 Landscaping

- (a) Front sidewalks and driveways shall be concrete or masonry pavers and are encouraged to have curved lines or a stamped pattern or accent masonry pavers at the edge.
- (b) Landscaping of the front, back, and side yards must be completed by the builder no more than thirty (30) days after substantial completion of, and prior to occupancy of the home, unless delay is due to weather, and must include rolled sod in the front yard and both sides of the driveway.
- (c) Developer shall plant, at its cost, one (1) street tree in the parking landscape strip in front of each residential Lot. Developer and Purchaser shall require, through CC&Rs for the commercial area, the planting of one (1) street tree at a maximum interval of thirty (30) feet on center in all perimeter landscape strips adjoining public streets.

#### 3.10.5 Fences

- (a) Any fencing must be either (a) Vinyl Privacy Fences, not to exceed six feet in height or (b) Common Area Fences of black wrought iron, not to exceed five (5) feet in height in rear or side yards. Developer shall specify and mandate in the CC&Rs a single uniform color for the Vinyl Privacy Fence.
- (b) Where residential lot lines abut other residential lot lines, the owners of said lots may construct a Vinyl Privacy Fence. No fencing shall be allowed in the front yard. Instead fences shall be no closer than five (5) feet to the front corners of the home.
- (c) Except as otherwise specifically provided herein, rear or side yard fences

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on corner lots shall not be built closer than ten (10) feet to any side or rear street right-of-way.

**3.11** Home Product Types & Designs. Developer agrees to construct homes as outlined in the CC&R's. Additional site requirements are as follows:

#### 3.11.1 <u>High Density Attached (Townhomes)</u>

- (a) Located north of the primary residential entry and on the perimeter of the assisted living facility property as shown on the Conceptual Plan.
- (b) Zero side yard setbacks shall be permitted on one or both sides of each lot, subject to building and fire code compliance, except a minimum setback of twelve (12) feet shall be maintained on any side street yard. Additionally, there shall be a twelve (12) foot setback on the side yard for the end units of each townhome overall structure.
- (c) Minimum front yard setback of 20 feet, except covered front porches shall have a front yard setback of 10 feet.
- (d) Minimum rear yard setback of fifteen (15) feet.
- (e) Maximum of five (5) residential units per attached structure. Front elevations shall contain wall and roof modulations, windows, and architectural details to avoid long, monolithic walls.
- (f) No townhome may be constructed erected, and no exterior alteration or improvement may commence, until complete plans and specifications thereof have been reviewed and approved in writing by the City's Design Review Board and the ARC.

#### 3.11.2 High Density Detached - The Villas at River Pointe

- (a) Located north of the Middleton Drain and east of the entry road, as shown on the Conceptual Plan.
- (b) These homes shall be reserved for 55+ homeownership and shall comply with Idaho State Code for such communities. Additionally, the River Pointe CC&Rs shall address the requirements for a 55+ community.
- (c) Minimum side yard setbacks shall be five (5) feet, subject to building and fire code compliance. However, no mechanical equipment may be installed in the side areas.
- (d) Minimum front yard setback of twenty (20) feet.
- (e) Minimum rear yard setback of fifteen (15) feet.
- (f) Minimum side street setback of fifteen (15) feet.
- (g) Unenclosed covered porches and patios may project into any required setback up to ten (10) feet.

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- (h) Minimum house size shall be 1,250 square feet.
- (i) Minimum Lot size shall be 6,000 square feet.
- (j) The road, sidewalk, and curb and gutter in this portion of the subdivision shall be allowed a lower width of thirty six (36) feet, rather than the code required width of fifty (50) feet. However, no on-street parking will be allowed on this roadway.

3.11.3 Medium Density Detached – The ????? at River Pointe

- (a) Lot sizes between 8,000 and 15,000 square feet located south of the Middleton Drain, as shown on the Conceptual Plan.
- (b) Minimum side yard setbacks shall be ten (10) feet.
- (c) Minimum front yard setback of twenty five (25) feet. However, the minimum front setback for living space may be reduced to twenty (20) feet if the garage is set back at least twenty five (25) feet. Additionally, unenclosed covered porches and patios may project into any required setback up to ten (10) feet
- (d) Minimum rear yard setback of twenty (20) feet.
- (e) Minimum side street setback of twenty (20) feet.
- (f) Minimum lot size shall be 8,000 square feet.
- (g) Minimum lot width shall be seventy five (75) feet.

3.11.4 <u>Low Density Detached – The Estates at River Pointe</u>

- (a) Lot sizes over 30,000 square feet located at the south end of the River Pointe Development, as shown on the Conceptual Plan.
- (b) Minimum side yard setbacks shall be ten (10) feet.
- (c) Minimum front yard setback of twenty five (25) feet. However, the minimum front setback for living space may be reduced to twenty (20) feet if the garage is set back at least twenty five (25) feet. Additionally, unenclosed covered porches and patios may project into any required setback up to ten (10) feet
- (d) Minimum rear yard setback of twenty (20) feet.
- (e) Minimum lot width shall be seventy five (75) feet.

**3.12** Sidewalk. The collector roads detailed in the Conceptual Plan shall each feature a detached and meandering sidewalk positioned at least four (4) feet behind the curb line. However, the detached sidewalk must be entirely inside or outside the public right of way. The sidewalk cannot straddle the right of way boundary.

3.13 Pathway and Public Easement. Pathways for connection to the Boise Greenbelt trail

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must be a minimum of eight (8) feet wide and must be constructed of asphalt or concrete. Upon construction of any pathway for the connection to the Boise River greenbelt trail, Developer shall grant an easement for public access over the constructed pathway and any connected sidewalk required to ensure public access from the future greenbelt trail system to the pathways or sidewalks along Highway 44 at the north end of the Project. The easement shall state that Developer is responsible for installation and continued maintenance of the subject pathway and that City is not liable for any damages or claims that arise from Developer's installation and continued maintenance of the subject pathway.

- **3.14** Parks and Common Areas. TBD Insert provisions regarding minimum standards for parks and open space amenities.
- **3.15** Fencing. Developer shall construct a six-foot fence around the perimeter of the residential portion of the Property.
- **3.16** <u>Variances Noted on Final Plat:</u> Any variances from Middleton City Code permitted by this Development Agreement shall be noted on the Final Plat with a reference to the Code section affected by the variance.
- 3.17 Conditions for Completion. All of the conditions set forth herein shall be complied with, or Developer shall provide City with sufficient security for the completion of such conditions in the form of a letter of credit or other sufficient security before signature of the Final Plat will be granted. Failure to complete or provide such security for completion of the conditions within the time frame established in the subdivision plat approval conditions, the Middleton City Code or the terms of this Agreement shall result in a default of this Agreement by Developer. Developer may be allowed to provide security for completion of such conditions at one hundred and fifty percent (150%) of the estimated cost to complete the condition. Certificate of Occupancy will not be issued for any structure or building until the improvements that are the subject of the security or letter of credit have been completed and approved by the City.
- **3.18** <u>Commencement of Construction</u>. Developer shall commence construction within two (2) years of the date the Ordinance becomes effective pursuant to Section 2.1 above. In the event Developer fails to commence construction within this time period, Developer shall be in default of this Agreement.

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November 9, 2020

TO:

City of Middleton

Bruce Bayne, PE, Zoning Official

FROM: Civil Dynamics PC, City Engineer

Amy Woodruff, PE

RE:

River Pointe Subdivision Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. Every effort was made to identify all the review comments, but given the size of the project, the number of comments and the utility constraints, additional comments may come up as the application goes forward. Please review the complete code section cited below:

MCC 5-4-3. Traffic Impact Analysis is required to be submitted. ON FILE AND UNDER REVIEW.

MCC 5-4-4:A. Please submit a title commitment with ownership information, including schedule B.

MCC 5-4-4:A.2.a and I. Reference the boundary to section corner(s). The boundary needs stamped by the PLS.

MCC 5-4-4:A.2.f. The site topography is difficult to discern, especially the north section. Please show SH44 as existing including existing utilities, pavements, etc.

#### MCC 5-4-4:A.2.q.

- 1. The canals need identified on the plat with full easement width(s) called out.
- 2. If there is a well at the existing house/buildings near NW corner. Show this in the topo add a note addressing well/septic, etc. as needed.
- 3. Show Watkins Ditch relocation. What is happening with this?

MCC 5-4-4: A.2.h. The Middleton connects map shows a pathway to be developed along SH44. Add typical section for Ember Street.

#### MCC 5-4-4:A.2.n.

- 1. Water corridor is north and east. Sewer south and west.
- 2. No irrigation or lot drainage in front 10 ft easement area.
- 3. Clearly show hydrants and street light location. Each tee and cross have a valve on each lea.
- 4. Add note regarding fiber
- 5. Irrigation in back of lot if possible.
- 6. Extend utilities to NE neighboring parcel (labeled Scroggins and Edwards)

MCC 5-4-4:A.2.o. Please dimension all lots completely and number each lot. Add dimensions for centerline of street - tangent and curves. The minimum centerline radius is 125 ft and there is a minimum tangent length between reverse curves. Please add lot and block #s on PP1.1.

MCC 5-4-4:A.2.p. Please list common lots and identify use. For example, the stormwater management areas are not landscape lots. Irrigation cannot co-locate with public utilities or stormwater management areas "blanket" including in the front lot easement area.

MCC 5-4-4:A.2.r. Please coordinate with the City regarding the pathway required along SH44. Add a typical section for pathways to be developed. .



## FIRE DISTRICT STAFF REPORT

DATE: November 30, 2020

TO: City of Middleton, Planning & Zoning

REVIEWER: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: River Pointe Subdivision

#### **Fire District Summary of Report:**

**Overview:** This project can be serviced by the Middleton Rural Fire District. This development shall comply with the 2015 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

#### 1. Fire Response Time

This development will be served my Middleton Rural Fire District Station 53 located at 302 E. Main St, Middleton, Idaho. Station 53 is 2.4 miles from this development entrance of Hwy 44 and a travel time of 2.4 minutes under ideal driving conditions.

### 2. <u>Accessibility</u> Roadway Access, traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

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

After meeting with the developer, the main entrance of Hwy 44 will be sufficient for Phase 1 & Phase 2. A secondary access will be required for any additional phases.

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

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to maintain access for emergency vehicles at all times. Hydrants shall remain unobstructed at all time per city code.

The applicant shall work with City of Middleton and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

#### 3. Specialty/Resource needs

No Specially/Resources will be needed for this development.

#### 4. Water Supply

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

- 1. **Fire Flow:** Requirements will be as specified in Appendix B of the International Fire Code based on occupancy, construction and building size.
- 2. **Water Supply:** Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
- 3. **Water Supply:** Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
  - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
  - f. Fire hydrants shall be provided to meet the requirements of the City of Middleton Standards.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

#### 5. Inspections

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

Project: River Pointe Subdivision Page 2 of 2



MCC 5-4-4:A.3. Please submit your preliminary design/layout for the sewer so we can review and coordinate. The City does not wish to develop a lift station if there are any alternatives. Stub sewer to east and west limits in River. Extend sewer east to the Platt parcel – Lot 13 Block 15. What is planned to sewer/water commercial lots?

Stormwater pretreatment is required.

Identify what is happening with water in the area of SH44. Plan at least

The irrigation system location and point of delivery are required to be shown. All lots are required to have irrigation service.

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

#### General comments:

- 1. The City may request a stub street to Platt property for connectivity and so residents can get to the future commercial area without navigating a left turn onto SH4.
- 2. Sidewalks are required to be 5 ft wide.
- 3. Add dimensions and information for the north area of the development so we can further review.
- 4. Minimum centerline radius is 125 ft.
- 5. Please use different line type for the lots/rights of way/boundary.
- 6. If there are any roads NOT planned to be dedicate to the public, please identify. A variance will be needed to develop and front using private roads.
- 7. Pathway connection from Chena Circle to Kennedy Drain.
- 8. A traffic buffer is required along SH44.
- 9. Revise Note 1 and Note 4 to remove irrigation from the areas to be occupied by utilities. Irrigation and drainage cannot locate in the easement area unless the drainage is from public rights of way.
- 10. Locate and show all pathway locations. Add a typical section for the pathways.
- 11. A license agreement for the pathways, utility and road crossing for will be required as a condition of final plat.
- 12. Show mailbox cluster location.
- 13. Coordinate with the City regarding a stub street to the parcel adjacent and east.

NESS PROPERSON, LLC 0 1997 44 MODLETON, 10 83644 PRELIMINARY PLAT DADOTLICA & SONO O PRODILLOH NO OPPLIENT SYNDER BY: PACE B SALTING PLANNING DEPT. COMMENTS 4 9"25"20" W 640 CLARK BULDS INDER CHARCK ST HEROLITCH, D 62844 PROCESSES ESPANO Salaran American STERLING SMISH 10779 SPIERBEND PL HEDDLETEN B 63644 HICHOLAS HORRES 10087 RIVEYSIONO PL MISOLETCH, ID 8,3844 JOHN THAN SLENSONS PL 10082 REVENIONS PL MISCLETCH, 19 828144 NEET PROSE QUESTION IN MODIFICATION TO A SHAPE LOCATED IN THE SW1/4 OF THE NEI/4 AND ALL OF GOVERNMENT LOT 2 OF SECTION 8,T. 4 N, R. 2 W, B.M. CANYON COUNTY, IDAHO ONTERNAL LOCAL ROAD SECTION THOUSENING HOAD SECTION The surrey risk vector calls PLAT LEGEND RIVER SUBDIVISION 2.5° GLING AND GOTTON A SER THEATLAN IN THE MENONS OF THE PROPERTY 22.5 POINTE PRELIMINARY PLAT

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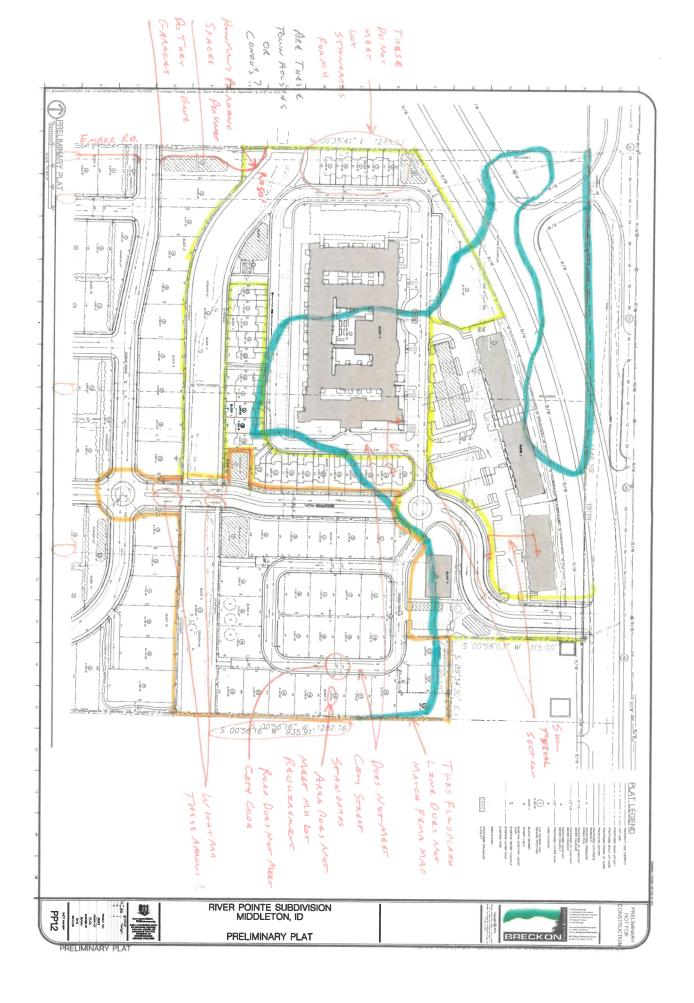
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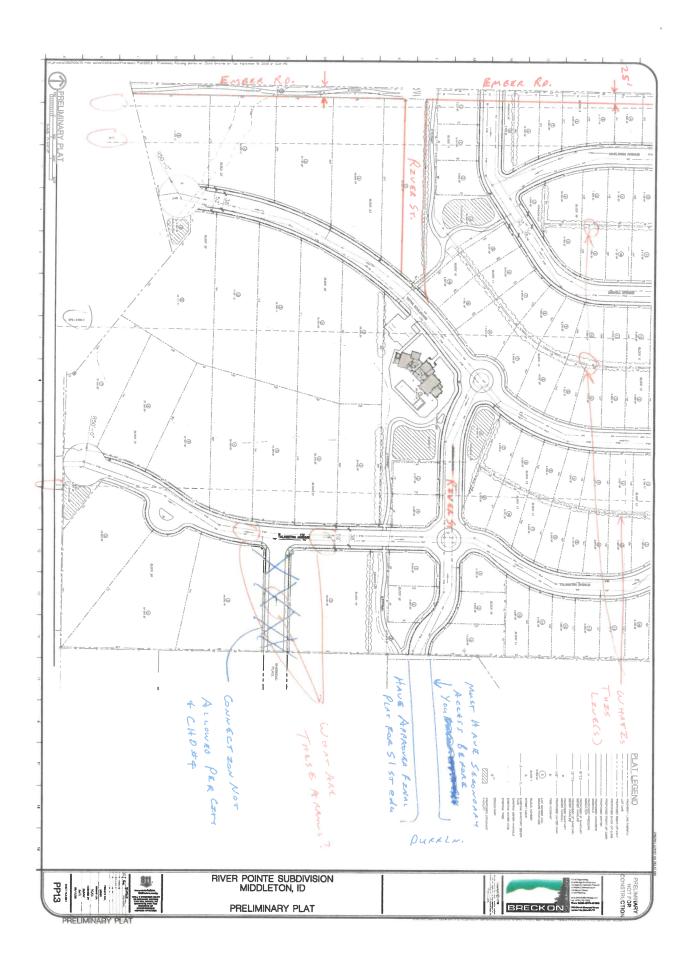
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From: <u>Maria fernandes</u>
To: <u>Roberta Stewart</u>

**Subject:** Re: River Point Subdivision

**Date:** Monday, November 30, 2020 1:22:27 PM

On Monday, November 30, 2020, 01:15:56 PM MST, Maria fernandes <armindof@att.net> wrote:

Roberta Stewart,

Middleton City, Planning and Zoning

My name is Armindo Fernandes, my wife and I live at 10076 Riverbend Place Middleton 83644.

And we Appose the River Pointe Subdivision project as proposed to connect on to the Riverbend Place Road.

Riverbend Place is currently a narrow County road designated as a dead end road by Canyon County and to narrow to accommodate trough traffic, with two vehicles parked side by side not enough room to move trough the center with a small car much less larger trucks such as a emergency vehicles.

We bough our home on Riverbend Place because its a dead end road with limited traffic and noise. if allowed to trough traffic it will have a permanent negative effect on our property values and quality of life.

For those reasons we appose the design of the project and ask that you do so as well.

It is much to my surprise that this is proposed in this manner and on the agenda .. On conversation i had with planner Bruce Bayne on 11/9/20 at 5.16 pm he assure me that for the same reasons that i mention above with the road being to narrow that, he and Highway District Four had already told that applicant that Riverbend Place was NOT to go trough at this time... and he added that they had asked to connect a Emergency gravel road with a locked gate and had already been told NO to that as well..

Armindo & Maria Fernandes 10076 Riverbend Place Middleton, 83644 From: <a href="peter codding">peter codding</a>
To: <a href="Roberta Stewart">Roberta Stewart</a>

Subject: Preliminary plat agreement modification ( River Pointe subdivision)

Date: Wednesday, December 2, 2020 10:00:37 AM

Dear Ms. Stewart,

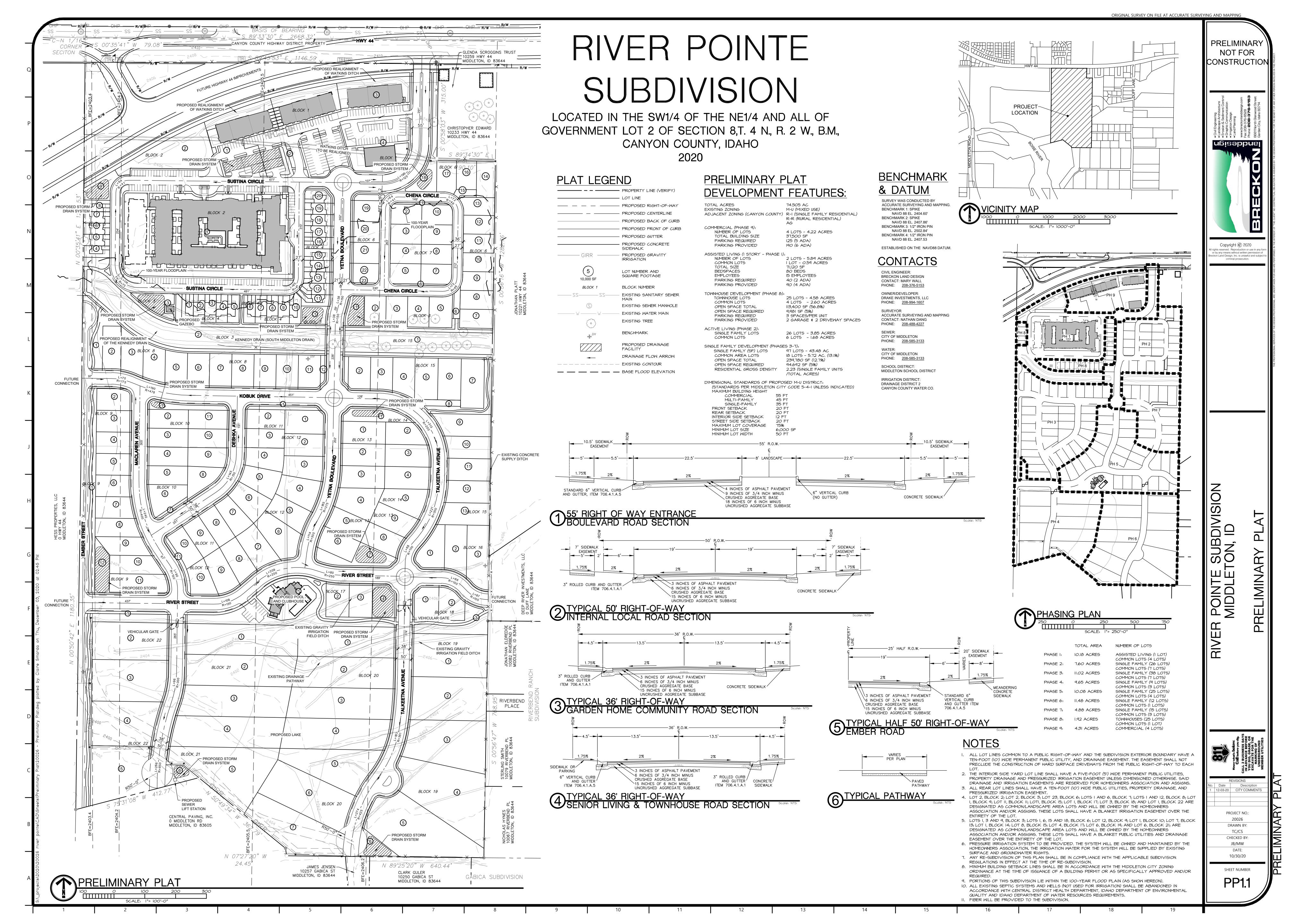
I am in receipt of your letter dated 10/26/2020 regarding the proposed development 10481 Highway 44, Middleton, Idaho.

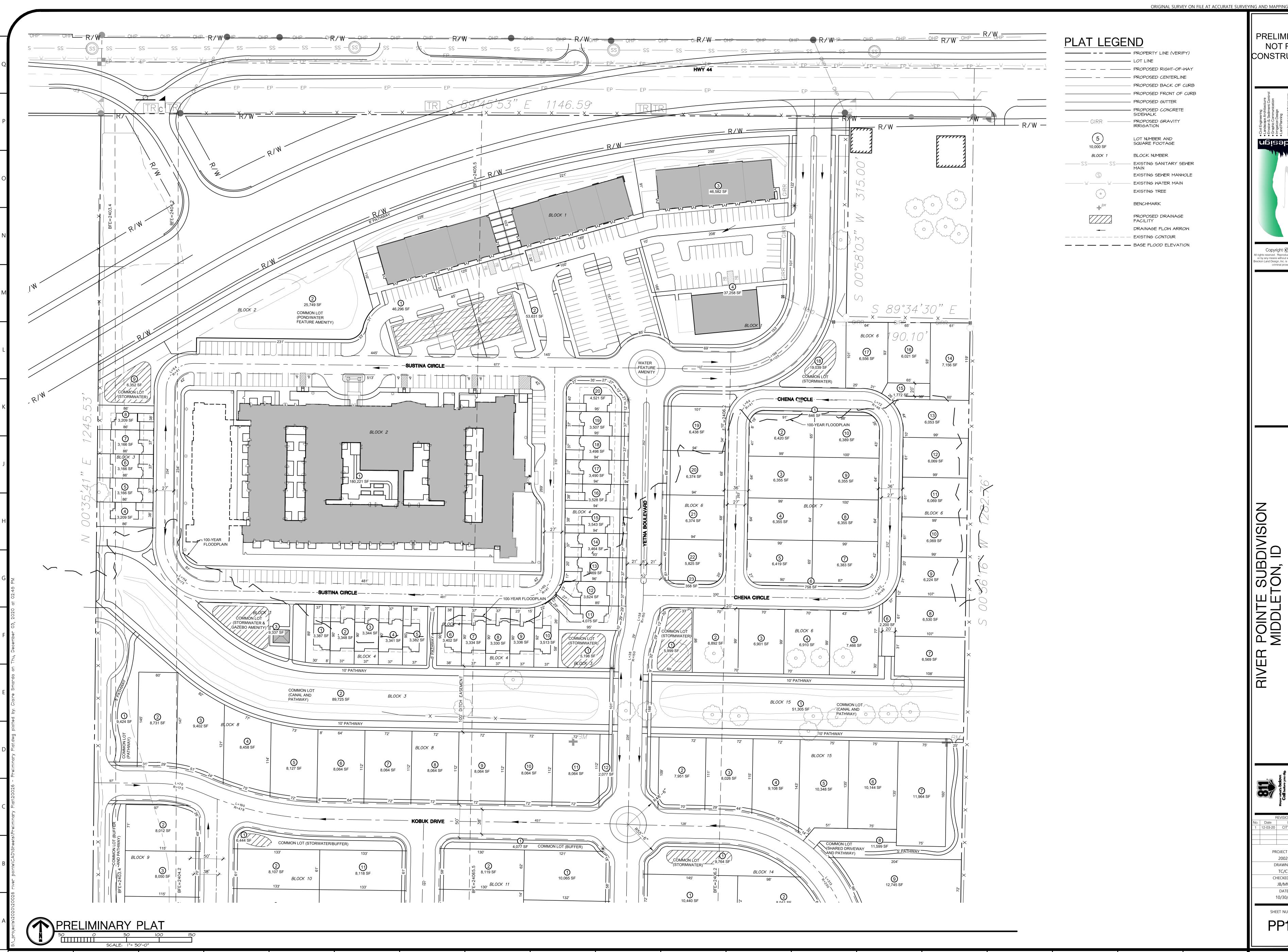
I addressed a letter to your office on 11/16/2020 and have received no response. To follow are my thoughts and concerns;

- 1. The proposed project is in the city, I live in the county. That is how I wish for it to remain. That being said, however the city plans to handle the development within THE CITY is none of my concern. How the city plans to handle the development within THE COUNTY, is my concern.
- 2. I will oppose any plan ( with legal action if necessary) that would allow any access, ingress or egress on or through Riverbend Place or connect the planned project to Duff Ln. The amount of traffic that currently exists on Highway 44 makes it difficult and dangerous to merge onto the highway now . Any added traffic would increase this problem to an unacceptable level and necessitate the installation of a traffic light at the intersection of Duff Ln. and highway 44 .
- 3. The 14 acre parcel to the north of Riverbend Pl. which had been a part of the proposed development should be zoned for 1 acre maximum parcels should it be annexed into the city. Neighbors and engineers have made me aware of drainage issues related to that property that would negatively impact the residents of Riverbend with flooding if not addressed.
- 4. Finally, if the way Drake investments runs their current gravel mining operation on the property, with their disregard for the amount of noise, dust and operating hours is any indication of what we are to expect from them with a construction project, I am concerned.

Thank You,
Peter Codding
10031 Riverbend Pl.
Middleton Idaho
83644
petercoddingconst.1@gmail.com







PRELIMINARY NOT FOR CONSTRUCTION

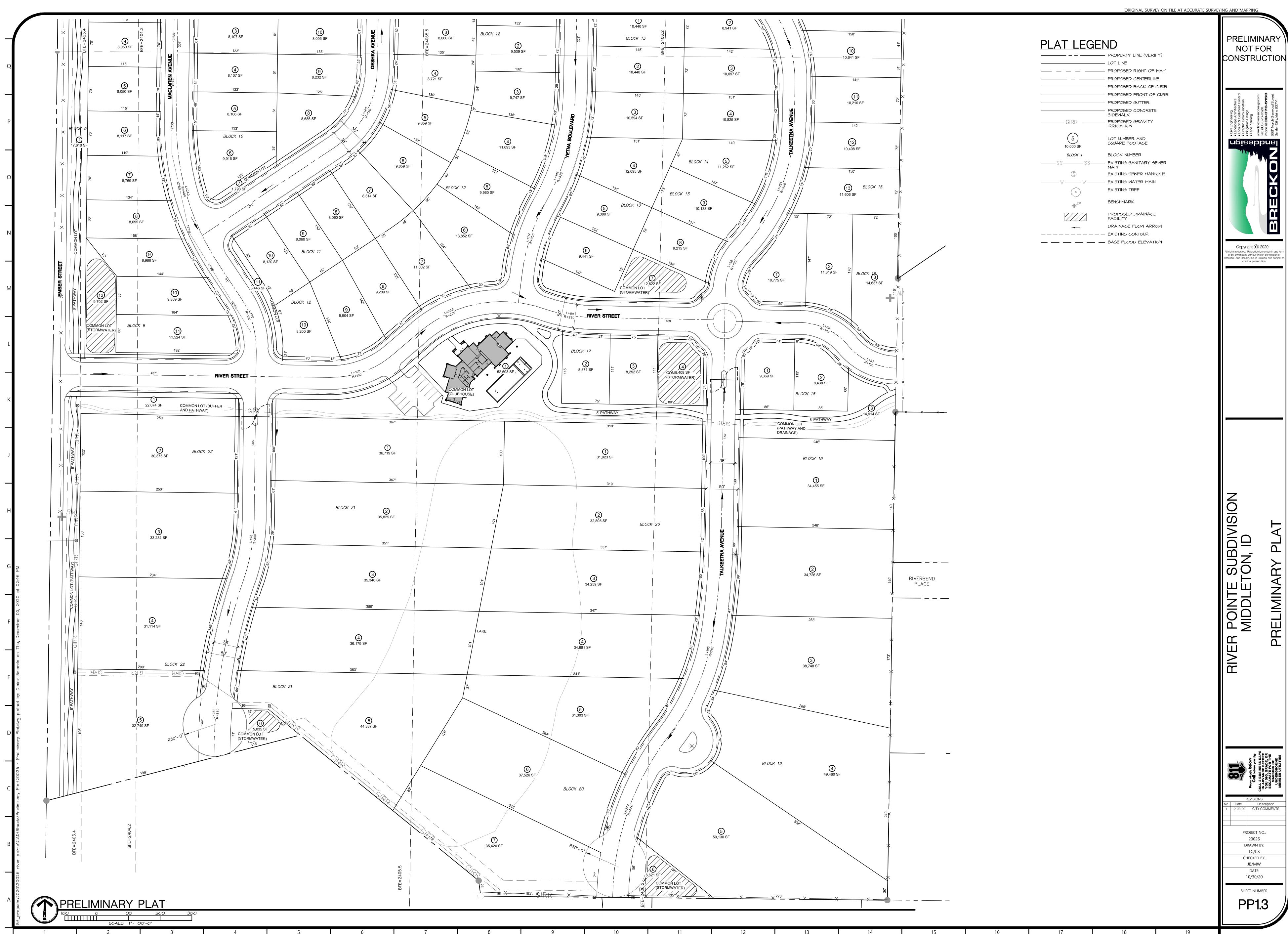


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E SUBDIVISION ETON, ID

PROJECT NO.: 20026 DRAWN BY: TC/CS CHECKED BY:

DATE: 10/30/20 SHEET NUMBER

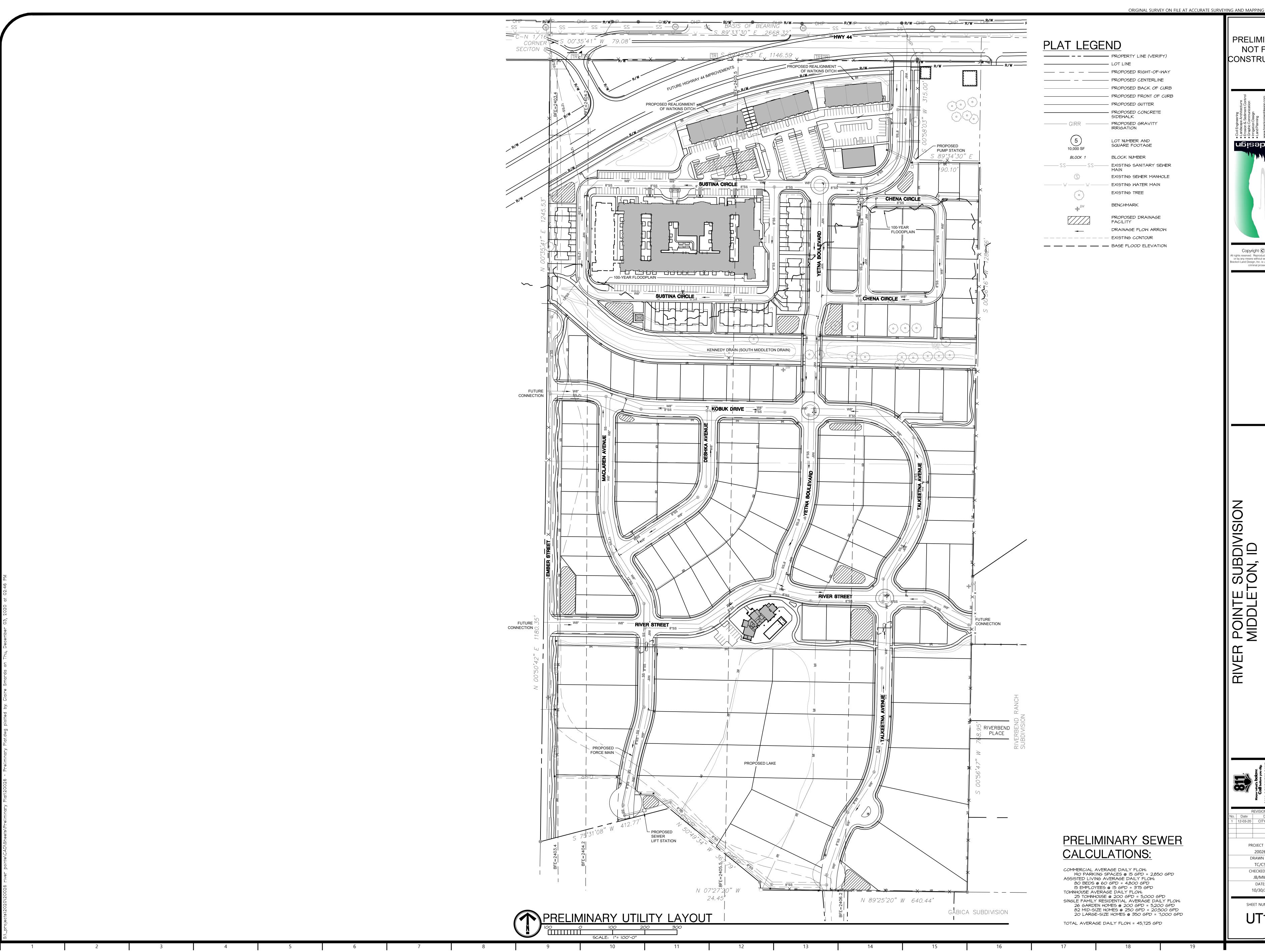


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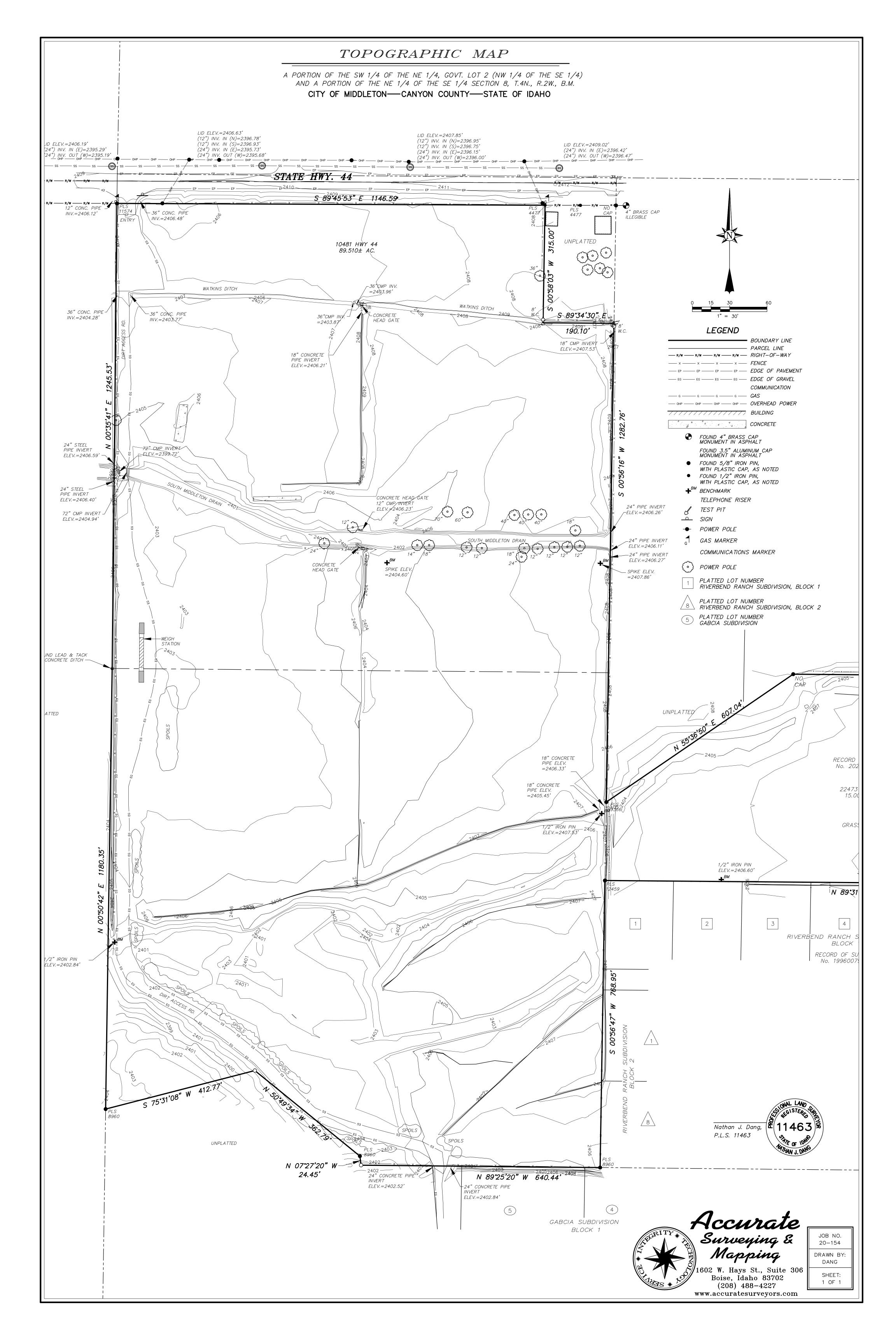


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PROJECT NO.: 20026 DRAWN BY: TC/CS CHECKED BY: JB/MW DATE:

10/30/20

SHEET NUMBER





PAGE 1 of 2

# CITY OF MIDDLETON

1103 W Main St, Middleton, ID 83644

| o                 |         |            |
|-------------------|---------|------------|
| Planning and      | /oning  | Denartment |
| I lallilling allu | LUITING | Department |

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

# Land Use Application Rev: 4/24/2019

| DAHO   | 208-585-3133, Fax: 208-585-9601<br>WWW.MIDDLETON.ID.GOV  |  | Application Accept  |   |  |
|--|--|--|---|---|--|
| ,  |  |  | Date Application A  | ccepted:  |  |
| Applicant:   | Breckon Land Design  | n for  | · ;   |   | ,  |
| Drake  | Investments, the   | LIC  | Phone   | n vest<br>Email   | 1977@yahoo.com   |
| 1125 M<br>Mailing Addre  | 1. Two Rivers Lane   |  | Eagle, ID<br>City, State  | Zip   | 3616   |
| Representati<br>Breckon La<br>Name   | Mary Wall  | n  | <u>208-376 -5153</u><br>Phone   | Mus<br>Email  | allebreckonld.com  |
| P.O. Box<br>Mailing Addre  |  | Bo   | City, State   | Zip Co  | 37[[   |
| Rezor Vacat Comp   | kation and Zoning  | Prelim   | n Review<br>inary Plat<br>ruction Plans ***   | PUBL  | IC HEARINGS**  Development Agreement Ordinance Amendment Special Use Permit Variance |
| the application do not require ** Public He individuals he city code and *** Adminis | eetings: Individuals have a rigon is being considered by decrete a neighborhood meeting or earings: a neighborhood meeting ave a right to participate in the standards require a neighborhood er Project Name: | cision my public leting is re heari or hood revealed by the control of the contro | akers. Plats design<br>hearing.<br>required before filin<br>ng by offering comn<br>neeting and public<br>the City Engineer an | ned to cit<br>g an app<br>nents. P<br>hearing.<br>nd Zoning | y code and standards<br>lication, and<br>lats not designed to                        |
|  |  |  |   |   |  |
|  | : 10481 Highway<br>Highway 44 acr  |  | Tota  |   |  |
|  | ng: Mixed Use  |  | sed Zoning:   |   |  |
| Floodplain Zo<br>Mary<br>Applicant's P   | one: $AE$ B Wall 9/10  Printed Name  | Hillside<br>15/202<br>ate  | e (grades exceeding<br>20 Man<br>Applicant's  | BU  | Tall   |
| LAND LISE ADDI   | ICATION  |  |   |   |  |



### CITY OF MIDDLETON

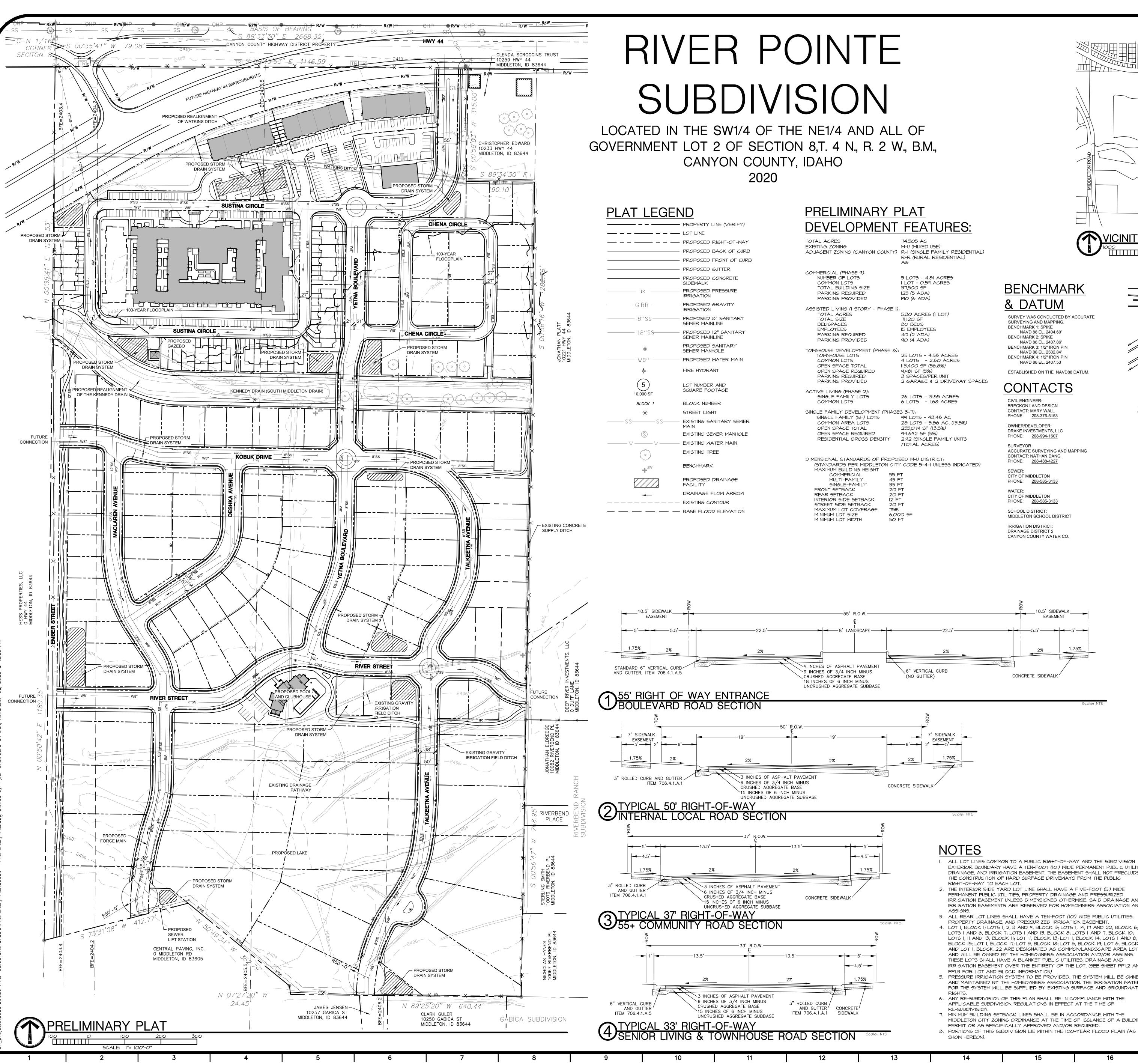
P O Box 487 1103 W Main St, Middleton, ID 83644 208-585-3133, Fax: 208-585-9601

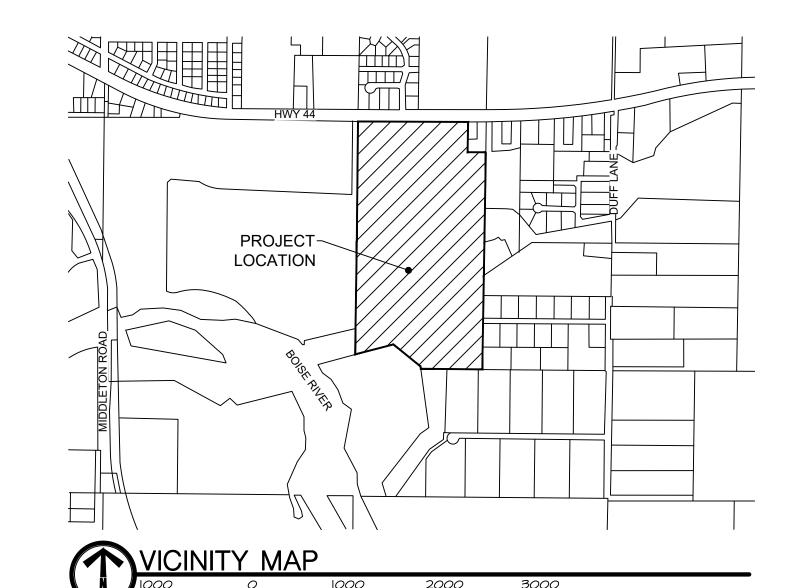
## Planning and Zoning Department

# Land Use Application Rev: 4/24/2019

|                  | 208-585-3133, FAX: 208-585-9601<br>WWW.MIDDLETON.ID.GOV                               | Application Accepted by:   |
|------------------|---|--|
|                  |   | Date Application Accepted:   |
|                  |   |  |
| Checklist - A co | mplete Planning and Zoning Appl   | ication <u>must include</u> the following.   |
| Applicat         | ion Form  |  |
| by the c         | ity throughout the approval proces  | : City Engineer and City Attorney expenses incurred ss that are related to relating to this Application are pplication Fee Applicant Initial               |
|                  | <b>Map:</b> attach an 8 $\frac{1}{2}$ " x 11" map so that includes the nearest public | showing the subject property in relation to land roads.  |
|                  |   | uest, anticipated adverse impacts on neighbors, makers. Please attach the following if applicable.   |
| Applicable       | Not Applicable  |  |
|                  | -   | st is consistent with comprehensive plan g, comprehensive plan or ordinance amendments only)   |
|                  |   | rials and information (design review application only)   |
| oxtime           |   | ry plat, drainage calculations, traffic impact study   |
| H                | 4-1   | on drawings (construction plans application only)  for final plat application only)  |
| H                |   | ent agreement (to be Amended)  |
|                  |   | al use permit or variance only)  |
| -                | -   | attach a copy of landowner's deed and, if at authorizes the applicant to file an application.  |
|                  | Boundary Description including r  | reference to adjoining road and waterway names   |
|                  |   | veyor registered in the State of Idaho. If more than   |
|                  | ing designation is being requested<br>lesignation.                                    | d, separate legal descriptions are required for each   |
|                  |   |  |
| Neighbo          | rhood Meeting: If applicable, atta  | ach original sign-up sheet.  |
| owners           | within 300 feet of the external bo  | containing the names and addresses of property undaries of the subject property (available at Canyon Two(2) sets if application requires a public hearing. |
| Complet          | e Application (City use only: check   | box and initial if Application is complete):   |

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





# BENCHMARK

SURVEYING AND MAPPING. NAVD 88 EL. 2404.60'

BENCHMARK 3: 1/2" IRON PIN NAVD 88 EL. 2502.84' BENCHMARK 4: 1/2" IRON PIN NAVD 88 EL. 2407.53

2 GARAGE & 2 DRIVEWAY SPACES

26 LOTS - 3.85 ACRES 6 LOTS - 1.68 ACRES 99 LOTS - 43.48 AC

94.692 SF (5%) 2.92 (SINGLE FAMILY UNITS

28 LOTS - 5.86 AC. (13.5%) 255,079 SF (13.5%)

(STANDARDS PER MIDDLETON CITY CODE 5-4-I UNLESS INDICATED)

# & DATUM

BENCHMARK 2: SPIKE

ESTABLISHED ON THE NAVD88 DATUM.

# CONTACTS

BRECKON LAND DESIGN CONTACT: MARY WALL PHONE: 208-376-5153 DRAKE INVESTMENTS, LLC

PHONE: <u>208-994-1607</u> ACCURATE SURVEYING AND MAPPING

CONTACT: NATHAN DANG PHONE: <u>208-488-4227</u> CITY OF MIDDLETON PHONE: <u>208-585-3133</u>

WATER: CITY OF MIDDLETON PHONE: <u>208-585-3133</u> SCHOOL DISTRICT: MIDDLETON SCHOOL DISTRICT

IRRIGATION DISTRICT

DRAINAGE DISTRICT 2 CANYON COUNTY WATER CO.

10.5' SIDEWALK

EASEMENT

CONCRETE SIDEWALK

NUMBER OF LOTS TOWNHOUSES (5 LOTS) COMMON LOTS (4 LOTS) SINGLE FAMILY (26 LOTS) COMMON LOTS (5 LOTS) SINGLE FAMILY (40 LOTS) COMMON LOTS (7 LOTS) SINGLE FAMILY (9 LOTS) COMMON LOTS (3 LOTS) SINGLE FAMILY (25 LOTS) COMMON LOTS (3 LOTS) SINGLE FAMILY (12 LOTS) COMMON LOTS (I LOTS) SINGLE FAMILY (15 LOTS) COMMON LOTS (3 LOTS) TOWNHOUSES (20 LOTS)

4.31 ACRES

COMMERCIAL (4 LOTS)

- I. ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY AND THE SUBDIVISION EXTERIOR BOUNDARY HAVE A TEN-FOOT (IO') WIDE PERMANENT PUBLIC UTILITY DRAINAGE, AND IRRIGATION EASEMENT. THE EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD SURFACE DRIVEWAYS FROM THE PUBLIC
- RIGHT-OF-WAY TO EACH LOT. 2. THE INTERIOR SIDE YARD LOT LINE SHALL HAVE A FIVE-FOOT (5') WIDE PERMANENT PUBLIC UTILITIES, PROPERTY DRAINAGE AND PRESSURIZED IRRIGATION EASEMENT UNLESS DIMENSIONED OTHERWISE. SAID DRAINAGE AND IRRIGATION EASEMENTS ARE RESERVED FOR HOMEOWNERS ASSOCIATION AND
- 3. ALL REAR LOT LINES SHALL HAVE A TEN-FOOT (IO') WIDE PUBLIC UTILITIES, PROPERTY DRAINAGE, AND PRESSURIZED IRRIGATION EASEMENT. 4. LOT I, BLOCK I; LOTS I, 2, 3 AND 9, BLOCK 3; LOTS I, I4, I7 AND 22, BLOCK 6; LOTS | AND 6, BLOCK 7; LOTS | AND 13, BLOCK 8; LOTS | AND 7, BLOCK 10; LOTS I, II AND 13, BLOCK II; LOT 7, BLOCK 13; LOT I, BLOCK 14, LOTS I AND 8, BLOCK 15; LOT I, BLOCK 17; LOT 3, BLOCK 18; LOT 6, BLOCK 19; LOT 6, BLOCK 21; AND LOT I, BLOCK 22 ARE DESIGNATED AS COMMON/LANDSCAPE AREA LOTS AND WILL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND/OR ASSIGNS. THESE LOTS SHALL HAVE A BLANKET PUBLIC UTILITIES, DRAINAGE AND IRRIGATION EASEMENT OVER THE ENTIRETY OF THE LOT. (SEE SHEET PPI.2 AND
- PPI.3 FOR LOT AND BLOCK INFORMATION) 5. PRESSURE IRRIGATION SYSTEM TO BE PROVIDED. THE SYSTEM WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE IRRIGATION WATER FOR THE SYSTEM WILL BE SUPPLIED BY EXISTING SURFACE AND GROUNDWATER
- 6. ANY RE-SUBDIVISION OF THIS PLAN SHALL BE IN COMPLIANCE WITH THE APPLICABLE SUBDIVISION REGULATIONS IN EFFECT AT THE TIME OF RE-SUBDIVISION. 7. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE MIDDLETON CITY ZONING ORDINANCE AT THE TIME OF ISSUANCE OF A BUILDING PERMIT OR AS SPECIFICALLY APPROVED AND/OR REQUIRED.
- COMMERCIAL AVERAGE DAILY FLOW: 190 PARKING SPACES @ 15 GPD = 2,850 GPD ASSISTED LIVING AVERAGE DAILY FLOW: 80 BEDS @ 60 GPD = 4,800 GPD 15 EMPLOYEES @ 15 GPD = 375 GPD TOWNHOUSE AVERAGE DAILY FLOW:

PHASE 9:

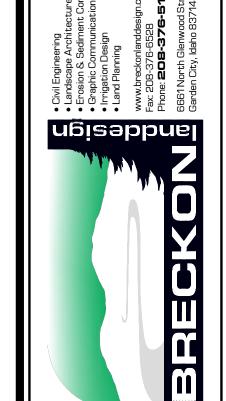
SINGLE FAMILY RESIDENTIAL AVERAGE DAILY FLOW: 26 GARDEN HOMES @ 200 GPD = 5,200 GPD 82 MID-SIZE HOMES @ 250 GPD = 20,500 GPD 20 LARGE-SIZE HOMES @ 350 GPD = 7,000 GPD TOTAL AVERAGE DAILY FLOW = 45,725 GPD

25 TOWNHOUSE @ 200 GPD = 5,000 GPD

PRELIMINARY SEWER

CALCULATIONS:

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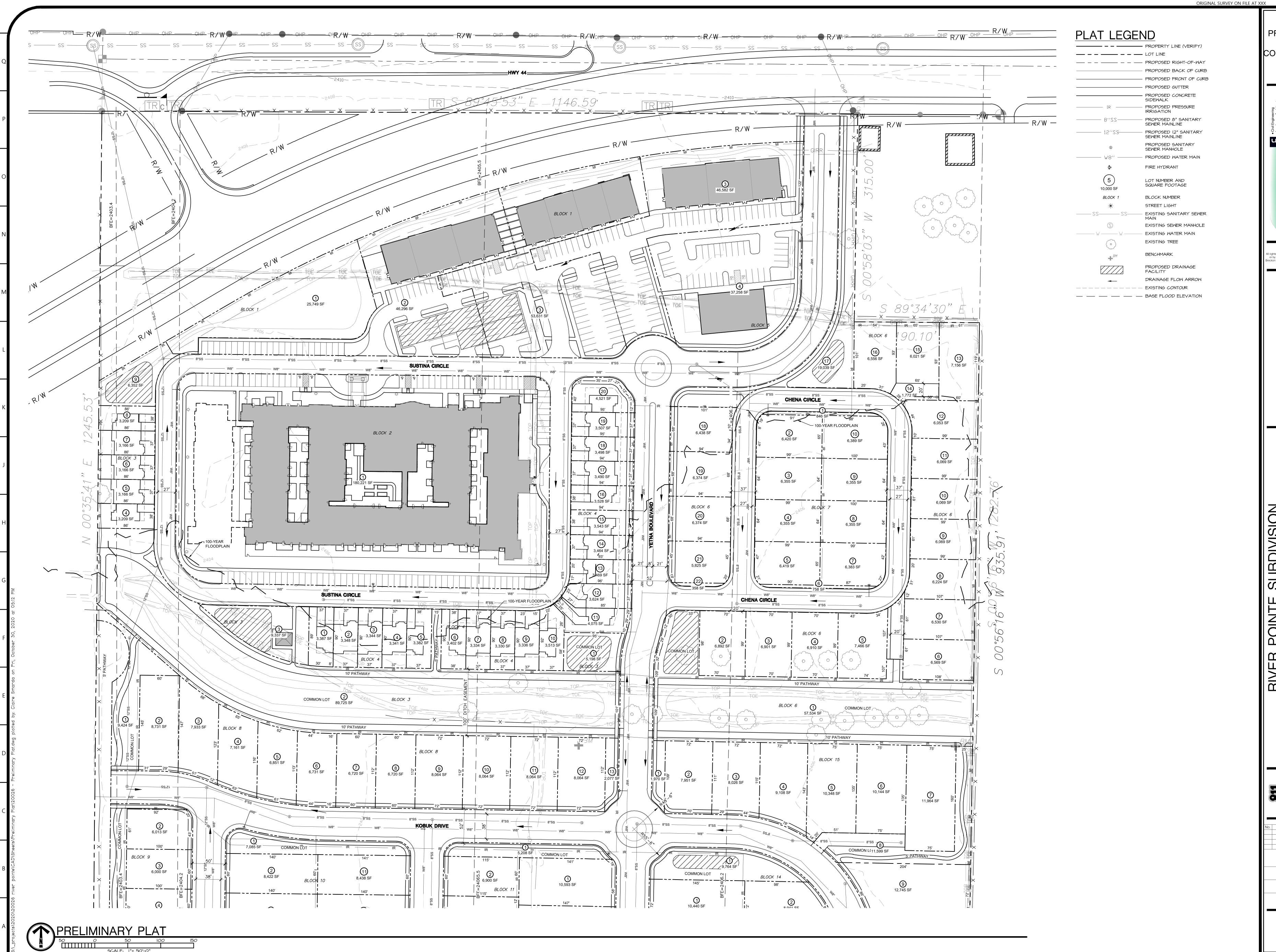


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PROJECT NO .: 20026 DRAWN BY: TC/CS CHECKED BY: JB/MW

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• Civil Engineering
• Landscape Architecture
• Landscape Architecture
• Landscape Architecture
• Crosion & Sediment Control
• Graphic Communication
• Graphic Communication
• Graphic Communication
• Land Planning
• Land Planning
• Www.breckonlanddesign.com
Fax: 208-376-6528
Phone: **ZOB-376-6528**Phone: **ZOB-376-67153**6661 North Glenwood Street
Garden City, Idaho 83714

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MIDDLETON, ID

Know what's below.

Call before you dig.

CALL 2 BUSINESS DAYS
IN ADVANCE BEFORE
YOU DIG, GRADE, OR
EXCAVATE FOR THE
MARKING OF
UNDERGROUND
MEMBER UTILITIES

REVISIONS
Description

PROJECT NO.:
20026

DRAWN BY:
TC/CS
CHECKED BY:
JB/MW

10/30/20
SHEET NUMBER



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MIDDLETON, ID PRELIMINARY PLAT

Know what's below.

Call before you dig.
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EXCAVATE FOR THE
MARKING OF
UNDERGROUND
MEMBER UTILITIES

REVISIONS
Description
PROJECT NO.:
20026
DRAWN BY:
TC/CS
CHECKED BY:

TC/CS
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JB/MW
DATE:
10/30/20

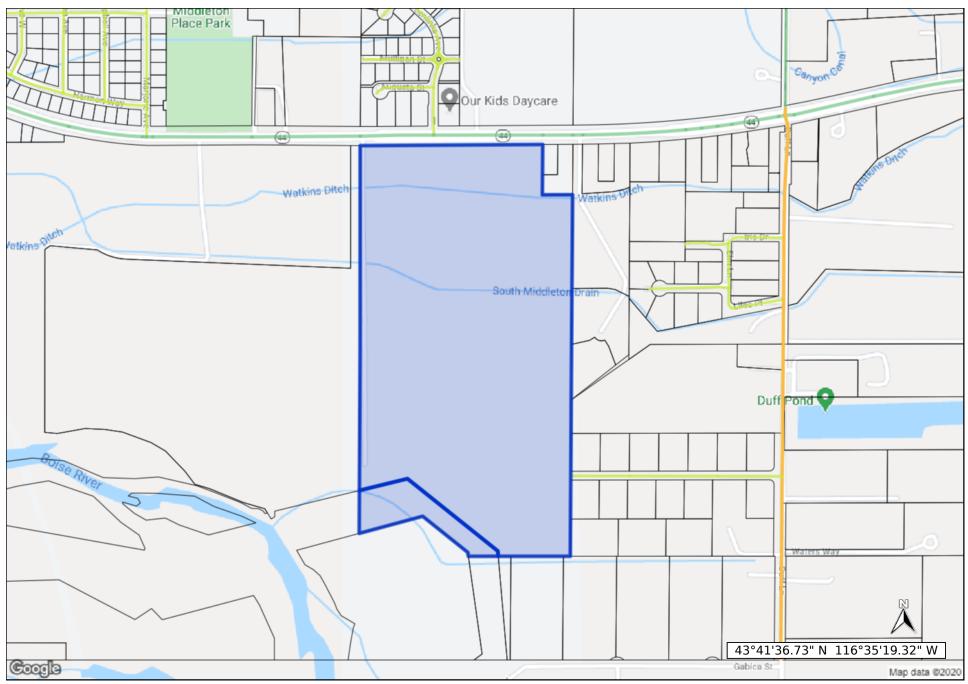
SHEET NUMBER





## **River Pointe Subdivision**

**VICINITY MAP** 





Breckon Land Design Inc. 6661 North Glenwood Street Garden City, Idaho 83714 p: 208-376-5153 f: 208-376-6528 www.breckonlanddesign.com

Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

September 15, 2020

Mr. Tom Blanchard, Planner City of Middleton 1103 West Main Street Middleton, Idaho 83644 P: 208-585-3133

RE: Entitlement Application for the River Pointe Subdivision – Preliminary Plat of Parcels #R3392000000, and R3392001000 22473 Duff Lane and 10481 Hwy 44, Middleton, Idaho

#### Dear Mr. Blanchard:

We are pleased to submit the above referenced applications for the proposed River Pointe Subdivision (hereinafter the "Project" or "Development") on behalf of our client, Drake Investments, LLC and Deep River Investments, LLC. Enclosed you will find the required application(s) and documents for the preliminary plat application for the subdivision of the above referenced parcels. Both parcels are within the Middleton city limits and are zoned Mixed Use (MU). No change in zoning is proposed for these parcels. The preliminary plat includes commercial lots, a lot for a proposed assisted living facility, 25 townhome lots and 26 garden home 55+ residential lots on the north side of the South Middleton Drain. The area south of the Drain will include 84 small residential lots (8,000 square feet minimum) in the north and 21 larger lots (0.75 to 1.0 acres) to the south. The project will be accessed via a new road off Highway 44 in addition to connecting to Riverbend Place, a public road located within the Riverbend Ranch Subdivision. The project also includes roads that will connect with future projects on both the east and west of the subject property.

Please note that the project plan originally included annexing the 14-acre Duff Lane property into the City of Middleton and rezoning it to an R-3-DA zoning designation. The annexation, rezone and proposed development of the 14-acres was included in the Neighborhood Meeting presentation and the enclosed minutes include the neighbor's comments about both this Development and the 14-acre property to be annexed. The primary concerns and objections from the neighbors were regarding the annexation and development of the 14-acre parcel.

#### **Preliminary Plat**

The applicant proposes to subdivide the 75-acre property into four commercial lots, a lot for an assisted living facility, 25 townhome lots surrounding the assisted living facility, 26 garden home lots (a 55+ community), 84 small residential lots (8,000 sf minimum) and 21 lots ranging in size from 0.75 to 1.0 acres. There are 27 common lots with a total area of 9.55 acres. The common lots will be used for landscaping, open space, drainage facilities, a community clubhouse and pool and pathways throughout the development. The proposed pathways will run on both sides of the South Middleton Drain and connect to the Boise River Greenbelt when the greenbelt is developed in this area. The proposed subdivision is in alignment with the Land Use Map for the City of Middleton.

The project will be developed in one phase and will be provided with utilities as follows:

- **Sewer** service will be provided by Middleton Sewer District through an extension of the existing system located in Highway 44. Phases 1, 2, 3, 8 and 9 can gravity feed to the existing sewer system. A lift station is proposed to serve the other phases of the project.
- Water service will be provided by Middleton Water through an extension of the existing system located in Highway 44. Water will be for domestic use and for fire protection.



Breckon Land Design Inc. 6661 North Glenwood Street Garden City, Idaho 83714 p: 208-376-5153 f: 208-376-6528 www.breckonlanddesign.com

Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

- Streets throughout the development will be built to the City of Middleton standards and the right-of-way dedicated to the public. Streets will include curb, gutter and detached sidewalks and will be connected to Highway 44 on the north side of the property and to Riverbend Place on the east side of the property.
- A pressurized irrigation system using existing surface and groundwater rights will serve all lots and open space throughout the project. The homeowner's association with own and operate the irrigation system.

A traffic impact study (TIS) has been prepared is included with this submittal. The TIS includes the 43 lots that had been proposed on the 14-acre parcel but is no longer a part of this project.

The project is in a regulated flood plain and all development will meet the design requirements for developing within a flood plain. There are no known adverse health, safety, or environmental issues.

The public is not expected to financially support the services required for the development. The property taxes post-development will provide greater tax revenue to the City than continuing the agricultural use.

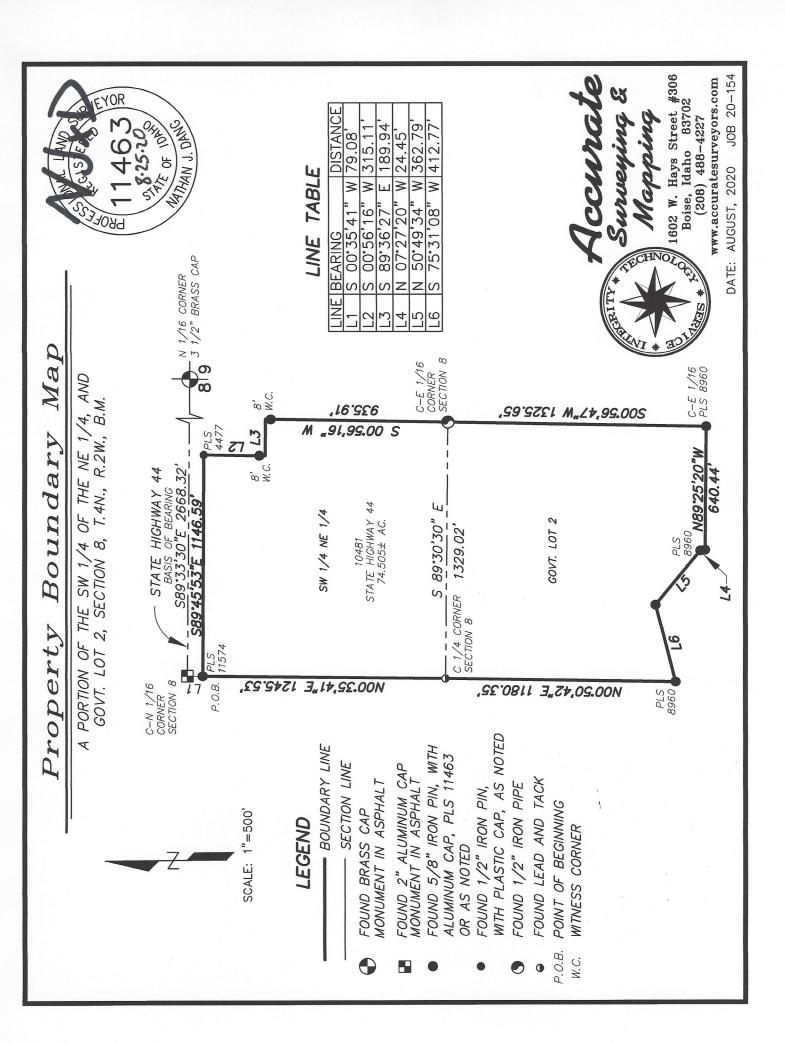
In summary, the proposed preliminary plat for this property will support the orderly development of the City in accordance with the City code and in manner consistent with the City's development plan. We believe this project will be an asset to the City of Middleton. If you have any further questions or comments, please contact me at 208-376-5153 or via email at <a href="mailto:mwall@breckonld.com">mwall@breckonld.com</a>.

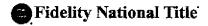
Sincerely, Breckon Land Design, Inc.

Mary B Wall, PE Senior Civil Engineer

Attachment - Enclosures – Preliminary Plat Application & supporting documentation

Cc: File; Drake Investments, LLC





Escrow No.: 34601911211-KY

2019-018630

RECORDED

05/03/2019 08:31 AM

**CHRIS YAMAMOTO** CANYON COUNTY RECORDER

Pas=8 LBERG

TYPE: DEED

FIDELITY NATIONAL TITLE - BOISE ELECTRONICALLY RECORDED

#### WARRANTY DEED

#### FOR VALUE RECEIVED

Middleton Land, LLC, an Idaho limited liability company

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

Drake Investments, LLC, an Idaho limited liability company

GRANTEE(S), whose current address is: 1026 W. Two Rivers Lane, Eagle, ID 83616

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

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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.

(continued)

| IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below. |
|---|
| Effective this .  |
| Middleton Land, LLC  BY: Mule Manager  Michael & Keller  Manager                                |
| Keller Investments, Inc.<br>ITS: Member   |
| BY: Michael 7. Keller President   |
| Jeffrey M. Woolf Defined Benefit Plan and Trust<br>ITS: Member                                  |
| BY: Jeffrey M. Woolf Trustee  |
| Dirk and Kathleen McNamee Revocable Trust<br>Dated February 15, 2006<br>ITS: Member             |

BY:

BY:

Dirk McNamee Trustee

Kathleen McNamee

Trustee

(continued)

| STATE OF Idaho, COUNTY OF Ada, -ss.  |   |
|--|---|
| personally appeared Michael T Keller, known o  | l, before me, the undersigned, a Notary Public in and for said State, or identified to me to be the person whose name is subscribed to the hand, LLC, a LimitedLiabilityCompany and acknowledged to me  |
| Signature: Clara X Welfers  Name: Debra L. Walters  Residing at: Boise, Idalo  My Commission Expires: 10/19/24   | DEBRA L WALTERS COMMISSION #13388 NOTARY PUBLIC STATE OF IDAHO  |
| (SEAL)   |   |
| appeared Michael T. Keller, known or ide<br>subscribed to the within Instrument as the<br>Members of Middleton Land, LLC, which  | efore me, a Notary Public in and for said State, personally entified to me to be the person(s) whose name(s) is/were President of Keller Investments, Inc. who is the one of a is known or identified to me to be the entity whose name is knowledged to me that he/she/they executed the same in said  |
| DEBRA L WALTERS COMMISSION #13388 NOTARY PUBLIC STATE OF IDAHO   | Delica Libelles— Notary Public of Idaho Residing at Boise, Idaho Commission Expires: 10/18/24   |
| STATE OF Idaho, COUNTY OF Ada, -ss.  | ···   |
| appeared Dirk McNamee and Kathleen M name(s) is/were subscribed to the within In Revocable Trust Dated February 15, 2006, is known or identified to me to be the entit | efore me, a Notary Public in and for said State, personally (cNamee, known or identified to me to be the person(s) whose estrument as the Trustees of the Dirk and Kathleen McNamee, who is the one of Members of Middleton Land, LLC, which may whose name is subscribed to the within instrument and utted the same in said Limited Liability Company's name. |
|  | Notary Public of Idaho  |
|  | Residing at Commission Expires:   |
|  | Commission Expires:   |

(continued)

| IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.  |
|--|
| Effective this .   |
| Middleton Land, LLC  BY: Michael T Keller Manager  Keller Investments, Inc. ITS: Member  |
| BY:<br>Michael T. Keller<br>President  |
| Jeffrey M. Woolf Defined Benefit Plan and Trust  ITS: Member  BY:  Jeffrey M. Woolf  Fustee  BY:  Jeffrey M. Woolf  Notary Public - California  Los Angeles County  Commission # 2184714  My Comm. Expires Mar 2, 2021 |
| Dirk and Kathleer McNamee Revocable Trust Dated February 15, 2006 ITS: Member  |
| BY:<br>Dirk McNamee<br>Trustee   |
| BY:<br>Kathleen McNamee<br>Trustee   |

| ※の基本型と与くからなりを含めたのである。このでは、このでは、このでは、またのでは、このでは、このでは、このでは、このでは、このでは、このでは、このでは、こ   |  |
|--|--|
|  | cate verifies only the identity of the individual who signed the the truthfulness, accuracy, or validity of that document.   |
| State of California )  | 1+.0   |
| , , , , , , , , , , , , , , , , , , ,  | Notar  |
| County of Los Angeles  | 11 1 1 1 T 1 Ablic   |
| On $Horit 27, 2019$ before me. $E$   | lizabeth V. Early, Public  |
| Date - ^ ^   | Here Insert Name and Title of the Officer  |
| $\mathcal{L}_{\mathcal{L}}}}}}}}}}$ | M Wa-1+  |
| personally appeared <u>Jellrey</u>   | 711, 11001   |
| ,  | Name(s) of Signer(s)   |
| subscribed to the within instrument and acknow   | v evidence to be the person(s) whose name(s) is/are vledged to me that he/she/they executed the same in his/her/their signature(s) on the instrument the person(s), cted, executed the instrument. |
|  | I certify under PENALTY OF PERJURY under the laws  |
|  | of the State of California that the foregoing paragraph  |
| ELIZABETH V. EARLY   | is true and correct.   |
| Notary Public – California Los Angeles County  | WITNESS my hand and official seal.   |
| Commission # 2184714 My Comm. Expires Mar 2, 2021  | Signature Elizabeth 9. Early Signature of Notary Public  |
| Place Notary Seal Above  | -  |
|  | TIONAL   |
|  | s information can deter alteration of the document or some some some some some some some some  |
| Description of Attached Document   |  |
| Title or Type of Document:   | Document Date:   |
| • •  | an Named Above:  |
| Capacity(ies) Claimed by Signer(s)   |  |
|  | Signer's Name:   |
| Signer's Name:   | Signer's Name:   |
| □ Partner — □ Limited □ General  | □ Partner — □ Limited □ General  |
| ☐ Individual ☐ Attorney in Fact  | ☐ Individual ☐ Attorney in Fact  |
| ☐ Trustee ☐ Guardian or Conservator  |  |
| Other:Signer Is Representing:  | ☐ Other:Signer Is Representing:  |
| olgi lor sa r tepresenting.  |  |

(continued)

| IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below. |
|---|
| Effective this . $4-26-19$  |
| Middleton Land, LLC   |
| BY: Michael T Keller Manager  |
| Keller Investments, Inc. ITS: Member  |
| BY: Michael T. Keller President   |
| Jeffrey M. Woolf Defined Benefit Plan and Trust<br>ITS: Member                                  |
| BY: Jeffrey M. Woolf Trustee  |
| Dirk and Kathleen McNamee Revocable Trust Dated February 15, 2006 ITS: Member                   |
| BY: Dirk McNamee  Transce   |
| By Julian McNon   |
| Ráthleen McNamee  |

Trustee

(continued)

| STATE OF Idaho, COUNTY OF Ada, -ss.  |  |  |
|--|--|--|
| On this day of, 2019, before repersonally appeared Michael T Keller, known or identified within instrument, as the Manager of Middleton Land, Lithat he executed the same as such Manager.   | ne, the undersigned, a Notary<br>ed to me to be the person who<br>LC, a LimitedLiabilityCompany                      | y Public in and for said State,<br>ose name is subscribed to the<br>y and acknowledged to me             |
| Signature: Name: Residing at: My Commission Expires:   |  |  |
| (SEAL)   |  |  |
| STATE OF Idaho, COUNTY OF Ada, -ss.  |  |  |
| On this day of April, 2019, before me appeared Michael T. Keller, known or identified to subscribed to the within Instrument as the Presiden Members of Middleton Land, LLC, which is know subscribed to the within instrument and acknowled Limited Liability Company's name.                       | o me to be the person(s) what of Keller Investments, Incom or identified to me to be                                 | nose name(s) is/were c. who is the one of the entity whose name is                                       |
|  | y Public of Idaho  |  |
| Resid  | ing at<br>nission Expires:   |  |
| California Orange<br>STATE OF Idaho, COUNTY OF Ada, -ss.   | dission Expires:   |  |
| STATE OF Idaho, COUNTY OF Ada, -ss.  |  |  |
| On this <u>26</u> day of April, 2019, before me appeared Dirk McNamee and Kathleen McNamee name(s) is/were subscribed to the within Instrumen Revocable Trust Dated February 15, 2006. who is t is known or identified to me to be the entity whose acknowledged to me that he/she/they executed the | known or identified to me<br>at as the Trustees of the Dir<br>the one of Members of Mic<br>name is subscribed to the | to be the person(s) whose<br>k and Kathleen McNamee<br>ddleton Land, LLC, which<br>within instrument and |
| Resid  | y Public of Idaho Californing at Ovena Del 1<br>nission Expires: 7/26  | Mar, CA  |
| Deed (Warranty)  | Page 3   | Printed: 04-26.19 @ 09:17 AM by KY<br>ID-FT-FXEA-03460.595168-34601911211                                |

#### **EXHIBIT "A"**

#### Legal Description

A parcel of land being a portion of Government Lot 2 and a portion of the Southwest Quarter of the Northeast Quarter of Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 2 of said Section 8; thence

South 00°11'40" East a distance of 1180.30 feet along the Wet boundary of said Government Lot 2; thence leaving said West line and along the South and Westerly line of that tract of land disclaimed by the State of Idaho in Instrument No. 200341780, records of Canyon County, the following courses and distances:

North 74°28'32" East, 412.73 feet;

South 51°52'10" East, 362.79 feet;

South 08°29'56" East, 24.45 feet to a point on the Southerly line of said Government Lot 2; thence along said Southerly line

North 89°32'04" East a distance of 640.44 feet; thence along the Easterly line of said Government Lot 2,

North 00°05'49" West a distance of 1325.65 feet to the Northeast corner of said Government Lot 2; thence along

the Easterly line of the Southwest quarter of the Northeast quarter of said Section 8

North 00°07'05" West a distance of 935.91 feet; thence

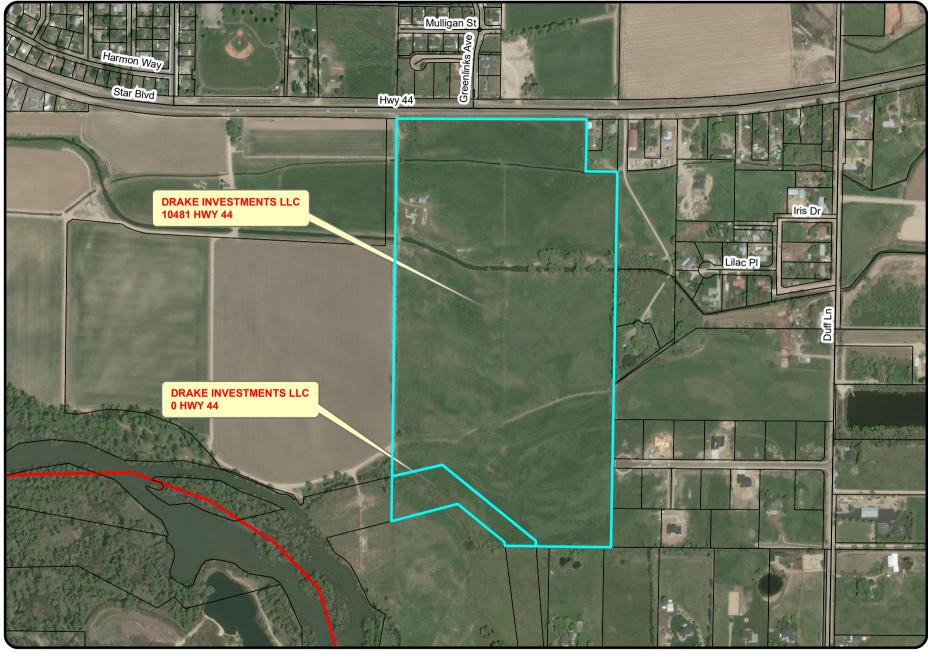
South 89°22'54" West a distance of 190.00 feet; thence

North 00°07'05" West a distance of 315.13 feet to a point on the Southerly right of way line of Highway Number 44; thence along the Southerly right of way line of said Highway Number 44,

South 89°11'28" West a distance of 1146.78 feet to a point on the Westerly line of the Southwest quarter of the Northeast quarter of said Section 8; thence along the Westerly line of said South quarter of the Northeast quarter of said Section 8.

South 00°28'41" East a distance of 1245.64 feet to the point of beginning.

Deed (Warranty) IDD1052.doc / Updated: 05.25.16 Printed: 04.26.19 @ 09:17 AM by KY ID-FT-FXEA-03460.595168-34601911211



This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only; it is not guaranteed survey accurracy.

This map is based on information available and was complied

This map is based on information available and was complied from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, lic are not liable for errors or omissions resulting from the use of this product for any purpose.







Breckon Land Design Inc. 6661 North Glenwood Street Garden City, Idaho 83714 p: 208-376-5153 f: 208-376-6528 www.breckonlanddesign.com

Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

August 18, 2020

RE: Neighborhood meeting for the proposed Riverbend Subdivision and Development at

10481 Highway 44 Middleton, ID

Dear Neighbor,

Prior to submittal of a development application, the City of Middleton requires a neighborhood meeting between the applicant and neighbors adjacent to the proposed project. This is your notice to meet and review the proposed residential housing and commercial project. This is not a public hearing and public officials will not be present. If you have questions, please feel free to Mary Wall at 208-376-5153 extension 104, or by email at <a href="mailto:mwall@breckonld.com">mwall@breckonld.com</a>.

#### Purpose:

To conduct a neighborhood meeting to answer questions regarding the proposed residential housing and commercial development.

#### When:

Wednesday, September 2, 2020 - 6:00 PM - 7:00 PM

#### Where:

10481 Highway 44, Middleton, Idaho (approx. 0.5 miles west of Duff Lane on south side of Hwy 44)

Thank you,

Jon Breckon, ASLA, CLARB **BRECKON landdesign** Landscape Architect

CC: FILE, City of Middleton







Landscape Architecture ● Waterscape Design ● Graphic Communication ● Civil Engineering ● Irrigation Design ● Land Planning

## RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET

September 2, 2020 Name: Address: **Phone Number:** Email: ANDO EN (Nown MON IL 38 250 5475 17 GABICA 208-409-917 1908-2040 HZ5)210-7300 bbig 4 Anny Shedom 27568 Duft Lam LANE 830+ 10/01 10073 11CA BEIDD Hok 444 6) Gol, CON



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Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

## **RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET**

September 2, 2020 Name: Address: **Phone Number:** Email:



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## <u>Meeting Minutes – River Pointe Neighborhood Mtg</u>

| Meeting Date: September 2, 2020  |
|--|
| Project & Project #: River Pointe Subdivision – BLD Project #20026                                   |
| Location & Time: Meeting held on property at 10481 Hwy 44- in open area along gravel pit access road |
| Distribution List: for distribution to the City of Middleton, Idaho with project application         |
| Present at Meeting: See attached attendance list   |
| Submitted by: Mary Wall, Breckon Land Design   |

#### **NOTES:**

A 30" X 40" display board was placed at the meeting site presenting the proposed development. A copy of the presentation board is attached to these minutes for reference.

These minutes are for the "formal" neighborhood meeting. Due to numerous attendees wanting to speak at the same time comments noted are not attributed to a specific person but contain the general sentiments presented by the attendees.

Additional notes taken at the meeting by Andrew Knowles, Keller Williams Realty Boise, based upon conversations with individual attendees are also included with these meeting minutes.

At 6:05 pm the meeting started with Jon Breckon, Breckon Land Design, providing a brief introduction to the proposed project, the purpose of the Neighborhood Meeting, and the next steps in the process. Attendees were told that this meeting was an opportunity to provide feedback of any kind on the proposed project. The comments would be documented and provided to the City of Middleton with the application package. Attendees were also told that they would be notified by the City of any public hearings associated with the project.

At the conclusion of the above remarks the meeting was opened to receive comments from the attendees. The following is a summary of comments heard during the meeting. In general, the attendees appeared to agree on the concerns outlined below.

- Neighbors are not opposed to the development plans for the 75-acre portion of the property. The
  portion of the development is in alignment with what they were expecting. The main concern is the
  high density residential being proposed on the 14-acre lot off Duff Lane.
- Many neighbors believe they were promised that the 14-acre parcel would be subdivided into 1-acre
  parcels. Neighbors were in support of the 1-acre parcel proposal and still support the 1-acre lot size
  proposal.

- There is concern about drainage and groundwater and the impact the 14-acre development will have on the neighboring yards and septic systems.
- People are concerned about the potential traffic impacts on Duff Road. Access from Duff Road onto Hwy 44 is already a problem during high traffic times. (Attendees were informed that a traffic study is being conducted to determine the impacts of the proposed development.)
- A comment was made that Duff Road should be improved if the high-density development is approved.
- Neighbors were concerned about the additional development exacerbating the existing parking
  problem for Duff Pond. Currently, pond users park along Duff Lane and impact the travel way. The
  area used for parking is the area proposed for this projects Duff Lane access.
- Neighbors are concerned about the abrupt transition from 1-acre parcels to 8,000 square foot parcels.
   They would like to see a much more gradual transition from the larger, existing parcels to the small residential parcels.
- Neighbors do not believe that the proposed density of the 14-acre parcel fits in with the surrounding area which is low-density residential and agricultural property.
- There were questions about whether an environmental impact study had been done on the property and whether one would be required as part of the project approval.
- A few neighbors requested clarification on who the property owner(s) are and questioned why the owners were not in attendance at the meeting, and available to discuss their concerns.
- There were questions about ITD's plans for Hwy 44. Attendees were told that we did not have information on ITD's plans for the Hwy 44 improvements but that our traffic study would address the impacts of the proposed development on Hwy 44.
- There were a few complaints about the gravel mining operation on the property. These complaints were not addressed since the issue was not a part of the proposed project.
- A few alternative development ideas for the 14-acre parcel were proposed by the attendees. All
  proposals involved significantly less density than shown on the proposed layout (attached)

#### **SUMMARY**

The primary concerns presented at the meeting are as follows:

- 1. Proposed high-density development of the 14-acre parcel does not fit with the neighborhood and neighbors would like to see a reduction in density, preferably to 1 acre lots.
- Concerns about the impact to traffic on Duff Lane.
- 3. Concerns about drainage issues on adjacent properties resulting from this development.

Andrew Knowles' River Pointe Subdivision Neighborhood Meeting Notes

\*\*\* these notes summarize individual conversations with meeting attendees\*\*\*

09/02/2020

#### **DUFF LANE**

Duff Lane access and the size of the road seemed to be a concern for many Duff Pond and parking on the street (Duff) seemed to be a concern. Duff Lane, they were told, would have no access to turn west when new connector is in

#### 14 ACRE parcel that backs up to 1 ac Riverbend Community (adjacent to Duff Lane)

Fence Type along 14 acres, homeowners would prefer solid fence
Homeowners would prefer .50 to 1 acre lots.
Do not like the common pathway along south side
Would prefer a berm to soften the transition from their 1 ac lots
Neighbors do not like the density of this section of homes
Single level homes and or transitional homes could be a good alternative
They were promised 1 acre lots and they feel they were misled.
How are we addressing drainage along the south side of property, so we do not flood them?

#### Miscellaneous

They like the country, they like things the way they are.

ITD 5-year plan they are concerned with the new bypass, what does that look like? Overall, they liked the community plan (proposed development within the current Middleton city limits), they all felt that this was a great addition to the community. No complaints on retail, many people told me that they were excited about walk ability or bike rides to commercial offerings. All in all, the plat within city boundaries was well received and not an issue with anyone, they loved it and thought it was well laid out. They just do not like the 14-acre plat.

#### Ordinance No. 646

<u>Section 1</u>: Middleton City Code Title 1, Chapter 3, Section 1 DEFINITIONS is hereby amended to read in relevant part as follows:

APARTMENT: A room or suite of rooms in a multi-family structure which is used as a single housekeeping unit (EDU) and has complete kitchen facilities permanently installed. Apartments will be accessed from a local or wider roadway.

DWELLING, MULTI-FAMILY: A building, or portion thereof, containing two (2) or more dwelling units, commonly referred to as apartments and may include public housing. This applies to duplexes, triplexes, quads or clusters of, dwelling units not on separate lots.

Section 2: Middleton City Code Title 4, Chapter 5, Section 11 Required Parking and Loading Spaces

which normally includes roads, sidewalks, utilities or other service function.

ROAD:

A public right of way which provides vehicular and pedestrian access to adjacent properties.

Arterial:

A general term including expressways, principal and minor arterial roads; and interstate, state or county highways having regional continuity.

Boulevard:

Any public road that provides travel lanes in each direction with an unpaved raised or landscaped borrow median constructed or marked in a manner to preclude its use by moving vehicles except in emergencies or for left turn lanes.

Collector Road:

A road that collects traffic from local roads in residential neighborhoods, commercial, industrial areas and channels it into the arterial APART MENTS,

system.

Local Road:

A road that provides for direct access to residential lots, commercial lots, industrial or other abutting lands for local traffic movements and connects to collector and/or arterial roads.

TOWNHOME ROAD! AROAD THAT PROVEDES FOR

Private Road:

Denser Access To Tom Home LOTS AND ASSELZATED ALLEY(S)

A road that is not accepted for public uses or maintenance which provides vehicular and pedestrian access.

**RUBBISH:** 

Ashes, broken crockery, broken bottles, broken bricks, tin vessels, trimmings from lawns and flower gardens, including shrubbery, pasteboard boxes, berry boxes, paper sacks, straw, sawdust, packing materials, shavings and discarded household utensils; but the term "rubbish" shall not include broken or discarded stoves or furniture, broken or discarded building material, trees or any waste accumulated, other than heretofore specified.

SALVAGE:

The accumulation for storing, selling, dismantling, shredding or compressing of scrap, discarded material, equipment or abandoned vehicles.

May 2017

homes. An approved state license shall be provided to the city.

DAYCARE CENTER:

A facility providing daycare where thirteen (13) or more children, regardless of relationship to the daycare owner, daycare operator or staff, are in attendance.

DAYCARE FACILITY:

A place or facility providing daycare services for compensation to seven (7) or more children not related to the provider.

DAYCARE, FAMILY:

A home, place or facility providing daycare for six (6) or fewer children.

DAYCARE, GROUP:

A home, place or facility providing daycare for seven (7) to twelve (12) children.

**DEDICATION:** 

The setting apart of land or interest in land for use by the public. Land becomes dedicated when accepted by the city as a public dedication, either by ordinance, resolution or entry in the official minutes, or by the recording of a plat showing such dedication.

DWELLING, MULTI-FAMILY:

A building, or portion thereof, containing three (3) or more dwelling units.

DWELLING, SINGLE-FAMILY:

A building designed for use and occupancy by one family. This definition excludes any group residence whose occupants are under the supervision of the state board of correction pursuant to section 20-219, Idaho Code, or who are required to register pursuant to chapter 83 or 84, title 18, Idaho Code, or whose tenancy would otherwise constitute a direct threat to the health or safety of other individuals or whose tenancy would result in substantial physical damage to the property of others.

DWELLING, TWO-FAMILY:

A building designed for use and occupancy by two (2) families living independently of each other. OVERSIZED FORCE SEWER MAIN:

Any on site sewage force main which is required by the city to have an inside diameter greater than four inches (4"), or greater than the size required to handle the peak flow calculated for the development it is intended to serve with a minimum flow velocity of two feet (2.0') per second, whichever is greater.

OVERSIZED GRAVITY SEWER MAIN:

Any on site gravity sewer main which is required by the city to have an inside diameter greater than eight inches (8") in order to provide capacity in excess of the peak flow calculated for the development for which it is intended to serve.

OVERSIZED LIFT STATION:

Any on site sewage lift station which is required by the city to have a capacity in excess of eighty (80) gallons per minute, or in excess of the peak flow calculated for the development it is intended to serve, whichever is greater. Pumping capacity in excess of eighty (80) gpm provided in order to facilitate pumping equipment selection is not considered oversizing.

OVERSIZED WATER MAIN:

Any on site water main which is required by the city water master plan to have an inside diameter greater than eight inches (8").

PARKING SPACE:

(189)

Usable space within a public or private parking area or building, not less than one hundred 2 eighty (180) square feet (9 feet x 20 feet) exclusive of access drives, aisles or ramps for the storage of one passenger automobile or commercial vehicle.

PAWNBROKERAGE:

Engaged in the buying and selling of new and/or secondhand merchandise (not including passenger vehicles), and offering loans secured by personal property.

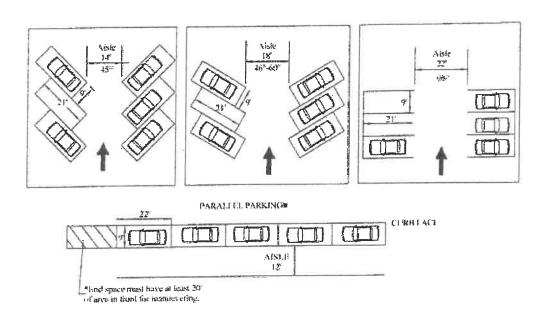
PAYDAY/TITLE/ MONEY LOAN:

"Payday loan establishment" means an establishment licensed to make payday loans pursuant to part 4 of chapter 46, title 28, Idaho Code. "Title loan establishment" means an establishment licensed to make title loans pursuant to

#### 4-5-11: REQUIRED PARKING AND LOADING SPACES:

#### A. Space Dimensions:

# OFF STREET PARKING AND LOADING DIMENSIONS OF PARKING SPACES AND AISLES



(Ord. 569, 12-21-2015)

B. Number Of Spaces: Off street parking and loading spaces shall be provided as hereinafter set forth; provided, that a greater number of spaces may be required in any case where a special use permit is involved:

#### PARKING SPACES

| For each dwelling unit                               | 3 parking spaces   |  |  |  |
|--|--|--|--|--|
| For each dwelling unit in a multiple family dwelling | 2.5 parking spaces if not designated for a particular unit. 3 parking spaces if designated for a particular unit |  |  |  |
| FOR BACH DWELLENG UNZT<br>EN A MULTE - FAMILY BUZLOZ | 3 PARUZNG SPACES<br>NE PER PARTZENZAR UNZA   |  |  |  |

#### Ordinance No. 644

Section 1: Middleton City Code Title 5, Chapter 1, Section 5 ZONING DISTRICTS

Section 2: Middleton City Code Title 5, Chapter 4, Section 1, Table 1 Land Use Schedule

Middleton City Code Title 5, Chapter 4, Section 1, Table 2 Height, Setback and Coverage Schedule and Notes

M-2 (Heavy Industrial): The purpose of the M-2 (Heavy Industrial) Zone is to accommodate more intense industrial and manufacturing uses.

R-1 (Estate Residential): The purpose of the R-1 (Estate Residential) Zone is to accommodate larger, estate type lots.

R-2 (Large Lot Residential): The purpose of the R-2 (Large Lot Residential) Zone is to accommodate larger lots and big yards.

R-3 (Single-Family Residential): The purpose of the R-3 (Single-Family Residential) Zone is to accommodate single-family lots.

RRR (Restaurant, Retail and Recreation): The purpose of the RRR (Restaurant, Retail and Recreation) Zone is to consolidate land uses most likely used by pedestrians. The intent is to encourage development that increases walkability, reduces vehicular congestion and allows consumers to visit multiple use types without having to use their vehicles.

TOD (Transit-Oriented Development): The purpose of the TOD (Transit-Oriented Development) Zone is to encourage higher density residential and light commercial uses in close proximity to a high capacity public transportation network, system or stop/station.

M-F (Multiple-Family Residential): The purpose of the M-F (Multiple-Family Residential) Zone is to accommodate multi-family residential (APARTMENT) development. This type of zoning pattern is intended to provide transition or buffer areas between residential zones and commercial/ industrial uses.

M-U (Mixed Use): The purpose of the M-U (Mixed Use) Zone is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018)

| Use <sup>1,2</sup>   | A-R | C-1 | C-2 | C-3 | M-1      | M-2 | R-1 | R-2 | R-3 | RRR          | TOD | M-F           | M-U |
|--|-----|-----|-----|-----|----------|-----|-----|-----|-----|--------------|-----|---------------|-----|
| Convalescent/nursing home                                    |     | Α   | А   | Α   |          |     | s   | S   | S   |              |     |               | _   |
| Daycare center (13 or more children)                         |     | А   | А   | Α   | A        |     | A   | s   | s   |              | S   | S             | S   |
| Daycare, facility (7 or more children unrelated to provider) |     | А   | А   | A   | A        |     | A   | S   | S   |              | S   | A             | A   |
| Daycare, family (6 or fewer children)                        |     | А   | А   | A   | A        | _   | A   | A   | A   | -            | s   | _             | -   |
| Daycare, group (7 - 12 children)                             |     | А   | А   | А   | A        |     | A   | S   | S   |              | S   | A             | A   |
| Drugstore/pharmacy   |     | А   | А   | Α   | A        |     |     |     | 3   | s            |     | Α             | A   |
| Dry cleaning   |     | Α   | Α   | A   | A        |     |     |     |     | <del>-</del> | A   |               | A   |
| Duplex and tri-plex  |     |     |     |     | <u> </u> |     |     |     |     | S            | Α   |               | A   |
| Equipment rental; equipment sales yard                       |     | s   | Α   | Α   | A        | A   |     |     |     |              |     | <del>-A</del> | A-  |
| Espresso/pastry shop   |     | A   | A   | A   | A        | A   |     |     |     | _            |     |               | S   |
| Farm equipment sales and service                             |     |     | A   | A   | A        | A   |     |     |     | A            | Α   |               | A   |
| Feed supply store  |     | s   | Α   | A   | A        | A   |     |     |     |              |     |               |     |
| Fitness center (indoor)                                      |     | Α   | A   | A   | A        | A   |     |     |     | _            |     |               | S   |
| Flea market  |     |     |     | s   | s        | s   |     |     |     | A            | Α   |               | A   |
| Furniture manufacturer                                       |     |     |     | A   | A        | A   |     |     |     |              |     |               |     |
| Gas station/convenience store                                |     | S   | А   | A   | A        | A   |     |     |     | S            | S   |               | S   |

| Use <sup>1,2</sup>   | A-R            | C-1 | C-2 | C-3 | M-1   | M-2   | D.4 |     |     |     |                 |     |     |
|--|----------------|-----|-----|-----|-------|-------|-----|-----|-----|-----|-----------------|-----|-----|
| Manufactured home for elderly or ill relative  |                |     |     | -   | 101-1 | 101-2 | R-1 | R-2 | R-3 | RRR | TOD             | M-F | M-U |
| Manufacturing  |                |     |     |     |       |       | S   | S   | S   |     |                 | S   | s   |
| Mini-warehouse storage   |                |     |     |     | A     | Α     |     |     |     |     |                 |     |     |
| Mining/mineral extraction  | -              |     |     | Α   | Α     | Α     |     |     |     |     |                 |     | S   |
| Monument works   | -              |     |     |     | Α     | Α     |     |     |     |     |                 |     | -   |
|  |                |     |     | S   | Α     | Α     |     |     |     |     |                 |     |     |
| Mortuary   |                |     | Α   | Α   | Α     |       |     |     |     |     |                 |     |     |
| Motorcycle/motocross track 2   |                |     |     |     |       |       |     |     |     |     |                 |     | S   |
| Multi-family dwelling (exceeding 3-dwelling units per building)                                |                |     |     |     | S     | Α     |     |     |     |     |                 |     |     |
| Nursery, vegetation  | A <sup>7</sup> |     |     |     |       |       |     |     |     |     | <del>-</del> A- | 5   | -A- |
| Office or laboratory, medical, dental, vision, professional                                    |                | Α   | Α   | Α   | A     |       |     |     |     |     |                 |     |     |
| Outdoor display of many laws   |                |     |     |     |       |       |     |     |     |     | Α               |     | Α   |
| Outdoor display of merchandise (except<br>/ehicles requiring titles and nursery<br>/egetation) |                | S   | S   | s   | S     | S     |     |     |     |     |                 |     | S   |
| Park   | A              | A   |     |     |       |       |     |     |     |     |                 |     |     |
| Parking lot, garage or facility as a business  | -              |     | Α   | A   | A     | Α     | Α   | Α   | Α   | Α   | А               | A   | Α   |
|  |                | S   | Α   | Α   | Α     | Α     |     |     |     | s   | -               | _   |     |
| Pawnbrokerage  |                |     | Α   | Α   | A     | Α     |     |     |     | 3   | A               | S   | S   |
|  |                |     |     |     |       |       |     |     |     |     |                 |     | Α   |

TABLE 2 HEIGHT, SETBACK AND COVERAGE SCHEDULE

| District          | Maximum<br>Density<br>(Units/Gross<br>Acre) | Maximum<br>Height <sup>e</sup> | Minimum<br>Front<br>Setback <sup>3,4,5,6,7</sup> | Minimum<br>Rear<br>Setback <sup>4,6,7</sup> | Minimum<br>Interior Side<br>Setback <sup>4,6,7</sup> | Minimum<br>Side Street<br>Setback <sup>3,4,6,7</sup> | Minimum<br>Interior Lot<br>Area (Sq. Ft.) | Minimum<br>Lot Width <sup>1</sup> | Maximum Lot<br>Coverage <sup>2</sup> |
|-------------------|---|--------------------------------|--|---|--|--|---|-----------------------------------|--------------------------------------|
| A-R               | 0.5   | 40'                            | 30'  | 30'   | 30'  | 30'  | 87,120<br>(2 acres)                       | 150'                              | 50%                                  |
| C-1               |   | 55'                            | 10'  | 0'  | 0'   | 10'  | 0   |                                   | 90%                                  |
| C-2               |   | 55'                            | 10'  | 0'  | 0'   | 10'  | 0   |                                   | 90%                                  |
| C-3               |   | 55'                            | 10'  | 0'  | 0'   | 10'  | 0   |                                   | 90%                                  |
| M-1               |   | 75'                            | 10'  | 0'  | 0,   | 10'  | 0   |                                   | 90%                                  |
| M-2               |   | 75'                            | 10'  | 0'  | 0'   | 10'  | 0   |                                   | 90%                                  |
| R-19              | 1.0   | 40'                            | 30'  | 30'   | 30'  | 30'  | 43,560                                    | 100'                              | 50%                                  |
| R-2 <sup>10</sup> | 2.0   | 35'                            | 25'  | 25'   | 25'  | 25'  | 21,780                                    | 90'                               | 50%                                  |
| R-3 <sup>11</sup> | 3.0   | 30'                            | 25'  | 20'   | 10'  | 20'  | 8,000                                     | 75'                               | 60%                                  |
| RRR               |   | 55'                            | 0'   | 0'  | 0'   | 0'   | 0   | 0'                                | 90%                                  |
| TOD               |   | 55'                            | 0'   | 0'  | 0'   | 0'   | 0   | 0'                                | 90%                                  |
| M-F               | 12.0  | -45'-35'                       | 20'  | 20'   | 12'  | 20'  | 10,000                                    | 75'                               | 75%                                  |
| M-U <sup>8</sup>  | 12.0  | 55'                            | 20'  | 20'   | 12'  | 20'  | 6,000                                     | 50'                               | 75%                                  |

11 MEN. 1,000 SF PER DWELLENG UNZT

October 2018

#### Notes:

- Minimum lot width is measured at the building setback line.
- Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
- Minimum front and side street setbacks are 0 feet for commercial zones in the "downtown district", which is the land abutting State Highway 44 from S. Middleton
- The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet.
- The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
- Cornices, canopies, eaves or other similar items that do not increase the enclosed building area shall not project into any required setback more than 2 feet. Unenclosed exterior stairs shall not project into any required setback more than 3 feet.
  - Unenclosed covered patios and porches shall not project into any required setback more than 10 feet.
- All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.

(Ord. 600, 12-20-2017; amd. Ord. 604, 2-21-2018; Ord. 609, 7-3-2018; Ord. 620, - -2019)