

AGENDA City Council Meeting City of Middleton, Idaho

Date: Wednesday October 20, 2021

Time: 5:30 p.m.

#### Location: City Hall Council Chambers - 1103 W Main Street

Call-to-order, Roll Call, Pledge of Allegiance, Invocation:

#### Action Item:

A. Approve Agenda

#### Information Item:

Kasey Ketterling, P.E. T-O Engineering-discuss wastewater treatment facility upgrade

#### Action Items:

- 1. Consent Agenda (items of routine administrative business) (Action Items)
  - a. Consider approving minutes for City Council October 6, 2021 regular meeting. Approve Special City Council Meeting minutes from October 13, 2021.
  - b. Consider ratifying payroll for October 8, 2021 in the amount of \$85,987.82.
  - Consider approving accounts payable thru October 15, 2021 in the amount of \$360,185.55.
- Consider awarding contract for 30" Hartley Sewer Trunk Line project. –Amy Woodroof (Action Item)
- 3. Final reading and consider adopting AMENDED AND RESTATED ORDINANCE NO. 591 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO RELATED TO MIDDLETON TRANSPORTATION IMPACT FEES; PROVIDING APPLICABLE IMPACT FEES BY USE CATEGORY; PROVIDING FOR THE IMPOSITION, COMPUTATION, AND PAYMENT OF SAID FEE; PROVIDING FOR THE ESTABLISHMENT OF AN IMPACT FEE FUND; PROVIDING FOR EXEMPTIONS, REFUNDS, CREDITS AND WAIVERS OF THE IMPACT FEES; ADOPTING GENERAL PROVISIONS; PROVIDING FOR APPEALS; AND PROVIDING AN EFFECTIVE DATE. THE CITY SHALL MAKE AVAILABLE TO THE PUBLIC, UPON REQUEST, THE FOLLOWING: PROPOSED LAND USE ASSUMPTIONS AND A COPY OF THE PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN AND CITY CODE.—Becky Crofts (Action Item)
- Consider approving maintenance agreement proposal from RM Mechanical for Middleton City Hall roof repairs in an amount not to exceed \$10,473.00. –Becky Crofts (Action Item)

#### Public Comments, Mayor and Council Comments, Adjourn

Posted by:

Rhonda Carpenter, Deputy Clerk.

Date: October 18, 2021, 4:30 p.m. Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.

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#### **TECHNICAL MEMORANDUM T-07**

TO:City of MiddletonFROM:T-O EngineersDATE:October 13, 2021SUBJECT:Facility Plan Addendum 30% Draft Findings

#### Purpose:

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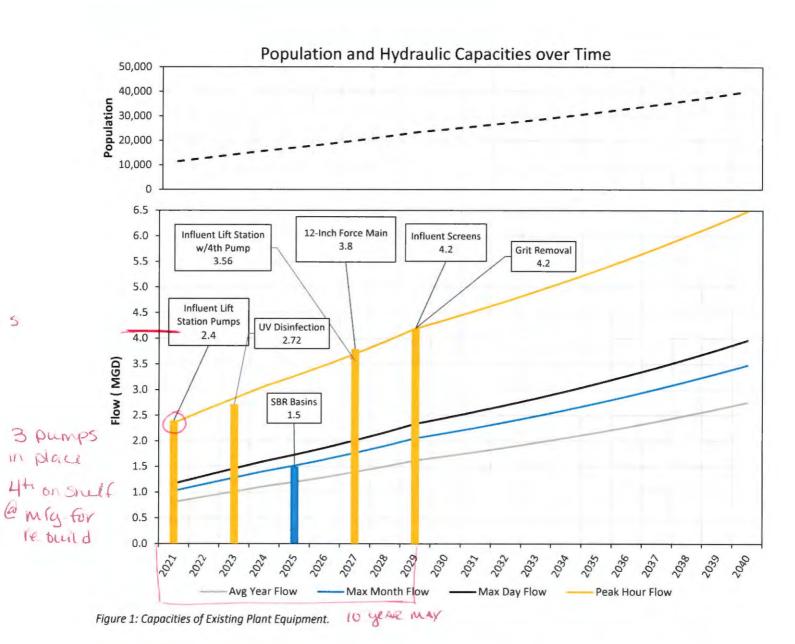
This memo is intended to summarize key findings from the Facility Plan Addendum 30% draft for the City of Middleton. The following sections outline existing conditions at the WWTP, proposed treatment upgrades, and associated costs.

#### **Existing Plant Equipment Capacity:**

The hydraulic capacities of each treatment processes at the WWTP are estimated based on the existing Facility Plan, equipment operation manuals, or calculated by T-O Engineers. The increased population projections have changed the planning criteria to allow for increased influent wastewater flows. A summary of existing equipment capacities and the approximate year their capacity will be exceeded is provided in Table 1 and Figure 1. The full design capacity required for each treatment process is also provided.

Table 1. Hydraulic Capacity Summary.

Component	Governing Flow	Year Capacity Exceeded	Current Available Capacity (MGD)	2040 Capacity Required (MGD)
Influent Screens	PHF	2029	4.2	6.41
Influent Lift Station	PHF	2021	2.4	6.41
12" Inf. Force Main	PHF	2027	3.8	6.41
Grit Removal / Classifier	PHF	2029	4.2	6.41
SBR Basins	MMF	2025	1.5	3.48
UV Disinfection	PHF	2023 -	2.72	6.41



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Existing Conditions Upgrade Plan

Major components of the existing treatment system, outlined in Figure 1 above, will require upgrades to maintain capacity requirements throughout the 20-year planning period. These upgrades are necessary along with the addition and implementation of either of the three treatment alternatives discussed in the next section. All of which will provide continued treatment of wastewater at the increased demands set by greater population projections. The total cost associated with upgrading each component outlined in Table 1, are summarized in Table 6.



#### **Treatment Alternatives:**

There are several flow parameters used in WWTP facility design including 1) Average Daily Flow, 2) Maximum Month Flow, 3) Max Day Flow, and 4) Peak Hour Flow. Table 2 below defines each parameter and the following Table 3 outlines the planning criteria flows used in the design of each proposed treatment alternative.

Flow Type	Definition	
Average Daily Flow (ADF)	The recorded daily flow averaged over a year	
Maximum Month Flow (MMF)	The largest volume of flow to be received during a continuous 30-day period	
Maximum Day Flow (MDF)	The largest volume of flow to be received during a continuous twenty-four-hour period	
Peak Hour Flow (PHF)	The largest volume of flow to be received during a one- hour period	

Table 2: Design Flow Definitions

Table 3. Projected Flow Planning Criteria.

Flow Type	Domestic Flow	Commercial WWTP Flows			ws			
	(gpcd)	(gpad)	2020	2025	2030	2035	2040	
Population			9,732	17,190	24,555	31,340	39,998	
Commercial (ac)			28	28	28	28	28	
AADF	68	1,130	0.69	1.2	1.7	2.16	2.75	
MMF	86	1,440	0.87	1.51	2.14	2.73	3.48	
MDF	98	1,560	1	1.73	2.45	3.11	3.96	
PHF	Varies	2,500	2.03	3.25	4.35	5.31	6.41	

#### **Alternative Comparison Criteria**

A general comparison of facility upgrades required per alternative is summarized in Table 4.

- Each alternative was sized using the existing SBR basin volumes and the 20-year planning criteria (2040).
- All phosphorus treatment was assumed to be via tertiary chemical addition for all alternatives.

Table 4. Alternatives General Comparison.

Membrane Bioreactor (MBR)	Conventional Activated Sludge (MLE	4-Stage Bardenpho
<ul> <li>New headworks screens required</li> <li>Only 1 basin needed to get to 2038.</li> <li>Second SBR basin can be used for EQ</li> <li>Requires catwalk, handrails, walking platform over SBR basin to assist in membrane maintenance</li> <li>No clarifier required</li> </ul>	<ul> <li>(2) secondary clarifiers required to get to 2040</li> <li>Using both SBR basins gets City to year 2038</li> <li>Separate EQ tank required</li> </ul>	<ul> <li>(2) secondary clarifiers required to get to 2040</li> <li>Using both SBR basins gets City to year &gt;2040</li> <li>Separate EQ tank required</li> </ul>

Table 5 below compares the sizing, operational parameters, expected effluent quality, air requirements, and solids production for each of the three treatment retrofit alternatives. A visual comparison of each alternative with respect to population over time is presented in Figure 2.

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Table 5: Comparison af retrofit alternatives.

				1 N N		
				Treatmen	nt Retrofit A	Iternative
Unit Operation	Parameter	Unit	Permit Limit <sup>4</sup>	Membrane Bioreactor (MBR)	Activated Sludge (MLE)	4-Stage Bardenpho
Capacity	Flow	MGD		3.2	3.2	3.6
SBR Basins Required		ea		1	2	2
	Area	ft²		<i>Anoxic</i> 1,680	Anoxic 1,680	Pre-Anoxic 1,200
Bioreactor <sup>1</sup>	Area	ft²	-	Pre-Aerobic 5,000	Aerobic 6,720	Pre-Aerobic 4,800
	Area	ft²		Membrane 1,525	N/A	Post-Anoxic 1,500
	Area	ft²		N/A	N/A	Post-Aerobic 900
	BOD	mg/L	30	1.1	3.0	3.4
Expected	TSS	mg/L	30	0.0	4.9	6.5
Effluent	TN	mg/L		5.3	8.8	8.1
entuent	NH3	mg/L	10.2	2.1	2.4	3.5
	TP	mg/L		4.0	4.7	4.5
Operational	SRT	days		8	8	8
Constraints	MLSS	mg/L TSS		12,000	4,000	4,000

Air	OTR	lb/hr	-	326 + scour requirements	444	484
Required <sup>3</sup>	Flow	SCFM		3,630 + Scour	4,580	4,582
Solids Production	WAS	lb/d TSS		6,798	6,652	7,736
	QTY			N/A	2	2
Clarifier <sup>2</sup>	Dia	ft		N/A	73	73
	SWD	ft		N/A	13	13

<sup>1</sup>These areas represent the square footage of each reaction zone in the proposed retrofit of a single SBR basin. <sup>2</sup>T-O recommends construction of two (2) clarifier basins, each sized at approximately 73' diameter, as part of either the MLE or 4-Stage Bardenpho processes.

<sup>3</sup> These figures represent 1 basin operating at full capacity for the MBR process and 2 basins operating at full capacity for the MLE and 4-Stage Bardenpho processes. For the MBR process, 326 lb/d and 3,630 SCFM are required for biological treatment, with addition air required for coarse bubble scour of the membranes. <sup>4</sup> Permit limit is reflective of monthly average limit requirement defined by IPDES permit for the facility.

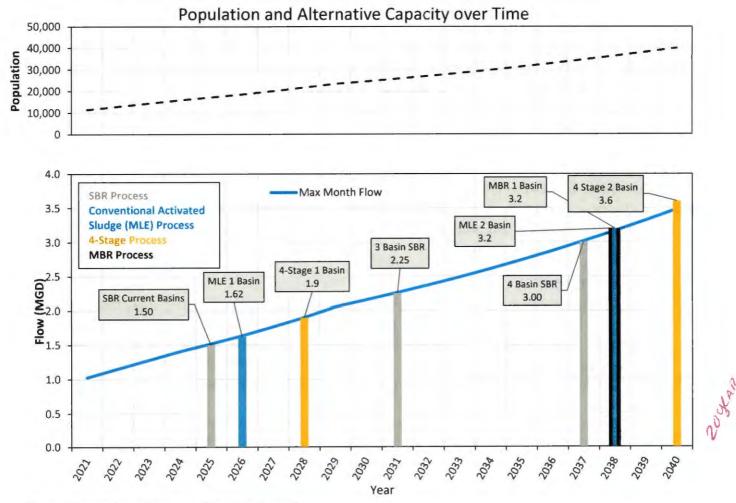


Figure 2. Comparison of Treatment Alternative Capacities.

MBR

#### Membrane Bioreactor (MBR):

One alternative for ammonia treatment is to convert the existing SBR basins into an MBR system. MBR technology is widely used to produce high quality effluents in municipal plants. An MBR plant operates similarly to other activated sludge systems, however liquid-solids separation is carried out via membranes as opposed to clarifier basins. As part of the Keller Facility Plan, Kubota proposed an MBR system for biological nutrient removal consisting of anaerobic, anoxic, aeration, and membrane basins. T-O has modified this design into an MLE-MBR process to evenly compare alternatives. All phosphorus treatment is assumed to be via tertiary filtration for each alternative. This configuration will allow for biological removal of nitrogen through nitrification and denitrification. In this proposal, a single SBR basin would be converted into two (2) treatment trains, as shown in Appendix A. Additional walls will be constructed in an SBR basin to form each treatment train and sub-basin.

Equalized influent would flow sequentially through each basin. Each treatment train will include two membrane modules consisting of several membrane cassettes. Solids accumulated on the membrane surface will be removed via a coarse bubble air scour and recycled to the anoxic basin. Periodically, each membrane module will be cleaned using a chemical clean in place (CIP) system. The CIP system will consist of chemical storage, chemical feed pumps, a CIP tank where the cleaning solution is formulated, and various process controls. Spent cleaning solution is often bled back to the treatment process.

#### **Conventional Activated Sludge (MLE):**

The MLE is one of the most common treatment methods for biological nitrogen removal. The process consists of an anoxic basin, aerated basin, and an internal nitrate recycle. Equalized influent would flow sequentially through each basin, and then to a secondary clarifier. Settled sludge from the clarifier is returned to the anoxic basin (RAS), with a portion of the sludge wasted (WAS). In this alternative, a single SBR basin will be retrofit into two (2) MLE process trains, as shown in Appendix A.

#### 4-Stage Bardenpho:

The 4-Stage Bardenpho process is another common biological nitrogen removal process. The process consists of four (4) sub-basins: pre-anoxic, pre-aeration, post-anoxic, and post-aeration. A nitrified recycle from the pre-aeration to the pre-anoxic basin is also included. The pre-anoxic and pre-aeration basins provides high-rate denitrification, nitrification, and BOD removal. The post-anoxic basin has a lower nitrification rate and may require supplementation with an external carbon source. The post-aerobic basin serves as a BOD polishing step. Equalized influent would flow sequentially through each basin, and then through a secondary clarifier. Settled sludge from the clarifier is returned to the anoxic basin (RAS), with a portion of the sludge wasted (WAS). In this alternative, a single SBR basin will be retrofit into two (2) MLE process trains, as shown in Appendix A.

#### Alternatives Upgrade Plan:

Each alternative presented requires the retrofit of one existing SBR basin into a new treatment

process that will better accommodate influent wastewater flow loads. The implementation of either alternative will accommodate higher influent wastewater flows and ensure continued effective biological nitrogen removal.

#### Membrane Bioreactor (MBR) System:

For this option, one SBR basin will be split into several zones consisting of two full MBR treatment trains. The following major events would need to take place to implement this alternative.

- 1. Installation of fine screens (2mm) prior to the MBR system.
- 2. Construction of basin walls and baffles to separate each treatment sub-basin.
- 3. Construction of a splitter box to direct flow to each treatment train.
- 4. New building or room in the proposed blower and dewatering building for CIP system and chemical storage.
- 5. Permeate pumps to draw through the membranes.
- 6. Recycle pumps for return sludge and internal recycle.
- 7. Convert remaining SBR basin to EQ tank

#### Conventional Activated Sludge (MLE) System:

For this alternative an SBR basin will be converted into two MLE process trains. The following activities are required with the implementation of this alternative.

- 1. Construction of basin walls and baffles to separate each treatment sub-basin.
- 2. Construction of a splitter box to direct flow to each treatment train.
- 3. Recycle pumps for internal recycles and return sludge.
- 4. Construction of secondary clarifier basins.
- 5. Construct new EQ tank

#### 4- Stage Bardenpho System:

One SBR basin will be divided into four zones to accommodate this alternative. The following list of items are required for full incorporation of this system.

- 1. Construction of basin walls and baffles to separate each treatment sub-basin.
- 2. Construction of a splitter box to direct flow to each treatment train.
- 3. Recycle pumps for internal recycles and return sludge.
- 4. Construction of secondary clarifier basins.
- 5. Construct new EQ Tank

#### **Capital Costs:**

Capital costs associated with the proposed alternatives are summarized in Table 7. Capital costs

associated with upgrading existing treatment systems is summarized in Table 6. Each cost presented below is based on reaching the 20-year planning window. Costs include the general construction work, existing equipment upgrades, existing treatment process renovations, and purchase of new treatment equipment. The total costs displayed in each table below also reflect a 30% contingency estimate.

Table 6. Estimated Costs for Existing System Upgrades.

Item	Total Unit Cost	
Process Upgrad	es	Digota
Influent Screens	\$ 988,900	Dig
Influent Lift Station & Headworks Bldg	\$ 1,122,000	
Grit Removal / Classifier	\$ 1,215,500	
Sludge Storage	\$ 618,000	
Dewatering & Building	\$ 2,341,000	
UV System	\$ 1,194,000	
Tertiary Phosphorus Treatment	\$ 3,806,000	Maynot be meed
Gravel Roadway	\$ 363,000	
Sludge Removal from Pond	\$ 550,000	
WWTP Office Sewer Updates	\$ 86,000	
Construction Mark	kups	
Electrical (10%)	\$ 1,228,440	
Mechanical (12%)	\$ 1,474,128	
Contingency (30%)	\$ 4,496,090	
Contractor Profit (8%)	\$ 1,198,957	
Engineering Design (10%)	\$ 2,068,202	
Construction Management (5%)	\$ 1,034,101	
Total	\$23,780,000	- Timilliu u

Note: Above table does not include temperature reduction costs.

Table 7. Capital Cost Summary.

Proposed Alternative	Total Unit Cost	
Membrane Bioreactor (MBR)	\$ 12,155,000	
Conventional Activated Sludge (MLE process)	\$10,782,000	included EG tank
4 – Stage Bardenpho	\$ 11,154,000	h h

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NOTE: New screens <u>were not</u> included in the MLE or Bardenpho cost estimates because the current screens have approximately 8 years of life left. New screens <u>were included</u> in the MBR cost estimate as the MBR process requires finer screening. The screen upgrade is estimated at

\$989,000. A bolted EQ tank was included in the 4-stage and MLE costs presented above. It was assumed the second SBR basin would be converted to an EQ tank for the MBR alternative, saving some capital costs.

#### **Operation and Maintenance Costs:**

Table 8: O&M Cost Summary.

Proposed Alternative	Yearly O&M Cost
Membrane Bioreactor	\$282,000
Conventional Activated Sludge (MLE process)	\$184,000
4 – Stage Bardenpho	\$186,000

# Middleton



# T-O ENGINEERS

City of Middleton Wastewater Treatment Plant:

**COUNCIL MEETING** OCTOBER 20<sup>TH</sup>, 2021

# Purpose

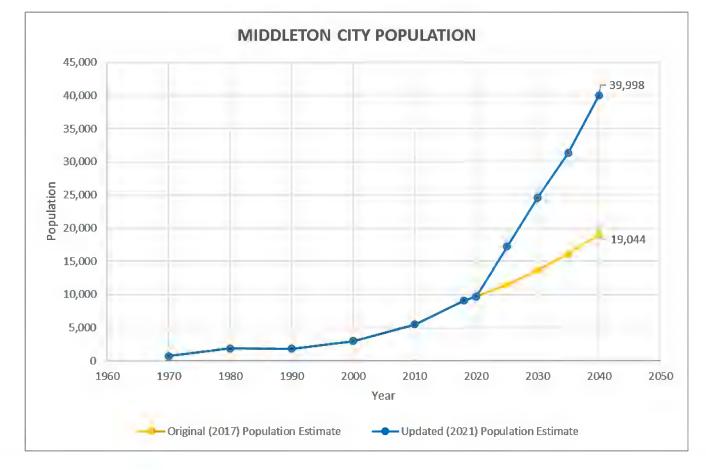
- Summarize key findings
- Define population growth impact to facility
- Outline existing facility conditions
- Propose three treatment alternatives
- Compare associated costs



Figure. 1 Middleton WWTP.



# Updated Population Projections

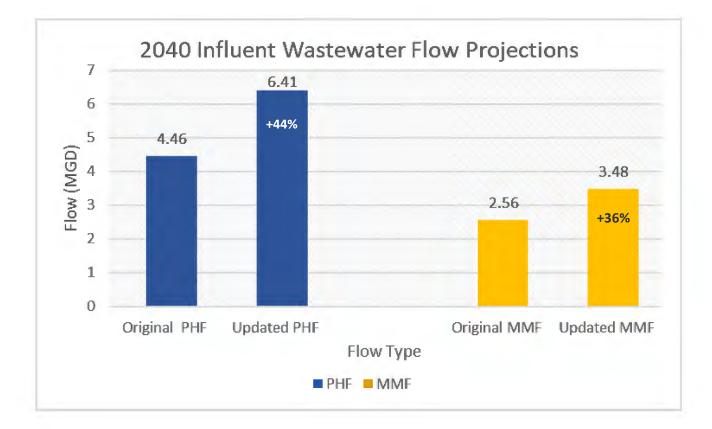


Year	Population	Average Annual Growth (%)
1970	739	
1980	1,901	9.9%
1990	1,851	-0.3%
2000	2,978	4.9%
2010	5,524	6.4%
2018	9,100	6.4%
2019	9,683	6.4%
2020	9,732	6.9%
2021	11,461	6.9%
2022	12,946	13.0%
2023	14,431	11.5%
2024	15,916	10.3%
2025	17,190	8.0%
2026	18,565	8.0%
2027	20,050	8.0%
2028	21,654	8.0%
2029	23,386	8.0%
2030	24,555	5.0%
2031	25,783	5.0%
2032	27,072	5.0%
2033	28,426	5.0%
2034	29,847	5.0%
2035	31,340	5.0%
2036	32,907	5.0%
2037	34,552	5.0%
2038	36,280	5.0%
2039	38,094	5.0%
2040	39,998	5.0%



# 2040 Planning Criteria

- Influent Wastewater Flows include domestic and commercial projections.
- Wastewater flow types:
  - Maximum Monthly Flow (MMF)
  - Peak Hourly Flow (PHF)
- Higher overall hydraulic flow is used as planning criteria.





# **Existing Equipment**

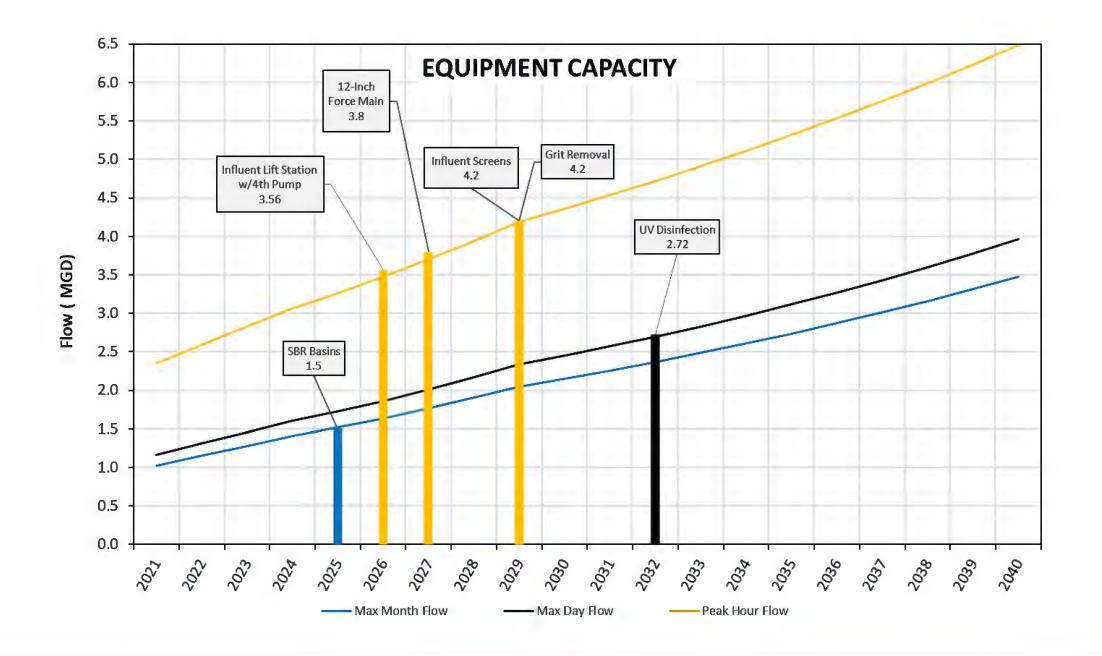
- Major equipment requires capacity upgrade to meet 2040 population estimates
- 1) Screens
- 2) Influent Lift Station Pumps
- 3) Influent Force Main
- 4) Grit Removal
- 5) SBR (biological treatment system)
- 6) UV Disinfection













# Existing Facility Upgrade Plan

- Necessary in addition to proposed treatment alternatives
- 20-year planning term (year 2040)

- Equipment upgrade priorities
  - 1. Influent Lift Station Pumps
  - 2. SBR Basins
  - 3. 12" Force Main
  - 4. Grit Classifier
  - 5. Influent Screens
  - 6. UV Disinfection



# Treatment Objectives

Current treatment system limitations:

- SBR basins lack capacity for long term growth
- Limited expansion ability
- Increasing costs for additional basin construction

### Alternative treatment criteria:

- Meet 2040 planning criteria
  - Accommodate influent wastewater flows with increasing local population
- Maintain NPDES permit compliance
- Repurpose existing facility components



# **Treatment Alternatives**

### **Sequencing Batch Reactor**

(SBR)

### Characterization:

• Batch process

### Advantages:

- No clarifier req'd
- Self contained

### Disadvantages:

- Large footprint
- 2 additional basins req'd
- Lower relative capacity compared to all others

# Membrane Bioreactor

# (MBR)

# Characterization:

Continuous flow process

### Advantages:

- Much smaller footprint
- Greater relative capacity
- Easily expandable

# Disadvantages:

- Capital Expenses
- Intensive operation
- Higher maintenance

# **MLE Process**

# (Activated Sludge)

### Characterization:

• Continuous flow process

### Advantages:

- Simple operation
- Low operational costs

### **Disadvantages:**

- Larger footprint vs MBR
- More difficult to expand

# 4-Stage Bardenpho (Activated Sludge)

### **Characterization:**

Continuous flow process

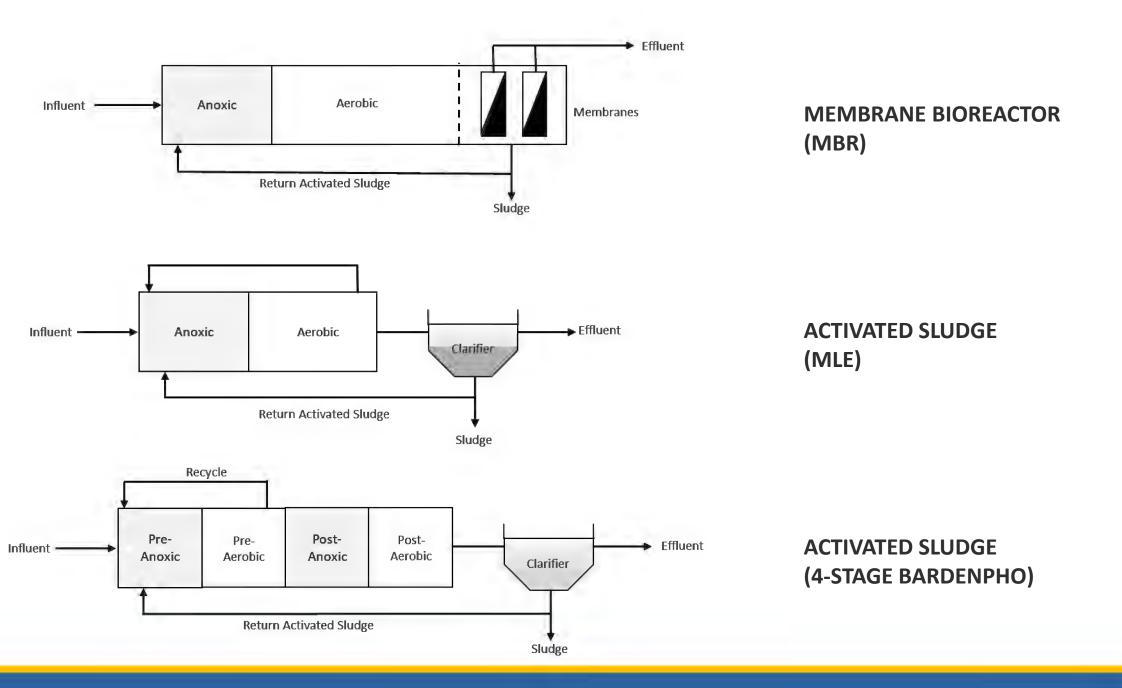
### Advantages:

- Simple operation
- Low operational costs

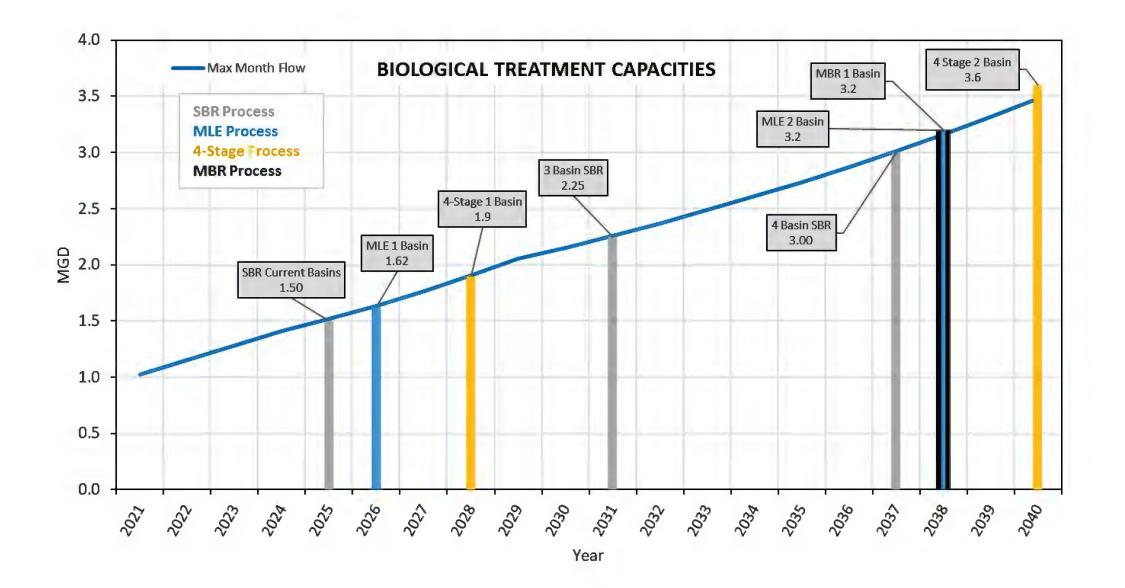
### **Disadvantages:**

- Larger footprint vs MBR
- More difficult to expand











# Alternative Upgrade Plan

 Existing SBR basins will be reused for all proposed alternatives

MBR Process	MLE Process	4- Stage Bardenpho
f	Common Facility Components	
New basin walls and baffles	New basin walls and baffles	New basin walls and baffles
• Splitter box	• Splitter box	• Splitter box
Recycle Pumps	Recycle Pumps	Recycle Pumps
	Different Facility Components	
CIP system and chemical	• (2) Secondary clarifiers	• (2) Secondary clarifiers
storage	• New EQ tank	New EQ tank
New Fine screens		
Permeate pumps		
• Convert 2 <sup>nd</sup> SBR basin to EQ		
tank		
• No clarifier(s) req'd		



# Alternative Capital Costs

MBR Alternative	Total Unit Cost
MBR Process Equipment	\$6,448,000
SBR Basin retrofit to EQ Tank	\$502,000
Fine Screens	\$1,217,000
Contingency (30%)	\$2,451,000
Engineering Design (10%)	\$1,062,000
Construction Management (5%)	\$531,000
Total	\$12,211,000

MLE Alternative	Total Unit Cost
MLE Process Equipment	\$2,820,000
New EQ Tank	\$1,795,000
Secondary Clarifiers	\$2,630,000
Contingency (30%)	\$2,174,000
Engineering Design (10%)	\$942,000
Construction Management (5%)	\$471,000
Total	\$10,832,000

Bardenpho Alternative	Total Unit Cost
Bardenpho Process	\$3,069,000
New EQ Tank	\$1,795,000
Secondary Clarifiers	\$2,630,000
Contingency (30%)	\$2,249,000
Engineering Design (10%)	\$975,000
Construction Management (5%)	\$488,000
Total	\$11,206,000



# 20-Year Cost Opinion

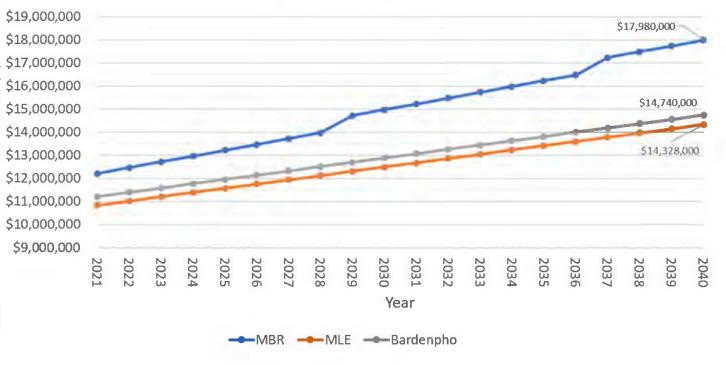
Cost (\$)

Cumulative

- O&M Includes:
  - Electricity usage
  - Chemical dosing
  - Equipment maintenance
  - Critical part replacement

Proposed Alternative	Annualized O&M Cost
Membrane Bioreactor	\$313,000
MLE Process	\$184,000
4 – Stage Bardenpho	\$186,000

### **20-YEAR COST OPINION**





# **Construction Costs**

# • Includes:

- Existing equipment upgrades
- Existing treatment process renovations
- New equipment purchases
- Costs to meet 2040 planning population
- Total project costs include:
  - Existing equipment upgrades
  - Alternative construction costs

Facility Process Eqt Upgrades	<b>Construction Cost</b>
Process Upgrades	
Influent Screens	\$1,286,000
Influent LS & Headworks Bldg	\$1,459,000
Grit Removal / Classifier	\$1,581,000
Sludge Storage Tank & Pump Station	\$804,000
Dewatering & Blower Building	\$3,044,000
UV System	\$1,553,000
WWTP Office Sewer Updates	\$112,000
Gravel Roadway	\$472,000
Sludge Removal from Pond	\$715,000
Tertiary Phosphorus Treatment*	\$4,948,000
Construction Markups	
Contingency (30%)	\$4,793,000
Engineering Design (10%)	\$2,077,000
Construction Management (5%)	\$1,039,000
Total	\$23,883,000

Alternative Upgrades	<b>Construction Cost</b>
Facility + MBR	\$36,094,000
Facility + MLE	\$34,715,000
Facility + 4 – Stage Bardenpho	\$35,089,000



# Additional Considerations

# **1.** Phosphorus Treatment

- Phosphorus limits part of future discharge permit
- City currently engaged in pilot project
- Different treatment options available

# 2. Temperature Limit

- Effluent temperature limit likely part of future discharge permit
- Varying methods to achieve compliance

# **3.** Industrial Users

- Update City ordinances
- Industrial users buy capacity from system



# Next Steps

- **1**. Finalize Updated Master Plan
- 2. Select Biological Treatment Alternative
- 3. Discuss Funding Options
- 4. Begin Design



# 

#### MIDDLETON CITY COUNCIL OCTOBER 6, 2021

The Middleton City Council meeting on October 6, 2021 was called-to-order at 5:39 p.m. by Mayor Rule.

**Roll Call**: Mayor Rule, Council President Kiser, Council Members Huggins, and Garner were all present. Councilmember O'Meara was absent due to a family emergency. City Attorney Mark Hilty was also present.

Pledge of Allegiance, Invocation: Joe Roberts

#### Action Items

#### A. Approve Agenda

**Motion:** Motion by Council President Kiser to approve the Agenda as posted October 1, 2021 at 2:00 p.m. Motion seconded by Council Member Garner and approved unanimously.

#### Information Items:

Council President Kiser commented on another school shooting in Texas. Asked that we all keep them in our thoughts.

#### **Action Items**

- 1. Consent Agenda (items of routine administrative business) (Action Items)
  - a. Consider approving minutes for City Council September 15, 2021 regular meeting. Approve Special City Council Meeting minutes from September 13, 2021 and September 24, 2021.
  - b. Consider ratifying payroll for September 24, 2021 in the amount of \$109,374.95.
  - c. Consider approving accounts payable thru September 30, 2021 in the amount of \$667,383.38.
  - d. Consider approving FCO for request of City of Middleton to amend 2019 Comprehensive Plan Maps. Exhibit A

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable. There were no concerns. The large amount was due to planned expense for the Hartley sewer line.

**Motion:** Motion by Council President Kiser to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member Garner and approved unanimously.

# 2. Consider approving the final plat for Valhalla Country Estates Phase 5 (Action *Item*)

Mayor Rule called the item. City Planning Department presented the item. Exhibit B

**Motion:** Motion by Council President Kiser to approve the final plat for Valhalla #5. Motion seconded by Council Member Huggins and approved unanimously

3. Public Hearing: An application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and change 3 duplicative street names. The proposed amended preliminary plat is zoned R-3 ("Single Family Residential") and consists of 261 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land. (*Action Item*)

Mayor Rule called the item and opened the public hearing at 5:49 p.m. City Planner Roberta Stewart presented Exhibit C. There was no discussion or questions from the council.

Applicant Patrick Connor presented Exhibit D. He explained that the project is down from 7 to 5 phases. There was no further discussion. Public hearing closed at 5:59 p.m.

**Motion:** Motion by Council President Kiser to approve the application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and change 3 duplicative street names. The proposed amended preliminary plat is zoned R-3 ("Single Family Residential") and consists of 261 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land. Motion seconded by Council Member Garner and approved unanimously by roll call vote.

# 4. Consider approving the FCO for Waterford Amended Preliminary Plat (Action Item) Exhibit E

**Motion:** Motion by Council President Kiser to approve the FCO for the Waterford Amended Preliminary Plat. Motion seconded by Council Member Huggins and approved unanimously by roll call vote.

5. Public Hearing: Applications by Hess Properties LLC and KM Engineering for annexation/rezone, preliminary plat, development agreement, and comprehensive plan map amendment with respect to the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R339380 and 33938011). The proposed preliminary plat consists of 81 single-family homes, 80 single family patio homes, 36 commercial lots, 17 common lots, and one cell tower lot on 121 acres of land currently zoned Canyon County "Agricultural." As part of the Annexation request, Applicants are requesting a zone change to City C-3 ("Heavy Commercial") for 35.68 acres, zone change to M-U ("Mixed Use") for 25.94 acres, and zone change to R-2 ("Large Lot Residential") for 57.19 acres. Applicants are also requesting a Comprehensive Plan Map Amendment to amend the Future Land Use Map to

# change the "Restaurants, Retail, and Recreation" use to "Commercial" use and "Residential" use. (*Action Item*)

Mayor Rule called the item and opened the public hearing at 6:02 p.m. City Planner Roberta Stewart presented Exhibit F.

Tyler Hess (15031 Spyglass Ln) the applicant presented his proposal for the River Walk Crossings Subdivision.

Council questions regarding the use of the facilities—including the sports court for pickle ball, etc. The developer stated that they were for the private use of the people in the community who pay to maintain them but that public use may be a possibility if negotiated with the community. Council also commented that they don't want to have the gravel extraction extended out for a long period of time due to the noise and dust generated for neighbors. The applicant stated that they would like to begin the project this winter with gravel extraction completed within approximately 2 years. Mayor wanted to be clear that part of the development agreement is collaboration with the construction of Middleton Road and that the developer is clear that the roads need to be built according to a definite timeline. Council members commented that expanding the pickle ball courts and allowing for public use might be appealing to the community.

Mayor Rule called a recess at 6:59 PM—meeting back in session at 7:06 PM

Public comments:

Patricia Watkins and Harold Watkins (10038 Turner Drive) both stated they are in favor of the development, and they didn't need to testify.

Spencer Koefed (8454 Brookhaven Place) commended the city staff on making certain the project is done right and is a beautiful asset to the community. He stated that the HOA will own the pickle ball courts and they will be for private citizens who pay for the maintenance and upkeep of the properties. He suggested that possibility of Middleton Place Park for public pickle ball courts.

Matt Wilke (PO Box 7 Middleton) stated he is in favor of the project.

Joe Pachner (5725 Discovery Way) stated he is in favor of the project.

No comments in opposition.

The applicant, Tyler Hess, was asked to come back for questions. The mayor wanted to discuss with the applicant if they had been in communication with the adjacent developer—River Pointe (Burnette) regarding the road construction. Mr. Hess stated that they have been in communication since the beginning of the projects. They will be working together for streets and city utilities—also there are late comers fees factored in for future developers. He doesn't have a formal agreement with Burnette and stated that

Burnette may be selling the property. Hess stated that both developments need each other to succeed.

Close public testimony at 7:16 PM

There was discussion with the city attorney, planning department and city council with regards to the order of processing future applications to approve the annexation. Council President Kiser would prefer that a property be annexed into the city prior to approval of other items (plat maps, development agreements, etc.)

**Motion:** Motion by Council President Kiser to approve the application Hess Properties LLC and KM Engineering for annexation/rezone, preliminary plat, development agreement, and comprehensive plan map amendment with respect to the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R339380 and 33938011). Motion seconded by Council Member Garner and approved unanimously by roll call vote.

6. Consider approving Ordinance 654 – River Walk Crossing Subdivision Annexation-AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO 36 ACRES TO C-3 (HEAVY COMMERCIAL), 26 ACRES TO M-U (MIXED-USE) AND 57 ACRES TO R-2 (LARGE LOT RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE (*Action Item*)

Mayor Rule called the item and Roberta presented Ordinance 654.

**Motion:** Council President Kiser moved that Ordinance 654 be read by title only. Motion seconded by Council Member Garner and passed unanimously by roll call vote.

Council President read Ordinance 654 by title only.

**Motion:** Council President Kiser moved that the council waive the three reading rule and approve Ordinance 654. Motion seconded by Council Member Huggins and passed unanimously by roll call vote.

#### 7. Consider approving the FCO for River Walk Crossing Subdivision. (Action Item)

**Motion:** Council President Kiser moved that the council approve the FCO for River Walk Crossing Subdivision. Motion seconded by Council Member Huggins and passed unanimously by roll call vote.

8. Third reading and consider adopting Ordinance No. 650 of the City of Middleton, Canyon County, Idaho amending Middleton City Code § 1-16-14(A) to clarify the currently applicable parks impact fee; providing for severability; repealing conflicting ordinances; and providing an effective date. The City shall make available to the public, upon request, the following: proposed land use assumptions and a copy of the proposed amendment to the City Code. (*Action Item*)

Mayor Rule called the item and Council President read the title of Ordinance No. 650 for the third reading.

**Motion:** Council President Kiser moved that Ordinance 650 be read, passed and adopted after the third reading. Motion seconded by Council Member Huggins and passed unanimously by roll call vote

# 9. Consider accepting a proposal from T-O Engineers for the Boise Street Reconstruction design. (*Action Item*)

**Motion:** Council President Kiser moved that the city accept the proposal from T-O Engineers for the Boise Street Reconstruction design. Motion seconded by Council Member Garner and passed unanimously.

#### Public Comments, Mayor and Council Comments—None

Executive Session: (Idaho Code 74-206(1)(f)) to communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.

#### **Executive Session:**

Mayor Rule called the item at 7:39 PM

Motion: Council President Kiser moved to convene into Executive Session pursuant to Idaho Code 74-206 (1)(f) to consult with legal counsel regarding pending or imminently likely litigation. Motion was seconded by Council Member Garner and approved unanimously by roll call vote.

Mayor reopened the meeting at 7:56 PM

Adjourn: Mayor Rule adjourned the city council meeting at 7:56 PM.

ATTEST:

Steven J. Rule, Mayor

Rhonda Carpenter, Deputy Clerk Minutes Approved: October 20, 2021

Middleton City Council Meeting October 6, 2021



# EXHIBIT "A"



In the Matter of the Request of the City of Middleton (the "Applicant') for amendment to the following Comprehensive Plan Maps: (1) Area of City Impact Map, (2) Future Land Use Map, (3) Transportation, Schools, and Recreation Map, (4) Transit Map, (5) Functional Classification Map, (6) Future Acquisitions Map, (7) Current Land Use Map, (8) Crane Creek Park Map, and (9) River Park Plan Map:

- A. Findings of Fact: The City Council reviewed the facts as outlined in the staff report for the hearing date of September 15, 2021, (incorporated herein by this reference and made a part hereof as if set forth in full, a copy of which is attached hereto as Exhibit A), considered public testimony at the September 15, 2021 public hearing, and considered all Idaho State Statutes and City ordinances, standards and codes relevant to the application.
  - 1. Hearing Facts: See facts in the Staff Report for the public hearing date of September 15, 2021.
    - i. The Council considered a presentation from Attorney Geoff Wardle regarding authority under Chapter 65, Title 67 (I.C. sec 67-6503) to approve the applications. A copy of Mr. Wardle's presentation is attached hereto as Exhibit "B" and incorporated herein by this reference as if set forth in full.
    - ii. The Council considered a presentation by City Administrator, Becky Crofts, regarding the history of the SH44 alternate bypass route and regarding the City's plans for transportation improvements. A copy of Ms. Croft's presentation is attached hereto as Exhibit "C" and incorporated herein by this reference as if set forth in full.
  - iii. The Council afforded Caleb Lakey, ITD's District 3 Administrator, 20 minutes to present ITD's objections to the applications. A copy of Mr. Lakey's presentation is attached hereto as Exhibit "D" and incorporated herein by this reference as if set forth in full.
  - 2. Procedural Status: See the facts in the Staff Report for the hearing date of September 15, 2021.
  - 3. Application Facts: See the facts outlined in the Staff Report for the hearing date of September 15, 2021.
- **B.** Conclusions of Law: The Middleton City Council has the authority to hear these applications and approve or deny them with or without conditions. The public notice requirements were met, the hearing was legally noticed, and the hearing was held and conducted under the requirements of Idaho State Code and City ordinances. Specifically, based upon the findings of fact, the Middleton City Council finds the following:
  - 1. That the City Council has the authority to exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C.

§67-6503).

- 2. That the City Council properly exercised said authority.
- 3. That due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction and comment(s) from the public received in written form and through public testimony.
- 4. That notice of the application and public hearing were given according to law.
- 5. That the City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
- 6. That codes and standards applicable to the applications are the Idaho State Statute, Title 67, Sections 6508, 6509, 6517, 6525, and 6526 together with Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

#### C. Decision and Order:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the Findings of Fact and Conclusions of Law, the City Council makes the following Order:

- 1. City's request to amend the Area of Impact Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.
- 2. City's request to amend the Future Land Use Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.
- 3. City's request to amend the Transportation, Schools & Recreation Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.
- 4. City's request to amend the Transit Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.
- 5. City's request to amend the Functional Classification Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.

- 6. City's request to amend the Future Acquisitions Map in the 2019 Comprehensive Plan is approved subject to the condition that Canyon County approves the revision to the Area of Impact boundary at a later date.
- 7. City's request to delete the Crane Creek Park map in the 2019 Comprehensive Plan is approved.
- 8. City's request to delete the 2018 Land Use Map in the 2019 Comprehensive Plan is approved.
- 9. City's request to delete the River Park Plan Map in the 2019 Comprehensive Plan is approved.
- 10. Resolution 460-21 to amend six maps and delete three maps in the 2019 Comprehensive Plan is approved.

WRITTEN ORDER AND DECISION APPROVED ON: October \_\_\_\_\_, 2021.

Steven J. Rule, Mayor Middleton City Council

Attested by:

Roberta Stewart, Middleton City Planner

#### Exhibit "A"

Staff Report

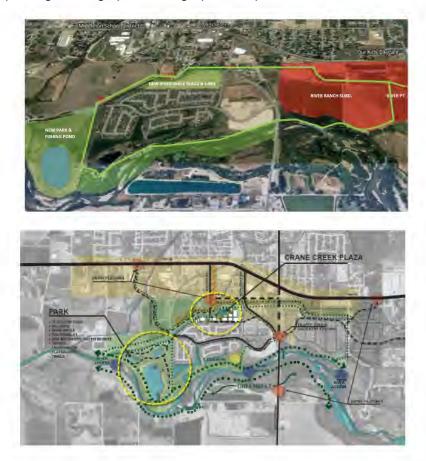


#### Application for Comprehensive Plan Map Amendments City Council Hearing Date: September 15, 2021

- A. Application Requests: The City of Middleton is proposing amendments to the following Comprehensive Plan Maps: (1) Area of City Impact Map, (2) Future Land Use Map, (3) Transportation, Schools, and Recreation Map, (4) Transit Map, (5) Functional Classification Map, (6) Future Acquisitions Map, (7) 2018 Land Use Map, (8) Crane Creek Park Map, and (9) River Park Plan Map.
- B. History & Purpose of Updates: The City of Middleton has experienced a great deal of growth during the past few years, necessitating some changes to our long-term planning. City limits are expanding, and growth is beginning to occur in and around the current Area of Impact boundary. For that reason, City Staff is proposing expanding the Area of Impact boundary on all Comprehensive Plan Maps.

City limits have also changed in the past three years due to numerous annexation projects. Those changes to City limits also need to be updated on the Comprehensive Plan Maps.

Another reason for this application is the fact that the City is contemplating a new commercial and recreational center in the "Heart of Middleton." That design, informally dubbed "The River Walk Loop," involves an extensive pathway that connects neighborhoods with commercial centers, plaza gathering spaces, large parks & ponds, and the Boise River greenbelt trail.

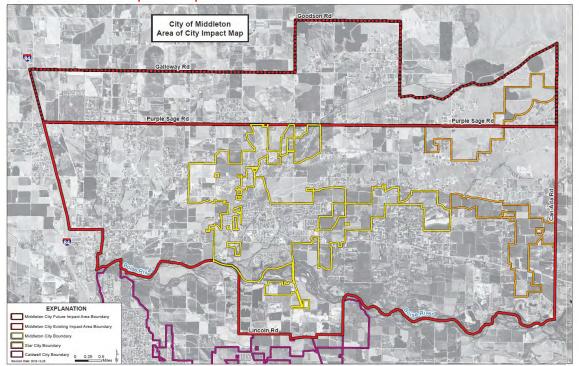


In order to facilitate this design, Middleton Road will be straightened and the proposed Hwy 44 Alternate Route must be eliminated from the planning process. The Alternate Hwy 44 bypass is a 20 year old idea that has yet to come to fruition. Much growth has occurred since the plan was first proposed, and if constructed today, it will adversely affect the City by (1) cutting off access to downtown Middleton and affecting the City's economic growth, (2) bisecting the City in an inconvenient location, and (3) preventing the creation of a new River Walk Loop.

City Staff further proposes changes to the uses set forth on the Future Land Use Map in order to update it to the current planning goals.

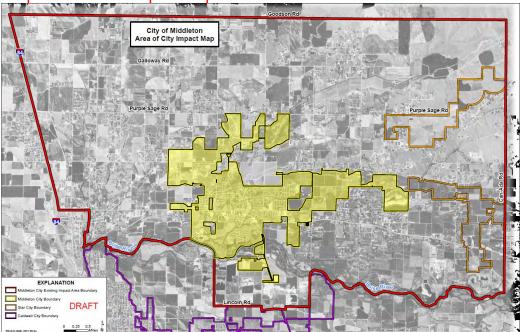
Finally, Staff proposes the elimination of three Comprehensive Plan Maps that are outdated and no longer relevant.

- C. Map Amendment Details: Below is a brief description of the proposed changes made to each map. (Printed 11x17 copies of the maps are set aside at City Hall for pick-up and better viewing of the detail on each map.)
  - 1. Area of Impact Map: Changes include (1) expansion of the Area of Impact boundary (2) revision to City limits to reflect new boundary (3) deletion of the confusing "future area of impact" boundary line and (4) changes to colors for better visual design.



Current Area of Impact Map

Proposed Area of Impact Map:



(Larger versions of the current & proposed Map are attached to this Staff Report as Exhibit "A".)

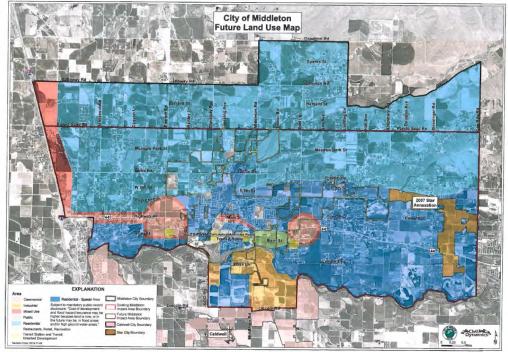
2. Future Land Use Map: As you know, the Future Land Use Map is a guide to show what types of uses the City plans in specific areas in the future. It is a long term planning guide to show the City's vision for future development.

Changes to the Future Land Use Map (or FLUM) include (1) expansion of Impact Area boundary, (2) revision to City limits to reflect the new boundary, and (3) removal of future Hwy 44 alternate route,

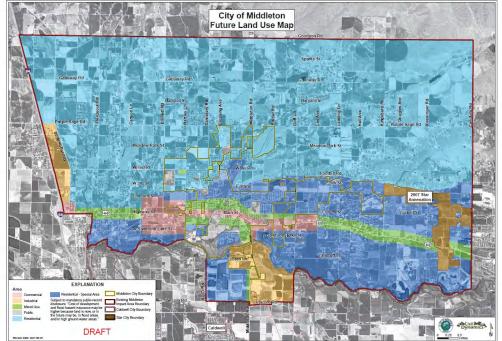
Particular attention should be given to the change in "Commercial" use areas. City Staff has created a more elongated commercial corridor along Hwy 44 with two large commercial complexes on the east and west ends of the corridor. This scenario is a better reflection of current project applications and our long-term planning.

Staff has also inserted "Mixed Use" designations around commercial uses to create better transitions from commercial use to residential use. See green color on proposed FLUM. The "Mixed Use" designation on a FLUM simply means that in that designated area, the commercial uses may blend side by side with residential uses. It creates a transition zone or quasi-buffer zone. It does not confer a right for a specific "type" of residential housing. We look to the Zoning Map's designations for that type of permission. For instance, a "Mixed Use" designation on the FLUM does not confer a right to build townhomes or apartments in that area. Unless the underlying Zoning Map specifically allows townhomes/apartments in that FLUM area, then townhomes/apartments cannot be built in the FLUM's "Mixed Use" area even though they are "residential uses". Finally, you will notice that City Staff added more industrial use along I-84 and the old Hwy 30 corridor. Interstate Hwy access makes this a logical location for industrial uses.

#### Current Future Land Use Map

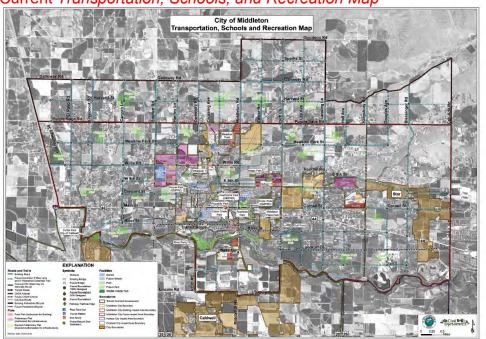


Proposed Future Land Use Map



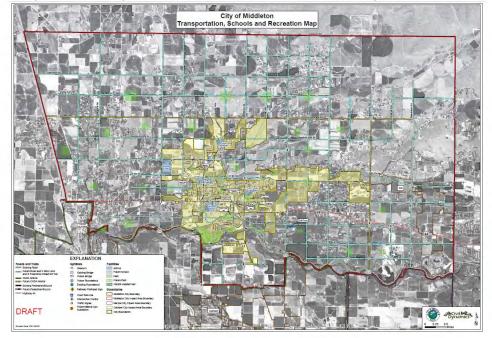
(Larger versions of the current and proposed Future Land Use Maps are attached as Exhibit B.)

**3. Transportation, Schools & Recreation Map:** This map is a guide to show future proposed locations for pathways, schools, roadways and parks. Proposed changes include (1) expanded Area of Impact boundary (2) revised City limits, (3) eliminated Hwy 44 Alternative Route, and (4) removed color coding for subdivision applications and added better color design.



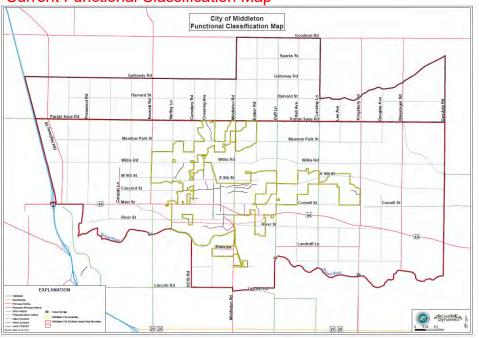
Current Transportation, Schools, and Recreation Map

Proposed Transportation, Schools & Recreation Map

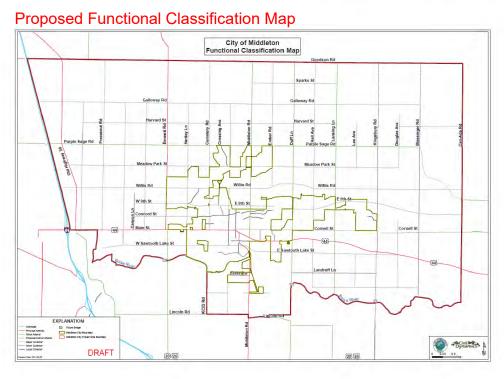


(Larger versions of the current and proposed Transportation, Schools & Recreation Map are attached as Exhibit C.)

**4.** Functional Classification Map: This map is used to show the classification of roads and future roads in the Area of Impact. For instance, it will show by color code if a road is deemed a collector road or a large arterial road. Proposed changes to the map include (1) expansion of Area of Impact boundary, (2) removal of Alternate Hwy 44 Route, and (3) revision to City limits.



#### **Current Functional Classification Map**



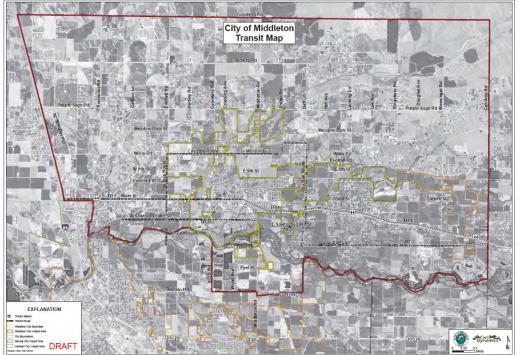
(Larger versions of the current and proposed Maps are attached as Exhibit D.)

**5. Transit Map:** This is a map to show future planned transit routes and stations for public transportation. Proposed changes include (1) expansion of Area of Impact boundary, (2) removal of Alternate Hwy 44 Route, and (3) revision to City limits.

## 

#### **Current Map**

#### **Proposed Map**



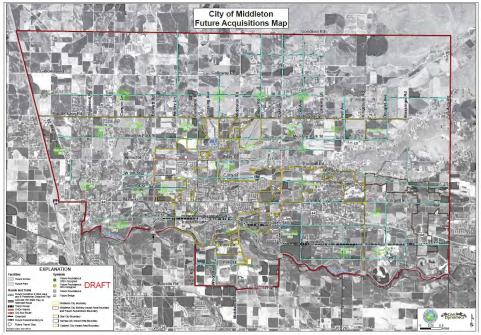
(Larger versions of the current and proposed Transit Map are attached as Exhibit "E".)

6. **Future Acquisitions Map:** This map is used to show land that a public agency may acquire within the next 20 years for such things as schools, roadways, utilities, parks or other public use. Proposed changes are (1) expansion of Area of Impact, (2) revision to City limits, and (3) elimination of Hwy 44 alternate bypass.

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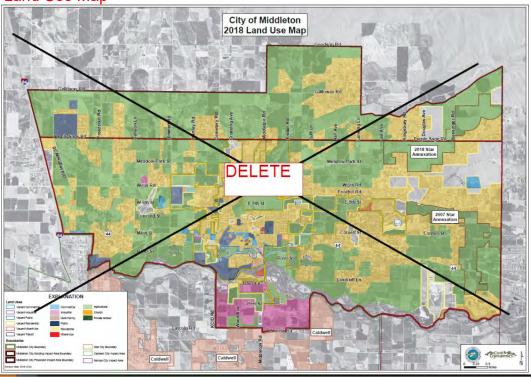
#### **Current Map**

#### **Proposed Map**



(Larger versions of the current and proposed Maps are attached as Exhibit F.)

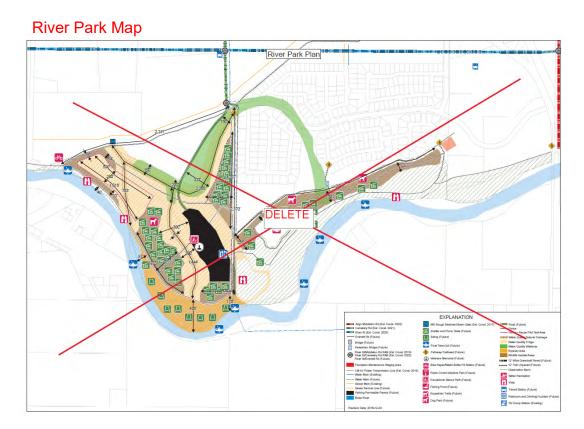
7. Maps to be Deleted: City Staff proposes the elimination of the three Maps shown below because they are obsolete or irrelevant to future planning efforts.



Land Use Map

#### Crane Park Map





(Larger versions of the three maps proposed to be deleted are attached as Exhibit G.)

Comprehensive Plan & Land Use Map: In order to expand the Area of Impact, the Governing Boards must consider the following factors pursuant to MCC 1-14-7: (1) trade area, (2) geographical factors, and (3) areas that are reasonably expected to be annexed in the future.

Planning Staff finds that the revisions to the Impact Area Map incorporate these considerations. The boundaries are extended north, and that is the direction of recent growth. It is reasonably expected that the property in the extended boundary will be annexed in the future.

Additionally, in order for the Commission to approve the Comprehensive Plan Map Amendments, the Commission must find that the requested revisions are in harmony with the Comprehensive Plan and its "Goals, Objectives, and Strategies."

Planning Staff finds that the proposed Map amendments are in harmony with the Comprehensive Plan as follows:

- a. Goal 3: The Maps show safe vehicle and pedestrian travel routes that interconnect roads, bike lanes, sidewalks and pathways.
- b. Goal 4: The Maps (1) show commercial development near Hwy 44 and major intersections, (2) show a design that provides a buffer between residential and commercial/industrial uses, and (3) encourage commercial uses, recreational uses, and mixed uses.

- c. Goal 8: The Maps establish new commercial areas without detracting from existing commercial areas and establish new recreational areas.
- d. Goal 10 and 16: The Maps (1) show parks and open space aggregated in large open areas rather than dispersed in smaller sections and (2) show public pathways that create a scenic and usable waterfront on the north side of the Boise River.
- e. Goal 22: The Maps establish interesting gathering places that encourage walkability and promote good health and positive social interaction.
- E. Comments Received from Public: Email from Spencer Kofoed dated 7/12/21 in favor of amending the Comp Plan maps. Letter dated 8/4/21 from Marci Higgison objecting to the Comp Plan map amendments. (Comment letters are attached as Exhibit H.)
- F. Comments from Agencies: Canyon Highway District #4 submitted comments on May 14, 2021 and July 8, 2021. CHD4 recommended a number of technical changes and requested that the Functional Classification Map be changed to match CHD4's Functional Classification Map. They also noted the adverse consequences that could occur as a result of removing the Highway 44 alternate route.

We also received a July 7, 2021, comment from Mayor Trevor Chadwick of the City of Star. Mayor Chadwick indicated his opposition to removing the alternate Hwy 44 bypass from the Comp. Plan Maps. He asserts that the elimination of the bypass will create an adverse traffic impact on the surrounding community.

A planner for the City of Star, Shawn Nickels, submitted a comment on 7/12/2021 objecting to the Comp Plan Map Amendments because the changes conflict with Star's Future Land Use Map.

COMPASS submitted a 7/12/2021 objection letter noting the adverse consequences of removing the Hwy 44 alternate bypass.

Jerome Mapp, Planning Director for Caldwell, submitted a 7/9/2021 comment indicating that Caldwell did not object to the Area of Impact boundary expansion.

(Comment letters are attached as Exhibit I.)

G.	Notices & Neighborhood Meeting:	Dates:
	Newspaper Notification	08/29/2021
	Circulation to Agencies	08/31/2021

#### H. Applicable Codes and Standards:

Idaho State Statue Title 67, Sections 6508, 6509, 6517, 6525, and 6526 and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

I. Recommendation from Planning & Zoning Commission: The Planning & Zoning Commission considered the City's request to amend the nine Maps under review. The Commission recommended that the City Council approve the proposed amendments to the Maps with the condition that the State Hwy 44 Alternative Route conceptually shown on the

maps should remain on the maps. (P&Z Commissions signed FCO is in the dropbox.)

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

Staff's Findings of Facts are noted above in parentheses. As to Conclusions of Law, *Planning Staff finds that City Council has the authority to hear this application in order that it may be denied or approved and that the public notice requirements were met. Furthermore, Planning Staff finds that the above noted Findings of Facts are in compliance with Idaho State law and Middleton City Code.* If Council agrees with Staff's stated Findings of Facts and Conclusions of Law, Council may state on the record that it accepts the Findings of Facts and Conclusions of Law set forth in this Staff Report.

One last issue: approving the changes to the nine Comprehensive Plan maps will not automatically give the City the authority to publish the maps and use them as a guide for future planning. We cannot amend our Area of Impact boundary unless Canyon County agrees to our revised boundary. Per Canyon County Title 9, Article 9, the City of Middleton must apply to Canyon County to revise the area of impact boundary and, if the County agrees with our proposed boundary, they can approve the application and make the same change on their Comprehensive Plan Maps. Therefore, if the Council is inclined to approve any, or all, of the Maps under review, the approval must be subject to the condition that the changes are also approved by Canyon County at a later date.

Prepared by Middleton City Planner, Robert Stewart

Dated: 9/13/2021

#### Exhibit "B"

Attorney Geoff Wardle Presentation

# Comprehensive Plan Map Amendments



## **Issues For Consideration**

- What is the authority of Middleton in making this decision?
- Why is the proposed design of the SH-44 Alternate Route problematic?
- What impact will SH-44 Alternate Route, if constructed, actually have on Middleton, and what is the impact if it is not built?



Idaho Code Section 67-6503

Local Land Use Planning Act authorizes "[e]very city and county" to "exercise the powers conferred by this chapter."



Idaho Code Section 67-6508

Specifies plan components that are required "unless the plan specifies reason why a particular component is unneeded."



#### Idaho Code Section 67-6508 Transportation Element is as Follows

Transportation - An analysis, prepared (i) in coordination with the local jurisdiction(s) having authority over the public highways and streets, showing the general locations and widths of a system of major traffic thoroughfares and other traffic ways, and of streets and the recommended treatment thereof. This component may also make recommendations on building line setbacks, control of access, street naming and numbering, and a proposed system of public or other transit lines and related facilities including rights-of-way, terminals, future corridors, viaducts and grade separations. The component may also include port, harbor and other related transportation facilities.



#### <u>KMST, LLC v. County of Ada</u>, 138 Idaho 577 (2003)

when KMST deeded it to the ACHD. The ACHD had no final authority to approve or reject KMST's proposed development. That authority was vested in the Ada County Commissioners under the Local Land Use Planning Act, Idaho Code §§ 67-6501 et seq. (2001). Although the Ada County Commissioners could certainly require approval of other governmental entities regarding the proposed development, including the ACHD, the Commissioners had the final authority to approve or reject KMST's proposed development and to decide what conditions, if any, to impose when granting approval. In fact, KMST's



KMST, LLC v. County of Ada, 138 Idaho 577 (2003)

Transportation Authorities have "no final authority to approve or reject . . . proposed development" Id., at 582



## Why Design Is Problematic

"SH-44 is classified as <u>a Statewide Route</u>, which designates a minimum traffic signal spacing of one mile in rural/transitional areas and <u>one-half mile in urbanized</u> <u>areas</u>". Corridor Study, p.1



## Why Design Is Problematic

SH-44 Alternate Route will be a "3.1-mile long section of <u>future</u> <u>multi-lane roadway that will have an Expressway IDAPA</u> <u>classification</u> with access limited to locations specified by ITD. <u>Full</u> <u>access roundabouts</u> are identified at Emmett Road, Cemetery Road and Middleton Road, which will also provide U-turns for the RIRO public street at Crane Creek Way. <u>All rights of access at other</u> <u>locations will be eliminated.</u> Section 2 was modeled as a roundabout corridor with roundabouts at Emmett Road, Cemetery Road and Middleton Road, and RIRO access at Crane Creek Way. The <u>east and west SH-44 Alternate Route termini intersections</u> <u>were modeled as RCUT intersections</u>." Corridor Study, p. 20



## Why Design Is Problematic IDAPA 39.03.42.400.03.c, Table 1, Demonstrates Why This Is Problematic

HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)		
Freeway	All	Accessible only by interchanges (ramps).						
Expressway	AJI	Ac	ccessible or	nly at locations spe	cified by the Depar	tment.		
	Rural	5,280 ft	5,280 ft	1,000 ft	650 ft	650 ft		
Statewide	Transitional	5,280 ft	2,640 ft	760 ft	500 ft	500 ft		
Route	Urban >35 mph	2,640 ft	1,320 ft	790 ft	500 ft	500 ft		
	A REAL FOR THE PARTY OF THE PAR							



a. SH-44 Alternate Route will not materially improve traffic flow in Middleton or on the Highway.

b. SH-44 Alternate Route is not consistent with
either the SH-44 Eagle Alternate Route or the US95 Council Alternate Route



#### 2045 Build / Int. No. SH-44 Intersection 2018 Existing 2045 No-Build **Build Needs** SH-44 Alt. Route (West) / Main St RCUT 100 n/a n/a Emmett Rd / SH-44 Alt. Route n/a 101 n/a Cemetery Rd / SH-44 Alt. Route 102 n/a n/a RIRO Crane Creek Wy / SH-44 Alt. Route 103 n/a n/a N. Middleton Rd / SH-44 Alt. Route 104 n/a n/a 105 SH-44 Alt. Route (East) / Main St n/a n/a RCUT 5105 STOP 7 Emmett Rd / Main St in Middleton n/a . STOP Hartley Ln / Main St in Middleton 8 n/a STOP Cemetery Rd / Main St in Middleton STOP 9 n/a Hawthome Dr / Main St in STOP STOP 10 n/a Middleton STOP Dewey Ave / Main St in Middleton STOP 11 n/a S. Middleton Rd / Main St in STOP 12 n/a Middleton N. Middleton Rd / Main St in . STOP 13 n/a Middleton STOP STOP RCUT Duff Ln 14 STOP STOP TOP ROUT Lansing Ln 15 **100** STOP STOP Kingsbury Rd 16 STOP STOP CUT 🐨 17 Blessinger Rd STOP STOP STOP RCUT

18

Can Ada Rd

#### Table 4-2. Existing, No-Build and Build/Build Needs intersection control - Canyon County



					AM			PM	
Int. No.	SH-44 Intersection	Control	Appr.	LOS	Delay (s/veh)	Worst v/c Ratio	LOS	Delay (s/veh)	Worst v/c Ratio
7	Emmett Rd	STOP	SB	F	74	1.03	С	17	0.22
8	Hartley Ln	STOP	SB	E	47	0.76	D	32	0.48
0	Constant Dat	Istopl	NB	С	22	0.01	A	0	0.00
9	Cemetery Rd	STOP	SB	F	108	1.18	D	33	0.47
10	Hawthome Dr	ETOP	NB	D	25	0.12	С	23	Worst v/c Ratio 0.22 0.48 0.00
10	Hawthome Dr	STOP	SB	F	52	0.57	F	51	
	David	ISTOR	NB	С	25	0.04	D	25	0.11
11	Dewey Ave	STOP	SB	D	27	0.23	D	28	0.21
12	S. Middleton Rd		All	В	17	0.82 (EBTR)	в	18	0.86 (NBL)
40	N MEddlater Dd	ETOP	NB	F	53	0.03	F	91	0.09
13	N. Middleton Rd	STOP	SB	С	17	0.49	С	15	0.27
14	Duffle	STOP	NB	С	21	0.12	С	24	0.09
14	Duff Ln	STOP	SB	D	30	0.58	С	22	0.29

#### Table 5-1. 2018 existing intersection operations - Canyon County



					AM			PM	
Int. No.	SH-44 Intersection	Control	Appr.	LOS	Delay (s/veh)	Worst v/c Ratio	LOS	Delay (s/veh)	Worst v/c Ratio
7	Emmett Rd	STOP	SB	F	106	1.30	F	183	>1.50
8	Hartley Ln		All	В	14	0.83 (SB)	В	11	0.78 (SB)
0	Compton: Dd	ICTOR	NB	F	>300	>1.50	F	>300	>1.50
9	Cernetery Rd	STOP	SB	F	59	0.71	F	>300	>1.50
40	Hawthorne Dr	STOP	NB	F	79	0.90	F	>300	>1.50
10	Hawmorne Dr	No.	SB	E	44	0.51	F	290	
11	Demoni Aug	ISTOP	NB	С	22	0.03	D	34	0.19
	Dewey Ave	STOP	SB	С	21	0.13	E	36	0.14
12	S. Middleton Rd	STOP	NB	С	17	0.04	С	22	0.15
13	N. Middleton Rd		All	В	18	0.75 (EBT)	С	22	0.78 (WBT)
14	Duff Ln	STOP	NB	F	153	0.83	F	230	0.88
14	Duit Li	NOT NOT	SB	F	>300	>1.50	F	>300	>1.50

#### Table 5-3. 2045 No-Build intersection operations - Canyon County



					AM			PM	
Int. No.	SH-44 Intersection	Control	Appr.	LOS	Delay (s/veh)	Worst v/c Ratio	LOS	Delay (s/veh)	Worst v/c Ratio
100	SH-44 Alt. Route (West) / Main St	RCUT	SB	с	17	0.35	В	15	0.24
101	Emmett Rd / SH-44 Alt. Route	-	All	A	5	0.37	A	9	0.65
102	Cemetery Rd / SH-44 Alt. Route			0.34	A	6	0.45		
100	Crane Creek Wy /	STOP	NB	A	9	0.06	В	14	0.06
103	SH-44 Alt. Route	RIRO	SB	В	13	0.19	В	12	0.17
104	N. Middleton Rd / SH-44 Alt. Route	*	All	Α	9	0.61	В	15	0.74
105	SH-44 Alt. Route (East) / Main St	RCUT	SB	С	20	0.47	с	22	0.47

#### Table 5-5. 2045 Build intersection operations - Canyon County



						xisting Peak	2045 No-Build PM Peak		
Dir.	Seg. No.	SH-44 Segment Location	Length, mi	Base FFS, mph	Travel Speed, mph	Urban Street LOS	Travel Speed, mph	Urban Street LOS	
EB	2.1	Emmett to Hartley	0.5	55	48	LOSA	30	LOSC	
EB	2.2	Hartley to Cemetery	0.5	40	28	LOS B	25	LOS C	
EB	2.3	Cemetery to Hawthome	0.5	25	21	LOSA	20	LOS A	
EB	2.4	Hawthome to N. Middleton	0.5	30	20	LOS B	18	LOS C	
EB	3.1	N. Middleton to Duff	1.1	50	48	LOS A	41	LOSA	
EB	3.2	Duff to Lansing	1.0	55	52	LOS A	51	LOS A	
WB	3.2	Lansing to Duff	1.0	55	52	LOS A	51	LOS A	
WB	3.1	Duff to N. Middleton	1.1	50	36	LOS B	29	LOSC	
WB	2.4	N. Middleton to Hawthorne	0.5	30	24	LOS A	27	LOS A	
WB	2.3	Hawthorne to Cemetery	0.5	25	20	LOS A	20	LOSA	
WB	2.2	Cemetery to Hartley	0.5	40	25	LOS C	21	LOS	
WB	2.1	Hartley to Emmett	0.5	55	47	LOS A	47	LOSA	

#### Table 5-7. 2018 Existing and 2045 No-Build urban street section LOS and speeds



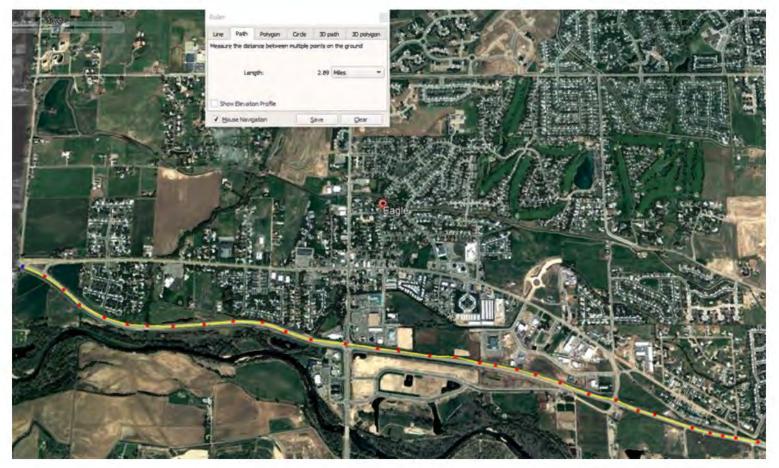
# What is Impact Table 5-11. 2018 Existing and 2045 No-Build segment travel time and travel speed

					2018 E		2045 No PM P	
Dir.	Seg. No.	SH-44 Segment Location	Length, mi	Avg. Posted Speed, mph	Travel Time, min	Avg. Travel Speed, mph	Travel Time, min	Avg. Travel Speed, mph
EB	1	Old Hwy 30 to Emmett	2.1	55	2.5	52	2.6	49
EB	2	Emmett to N. Middleton	2.0	38	4.6	26	5.3	23
EB	3	N. Middleton to Star	6.1	52	8.1	45	10.1	36
EB	4	Star to SH-16	1.7	40	3.5	29	4.9	21
EB	5	SH-16 to Linder	2.3	55	3.2	44	4.9	28
EB	6	Linder to Eagle	3.1	55	4.5	40	4.4	41
EB		TOTAL or AVERAGE	17.3	50	26.4	41	32.2	35
WB	6	Eagle to Linder	3.1	55	4.6	39	45.0	4
WB	5	Linder to SH-16	2.3	55	3.5	40	9.7	15
WB	4	SH-16 to Star	1.7	40	4.2	24	6.0	17
WB	3	Star to N. Middleton	6.1	52	7.9	46	8.7	42
WB	2	N. Middleton to Emmett	2.0	38	4.5	27	4.6	26
WB	1	Emmett to Old Hwy 30	2.1	55	2.5	51	2.9	43
WB		TOTAL or AVERAGE	17.3	50	27.3	40	76.9	27



SH-44 Alternate Route proposed for Middleton is unlike either the SH-44 Eagle Alternate Route or the US-95 Council Alternate Route. As set forth in the Corridor Study, "[t]he east and west SH-44 Alternate **Route termini intersections were** modeled as RCUT intersections." Corridor Study, p. 20 (emphasis added).











## Conclusion

- The City Council approves Comprehensive Plan Amendments after recommendation from P&Z
- Middleton has the ultimate land use authority
- SH-44 Alternate does not materially improve traffic and does not address current traffic
- SH-44 Alternate is not an Expressway like Eagle or Council it is far more restrictive
- Middleton has the power to act under LLUPA



#### Exhibit "C"

#### Presentation by City Administrator, Becky Crofts

### A plan is formed between ITD, COMPASS and the City of Middleton to solve traffic congestion on State Highway 44 by creating an alternate route around Middleton.

2002 City begins significant action to curtail development in the selected alignment. Works with developers to set aside the needed right of way.	City requests alternate route be included on State Transportation Improvement program (STIP) to help with funding. After 2 years of the city requesting funding, the State requesting funding, the State requesting funding to (ITD) comments it is going to consider a larger corridor <u>study</u> and assured the city their input and assured the city their input	City Amends the Comprehensive plan adopting the proposed alignment. Follow-up meetings were held with ITD to assess adopted alignment potential "fatal flaws" and none were indicated.	City submits report to COMPASS to memorialize the work and decision.	City of Middleton begins advocacy for an improved Highway 44 corridor. Four public meetings were held showing a northern route; modifying and widening the existing highway; and a southern loop. Public voted 35:1 for the southern route
2002	5005	2007	2000	1999

Windleton Recommendational with reaction with

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#### 2007 – little progress and commitment from ITD to fund/move alternate route forward; city comment and involvement not important to ITD. Excerpts from a letter from Mayor Frank Mekeever to Dave Jones ITD District Engineer.

the Comprehensive Plan alternate route adopted in "ytial to the City." anderstands what issues are add for the path of the aevelopers and landowners Middleton is let alone ".notelbbiM to enuture of tongh questions from the even knows where this study is of vital interest to mention having to deal with tedt gninnelg tremup edd "The timing and outcome of one currently involved in consistent work, not to record of diligence and "44 study be given top priority." impression that there is no "Frankly, it is the city's Yewdgid adt gnitsaupar me i" "It would appear that a

"After a number of verbal promises to aid and involve the City in areas so vital to our economic health, it appears that none of the persons that have met with the City and listened to our concerns and efforts are not substantially associated with guiding the corridor effort."

"ssecord 🥘

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has not earned the City the

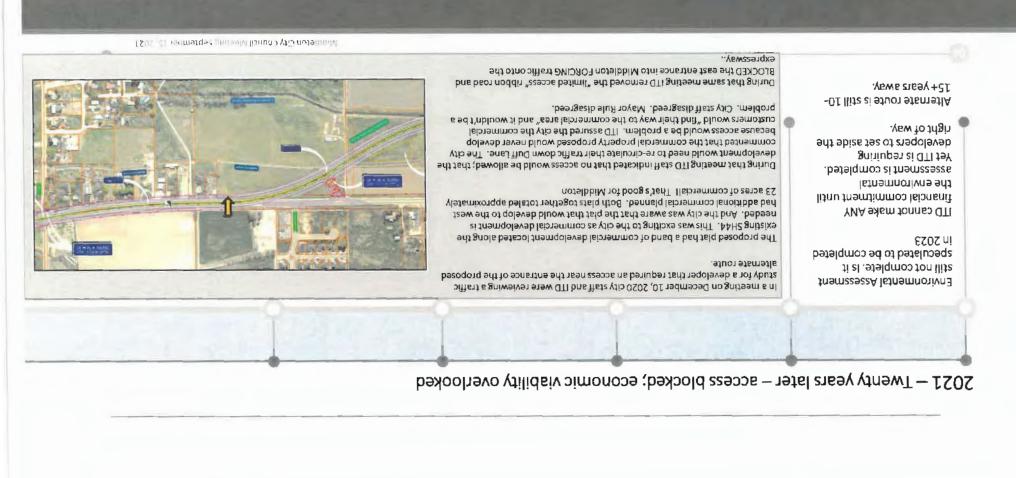
consideration of being

1201 Recorded and service with some building

#### July 7, 2010 Minutes – Funding re-prioritized; environmental still not complete

at this point" neo fi lle enob sed yfio ed t'' ",uappns e "the money was gone all of .9tuon 9tematis called it was reported that begin to sunset in 2013. the right-of-way for the called. When the item was fliw yew-to-thgin smo2 with developers to preserve has been set aside for years. and left before the item was "ytinummos to esnes seven years had worked purchase right-of-way that ".Aguondt tog to reaket they ignore local priorities and Dave Jones who came late how the City in the last kewdgid state aribliud bre OTI džiw gnibruž seuosib of niged neb OTI field projects because the environmental has gniworts OTI of 9v68 yardt needs to be completed so Route) has been swept into other Well with cities when planning COMPASS meeting to noitetneserg e no froger e bebnette ertended e Environment assessment Department does not work for acquisition for our project (Alternate City Engineer and staff Mayor Thurber reported Staff report that the ebise tes need bed tedt yenom edt..... noitethogenerT offebl"

V child and be child be the settem in 120.



# Mant To Repeat This Cycle

Environmental Assessment (EA) is still not complete - speculated to be complete 2023

Planning/Design – two to four years away; speculated to be completed **2027** The current 2019 design is conceptual only – which means it can change at the will of ITD. Which means what you see today may not be the final design. Today the 2019 concept shows "limited access". That limited access is not guaranteed to stay.

Historically Middleton's best interests economic viability and community development are not at the front of ITD's design criteria. ITD designs to IDAPA specifications, which limits access, limits the city's ability to influence the design.

Project and ROW funding- two to four years IF ITD doesn't prioritize other projects; **2031-2035** ITD current priorities in this area are HWY 16 and then Exit 25 exchange

Construction – 2 years; 2032-2037

The Middleton Alternate Route "Expressway" is 10-15+ years away!

## What's Important To Middleton Residents? Reduce traffic congestion on SH44 and add traffic control at key intersections

The city has proposed a five-year traffic capital improvement plan that will add tour traffic lights to SH44 at Hartley, N. Middleton Road, S. Cemetery Road, and Duff; additionally, it will install a two lane round about at Sawtooth Lake Drive and Middleton Road, and complete the realignment of Middleton Road. These capital improvements total approximately 13 million dollars and are anticipated to be funded 50% by traffic impact fees and 50% property tax.

The city is working with developers to construct the 9<sup>th</sup> Street local collector.

The biggest contributor to traffic on the State Highway is at the Middle School during drop-off and pick-up. The city will be working with a traffic engineer to create a drop-off loop off on S. Cemetery Road close to the bridge access to the Middle School. This new loop would remove the morning and early afternoon congestion from SH44.

Middleton residents love the small-town feel it's the number one quality the do not want to go away. Nothing distracts from small town feel like traffic congestion!

What's Important To Middleton Residents? Economic Development - commercial corridor - recreation, sense of place

Currently the City of Middleton is 95% residential and 5% commercial. A healthy well development is besigned city is 80% residential and 20% commercial/industrial. Residential development is here, the city needs to preserve a commercial corridor now or Middleton will be a bedroom community to Nampa and Caldwell.

Developing a commercial corridor is critical to the long-term financial health of the City. Added commercial tax dollars will help fund schools, police, city infrastructure etc.

95% of Middleton residents leave Middleton to go to work adding to the traffic congestion throughout the valley; commercial and industrial development will bring jobs to Middleton residents.

Middleton residents love the small-town feel. The Middleton River Walk concept encourages economic development, will establish the commercial corridor, provides a community gathering spot for recreation, retail, shopping, and events.

#### What's next.....

Middleton residents have waited 20 years for an alternate route. Middleton is NOT A PRIORITY to Idaho Transportation Department.

Traffic on the State Highway through Middleton is unbearable for Middleton residents. ITD's only plan is the alternate route and its ten-fifteen year away.

ITD has not offered to help fund the much-needed traffic improvements on their current State Highway stating. the north/south connections and the Middleton Residents are the problem, the state highway functions fine.

ITD has said that if the alternate route is removed, they will have no other alternative that to destroy the existing downtown with a widening project. Simply not true.

The proposed alternate route is not environmentally cleared, not designed, not funded and has been put on the back burner for 20 years.

The City and the Residents of Middleton request that ITD find a different way

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#### Exhibit "D"

Presentation by ITD - Caleb Lakey

## Future Idaho Highway 44 in Middleton

#### **Presenters**



Matt Stoll

**COMPASS Executive Director** 



Chris Hopper CHD4 District Engineer



Caleb Lakey ITD District 3 Administrator

September 15, 2021 Middleton City Council Meeting

#### State Highway Perspective

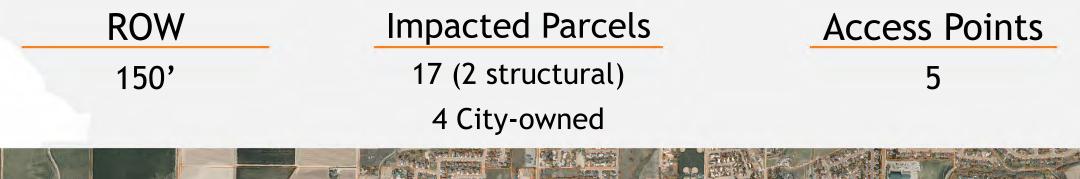
Caleb Lakey ITD District 3 Administrator

### 2021 Updated Alternate Concept Map

Detail handouts available



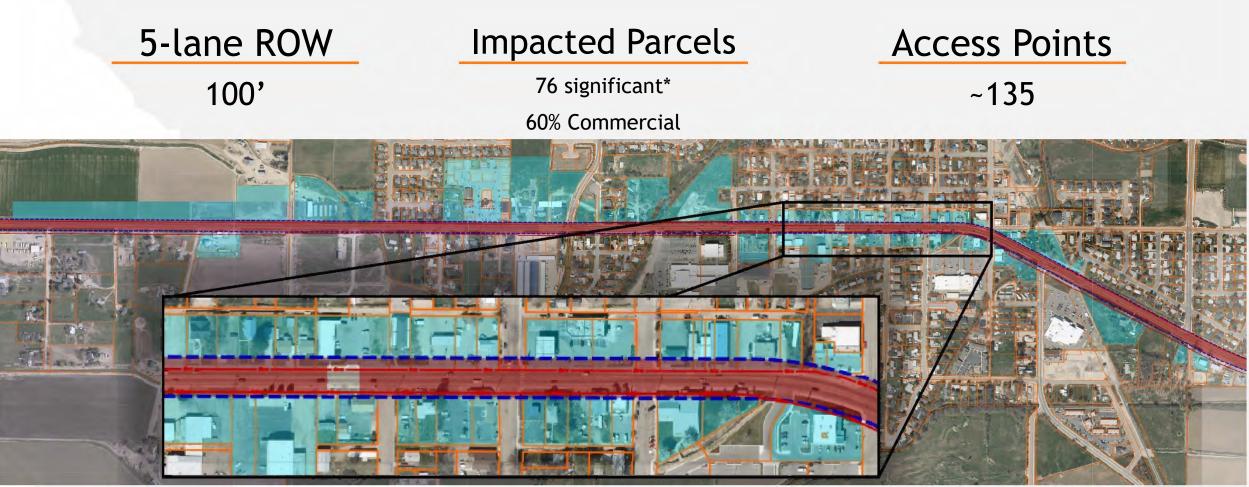
### South Route Alternative







### Widen Existing Route



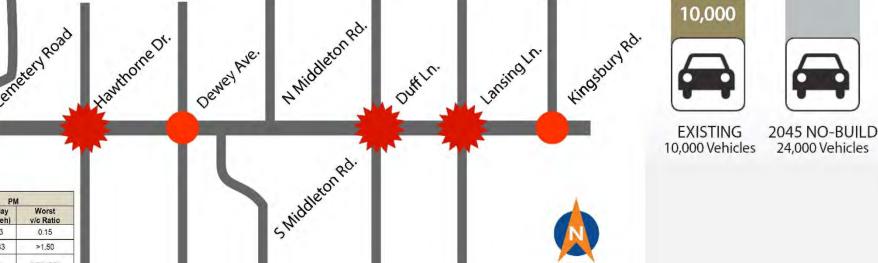
\*Staff only counted likely significantly impacted parcels, in blue



#### **Middleton Mobility** 2045 No-Build Traffic Projection

HartleyLane

24,000



Int. No.	SH-44 Intersection	Control	Appr.	AM		PM			
				LOS	Delay (s/veh)	Worst v/c Ratio	LOS	Delay (s/veh)	Worst v/c Ratio
6	Canyon Ln	STOP	SB	E	36	0.26	D	33	0.15
7	Emmett Rd	STOP	SB	F	106	1.30	F	183	>1.50
8	Hartley Ln		All	в	14	0.83 (SB)	в	11	0.78 (SB)
	9 Cemetery Rd	STOP	NB	F	>300	>1,50	F	>300	>1.50
9			SB	F	59	0.71	F	>300	>1.50
10	Lioutheres Dr	STOP	NB	F	79	0 90	F	>300	>1.50
10	0 Hawthorne Dr		SB	E	44	0.51	F	290	1.24
11	David	ewey Ave	NB	С	22	0.03	D	34	0.19
11	Dewey AVe		SB	С	21	0.13	E	36	0.14
12	S. Middleton Rd	STOP	NB	С	17	0.04	C	22	0.15
13	N. Middleton Rd		All	В	18	0.75 (EBT)	С	22	0.78 (WBT)
	4 Duff Ln	ff Ln SB	NB	F	153	0.83	F	230	0.88
14			SB	F	>300	>1.50	F	>300	>1.50
15	Tanalas I.a.		NB	F	63	0.46	F	247	0.77
15	Lansing Ln	STOP	SB	F	>300	>1.50	F	>300	>1.50
16	Kingsbury Rd	STOP	SB	E	39	0.39	F	83	0.57

Enmett Rd.

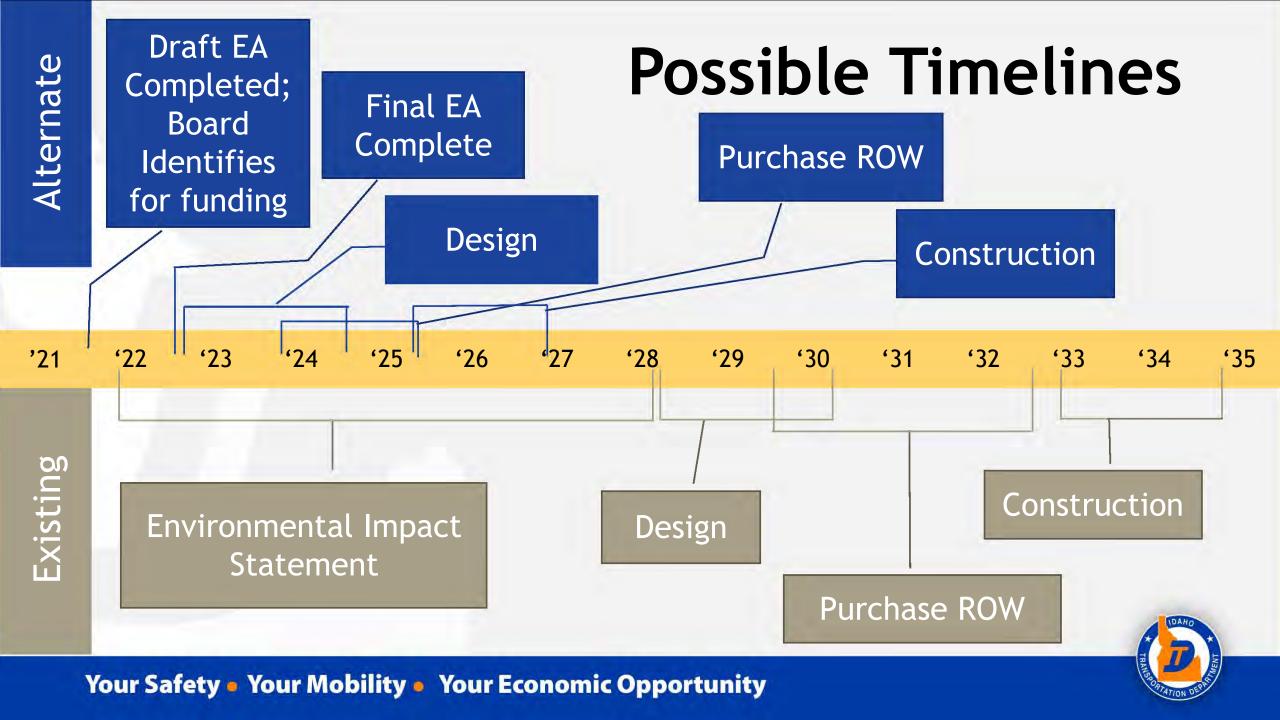
Canyon Ln.

\*=

LOCAL ROAD DELAY GREATER THAN FIVE MINUTES

LOCAL ROAD DELAY EXCEEDS





# Local Road Jurisdiction Perspective

Canyon Highway District No. 4 Chris Hopper, P.E. District Engineer



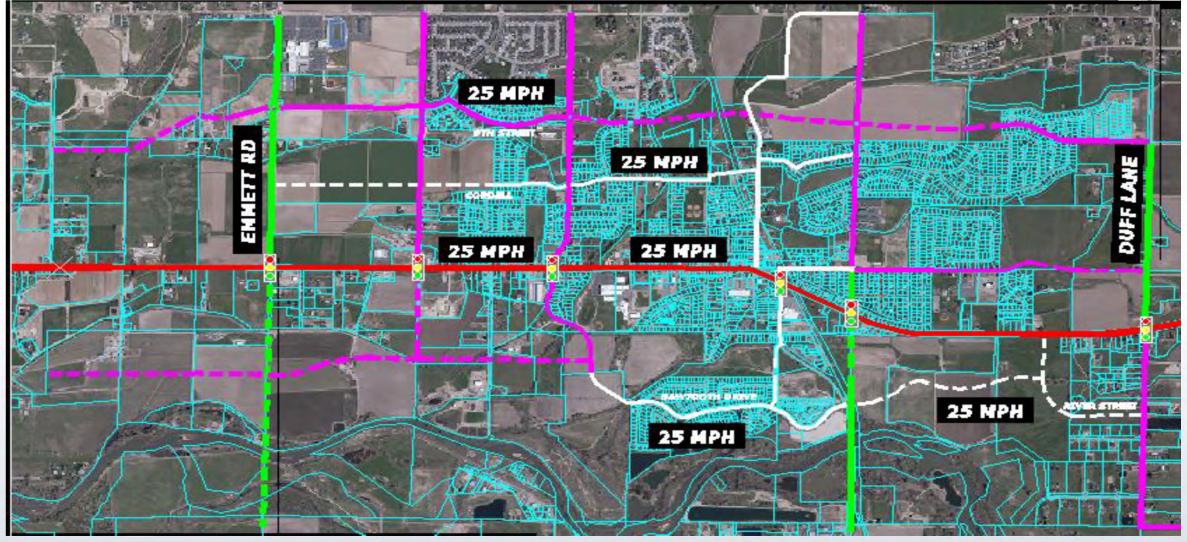
#### Principal Concerns Heard About the Alternate Route:

- ITD Eliminating Access to Existing Hwy 44
- Nothing has been done for 20 years



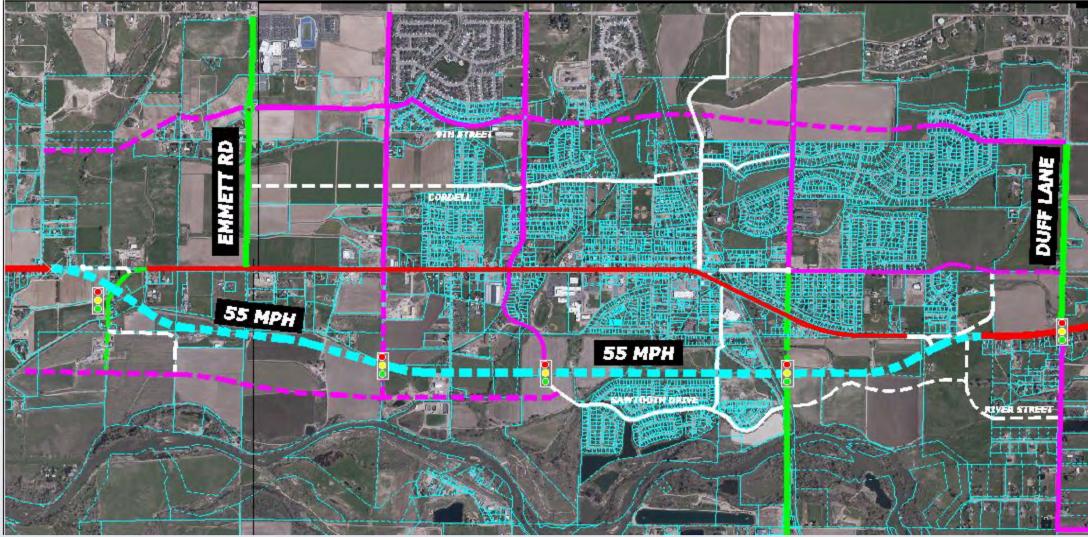
### **Existing Corridor Access**





#### **Alternate Route Corridor Access**





#### COMPARISON

	Existing Hwy 44 (Future 5 Lanes)	Alternate Route		
Signalized Intersections	6	5		
Intersection Spacing	0.5-0.75 Miles	0.75-1.0 Miles		
Design / Operating Speed	25 MPH / 20 MPH	55 MPH / 50 MPH		
Travel Distance	3.78 miles	3.54 miles		
Travel Time	11 minutes	4 minutes		
Capacity	25,600 vpd	62,700 vpd		

Projected 2045 Daily Volume on Hwy 44: 30,300 vpd at Emmett Rd



### WHY IS THIS TAKING SO LONG?

- "It's been 20 years and they're still planning....."
- "It will be another 20 years until anything happens....."



#### Why So Long?

- State Highway \$\$\$ are focused on current needs:
  - Immediate Safety Concerns (eg; SH 55/Karcher Rd signals)
  - Current Congestion Issues (eg; Interstate 84, US 20/26 Chinden Blvd)
  - Maintenance Needs (Regular pavement and bridge work)
  - Garvee Projects (eg; SH 16 Corridor)



Until 2018 and the current development boom, SH 44 in the Middleton area didn't meet any of those funding needs:

- Congestion
- Safety
- Maintenance work was regularly done



2021: Hwy 44 Corridor now at the top of the Current Regional Funding Priority List

- Priority #1
   Interstate 84 Funded
- Priority #2 US 20/26 Chinden West Funded
- Priority #3 Hwy 44: I-84 to SH 16 (Authorized for TECM)
- Priority #4 SH 55: Middleton to Pear Ln Funded
- Priority #5 SH 16: Chinden to I-84 Funded



#### Things are about to start happening for SH 44....

- Funding Source Identified by ITD Board (Transportation Efficiency and Congestion Management Funding – TECM)
- Environmental Study ready for final submittal

#### Eliminating the Alternate Route from consideration.....

- Restarts the entire Environmental Process.... At least 8 additional years
- At 12% Annual Growth, traffic will DOUBLE EVERY 6 YEARS



## Metropolitan Planning Perspective

Matt Stoll, Executive Director, Community Planning Association of Southwest Idaho (COMPASS)



#### COMPASS is...

...<u>the</u> forum for regional collaboration in southwest Idaho that helps maintain a healthy and economically vibrant region, offering people choices in how and where they live, work, play, and travel.

Photo by Mike Thueson

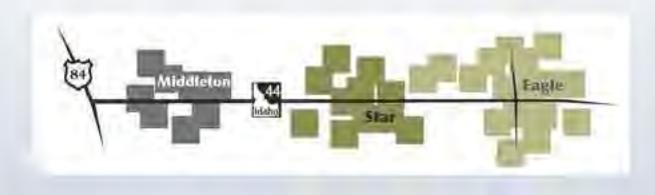
## Middleton is Growing

**City of Middleton Area of Impact Population** 



## State Highway 44 Planning

- **Only** east/west highway linking Canyon and Ada Counties north of the Boise River
- Significant public and stakeholder outreach
- Strong community, business, and city **support** for bypass
- In long-range transportation plan since **2003**
- 18+ years of transportation and land use decisions made assuming a bypass



# State Highway 44 History





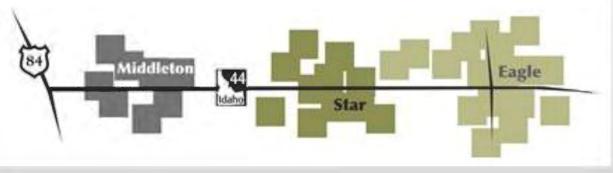
## A Tale of Two Corridors





## Benefits

- Serves Middleton's rapidly growing population
- Removes highway traffic from downtown Middleton
  - Safer for pedestrians, including school children
  - More efficient and safer for all users
- Allows other improvements for State Highway 44 to move forward as planned
- Takes advantage of significant new funding source, that may not be available later





Julie DeLorenzo, District 3 Board Member Dan McElhinney, Chief Operations Officer Caleb Lakey, District 3 Administrator

## Questions and Response

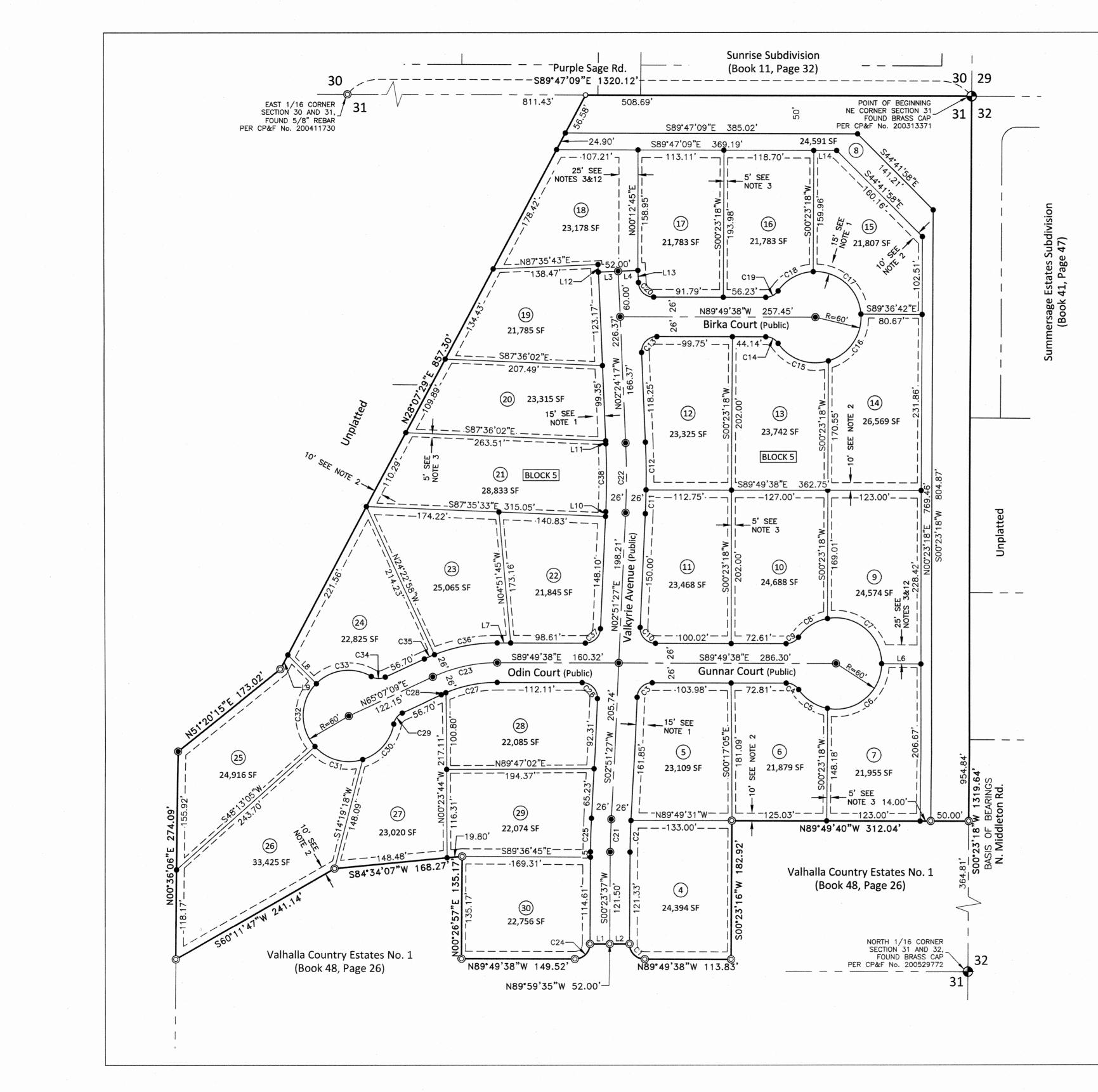


Matt Stoll, Executive Director



Jay Gibbons, Sub-district 1 Commissioner Chris Hopper, District Engineer

# EXHIBIT "B"



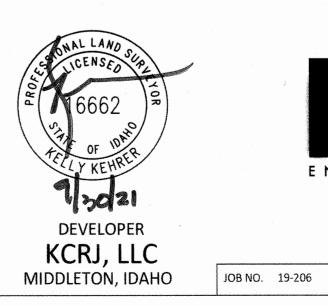
SITUATED IN A PORTION O TOWNSHIP 5 NORT	F THE NE 1/4 OF THE NE 1/4 OF H, RANGE 2 WEST, BOISE MER ETON, CANYON COUNTY, IDAR 2021
0 40	80 160 240 Scale: 1"=80'
SHEET INDEX	
SHEET 1 – DETAIL I	PLAT MAP
SHEET 2 - LINE AN	D CURVE TABLE AND NOTES
SHEET 3 - CERTIFIC	ATE OF OWNERS
SHEET 4 - CERTIFIC	CATES AND APPROVALS
LEGEND	
•	FOUND BRASS CAP, AS NOTED
9	SET ALUMINUM CAP OVER 5/8" R
Ø	FOUND 5/8" REBAR WITH PLASTIC "PLS 9366", UNLESS OTHERWISE
0	FOUND 1/2" REBAR, AS NOTED
۲	SET 5/8" REBAR WITH PLASTIC C/ "KSK PLS 16662"
•	SET 1/2" REBAR WITH PLASTIC C/ "KSK PLS 16662"
10	LOT NUMBER
	SUBDIVISION BOUNDARY LINE
	LOT LINE
	SECTION LINE
	ADJACENT BOUNDARY LINE
	EASEMENT LINE, AS NOTED
REFERENCES	
	A COUNTRY ESTATES No. 1. BOOK 48

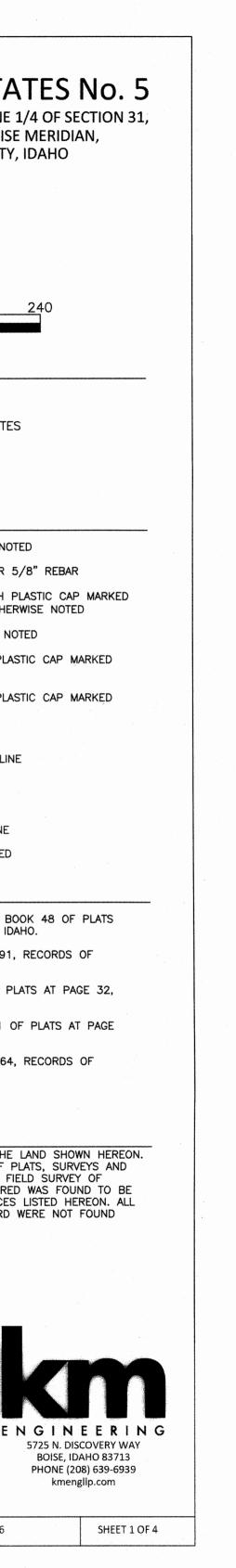
PLAT OF

- R1. PLAT OF VALHALLA COUNTRY ESTATES No. 1, BOOK 48 OF PLATS AT PAGE 26, RECORDS OF CANYON COUNTY, IDAHO.
- R2. RECORD OF SURVEY PER INST. No. 200143091, RECORDS OF CANYON COUNTY, IDAHO.
- R3. PLAT OF SUNRISE SUBDIVISION, BOOK 11 OF PLATS AT PAGE 32, RECORDS OF CANYON COUNTY, IDAHO.
- R4. SUMMERSAGE ESTATES SUBDIVISION, BOOK 41 OF PLATS AT PAGE 47, RECORDS OF CANYON COUNTY, IDAHO.
- R5. RECORD OF SURVEY PER INST. No. 200215564, RECORDS OF CANYON COUNTY, IDAHO.

# SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE LAND SHOWN HEREON. THE SURVEY IS BASED UPON THE RETRACEMENT OF PLATS, SURVEYS AND DEEDS LISTED IN THE REFERENCES HEREON AND A FIELD SURVEY OF EXISTING MONUMENTATION. MONUMENTATION RECOVERED WAS FOUND TO BE IN SUBSTANTIAL CONFORMANCE WITH THE REFERENCES LISTED HEREON. ALL PROPERTY CORNERS WHERE MONUMENTS OF RECORD WERE NOT FOUND WERE SET/RESET AS SHOWN HEREON.





LINE TABLE			
LINE	BEARING	DISTANCE	
L1	N89*59'35"W	26.00	
L2	N89*59'35"W	26.00	
L3	N87*35'43"E	26.00	
L4	N87*35'43"E	26.00	
L5	N0*23'37"E	7.07	
L6	S89*36'42"E	51.84	
L7	S89*49'38"E	17.82	
L8	N44 <b>*</b> 46'33"W	53.20	
L9	N28°07'29"E	21.22	
L10	N2*51'27"E	6.21	
L11	N2*24'17"W	3.85	
L12	N2•24'17"W	10.00	
L13	S2*24'17"E	16.02	
L14	S89*47'09"E	30.17	

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	20.00'	31.50'	90°14'00"	N44•43'24"W	28.34'
C2	974.00'	41.54'	2*26'36"	S1*36'55"W	41.53'
С3	20.00'	30.48'	87•18'55"	S46 <b>*</b> 30'55"W	27.61'
C4	20.00'	19.16'	54 <b>•</b> 54'01"	N62 <b>*</b> 22'37 <b>"</b> W	18.44'
C5	60.00'	46.04'	43•57'48"	N56*54'30"W	44.92'
C6	60.00'	105.48'	100•43'18"	S50°44'57"W	92.41'
C7	60.00'	105.48'	100•43'18"	S49*58'21"E	92.41'
C8	60.00'	46.49'	44 <b>·</b> 23'39"	N57 <b>*</b> 28'11"E	45.34'
C9	20.00'	19.16'	54 <b>•</b> 54'01"	N62*43'22"E	18.44'
C10	20.00'	32.35'	92•41'05"	S43°29'05"E	28.94'
C11	1026.00'	31.25'	1*44'42"	S1*59'06"W	31.24'
C12	1026.00'	62.98'	3•31'02"	S0°38'46"E	62.97'
C13	20.00'	32.32'	92 <b>'</b> 34'39"	\$43 <b>*</b> 53'03"W	28.91'
C14	20.00'	19.16'	54 <b>•</b> 54'01"	N62 <b>*</b> 22'37"W	18.44'
C15	60.00'	75.03'	71•39'11"	N70 <b>°</b> 45'12"W	70.24'
C16	60.00'	80.87'	77•13'21"	S34•48'32"W	74.88'
C17	60.00'	92.94'	88•45'06"	S48 10'41"E	83.92'
C18	60.00'	54.64'	52 <b>°</b> 10'25"	N61*21'33"E	52.77'
C19	20.00'	19.16'	54•54'01"	N62*43'22"E	18.44'
C20	20.00'	30.52'	87*25'21"	S46'06'57"E	27.64'
				والمراجع وا	

CURVE C21 C22 C23 C24 C25 C26 C27 C28 C29 C30 C31 C32 C33 C34 C35 C36 C37

C38

# PLAT OF VALHALLA COUNTRY ESTATES No. 5

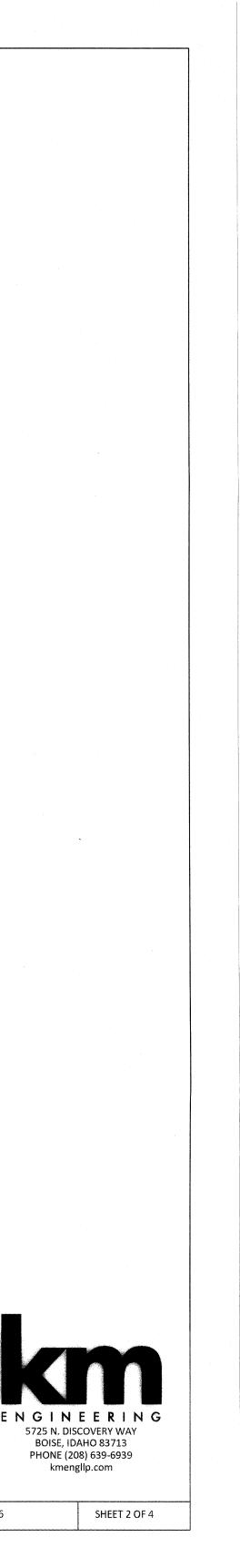
	CURVE TABLE					
2	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD	
	1000.00'	43.01'	2 <b>°</b> 27'51"	S1*37'32"W	43.00'	
	1000.00'	91.84'	5•15'44"	N0°13'35"E	91.81'	
	200.00'	87.45'	25*03'14"	S77*38'45"W	86.76'	
	20.00'	31.34'	89*46'36"	S45*16'17"W	28.23'	
	1026.00'	44.12'	2 <b>°</b> 27'51"	N1*37'32"E	44.12'	
	20.00'	32.35'	92*41'05"	N43*29'05"W	28.94'	
	174.00'	69.43'	22*51'42"	S78•44'32"W	68.97'	
	174.00'	6.66'	2.11'32"	S66*12'55"W	6.66'	
	20.00'	19.16'	54*54'01"	S37*40'08"W	18.44'	
	60.00'	65.09'	62'09'15"	S41•17'45"W	61.94'	
	60.00'	68.95'	65*50'43"	N74*42'17"W	65.22'	
	60.00'	91.11'	87*00'23"	N1°43'16"E	82.61'	
	60.00'	78.33'	74•47'43"	N82•37'19"E	72.88'	
	20.00'	19.16'	54 <b>*</b> 54 <b>'</b> 01"	S87*25'51"E	18.44'	
	226.00'	14.44'	<b>3•</b> 39'35"	N66*56'56"E	14.43'	
	226.00'	84.39'	21•23'39"	N79*28'33"E	83.90'	
	20.00'	30.48'	87•18'55"	N46°30'55"E	27.61'	
	974.00'	89.45'	5'15'44"	N0'13'35"E	89.42'	

#### NOTES

- 1. ALL FRONT LOT LINES COMMON TO STREET RIGHTS-OF-WAY SHALL CONTAIN A 15.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND STREET LIGHTS.
- 2. UNLESS OTHERWISE DIMENSIONED, ALL LOT LINES COMMON TO THE SUBDIVISION BOUNDARY AND ALL REAR LOT LINES SHALL CONTAIN A 10.00 FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, IRRIGATION AND LOT DRAINAGE.
- 3. UNLESS OTHERWISE DIMENSIONED, ALL INTERIOR LOT LINES SHALL CONTAIN A 5.00 FOOT WIDE EASEMENT, EACH SIDE, FOR PUBLIC UTILITIES, PRESSURIZED IRRIGATION AND LOT DRAINAGE.
- 4. LOT 8, BLOCK 5 IS A COMMON LOT, SUBJECT TO BLANKET EASEMENTS FOR PUBLIC UTILITIES, DRAINAGE, IRRIGATION, LANDSCAPE, PEDESTRIAN PATHWAY AND LANDSCAPE BUFFER. LOT 8, BLOCK 5 SHALL BE OWNED AND MAINTAINED BY THE VALHALLA COUNTRY ESTATES HOMEOWNER'S ASSOCIATION, OR ASSIGNS.
- 5. ALL STREETS SHOWN HEREON ARE TO BE DEDICATED TO THE USE OF THE PUBLIC.
- 6. THIS DEVELOPMENT RECOGNIZES SECTION 22-4503 OF THE IDAHO CODE, RIGHT TO FARM ACT, WHICH STATES: "NO AGRICULTURAL OPERATION OR AN APPURTENANCE TO IT SHALL BE OR BECOME A NUISANCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER THE SAME HAS BEEN IN OPERATION FOR MORE THAN ONE (1) YEAR, WHEN THE OPERATION WAS NOT A NUISANCE AT THE TIME THE OPERATION BEGAN; PROVIDED, THAT THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHENEVER A NUISANCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF ANY AGRICULTURAL OPERATION OR APPURTENANCE TO IT."
- 7. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH APPLICABLE ZONING REGULATION IN EFFECT AT THE TIME OF RESUBDIVISION.
- 8. ANY FENCES, LANDSCAPING OR ANY OTHER STRUCTURES INSTALLED IN AN EASEMENT AREA MAY BE REMOVED BY THE CITY OF MIDDLETON AND UTILITY COMPANIES AND REPLACED AT THE LANDOWNER'S EXPENSE.
- 9. SWALES FUNCTION AS THE PRIMARY COMPONENT OF THE STORMWATER MANAGEMENT SYSTEM FOR THE ROADS IN THE SUBDIVISION. THE SWALES ARE LOCATED IN THE CITY OF MIDDLETON ROAD RIGHT-OF-WAY AND ARE OWNED BY THE CITY OF MIDDLETON. SWALES ARE NOT TO BE FILLED, MODIFIED OR ALTERED IN ANY WAY, INCLUDING LANDSCAPING OR DRIVEWAY ACCESS, WITHOUT A SPECIFIC PERMIT FROM THE CITY.
- 10. IRRIGATION WATER HAS BEEN PROVIDED FROM BLACK CANYON IRRIGATION DISTRICT, IN COMPLIANCE WITH IDAHO CODE 31-3805(B). LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BLACK CANYON IRRIGATION DISTRICT.
- 11. BUILDING SETBACKS SHALL BE IN COMPLIANCE WITH THE CITY OF MIDDLETON STANDARDS AT THE TIME OF BUILDING PERMIT ISSUANCE.
- 12. AS SHOWN HEREON AND IN ADDITION TO EASEMENTS PER NOTE 3 ABOVE, 25.00 FEET OF LOT 9 AND LOT 18, BLOCK 5 IS SUBJECT TO A CITY OF MIDDLETON BLANKET UTILITY AND ACCESS EASEMENT.



JOB NO. 19-206



#### CERTIFICATE OF OWNERS

KNOW ALL MEN/WOMEN BY THESE PRESENTS: THAT THE UNDERSIGNED IS THE OWNER OF THE REAL PROPERTY HEREAFTER DESCRIBED.

A PARCEL OF LAND BEING A PORTION OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 31, TOWNSHIP 5 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A FOUND BRASS CAP MARKING THE NORTHEAST CORNER OF SAID SECTION 31, WHICH BEARS NO0'23'18"E A DISTANCE OF 1,319.64 FEET FROM A FOUND BRASS CAP MARKING THE NORTH 1/16 CORNER COMMON TO SECTION 31 AND 32, THENCE FOLLOWING THE EASTERLY SECTION LINE OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4, S00'23'18"W A DISTANCE OF 954.84 FEET TO A FOUND 5/8-INCH REBAR ON THE BOUNDARY LINE OF VALHALLA COUNTRY ESTATES NO. 1 (BOOK 48 OF PLATS AT PAGE 26, RECORDS OF CANYON COUNTY, IDAHO).

THENCE LEAVING SAID EASTERLY SECTION LINE AND FOLLOWING SAID SUBDIVISION BOUNDARY LINE THE FOLLOWING TEN (10) COURSES:

- 1. N89'49'40"W A DISTANCE OF 312.04 FEET TO A FOUND 5/8-INCH REBAR;
- 2. S00°23'16"W A DISTANCE OF 182.92 FEET TO A FOUND 5/8-INCH REBAR; 3. N89°49'38"W A DISTANCE OF 113.83 FEET TO A FOUND 5/8-INCH REBAR;
- N89°49'38"W A DISTANCE OF 113.83 FEET TO A FOUND 5/8-INCH REBAR;
   31.50 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 20.00 FEET, A DELTA OF 90°14'00", A CHORD BEARING OF
- N44'43'24"W AND A CHORD DISTANCE OF 28.34 FEET TO A FOUND 5/8-INCH REBAR; 5. N89'59'35"W A DISTANCE OF 52.00 FEET TO A FOUND 5/8-INCH REBAR; 6. 31.34 FEET ALONG THE ARC OF A CIRCULAR CURVE TO THE RIGHT, SAID CURVE
- HAVING A RADIUS OF 20.00 FEET, A DELTA OF 89'46'36", A CHORD BEARING OF S45'16'17"W AND A CHORD DISTANCE OF 28.23 FEET TO A FOUND 5/8-INCH REBAR;
- 7. N89'49'38"W A DISTANCE OF 149.52 FEET TO A FOUND 5/8-INCH REBAR;
- 8. NO0'26'57"E A DISTANCE OF 135.17 FEET TO A FOUND 5/8-INCH REBAR;
- 9. S84'34'07"W A DISTANCE OF 168.27 FEET TO A FOUND 5/8-INCH REBAR; 10. S60'11'47"W A DISTANCE OF 241.14 FEET TO A FOUND 5/8-INCH REBAR;

THENCE LEAVING SAID SUBDIVISION BOUNDARY LINE, NO0'36'06"E A DISTANCE OF 274.09 FEET TO A SET 5/8-INCH REBAR;

THENCE N51'20'15"E A DISTANCE OF 173.02 FEET TO A FOUND 5/8-INCH REBAR; THENCE N28'07'29"E A DISTANCE OF 857.30 FEET TO A FOUND 1/2-INCH REBAR ON THE NORTHERLY SECTION LINE OF OF SAID NORTHEAST 1/4 OF THE NORTHEAST 1/4; THENCE FOLLOWING THE SAID NORTHERLY SECTION LINE, S89'47'09"E A DISTANCE OF 508.69 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 19.150 ACRES, MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO INCLUDE SAID LAND IN THIS PLAT. THE EASEMENTS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHTS TO USE SAID EASEMENTS ARE HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND SUCH OTHER USES AS SHOWN ON THIS PLAT. NO STRUCTURES OTHER THAN FOR SUCH UTILITY AND OTHER DESIGNATED PUBLIC USES ARE TO BE ERECTED WITHIN THE LIMITS OF SAID EASEMENTS UNLESS NOTED OTHERWISE ON THIS PLAT. THE UNDERSIGNED, BY THESE PRESENTS, DEDICATES TO THE PUBLIC ALL PUBLIC STREETS AS SHOWN ON THIS PLAT. THE OWNER CERTIFIES THAT ALL LOTS IN THIS SUBDIVISION WILL RECEIVE DOMESTIC WATER FROM THE CITY OF MIDDLETON AND THAT THE CITY HAS AGREED IN WRITING TO SERVE ALL OF THE LOTS IN THIS SUBDIVISION.

JOSEPH W. ROBERTS, MEMBER, KCRJ, LLC

ACKNOWLEDGMENT

STATE OF IDAHO COUNTY OF

THIS RECORD WAS ACKNOWLEDGED BEFORE ME ON \_\_\_\_ MEMBER OF KCRJ, LLC.

, 2021, BY JOSEPH W. ROBERTS, AS A

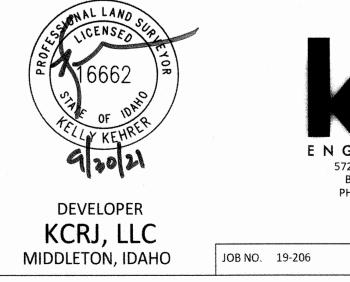
SIGNATURE OF NOTARY PUBLIC

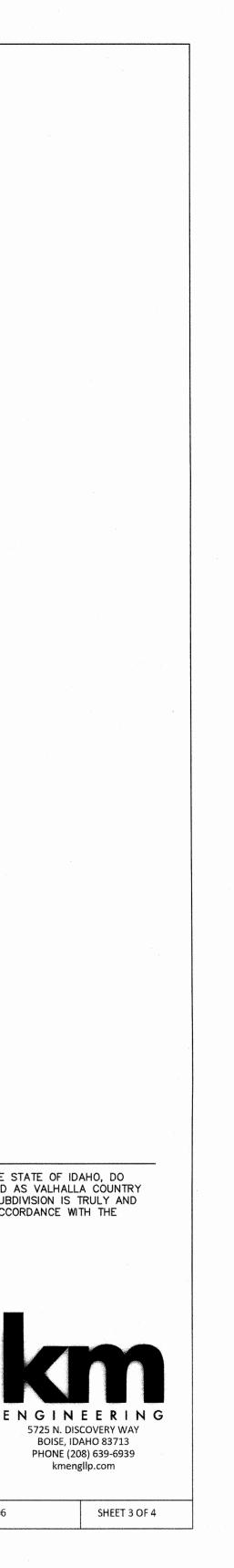
MY COMMISSION EXPIRES\_\_\_\_

# PLAT OF VALHALLA COUNTRY ESTATES No. 5

## CERTIFICATE OF SURVEYOR

I, KELLY KEHRER, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS VALHALLA COUNTRY ESTATES No. 5, WAS MADE UNDER MY DIRECTION, AND THAT SAID SUBDIVISION IS TRULY AND CORRECTLY SURVEYED AND STAKED AS PROVIDED BY LAW AND IN ACCORDANCE WITH THE ACCOMPANYING PLAT AS DESCRIBED HEREON.





# APPROVAL OF COUNTY SURVEYOR

I, THE UNDERSIGNED, PROFESSIONAL LAND SURVEYOR FOR CANYON COUNTY, IDAHO, DO HEREBY CERTIFY THAT I HAVE CHECKED THIS PLAT AND THAT IT COMPLIES WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS.

CANYON COUNTY SURVEYOR

DATE

#### CERTIFICATE OF APPROVAL - SOUTHWEST DISTRICT HEALTH DEPARTMENT

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON A REVIEW BY A QUALIFIED LICENSED PROFESSIONAL ENGINEER (QLPE) REPRESENTING THE CITY OF MIDDLETON AND THE QLPE APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. WATER AND SEWER LINE HAVE BEEN COMPLETED AND SERVICES CERTIFIED AS AVAILABLE. SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL.

Mann OFFICER

9/14/2021

-

SOUTHWEST DISTRICT HEALTH DEPARTMENT

# PLAT OF VALHALLA COUNTRY ESTATES No. 5

### APPROVAL OF CITY OF MIDDLETON ENGINEER

I, THE UNDERSIGNED, CITY ENGINEER IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, HEREBY APPROVE THIS PLAT.

CITY OF MIDDLETON ENGINEER

DATE

### APPROVAL OF CITY OF MIDDLETON

THE FOREGOING PLAT WAS ACCEPTED AND APPROVED BY THE CITY OF MIDDLETON, IDAHO ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

MAYOR

# CERTIFICATE OF THE COUNTY TREASURER

I, THE UNDERSIGNED, COUNTY TREASURER IN AND FOR THE COUNTY OF CANYON, IDAHO, PER THE REQUIREMENTS OF IDAHO STATE CODE, TITLE 50, CHAPTER 13, SECTION 50-1308, DO HEREBY CERTIFY THAT ANY AND ALL CURRENT AND/OR DELINQUENT COUNTY PROPERTY TAXES FOR THE PROPERTY INCLUDED IN THIS SUBDIVISION PLAT HAVE BEEN PAID IN FULL. THIS CERTIFICATION IS VALID FOR THE NEXT THIRTY (30) DAYS ONLY.

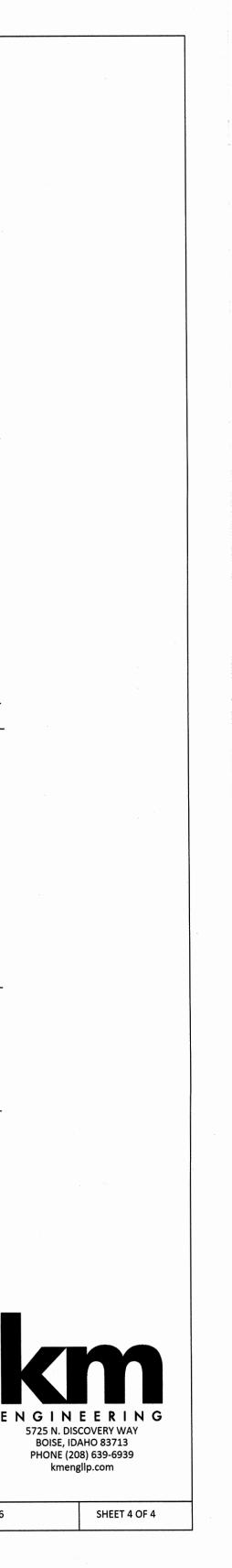
CANYON COUNTY TREASURER

DATE





JOB NO. 19-206





	FINAL PLAT RECOMMENDATION
RE:	Valhalla Country Estates No 5
FROM:	Civil Dynamics Amy Woodruff, PE
Cc:	KM Engineering
то:	Roberta Stewart, Planner
DATE:	October 1, 2021

Thank you for the opportunity to review the above captioned final plat. The review is complete and the plat appears to generally meet the requirements of Middleton City Code and common platting practices.

It is recommended the City of Middleton Mayor and City Council approve the Valhalla Country Estates No. 5 final plat.

# EXHIBIT "C"



# Waterford Amended Preliminary Plat Application

## **Snapshot Summary**

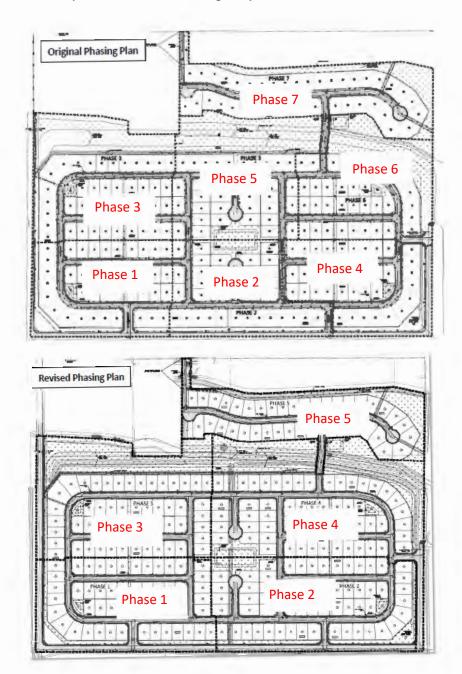
	DESCRIPTION	DETAILS
	Acreage	99 acres
	Current Zoning	R-3 (Single Family Residential)
	Proposed Zoning	to remain the same
	Current Land Use	Residential Special Area
and the second sec	Proposed Land Use	Residential Special Area
		261 single-family lots, 16 common lots,
	Lots	and 1 emergency access lot

- A. City Council Hearing Date: October 6, 2021
- **B. Project Description:** Amended Preliminary Plat of Residential subdivision with 261 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- **C. Application Requests:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names.
- **D. Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.



E. Amended Preliminary Plat Application: The Amended Preliminary Plat complies with all standards and codes of the City of Middleton. The applicant is requesting a revision to the phasing. The intent of this revision is to add additional buildable lots to each phase. The number and construction of common lots for each phase remains unchanged from the initial approval.

Planning Staff has also requested a change of 3 duplicative road names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.



Phase	Original Phasing Plan	Proposed Phasing Plan
1	40	51
2	34	59
3	42	53
4	37	58
5	34	40
6	35	n/a
7	40	n/a
TOTAL	262	261

F. Comments Received from Surrounding Landowners: Letter dated 9/13/2021 to P&Z Commission (Exhibit 1)

### G. Comments from Agencies:

- Canyon Highway District No. 4 comments dated 9/7/2021 state "No comment or objection to the proposed development." (Exhibit 2)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 3)
- H. Comments from City Engineer: Recommendation letter dated 9/13/2021 (Exhibit 4)
- I. Applicant Information: Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.

J.	Notices:	Dates:
	Newspaper Notification	09/19/2021
	Radius notification mailed to Adjacent landowners within 300'	09/17/2021
	Circulation to Agencies	09/17/2021
	Sign Posting property	09/17/2021

Planning staff finds that notice for the P&Z public hearing and City Council public hearing was appropriate and given according to law.

### K. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

## L. Conclusions and Recommended Conditions of Approval:

The City Council is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names. The Council may approve or deny the application and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to the application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. Staff will also set forth the findings of facts in the presentation at the Public Hearing. If Council agrees with Staff's findings of facts, then Council can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

As to Conclusions of Law, Planning Staff finds that the Council has the authority to hear this application in order that it may be approved or denied and that public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the application. If the October 6<sup>th</sup> public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

If the City Council is inclined to approve the application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be without any conditions of approval.

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

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 10/5/2021



ing
4:31:24 PM

Thank you for taking my call today Jennica and explaining the process of what took place in 2020 amidst COVID that everyone was affected by.

With great certainty I am sure that most if not all of my fellow neighbors would have attended in 2020 to suggest an alternate development idea for the proposed Waterford subdivision plans.

Many of the people in the area of Foothill road cherish the country life that it is apparent the developers have no desire in maintaining. Changing the Zoning to R3 to add this subdivision will have zero advantages to anyone involved with one exception (the ability for the developer to purchase more toys). Duff lane cannot support the existing traffic that is necessary to normal everyday activity let alone the construction trucks and related vehicles that are there now! But in addition to this we are going to add 270 more homes to an already stressed traffic system.

Foothill road is also the road biking capitol of Middleton that is now going to be packed with cars every morning trying to drive to Lansing to get into town for work. This in itself is going to pose an additional risk to pedestrian related accidents as the population of cars and incidence of speeding has already increase immensely.

The idea that should have been put forward and embraced was a compromise whereas the subdivision in question should have been developed into 1 or 2 acre parcels still allowing conservation of minerals such as water while allowing for a group of homes that would have provided the tax base that the city counsel so needs to have!!

I will make a point to attend the next meeting at city counsel so that stuff doesn't get slipped in for approval such as it did in 2020 COVID times!!

-Thank you again for your time.

-Dale Sanger



Chris Hopper
Jennica Reynolds
Roberta Stewart
RE: Middleton Notice of Public Hearing - Waterford P&Z
Tuesday, September 7, 2021 5:11:43 PM
Notice - Agencies PZ 9-13-21.pdf

#### Jennica-

CHD4 has reviewed the amended preliminary plat application for Waterford Subdivision, and has no comment or objection to the proposed development.

Respectfully,

#### Chris Hopper, P.E.

**District Engineer** 

Canyon Highway District No. 4 15435 Hwy 44 Caldwell, Idaho 83607 208-454-8135

From: Jennica Reynolds < jreynolds@middletoncity.com>

**Sent:** Friday, August 27, 2021 9:47 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Carl Miller
<cmiller@compassidaho.org>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development
<D3Development.services@ITD.idaho.gov>; ITD - Sarah <Sarah.Arjona@itd.idaho.gov>; Julie Collette
<gmprdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; zoninginfo@canyonco.org;
vislas@starfirerescue.org; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Middleton Mill Ditch Co
<irrigation.mm.mi@gmail.com>; Allen Funkhouser (allenfun50@hotmail.com) <allenfun50@hotmail.com>; Chris</a>
Hopper <CHopper@canyonhd4.org>; idwrinfo@idwr.idaho.gov; jessica.mansell@intgas.com
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Middleton Notice of Public Hearing - Waterford P&Z

Please see the notice of Public Hearing for Waterford Amended Preliminary Plat. The link to the application is here: <u>https://middleton.id.gov/Portals/0/Public%20Hearings/Waterford%20Amended%20PP%20Application%20Combined%20-%20PRR.pdf</u>

Thank You,

Jennica Reynolds

Deputy Clerk, Planning City of Middleton 208-585-3133 jreynolds@middletoncity.com **Boise Office** Golden Eagle Building 1101 W. River St., Stc. 110 P.O. Box 7985 Boise, Idaho 83707 Tel. (208) 629-7447 Fax (208) 629-7559

Challis Office 1301 E. Main Ave, P.O. Box 36 Challis, Idaho 83226 Tel. (208) 879-4488 Fax (208) 629-7559

Twin Falls Office 236 River Vista Place Suite 301 Twin Falls, Idaho 83301 Tel. (208) 969-9585 Fax (208) 629-7559

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

SAV TOOTH LAW OFFICES, PLLC

Tuesday, September 07, 2021

## Exhibit 3

David P. Claiborne \*

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg – Van Vliet

Andrew J. Waldera \*\*

James R. Bennetts (retired)

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

Re: Amended Preliminary Plat - Waterford Subdivision

Dear Ms. Stewart:

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

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

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

www.sawtoothlaw.com



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

Please contact me if you have any questions.

Yours very truly, \* ane 4 S. Bryce Farris

SBF:krk cc: DD2/Newman Ditch Company/MM-MI





305 Cornell St. • Middleton, Idaho 83644 • 208.453.2028

September 13, 2021

TO: Jennica Reynolds, Planner

FROM: Civil Dynamics PC, City Enginee Amy Woodruff, PE Infulorty

RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval

Thank you for the opportunity to review the above referenced preliminary plat submittal. Please note: Albright Avenue between 9<sup>th</sup> Street and Foxrock has been eliminated from both Waterford and Waterford East (future application). Albright between 9<sup>th</sup> and Foxrock is not required for connectivity.

We recommend Mayor and City Council approve the preliminary plat as presented.

# EXHIBIT "D"



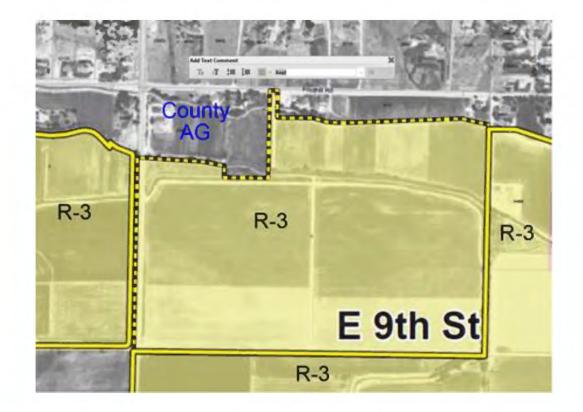
# WATERFORD AMENDED PRELIMINARY PLAT APPLICATION



DESCRIPTION	DETAILS
Acreage	99 acres
Current Zoning	R-3 (Single Family Residential)
Proposed Zoning	to remain the same
Current Land Use	Residential Special Area
Proposed Land Use	Residential Special Area
	261 single-family lots, 16 common lots,
Lots	and 1 emergency access lot

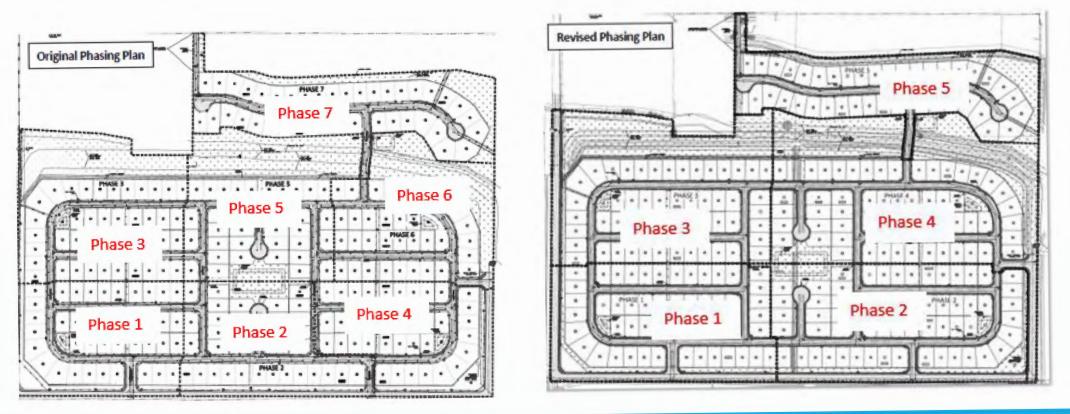


**Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.





**Application Request:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.





Phase	Original Phasing Plan	Proposed Phasing Plan
1	40	51
2	34	59
3	42	53
4	37	58
5	34	40
6	35	n/a
7	40	n/a
TOTAL	262	261



**Comments Received from Surrounding Landowners:** Letter dated 9/13/2021 to P&Z Commission (Exhibit 1 of full staff report)

# **Comments from Agencies:**

- 9/7/2021 comments from Canyon Highway District No. 4 (Exhibit 2 of full staff report)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 3 of full staff Report)

**Comments from City Engineer:** City engineer reviewed amended preliminary plat. Recommendation Letter dated 9/13/2021 (Exhibit 4 of full staff report)

**Applicant Information:** Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.



# Notices:

Dates:

Newspaper Notification

09/19/2021

Radius notification mailed to Adjacent landowners within 300'

09/17/2021

Circulation to Agencies

Sign Posting property

09/17/2021

09/17/2021

Planning Staff finds that notice for P&Z public hearing and City Council public hearing was appropriate and given according to law.

# **Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65 Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.



# **Conclusions and Recommended Conditions of Approval:**

The City Council is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names. The Council may approve or deny the application and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to the application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. Staff will also set forth the findings of facts in the presentation at the Public Hearing. If Council agrees with Staff's findings of facts, then Council can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

As to Conclusions of Law, Planning Staff finds that the Council has the authority to hear this application in order that it may be approved or denied and that public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the application. If the October 6th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.



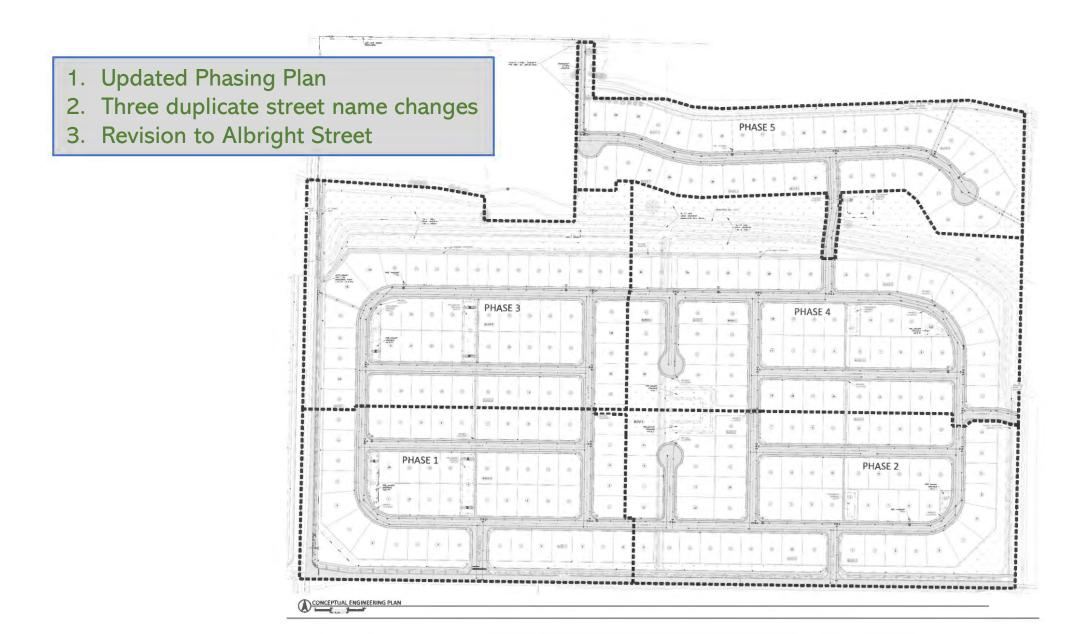
If the City Council is inclined to approve the application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be without any conditions of approval.

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

Prepared by Jennica Reynolds – Deputy Clerk, Planning

Dated: 10/1/2021

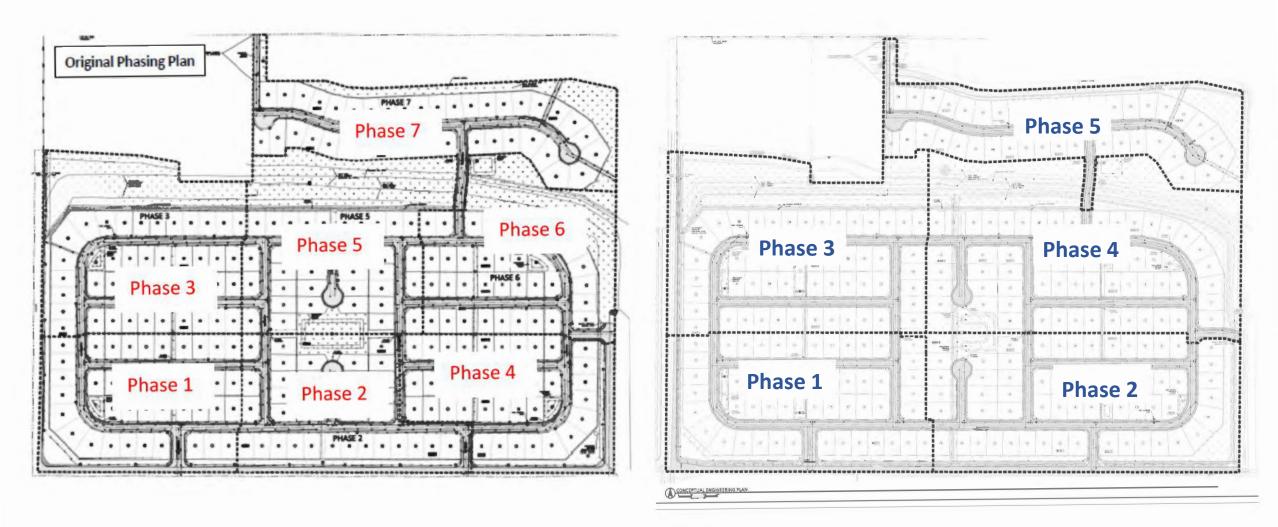
# Waterford Amended Preliminary Plat



# Waterford Updated Phasing Plan

**Original Preliminary Plat and Phasing Plan** 

**Updated Preliminary Plat and Phasing Plan** 



# Waterford Updated Phasing Plan

Original Phasing Plan	Proposed Phasing Plan
40	51
34	59
42	53
37	58
34	40
35	n/a
40	n/a
262	261
	40 34 42 37 34 35 40

# EXHIBIT "E"



In the Matter of an application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and to change 3 duplicative road names. The proposed amended preliminary plat is zoned R-3 ("Single Family Residential") and consists of 261 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land.

## A. Findings of Fact:

- 1. Hearing Facts: (See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)
- 2. Process Facts: (See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)
- 3. Application and Property Facts: (See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)
- 4. Required Findings per Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3 and 5-4 and Idaho Code Sec., 67-65: (See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)

## B. Conclusions of Law:

- 1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. That due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction and comment(s) received in written form and through public testimony.
- 3. That notice of the application and public hearing were given according to law.
- 4. That City Council's public hearing was conducted according to law, and the city has kept a record of the application and related documents.
- 5. That codes applicable to the application are Middleton City Code 1-14, 1-16, 5-1, 5-3, and 5-4.

## C. Decision and Order:

## Order:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based

upon the above findings of facts, conclusions of law, it is hereby ordered that:

An application by Providence Properties, LLC for Amended Preliminary Plat is approved.

### D. Right to Request Regulatory Taking Analysis:

The Applicant is hereby notified of his right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

WRITTEN ORDER AND DECISION APPROVED ON: October \_\_\_\_\_, 2021.

Steven J. Rule, Mayor Middleton City Council

Attest:

Jennica Reynolds Planning and Zoning Department



# Exhibit "A"



# Waterford Amended Preliminary Plat Application

## **Snapshot Summary**

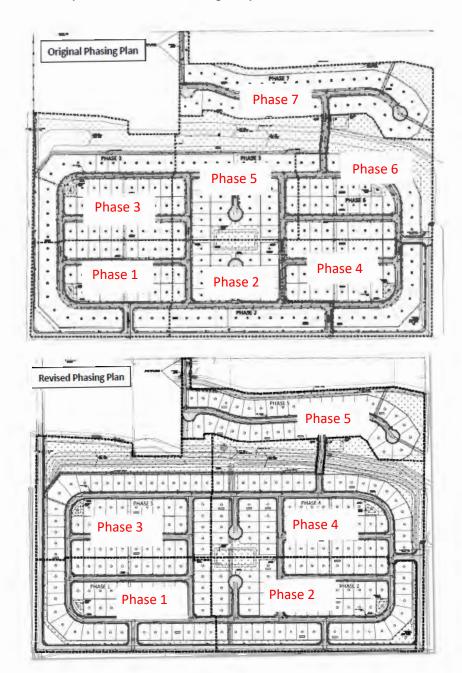
	DESCRIPTION	DETAILS
THE WEIGHT WEIGHT WEIGHT	Acreage	99 acres
	Current Zoning	R-3 (Single Family Residential)
	Proposed Zoning	to remain the same
	Current Land Use	Residential Special Area
all	Proposed Land Use	Residential Special Area
		261 single-family lots, 16 common lots,
	Lots	and 1 emergency access lot

- A. City Council Hearing Date: October 6, 2021
- **B. Project Description:** Amended Preliminary Plat of Residential subdivision with 261 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- **C. Application Requests:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names.
- **D. Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.



E. Amended Preliminary Plat Application: The Amended Preliminary Plat complies with all standards and codes of the City of Middleton. The applicant is requesting a revision to the phasing. The intent of this revision is to add additional buildable lots to each phase. The number and construction of common lots for each phase remains unchanged from the initial approval.

Planning Staff has also requested a change of 3 duplicative road names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.



Phase	Original Phasing Plan	Proposed Phasing Plan
1	40	51
2	34	59
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6	35	n/a
7	40	n/a
TOTAL	262	261

F. Comments Received from Surrounding Landowners: Letter dated 9/13/2021 to P&Z Commission (Exhibit 1)

### G. Comments from Agencies:

- Canyon Highway District No. 4 comments dated 9/7/2021 state "No comment or objection to the proposed development." (Exhibit 2)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 3)
- H. Comments from City Engineer: Recommendation letter dated 9/13/2021 (Exhibit 4)
- I. Applicant Information: Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.

J.	Notices:	Dates:
	Newspaper Notification	09/19/2021
	Radius notification mailed to Adjacent landowners within 300'	09/17/2021
	Circulation to Agencies	09/17/2021
	Sign Posting property	09/17/2021

Planning staff finds that notice for the P&Z public hearing and City Council public hearing was appropriate and given according to law.

### K. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

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

The City Council is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative road names. The Council may approve or deny the application and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to the application.

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If the City Council is inclined to approve the application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be without any conditions of approval.

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

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 10/5/2021



n and zoning
13, 2021 4:31:24 PM

Thank you for taking my call today Jennica and explaining the process of what took place in 2020 amidst COVID that everyone was affected by.

With great certainty I am sure that most if not all of my fellow neighbors would have attended in 2020 to suggest an alternate development idea for the proposed Waterford subdivision plans.

Many of the people in the area of Foothill road cherish the country life that it is apparent the developers have no desire in maintaining. Changing the Zoning to R3 to add this subdivision will have zero advantages to anyone involved with one exception (the ability for the developer to purchase more toys). Duff lane cannot support the existing traffic that is necessary to normal everyday activity let alone the construction trucks and related vehicles that are there now! But in addition to this we are going to add 270 more homes to an already stressed traffic system.

Foothill road is also the road biking capitol of Middleton that is now going to be packed with cars every morning trying to drive to Lansing to get into town for work. This in itself is going to pose an additional risk to pedestrian related accidents as the population of cars and incidence of speeding has already increase immensely.

The idea that should have been put forward and embraced was a compromise whereas the subdivision in question should have been developed into 1 or 2 acre parcels still allowing conservation of minerals such as water while allowing for a group of homes that would have provided the tax base that the city counsel so needs to have!!

I will make a point to attend the next meeting at city counsel so that stuff doesn't get slipped in for approval such as it did in 2020 COVID times!!

-Thank you again for your time.

-Dale Sanger



Chris Hopper
Jennica Reynolds
Roberta Stewart
RE: Middleton Notice of Public Hearing - Waterford P&Z
Tuesday, September 7, 2021 5:11:43 PM
Notice - Agencies PZ 9-13-21.pdf

#### Jennica-

CHD4 has reviewed the amended preliminary plat application for Waterford Subdivision, and has no comment or objection to the proposed development.

Respectfully,

#### Chris Hopper, P.E.

**District Engineer** 

Canyon Highway District No. 4 15435 Hwy 44 Caldwell, Idaho 83607 208-454-8135

From: Jennica Reynolds < jreynolds@middletoncity.com>

**Sent:** Friday, August 27, 2021 9:47 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Carl Miller
<cmiller@compassidaho.org>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development
<D3Development.services@ITD.idaho.gov>; ITD - Sarah <Sarah.Arjona@itd.idaho.gov>; Julie Collette
<gmprdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; zoninginfo@canyonco.org;
vislas@starfirerescue.org; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Middleton Mill Ditch Co
<irrigation.mm.mi@gmail.com>; Allen Funkhouser (allenfun50@hotmail.com) <allenfun50@hotmail.com>; Chris</a>
Hopper <CHopper@canyonhd4.org>; idwrinfo@idwr.idaho.gov; jessica.mansell@intgas.com
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Middleton Notice of Public Hearing - Waterford P&Z

Please see the notice of Public Hearing for Waterford Amended Preliminary Plat. The link to the application is here: <u>https://middleton.id.gov/Portals/0/Public%20Hearings/Waterford%20Amended%20PP%20Application%20Combined%20-%20PRR.pdf</u>

Thank You,

Jennica Reynolds

Deputy Clerk, Planning City of Middleton 208-585-3133 jreynolds@middletoncity.com **Boise Office** Golden Eagle Building 1101 W. River St., Stc. 110 P.O. Box 7985 Boise, Idaho 83707 Tel. (208) 629-7447 Fax (208) 629-7559

Challis Office 1301 E. Main Ave, P.O. Box 36 Challis, Idaho 83226 Tel. (208) 879-4488 Fax (208) 629-7559

Twin Falls Office 236 River Vista Place Suite 301 Twin Falls, Idaho 83301 Tel. (208) 969-9585 Fax (208) 629-7559

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

SAV TOOTH LAW OFFICES, PLLC

Tuesday, September 07, 2021

#### Exhibit 3

David P. Claiborne \*

S. Bryce Farris

Patxi Larrocea-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg – Van Vliet

Andrew J. Waldera \*\*

James R. Bennetts (retired)

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

Re: Amended Preliminary Plat - Waterford Subdivision

Dear Ms. Stewart:

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

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

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

### www.sawtoothlaw.com



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

Please contact me if you have any questions.

Yours very truly, \* ane 4 S. Bryce Farris

SBF:krk cc: DD2/Newman Ditch Company/MM-MI





305 Cornell St. • Middleton, Idaho 83644 • 208.453.2028

September 13, 2021

TO: Jennica Reynolds, Planner

FROM: Civil Dynamics PC, City Enginee Amy Woodruff, PE Infulorty

RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval

Thank you for the opportunity to review the above referenced preliminary plat submittal. Please note: Albright Avenue between 9<sup>th</sup> Street and Foxrock has been eliminated from both Waterford and Waterford East (future application). Albright between 9<sup>th</sup> and Foxrock is not required for connectivity.

We recommend Mayor and City Council approve the preliminary plat as presented.

## EXHIBIT "F"

# **River Walk Crossing Subdivision**

#### **Project Description:**

Subdivision with (a) 36 commercial lots, (b) 81 half acre single family home lots, (c) 80 patio style home lots for 55+ homebuyers, (d) 1 cell tower lot and (e) one historical lot on 119 acres of vacant land located at 10669 HWY 44 Highway 44 and 0 Hwy 44.

Amenities include extensive 10' and 12' wide asphalt pathways that will become a central part of the Middleton River Walk and attractive sports court feature.



#### **Applications:**

Applicants have submitted four applications. They are (1) Annexation/Rezone (119 acres), (2) Preliminary Plat, (3) Development Agreement, and (4) Comprehensive Plan Map Amendment.





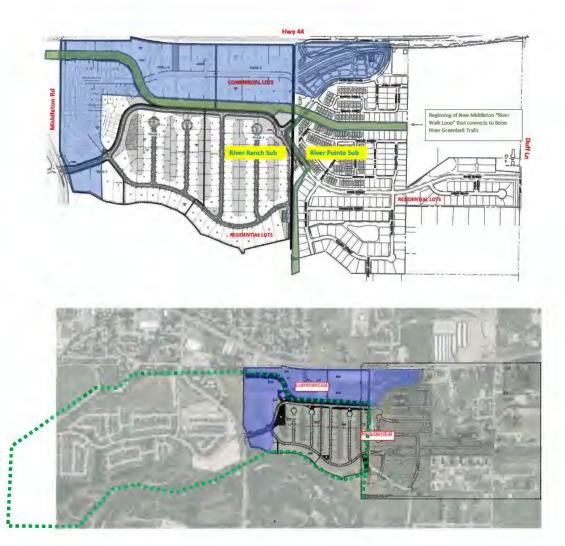


#### **History & Condition of Property:**

The project property is currently located in Canyon County and is zoned "agricultural." It is surrounded by City property zoned Mixed Use, C-2 Commercial, and R-3 Residential.



As you know from earlier presentations, River Walk Crossing is being developed in collaboration with the River Pointe Subdivision, which was approved a few weeks ago. These projects combined will help create a new and vibrant commercial center for Middleton and they will be an integral part of the new River Walk Loop.





#### **City Services:**

Domestic water and sanitary sewer are located in Middleton Road adjacent to the project as shown here with the green and blue lines.

Planning Staff finds that City services can be easily extended to serve the proposed project.

#### Middleton Rural Fire District:

The Middleton Rural Fire District has reviewed the preliminary plat. Deputy Chief Islas approved the preliminary plat with the standard comments.







**Traffic, Access & Streets:** Access to the project is through Middleton Road, Highway 44, and E. Sawtooth Lakes Street.

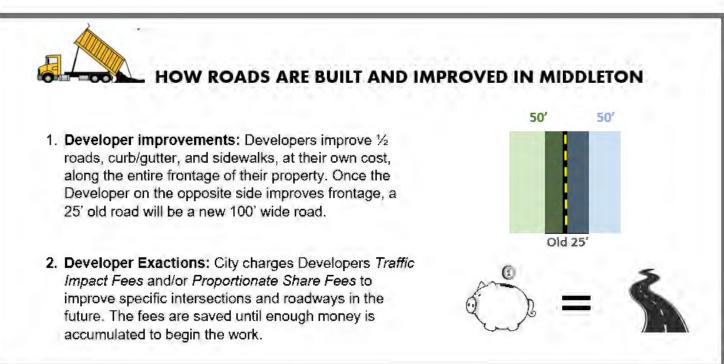
Sawtooth Lakes Street is a collector street that is a "planned" street set forth in the Comprehensive Plan's "*Transportation, Schools & Recreation Map*". This street is critical to Middleton's long-term transportation plan because it will relieve a lot of traffic pressure from the Hwy 44 downtown corridor. For that reason, there will be no driveway access or parking allowed on E. Sawtooth Lakes Street.



**Traffic, Access & Streets con't:** This project will pay for much of its impacts on traffic and the surrounding community by improving roadways that front the property and by paying Traffic Impact fees and Traffic Proportionate Share fees. Under the new Mid Star Traffic Impact fee schedule (which was recently recommended for approval by this Commission), the River Walk Developer will contribute \$813,050 to the improvement of nearby intersections by paying \$5050 for each residential building permit (161 homes x \$5050). As to the commercial portion of the project, there are 36 commercial lots. The Impact fees are based upon uses and the fees span from \$3500 per unit up to \$20,000 per unit depending on the use. Although it is difficult to predict exactly what types of uses will be developed in the commercial area, the commercial impact fees collected could add up to approximately \$300,000 to \$500,000 for a total of \$1.3 million in traffic impact fees.

In addition to the \$1.3 million in Mid-Star traffic impact fees, the Developer will be required to pay "Proportionate Share" traffic fees for intersections not included in the Mid Star CIP Schedule. Those fees will total around \$200,000, but the final amount cannot be determined until ITD recalculates the proportionate share fees in light of the Mid-Star Traffic Impact CIP.

Although the exact amount cannot be determined right now, this will not hinder the City Council from approving this project if it so chooses. Staff recommends that if approved, City Council make payment of all proportionate share traffic fees a condition of final plat approval for Phase 1. This will ensure that the Developer pays for all of its impacts.



**Open Space & Pathways:** Applicant has exceeded the 5% Open Space requirement by providing 7.2% of open space in the form of extensive walking paths, small gathering places, and a sports court facility. These extensive pathways are in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation* Map, and they will be integrated into the City's new River Walk Loop that is currently being designed.









Applicant is requesting the annexation and rezone of the project. The project will contain three zones: C-3 "Heavy Commercial (36 acres), R-2 "Large Lot Residential" (57 acres), and M-U "Mixed Use" (26 acres).

As to Annexation there are primarily three requirements: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, and (3) the annexation is in the best interest of the City and not adverse to the public health and welfare.

Planning Staff finds that Applicant's project meets all three of these requirements: (1) the property is contiguous; (2) sewer and water are available as shown earlier, and (3) the annexation does not adversely affect the City but benefits the City because

- (a) it provides a variety of housing and commercial lots,
- (b) it creates extensive recreational pathways, and

(c) it creates safe streets for vehicle and pedestrian circulation that will relieve some of the traffic pressure on Hwy 44 in the downtown corridor.

Planning Staff further finds that the rezone application is in harmony with the City's Comprehensive Plan as will be shown in more detail below.





**Preliminary Plat Application:** Developer is proposing five phases for the development of the plat:

Revised Preliminary Plat – Exhibit "I". Minor change regarding Floodplain.

Planning Staff finds that the preliminary plat complies with the dimensional standards and requirements of the Middleton City Code and Idaho State Code except for the waivers set forth in the proposed Development Agreement.

Planning Staff further finds that the preliminary plat is not materially detrimental to the health, safety and welfare of Middleton residents for reasons stated earlier.

Staff also finds that the preliminary plat is in harmony with the Middleton Comprehensive Plan as will be shown below.

Finally, City Engineer, Amy Woodruff, has reviewed the preliminary plat and found it in compliance with City codes and standards. She recommends that City Council approve the project applications.



**Development Agreement:** Applicant has applied for a Development Agreement with the City, which agreement sets for the rights and obligations of both the City and the Developer. The following conditions of development are proposed for the Development Agreement:

- 1. A concept plan generally matching the current preliminary plat shall be attached to the DA. Developer must develop the property substantially consistent with the Concept Plan.
- 2. Patio style homes on M-U lots will be deed restricted to 55+ homebuyer/occupancy in compliance with Idaho State Law.
- 3. Because the patio style homes will be for 55+ homebuyers, setbacks requested are (1) 20' front yard, (2) 15' rear yard, (3) 5' side yard, and (4) 20' side street yard.
- 4. Developer to construct, at its own cost, all road frontage improvements required by the City.
- 5. Owner/Developer shall pay all traffic impact and proportionate share fees required by the City.
- 6. Developer may develop Phase 1 and 2 without a 2<sup>nd</sup> access (as approved by Middleton Rural Fire Dist.) but must construct a 2<sup>nd</sup> access prior to final plat of phase 3. Prior to final plat of Phase 1, Developer shall provide City with a copy of a recorded agreement between Developer and River Pointe to construct essential portions of E. Sawtooth Lakes Street in the event River Point development stalls.
- 7. Because of the large amount of commercial lots and need for market flexibility, Owner will not be required to go through the formal preliminary plat process to amend the phasing and lot configuration in the C-3 zone section of the plat. Instead, Owner can apply administratively to the Planning & Zoning Department to change the phasing of the plat. This applies only to the C-3 zone, not the M-U and R-2 zones.
- 8. All 10' and 12' pathways must have a public access easement shown on the plat to ensure public recreational access. The pathways must be constructed prior to approval for Phase 3 final plat. Owner, not the City, shall be responsible for installing, repairing and maintaining the pathways.
- 9. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm on streets that contain both commercial and residential uses. Instead, Developer must install a 15' landscape buffer on one side of the street or the other.
- 10. The existing cell tower may remain on site and operate at its current level, but if the use intensifies or is changed, the owner must apply to the City for a Special Use Permit.
- 11. Developer will be allowed a minimum centerline radius of 90'.



#### **Development Agreement Application con't:**

- 12. Developer shall provide an east/west collector road. (fulfilled with "E. Sawtooth Lakes Street").
- 13. Developer must execute and record a cross-access easement and utility easement on the plat to ensure that no parcels are landlocked. This easement is the basis for a waiver of MCC 5-3-1(A) requiring public street frontage on all lots.
- 14. Only black wrought iron fencing will be allowed in the project.
- 15. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building facades on Highway 44 and Middleton Road.
- 16. Owner is permitted two wall signs per commercial unit.
- 17. Developer is permitted to extract gravel for residential ponds if it obtains all City, State and Federal Permits and submits to the city all forms and plans required by MCC 1-15-16-2. Construction hours are Monday through Saturday 7 a.m. to 6 p.m., but once homeowners occupy Phase 1 homes, the hours must change to Monday through Friday 7 a.m. to 6 p.m.
- 18. CC&Rs shall set forth responsibility for maintaining common areas.
- 19. Developer has 2 years to bring each phase to final plat. A 1 year extension will be allowed for each phase if a written request for extension is timely made.
- 20. Developer has only 2 years to obtain final plat for Phase 1. This can be extended 1 year with a written request. If Developer does get final plat within this time-line, then the City can modify or terminate the DA if it chooses to do so. The preliminary plat will also automatically become null and void.
- 21. Developer has set aside a large lot for river access parking and a drop-off/pick-up zone. Developer shall grant a public easement for this lot to ensure public access. Developer/HOA will remain responsible for maintaining and repairing the lot.



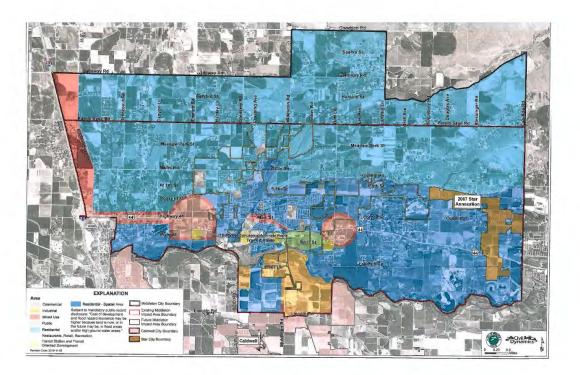
**Comprehensive Plan Map Amendment Application:** The Future Land Use Map in the Comprehensive Plan shows the project parcel as "Restaurant, Retail, and Recreation." Applicant is requesting that the Future Land Use Map show a "Commercial" use in the C-3 zoned portion of the project and "Residential" use in the M-U and R-2 portions of the project to match the zoning.

Planning Staff finds that this change is in harmony with the Comprehensive Plan. Specifically, it complies with Goal 4 to concentrate commercial uses between Crane Creek Way and Duff Lane and to allow mixed uses within the City. Additionally, the proposed changes comply with Goal 11 to provide diverse housing and in-fill housing.

City Council is also tasked with determining whether the other three applications for annexation/rezone, preliminary plat, and development agreement are in harmony with the "Goals, Objectives, and Strategies" of the 2019 Middleton Comprehensive Plan.

Planning Staff finds that the project and all applications are in harmony as follows:

- 1. First and foremost, the Project completes the east/west collector street shown on the Transportation, Schools & Recreation Map (E. Sawtooth Lakes St.), which will take a lot of traffic pressure off Hwy 44.
- 2. As shown in more detail in the Staff Report, Applicant's applications comply with Goals 3, 4, 6, 7, 8, 10, and 16.





**Comments Received from Surrounding Landowners:** City received an 8/4/2021 letter from CPC Paving noting that it operated a mining/hot plant south of the River Walk Subdivision. Matthew Watkins, owner of a portion of the project property, submitted a letter we'll enter into the record as Exhibit "H".

**Comments from Agencies:** Comments from Middleton Rural Fire District have already been discussed above. COMPASS forwarded a 7/29/2021 comment wherein it objected to this application because of the removal of the SH-44 alternative bypass. COMPASS noted that the bypass is critical to regional planning, and traffic will be adversely affected if the bypass is eliminated from the city. ITD also forwarded letters indicating its objection to the removal of the Hwy 44 alternate bypass. CHD4 reviewed the plat and submitted comments indicating its objection to the removal of the Hwy 44 Alternate bypass. CHD4 further stated that this project will result in significant impacts to surrounding roadways that may not be improved through impact fees for years to come. (Exhibit "F")

**Comments from City Engineer, Planning Staff & Floodplain Administrator:** Comments from City Engineer, Planning Staff, and Floodplain Administrator were appended to the Staff Report and have been made a part of the Record.

**Applicant Information:** Application was received and accepted on December 23, 2020. The Applicant is Hess Properties, LLC & KM Engineers, / 9233 W. State Street, Boise, ID 83714 / 208.639.6939 / sleonard@kmengllp.com





Notices & Neighborhood Meeting:	P&Z	City Council
Newspaper Notification Radius notification mailed to	07/25/2021	09/19/2021
Adjacent landowners within 300'	07/23/2021	09/23/2021
Circulation to Agencies	07/23/2021	09/15/2021
Sign Posting property	07/23/2021	09/16/2021
Neighborhood Meeting	11/24/2020	11/24/2020

Planning Staff finds that Notice for the Planning & Zoning and City Council public hearings was appropriate and given according to law.

#### **Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13, Idaho Standards for Public Works Construction and Middleton Supplement thereto, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

**P&Z Recommendation:** The Planning & Zoning Commission considered the River Walk applications at an August 9, 2021, public hearing. The Commission recommended approval of the applications for annexation/rezone, development agreement, preliminary plat, and Comprehensive Plan map amendment subject to the conditions of approval set forth in the staff report for that public hearing. However, the Commission recommended that all four applications also be subject to the condition that after preliminary plat approval, Developer work with ITD to be compliant with the 2019 Comprehensive Plan maps showing the Hwy 44 alternate bypass.

#### **Conclusions and Recommended Conditions of Approval**

City Council is tasked with considering four separate applications for Annexation/ Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment. The Council may approve or deny the applications and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to each separate application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. They were noted in parentheses in the Staff Report and in this presentation. If Council agrees with Staff's findings of facts, then Council may accept the findings of facts by passing a motion to accept all, or a portion, of the findings of facts.

As to Conclusions of Law, Planning Staff finds that the Council has the authority to hear these applications in order that they may be approved or denied and that the public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the applications. If the Council deems the public hearing to have been conducted in accordance with the State Code and Middleton Code, then Council may accept all these conclusions of law by simply passing a motion to accept the conclusions of law.

If Council is inclined to approve the applications based upon the above *Findings of Facts* and *Conclusions of Law,* then Planning Staff recommends the approval be subject to the following conditions:

- 1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
- 2. All City Engineer review comments are to be completed and approved.
- 3. All requirements of the Middleton Rural Fire District are to be completed and approved.
- 4. All Floodplain Administrator review comments are to be completed and approved.
- 5. Developer/Owner shall comply with all terms of the approved Development Agreement.
- 6. Sewer and water capacity are reserved at the time City approves the construction drawings for each individual subdivision phase.

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



### **River Walk Crossing Subdivision**

City Council Public Hearing Date: October 6, 2021 Snapshot Summary:



Acreage	119 acres		
Current Zoning	Canyon County "Agricultural"		
Proposed Zoning	R-2 Residential (57 acres).; C-3 Heavy Commercial (36 acres); & M-U Mixed Use (26 acres)		
Current Land Use	Restaurant, Retail & Recreation		
Proposed Land Use	Commercial / Residential		
Lots	36 commercial lots 81 single family homes 80 patio style homes for 55+ homebuyer 17 common lots – 1 cell tower lot – 1 historical lot		
Density	Net density 1.9 acres.		
Open Space	11.95 acres – 10.06%		
Amenities	Extensive 10' and 12' walking paths & community sports court amenity		

- A. Application Requests: Applicant submitted four applications: (1) preliminary plat, (2) annexation and rezone from Canyon County "Agricultural" zone to C-3, R-2 and M-U zones, (3) Development Agreement and (4) Comprehensive Plan Map Amendment to change the Future Land Use Map. Applicant has also submitted a floodplain application that is proceeding administratively along with these applications.
- **B. Project Description:** Subdivision with (a) 36 commercial lots, (b) 81 single family home lots, (c) 80 patio style home lots for 55+ homebuyers, (d) 18 common lots, (e)

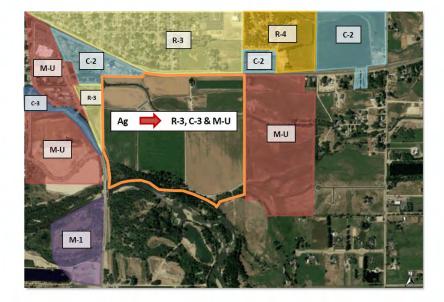
one cell tower lot and (f) one historical lot on 119 acres of vacant land located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R339380 and R3393811).

The requirement for a 55+ community will be created by a deed restriction in compliance with Idaho State law. This requirement is in the proposed Development Agreement, and it will ensure that the patio style homes remain a 55+ community.

Finally, the project also includes extensive 10' and 12' wide asphalt pathways that are part of the proposed Middleton River Walk recreational trail.

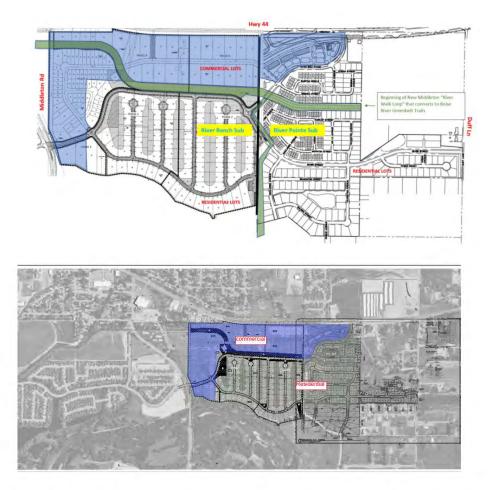
C. History, Current Zoning & Property Condition: The project property is currently located in Canyon County and is zoned "agricultural." The parcel has been used for farming for a large number of years.

The project is surrounded on the north, west, and east by City property. Mixed Use zoned property is located on the east and west side of the property, and this zoning permits a mixture of commercial and residential uses. Residential R-3 is located to the north and pockets of C-2 commercial zoning surrounds the project.



The Future Land Use Map in the 2019 Comprehensive Plan has designated the project parcels "Restaurants, Retail, and Recreation". Based on this land use designation, the previous governing boards intended this property to be used for commercial and other intensive uses.

River Walk Crossing is being developed in collaboration with another large subdivision to the east known as River Pointe Subdivision. River Pointe is an 88 acre "Mixed Use" project that includes commercial lots blended together with single family homes and 55+ townhomes/patio homes. Both projects will create a new and vibrant commercial center for Middleton along with a new multi-mile River Walk pathway that will provide numerous gathering places for social and recreational uses.



**D. City Services:** Domestic water and sanitary sewer are located in Middleton Road adjacent to the project. See blue and green entries on diagram below.

Planning Staff finds that City services are located nearby and can be easily extended to serve the proposed project. The extension of City services is orderly, economical, and efficient.



E. Traffic, Access & Streets: Access to the project is through Middleton Road, Hwy 44, and E. Sawtooth Lakes St..



E. Sawtooth Lakes Street is a collector street that is a "planned" street set forth in the 2019 Comprehensive Plan's "*Transportation, Schools & Recreation Map*". (See snippet of Map below.) It is an important street that will facilitate circulation and create needed connectivity. It will also greatly relieve traffic pressure on the Highway 44 downtown corridor by providing an alternate east/west route. Because it will be instrumental in handling traffic, it will have no driveway access, and parking will not be allowed on the street.



**F. Traffic Fees to Minimize impacts on the Community.** The Developer of the River Walk project will pay for much of its impacts on traffic and the surrounding community by improving roadways that front the property and by paying Traffic Impact fees and Traffic Proportionate Share fees. Under the new Mid Star Traffic Impact fee schedule (which was recently recommended for approval by this Commission), the River Walk Developer will contribute \$813,050 to the improvement of nearby intersections by paying \$5050 for each residential building permit (161 homes x \$5050). As to the

commercial portion of the project, there are 36 commercial lots. The Impact fees are based upon uses and span \$3500 per unit to \$20,000 per unit depending on the use. Although it is difficult to predict exactly what types of uses will be developed in the commercial area, the commercial impact fees collected could add up to approximately \$300,000 to \$500,000 for a total of \$1.3 million in traffic impact fees.

In addition to the \$1.3 million in Mid-Star traffic impact fees, the Developer will be required to pay "Proportionate Share" traffic fees for intersections not included in the Mid Star CIP Schedule. Those fees may total between \$100,000 and \$200,000, but the final amount cannot be determined until ITD re-calculates the proportionate share fees in light of the recent passage of the Mid-Star Impact fee schedule.

Although the fees cannot be firmly established for a few more weeks, City Council can still approve the applications and protect the City's right to collect these fees by simply requiring as a condition of approval the payment of all proportionate share fees prior to final plat approval for Phase 1. This is also included in the Development Agreement.

Planning Staff further recommends that a requirement to construct all City required improvements on Hwy 44 and Middleton Road be made a condition of preliminary plat approval.

**G. Open Space, Pathways & Sidewalks:** Applicant has exceeded the 5% Open Space requirement by providing 10.06% of open space in the form of extensive walking paths and small gathering places along the trails. These extensive pathways are in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation* Map, and they will be integrated into the City's new River Walk Loop that is being designed.





Developer will also provide a community amenity in the form of a sports court or other comparable amenity as shown on the preliminary plat.

- **H. Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided in the preliminary plat and are approved by the City Engineer.
- I. Middleton Rural Fire District: The Middleton Rural Fire District has reviewed the preliminary plat. Deputy Chief Islas approved the preliminary plat with the standard comments. He further noted that Phases 1 and 2 may develop without a 2<sup>nd</sup> access in light of the large boulevard entry, but no improvement may occur in Phase 3 and beyond until a full second access is constructed.
- J. Annexation and Rezone: Applicant is requesting the annexation and rezone of 119 acres. The rezone request is for C-3 "Heavy Commercial (36 acres), R-2 "Large Lot Residential" (57 acres), and M-U "Mixed Use" (26 acres).



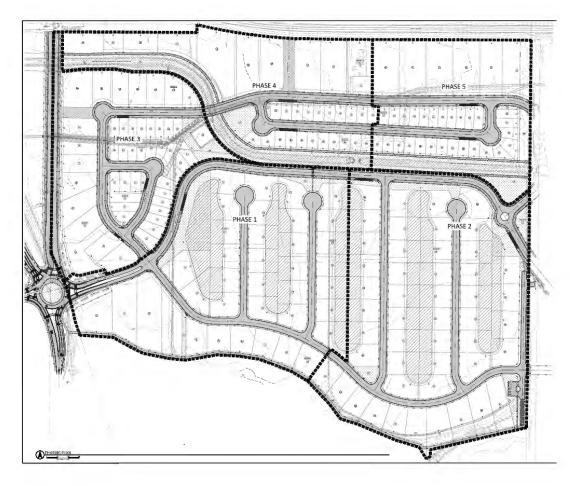
There are primarily three requirements for Annexation: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, and (3) the annexation is deemed to be orderly and efficient, in the best interest of the City, and not materially detrimental to the health, safety and welfare of Middleton residents.

#### FINDINGS:

Planning Staff finds that Applicant's project meets all three Annexation requirements: (1) The property is contiguous; (2) sewer and water are available as shown earlier, and (3) the annexation does not adversely affect the City but benefits the City because (a) it supports orderly growth, (b) it provides a variety of housing lots, (c) it creates extensive recreational pathways, and (d) it creates safe streets for vehicle and pedestrian circulation.

As to rezone, Planning Staff finds that the rezone application is in harmony with the City's Comprehensive Plan as will be shown in more detail below.

**K. Preliminary Plat Application:** Developer is proposing five phases for the development of the plat:



A true copy of the River Walk Crossing Preliminary Plat under review is attached hereto as Exhibit "A".

The City Engineer has reviewed the preliminary plat and approved the contents. The Engineer's "Recommendation for Approval" letter is attached as Exhibit "B".

#### Findings:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC and Supplement to ISPWC, and Idaho State Code except for those items specifically set forth as waivers to the code in the Development Agreement.

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

- L. Development Agreement: Any annexation and rezone generally requires a Development Agreement ("DA"). A copy of the proposed DA is attached to this Staff Report as Exhibit "C". The provisions generally set forth in the DA are as follows:
  - 1. Project parcel to be annexed and rezoned to C-3, M-U and R-2.
  - 2. A concept plan generally matching the current preliminary plat shall be attached to the DA and incorporated by reference. Developer must develop the property generally consistent with the Concept Plan.
  - 3. Patio style homes on M-U lots will be deed restricted to 55+ homebuyer/occupancy in compliance with Idaho State Law.
  - Because the patio style homes will be for 55+ homebuyers, setbacks requested are

     20' front yard, (2) 15' rear yard, (3) 5' side yard, and (4) 20' side street yard.
     (For comparison sake, M-U zone has a rear setback of 20' and a side interior
     setback of 12', so the requested setbacks are narrower than M-U setbacks.)
  - 5. Developer is not required to improve the frontage of the property along Middleton Road because it is slated to be improved through impact fees collected via the 2021/2022 Mid-Star Service Area Capital Improvement Plan. If, at a later date, Owner and City agree that Owner should construct all, or a portion of the planned Middleton Road improvements, then City shall credit Owner for any improvement work over and above Owner's proportionate share of the improvement work.
  - Developer must construct, at its own cost, all road frontage improvements required by the City for Hwy 44. The improvements are not required until final plat for phase 4.
  - 7. Owner/Developer shall pay all traffic impact and pro-rata/proportionate share fees required by the City. The pro-rata fees shall be paid prior to final plat approval for phase 1.

- Developer may develop Phases 1 and 2 without a 2<sup>nd</sup> access (as approved by Middleton Rural Fire Dist.) but must construct a 2<sup>nd</sup> access prior to final plat of phase 3.
- 9. Because of the large amount of commercial lots and need for market flexibility, Owner will not be required to go through the formal preliminary plat process to amend the phasing and lot configuration in the C-3 zone section of the plat. Instead, Owner can apply administratively to the Planning & Zoning Department with a \$1000 application fee to change phase configurations.
- 10. All 10' and 12' pathways must have a public access easement shown on the plat to ensure public recreational access. The pathways must be constructed prior to approval for Phase 3. Owner shall be responsible for repairing and maintaining the pathways.
- 11. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm on streets that contain both commercial and residential uses. Instead, Developer must install a 15' landscape buffer on one side of the street or other. For areas where a residential lot directly abuts a commercial lot, the developer must install the 8' berm buffer required by MCC 5-4-10-7.
- 12. The existing cell tower may remain on site and operate at its current level, but if the use or intensity is changed, the owner must apply to the City for a Special Use Permit.
- 13. Developer will be allowed a minimum centerline radius of 90'.
- 14. Developer shall provide an east/west collector road.
- 15. Only black wrought iron fencing will be allowed in the project.
- 16. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building facades on Highway 44 and Middleton Road.
- 17. Owner is permitted two wall signs per commercial unit.
- 18. Developer is permitted to extract gravel for residential ponds if it obtains all City, State and Federal Permits and submits to the city all forms and plans required by MCC 1-15-16-2. Construction hours are Monday through Saturday 7 a.m. to 6 p.m., but once homeowners occupy Phase 1 homes, the hours must change to Monday through Friday 7 a.m. to 6 p.m.
- 19.CC&Rs shall set forth responsibility for maintaining common areas.

- 20. If Developer does not obtain final plat or Phase 1 within 2 years of preliminary plat approval (or 3 years with a 1 year extension request), then Developer will be in default, and the City can apply to modify or terminate the DA. The underlying zoning will remain the same despite the termination/modification. Additionally, the preliminary plat will automatically become null and void.
- 21. Developer must bring each phase to final plat within 2 years (or 3 years with a 1 year extension request). If developer fails to do so, the preliminary plat will automatically be null and void.
- MCC 5-3-1(A) requiring all lots to front a public right of way is waived as to Lots 18-22, Block 1 in light of the public cross-access easement created on the preliminary plat.
- 23. Developer shall grant a public access easement across the entirety of common lot Lot 22/Block 6 to permit public access to the Boise River for use as drop-off/pick-up zone and parking area. Developer shall be responsible for paving the entire area with pavement or applying area with compacted gravel. The Developer and/or HOA shall be responsible for maintaining the common lot.

#### Findings:

Planning Staff finds that the Development Agreement application complies with the Comprehensive Plan. See more detail below in Section M.

**M. Comprehensive Plan & Land Use Map:** The Future Land Use Map ("FLUM") in the 2019 Comprehensive Plan shows the project parcel as "Restaurant, Retail, and Recreation."



Although those uses will surely be in the project, there is also a residential component planned for the project. In light of that, Applicant is requesting that the FLUM show a

"Commercial" use in the C-3 zoned portion of the project and "Residential" use in the M-U and R-2 portions of the project.

#### Finding:

Planning Staff finds that the change on the Future Land Use Map from "Restaurant, Retail & Recreation" to "Commercial" and "Residential" is in harmony with the Comprehensive Plan. Specifically, it complies with Goal 4 to concentrate commercial uses between Crane Creek Way and Duff Lane and to allow mixed uses within the city. Additionally, the proposed changes to the FLUM comply with Goal 11 to provide diverse housing and in-fill housing.

City Council is also tasked with determining whether the other three applications for annexation/rezone, preliminary plat, and development agreement are in harmony with the "Goals, Objectives, and Strategies" of the 2019 Middleton Comprehensive Plan.

#### Findings:

Planning Staff finds that the project and all applications are in harmony as follows:

- a. Goal 3: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It also will reduce traffic trips because of the close proximity to commercial/retail development. Designing E. Sawtooth Lakes Street without driveway access also greatly assists with traffic flow and safety.
- b. Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. The project also provides a buffer between residential and commercial development. Commercial development is encouraged to be near major roads. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.
- d. Goal 7: Project promotes commercial development and employment opportunities.
- e. Goal 8: the project establishes a new commercial area without detracting from existing businesses.
- f. Goal 10: Project provides parks and open space. The project also aggregates open space in large open spaces rather than dispersing open space into smaller sections.
- g. Goal 16: The public pathways along the Kennedy Drain create a scenic and usable waterfront on the north side of the Boise River.

Finally, Planning Staff finds that the pathways and streets proposed are in compliance with the Comprehensive Plan Maps, including the Transportation, Schools, and Recreation Map.

- N. Comments Received from Surrounding Landowners: 8/4/2021 letter from CPC Paving noting that it operated a mining/hot plant immediately south of the River Walk Subdivision. (Comment Letter is attached hereto as Exhibit "D")
- Ο. **Comments from Agencies:** Comments from Middleton Rural Fire have already been discussed above. Idaho Department of Water Resources submitted an email dated 9/16/21 regarding need to enforce FEMA floodplain provisions. COMPASS forwarded a 7/29/2021 comment wherein it objected to this application because of the removal of the SH-44 alternative bypass. COMPASS noted that the bypass is critical to regional planning, and traffic will be adversely affected if the bypass is eliminated from the city. ITD also forwarded letters indicating its objection to the removal of the Hwy 44 alternate bypass. Canyon Highway District #4 reviewed the plat and submitted its standard comments about collecting proportionate share fees and requiring right of way dedication. It further expressed concern that the Duff Lane/Hwy 44 intersection will need improvement to counteract the traffic impacts. It further noted technical recommendations for the Middleton Road roundabout and realignment. It should also be noted that COMPASS, ITD and CHD4 have all objected to the removal of the 44 alternate bypass at the public hearing for the City's Comprehensive Plan Map Amendment. (Copies of all agency comments are attached hereto as Exhibit "E".)
- P. Comments from City Engineer, Planning Staff & Floodplain Administrator: Comments have already been discussed above. Copies of comments from City Engineer, Planner and the Floodplain Administrator are attached to this Staff Report as Exhibit "F".
- Q. Applicant Information: Application was received and accepted on December 23, 2020. The Applicant is Hess Properties, LLC/KM Engineers, / 9233 W. State Street, Boise, ID 83714 / 208.639.6939 / sleonard@kmengllp.com

R.	Notices & Neighborhood Meeting:	Dates:
	Newspaper Notification	09/19/2021
	Radius notification mailed to Adjacent landowners within 300'	09/16/2021
	Circulation to Agencies	09/15/2021
	Sign Posting property	09/16/2021
	Neighborhood Meeting	11/24/2020

Planning Staff finds that notices for the Planning & Zoning Public Hearing and City Council public hearing were appropriate and given according to law.

#### S. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13, Idaho Standards for Public Works Construction and Middleton Supplement thereto and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

T. P&Z Recommendation: The Planning & Zoning Commission considered the River Walk applications at an August 9, 2021 pubic hearing. The Commission recommended approval of the applications for annexation/rezone, development agreement, preliminary plat, and Comprehensive Plan map amendment subject to the conditions of approval set forth in the staff report for that public hearing. Additionally, the Commission recommended that all four applications be subject to the condition that after preliminary plat approval, Developer work with ITD to be compliant with the 2019 Comprehensive Plan maps showing the Hwy 44 alternate highway. (A copy of the signed P&Z FCO is attached as Exhibit "G".)

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

City Council is tasked with considering four separate applications for Annexation/ Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment. The Council may approve or deny the applications and set forth any conditions of approval. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to each separate application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. (See findings of facts above in parentheses.) Staff will also set forth the findings of facts in the presentation at the Public Hearing. If Council agrees with Staff's findings of facts, then Council can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

As to Conclusions of Law, Planning Staff finds that the Council has the authority to hear these applications in order that they may be approved or denied and that the public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the applications. If the October 6th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Council is inclined to approve the applications based upon the above *Findings of Facts* and *Conclusions of Law,* then Planning Staff recommends the approval be subject to the following conditions:

- 1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
- 2. All City Engineer review comments are to be completed and approved.
- 3. All requirements of the Middleton Rural Fire District are to be completed and approved.
- 4. All Floodplain Administrator review comments are to be completed and approved.
- 5. Add Dave Sterling LOMR language for floodplain
- 6. Developer to comply with all terms of the approved Development Agreement. (if the Commission is not inclined to approve portions of the DA, those discrete portions can be removed or excepted from the DA via a motion calling out the specific provisions to be removed.)
- 7. Sewer and water capacity are reserved at the time City approves the construction drawings for each individual subdivision phase.

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

Prepared by Middleton City Planner, Robert Stewart

Dated: October 1, 2021

### **APPENDIX**

## EXHIBIT "A"

# **Proposed Preliminary Plat**





PP1 2 PP 2.0

#### RIVER WALK CROSSING SUBDIVISION A PORTION OF THE S 1/2 OF THE NW 1/4 AND A PORTION OF GOV. LOTS 3 AND 4 OF SECTION 8, T.4N., R.2W., B.M., CITY OF MIDDLETON, CANYON COUNTY, IDAHO PRELIMINARY PLAT OCTOBER 2021

POINT NUMBER	PONT STILL	HORTHING	EASTING	<b>KUEVATION</b>	OESCRIPTION
110	6	743238.5820	230008.5600	2408.351	ALUMPIUM CAP
112	0	741515.9490	2304567.1780	2367.756	S/W HEBAR
113	9	744573.3840	2.005406.8250	2401 222	ALUMPIUM CAP
128	-	741812.0890	2.38900H-8630	2405.589	PK HAL
129	0	740731.9250	2380067.4060	2403.184	LEAD PLUG AND TH
134	0	741834.7990	2386427,4170	2349.094	AIGE
140	0	741030.2250	2398037.0290	2400.116	5/8" REBAR
144	0	740628.3080	2348514.8080	2401.502	5/8" ROBAN

CONTRACTOR SHALL VERIFY ALL BENCHWARKS PRIOR TO BEGINNING CONSTRUCTION AND SHA NOTIFY ENGINEER WITH ANY DISCREPANCIES.

SIBLE FOR ALL CONSTRUCTION STAKING

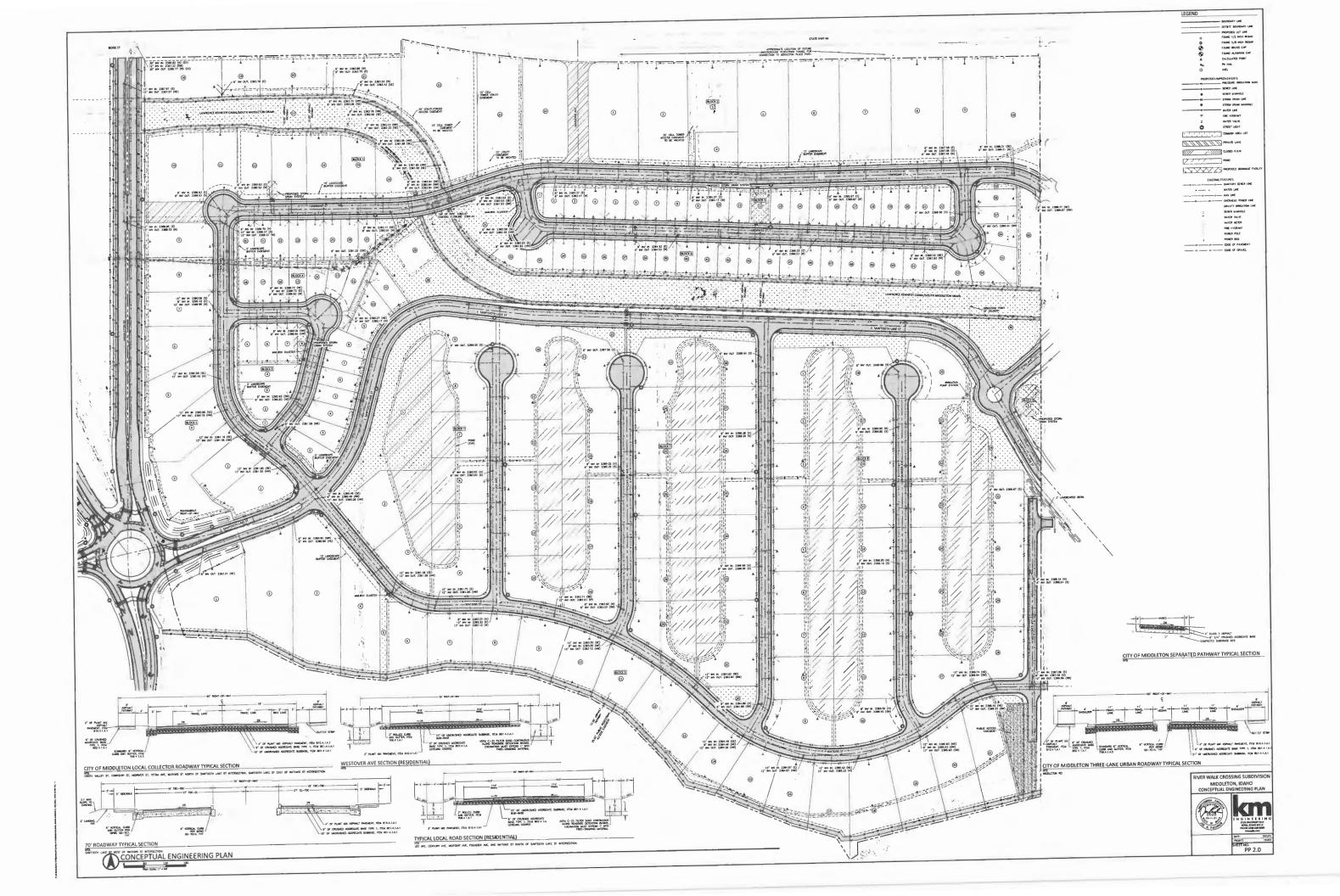
PROJECT SITE						
VICINITY MAP TO BASE PRELIMINARY PLAT DATA						
	-3. N-U WATE, METAL, NON, AND RESIDENTING					
AND CALLARD	57.19 ACRES 42.76 ACRES 4.11 ACRES 10.32 ACRES 25.64 ACRES					
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#### INDEX OF DRAWINGS

SHEET NO.	SHEET TITLE
PP 1.0	PRELIMPIARY PLAT
PP1.1	FLOODPLAIN PLAN
PP1 2	PHASING PLAN
PP 2.0	CONCEPTUAL ENGINEERING PLAY
PPL 1.0	LANDSCAPE PLAN
PPL 2.0	LANDSCAPE ENGINEERING PLAN







### Exhibit "B"

## Engineer Recommend Approval Letter

# This letter will be entered into the Record as Exhibit "B" during the hearing.

### Exhibit "C"

### **Proposed Development Agreement**

### **DEVELOPMENT AGREEMENT**

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**), and WATKINS PROPERTIES, LP, a \_\_\_\_\_\_ in the State of \_\_\_\_\_\_ and HESS PROPERTIES LLC, an Idaho Limited Liability Company (hereinafter referred to collectively as "**Owner**").

### RECITALS

WHEREAS, Owner owns +/- 129 acres legally described in Exhibit A attached hereto, which real property is commonly referred to in the Canyon County Assessor's records as Parcel Nos. R3393800000 and R33938011 ("**Property**"); and

WHEREAS, Owner has applied to the City to annex and rezone the Property; and

WHEREAS, Owner intends to improve the Property according to the Middleton City Code and the City's public works standards at the time(s) the Property is improved; and

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

### AGREEMENT

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

### ARTICLE I LEGAL AUTHORITY

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

### ARTICLE II ZONING ORDINANCE AMENDMENT

The City will adopt an ordinance amending the Middleton Zoning Ordinance to rezone the property as follows: property described in Exhibit "B" shall be rezoned from County "Agricultural" to C-3 (Heavy Commercial); property described in Exhibit "C" shall be rezoned from County "Agricultural" to M-U (Mixed Use); and property described as Exhibit "D" shall be rezoned from County "Agricultural" to R-2 (Large Lot Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform with the Developer's cooperation.

### ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 **Applications.** Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, preliminary plat and final plat reviews, and/ or any special use permits, if applicable, and any other applicable applications as may be required by the Middleton City Code, which shall comply with the Middleton City Code, as it exists at the time such applications are made except as otherwise provided within this Development Agreement.

3.2 **Concept Plan.** The Concept Plan attached hereto as Exhibit "E" represents Owner's current concept for completion of the project. Owner shall be bound by this Concept Plan and shall develop the project generally consistent with the Concept Plan. However, as the project evolves, the City understands that certain changes in that concept may occur. If the City determines that any such changes are significant due to potential impacts on surrounding property or the community, City shall require Owner to apply, in compliance with City Code, for a Development Agreement Modification to address the proposed changes to the Concept Plan.

3.3 **M-U Zone and Setbacks.** Only single-family homes may be built in the M-U Zone. Minimum setbacks for said single-family homes shall be twenty (20) feet in the front yard; fifteen (15) feet in the rear yard, five (5) feet in the interior side

yard, and twenty (20) feet in any street side yard. Cornices, canopies, and eaves that do not increase the enclosed building area, may project into any setback up to two (2) feet. Unenclosed covered patios and porches may project into the front/rear setbacks up to five (5) feet.

3.4 **Deed Restrictions.** Single-family home lots in the M-U Zone shall be exclusively held for purchase and occupancy by persons who are 55 years or older or to the extent allowed under Idaho State law. All requirements related to the 55+ homebuyer requirement for the homes located in the M-U Zone shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho.

3.5 **Middleton Road Frontage Improvements.** The portions of Middleton Road that front the Property are slated to be improved through impact fees collected via the 2021/2022 Mid-Star Service Area Capital Improvement Plan. Although off-site frontage improvements are generally required pursuant to Middleton City Code, Owner shall not be responsible for constructing these improvements. If, at a later date, Owner and City agree that Owner should construct all, or a portion of the planned Middleton Road improvements, then City shall credit Owner for any improvement work over and above Owner's proportionate share of the improvement work.

3.6 **Highway 44 Road Frontage Improvements.** Owner shall, at its own cost, improve all City required street frontages on Highway 44. Such improvements must be completed and accepted by the City before final plat approval for Phase 4 (as the phase is shown on the approved preliminary plat).

3.7 **Traffic Pro-rata/Proportionate Share Fees.** Owner shall pay all traffic impact and traffic pro-rata/proportionate share fees required by the City prior to approval of Phase 1 final plat.

3.8 **Completion of E. Sawtooth Lakes Street.** Final plat for Phase 3 shall not be approved until a second access is constructed for the project. Owner may develop Phases 1 and 2 entirely without constructing a 2<sup>nd</sup> access that connects to Duff Lane, Middleton Road, Highway 44 or Boise Street. Owner agrees to enter into, and record, an agreement with the owner of the adjacent River Pointe Subdivision to complete, in the event that the River Pointe Subdivision is not developed, the portions of E. Sawtooth Lakes Street and/or Yetna Avenue located on the River Pointe Subdivision parcel to ensure access to either Duff Lane or Hwy 44. Final Plat for Phase 1 shall not be approved until Owner provides City with a copy of the recorded agreement between Owner and the River Pointe owner.

3.9 **East/West Collector.** Developer shall provide an east/west collector that connects to the subdivision to the east and provides access to Duff Lane. Parking shall

not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector.

3.10 **Pathways**. The 10' wide asphalt pathways along the Kennedy Lateral shall be open for public use. Owner shall ensure that a public use easement is shown on the preliminary plat and final plat or otherwise created by a recorded instrument.

If the City so requires, Owner agrees to construct the pathways along the Kennedy Lateral below the embankment and nearer to the water level.

Owner shall improve and construct said pathways and obtain a license/easement from the pertinent Irrigation District(s) prior to approval of final plat for Phase 3 as the phase is shown on the approved preliminary plat. Owner and/or its successors and assigns are responsible for maintaining and repairing the portions of the pathway located within the Property.

3.11 **Extraction of Gravel.** Owner shall have the right to excavate the ponds as shown on the preliminary plat. Any extraction shall be in compliance with the following conditions:

- 1. Comply with all submittal requirements of MCC 1-15-16-2 "Submittal Requirements for Mining Applications" and submit (1) a site plan with phasing plan, (2) an "operations plan", (3) SWPPP (4) traffic plan (on site and off site) and (5) reclamation plan before submittal to other agencies.
- 2. Obtain a NOI prior to permit approval and beginning excavation.
- 3. Obtain Water Rights permit for ponds to remain on site and provide the City with a copy of the water right/permit.
- 4. Construction hours shall be Monday through Saturday 7 a.m. to 6 p.m. Once the first home is occupied in Phase 1, excavation in Phase 2 may only occur Monday through Friday 7 a.m. to 6 p.m.
- 5. Obtain all permits from Army Corp of Engineers and/or Idaho Department of Water Resources related to FEMA Special Flood Hazard Areas.
- 6. Access shall be via No. Middleton Road.
- 7. Comply with all mitigation and other standards of the City Code, particularly MCC 1-15-16-3 Standards for Mineral Extraction and Nuisance standards of MCC 8-1.
- 8. Excavation of ponds may occur until September 1, 2027, although this timeperiod may be extended for 1 additional year upon written request to the Planning & Zoning Official. Before final plat can be approved for any phase, the pond in that particular phase must be completed and filled and all excess materials must be removed from the phase.

3.12 **Cell Phone Tower Facility.** A cell tower facility has existed on the Property for a number of years. The cell tower facility may continue in its current location and at its present capacity. In the event the cell tower facility use is

intensified or substantially changed, Owner shall apply per the requirements of the City Code for a special use permit to change the wireless communication activity. In the event Owner transfers the ownership of the property where the cell tower is currently located, Owner will ensure that the transfer documents include the requirements of this Development Agreement.

3.13 **Landscape Buffer.** Owner is not subject to the landscape buffer requirement of Middleton City Code 5-4-10-7(A) for all areas where a residential lot does not directly abut with a commercial lot but are located on the same street or similar proximity. Instead, Owner shall construct a landscape buffer at least 15' wide, and the landscaping may or may not include berming and/or fencing. The 15' wide buffer shall be required along all streets that are shared with both a commercial use and a residential use. The 15' wide buffer must be located entirely on one side of the street. It cannot be split between each side of the street.

At locations where a commercial lot directly abuts a residential lot, the landscape buffer requirement found in MCC 5-4-10-7(A) shall apply.

3.14 **Wrought Iron Fencing.** Only black wrought iron fencing shall be allowed in the project. This includes the perimeter fence required by MCC 5-4-11-2. The perimeter fence may be less than the six (6) foot height prescribed in MCC 5-4-11-2, but the fence height must be a minimum height of four (4) feet. These fencing requirements do not apply to any privacy walls constructed around patios or near the building structure.

3.15 **Design Requirements for Commercial Structures/Uses.** Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Middleton Road and Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least three (3) different design elements or architectural features. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt, modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

3.16 **Signage.** Owner may exceed the one wall sign limit found in the Middleton City Code and may be permitted signs on both the rear elevation and front elevation of a commercial building that has its rear elevation fronting Highway 44 or Middleton Road.

3.17 **CC&Rs.** The conditions, covenants and restrictions for the Property shall contain at least the following:

a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and amenities. Owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the City.

b) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

3.18 **Floodplain.** Owner shall comply with all applicable provisions of Title 4, Chapter 3 Flood Control Regulations and Title 5, Chapter 4, Section 13, Subsection 2, Subdivision Within Floodplain, of the Middleton City Code.

3.19 **Floodway.** All buildings shall be setback a minimum of 50 -feet from the floodway line as identified In Title 4, Chapter 3, Section 7, Subsection 5 Specific Standards of Middleton City Code.

3.20 Administrative Application for C-3 Zone Changes. In light of the large commercial component of this project and the need for commercial flexibility, Owner shall be allowed some flexibility with respect to the phasing and lot line configurations of the C-3 portion of the project. Specifically, Owner shall be allowed to pay a fee of \$1000 and make an administrative application to the City Planning & Zoning Official to change the phasing boundaries and/or number of phases in the C-3 Zone. Additionally, the administrative request may apply to alter lot lines to decrease or increase the number of commercial lots and make minor or insignificant reconfigurations of roadway and/or utilities within the affected Phase. If the Planning & Zoning Official deems the changes to lot lines, roadways, and utilities too significant, Owner must utilize the Amended Preliminary Plat process found in the Middleton City Code.

3.21 **Centerline Radius.** Owner shall be allowed a roadway minimum centerline radius of ninety (90) feet.

3.22 **Final Plat Deadline & Termination of Agreement.** Owner shall obtain City Engineer's signature on the final plat for Phase 1 within two years of the date the preliminary plat is approved. Upon written request prior to the expiration of said two year period, Owner may apply administratively with a written request for a one year extension to obtain City Engineer's signature on the final plat for Phase 1. Notwithstanding the provisions in Article IV, if Owner does not obtain the City Engineer's signature on the final plat for Phase 1 within two years of the date the

preliminary plat is approved or within the time-period of a one year extension, then Owner will be in material breach of this Agreement. Additionally, the preliminary plat shall become null and void. The City, after complying with the notice and hearing requirements contained in the Middleton City Code and Idaho Code, may then choose to extend, modify, or terminate this Agreement. The City may initiate the foregoing proceedings and may do so at any time following a material breach hereof. Termination of this Agreement shall not affect the zoning that is in place at the time of the termination, and the zoning for the Property shall remain the same. No delay in initiating proceedings to extend, modify, or terminate this Agreement following a material beach by Owner shall constitute a waiver of said breach.

3.23 **Two Year intervals for Final Plat.** Other than phase 1 final plat dealt with in Paragraph 3.22 above, Owner shall submit a final plat application on each phase within two years of final plat approval on the previous phase. Upon written request prior to the expiration of said two year period, Owner may apply administratively with a written request for a one year extension to submit a final plat application. If Owner does not timely apply for a one year extension or does not subsequently submit the final plat application within the requested one year extension time period, then the preliminary plat for said phase and all subsequent phases shall become null and void, and Owner must resubmit the preliminary plat for said phases in order to continue to develop the Property.

3.24 **Easement for Land-locked Parcels.** Per MCC 5-3-1(A), all lots in a subdivision must front public right of way. Developer shall be entitled to a waiver of this code section with respect to Lots 18-22, Block 1 (northwest corner of the pre-plat immediately north of the Kennedy Drain). Instead, Developer shall create a 20' wide cross-access easement to give access to the parcels.

3.25 **Public Easement on River Access Common Lot:** Developer shall create a public access easement over the entirety of the common lot shown as Lot 22, Block 6 on the Preliminary Plat for the purpose of granting public access to the Boise River. The lot shall be paved with asphalt or compacted gravel to permit easy access by the public and vehicles. Developer and/or Homeowners Association shall be responsible for constructing the drop-off zone and maintaining it thereafter.

3.26 **Community Amenity:** As part of a community amenity, Developer shall construct the court amenity (or amenity(ies) that is deemed matching or better) as shown on Lot 31/Block 4 of the Preliminary Plat.

### ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may

be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code.

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

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

4.2 If after a breach, the City Council determines that the zoning should be changed to another zone, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such change or other authorized action and will cease uses not allowed or permitted within the changed zone.

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

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

### ARTICLE V GENERAL PROVISIONS

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

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

5.3 Any notice that a party may desire to give to another party must be in writing and may be given by personal delivery, by mailing the same registered or certified mail with a return receipt requested, or by Federal Express or other

reputable overnight delivery service. Notice shall be given to the parties at the following addresses or such other address and to such other persons as the parties may designate after giving notice. Any such notice shall be deemed given upon delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

Middleton:	City Clerk City of Middleton P.O. Box 487 Middleton, Idaho 83644
Developer:	Watkins Properties L P 10038 Turner Drive Middleton, Idaho 83644
	Hess Properties, LLC 15031 Spyglass Lane Caldwell ID 83607

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

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

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

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

The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale

or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

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

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

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

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

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020 and effective upon annexation of the Property.

### **CITY OF MIDDLETON**

ATTEST

By: \_\_\_

Steven J. Rule, Mayor

By: \_

Becky Crofts, City Clerk

State of IDAHO

SS.

)

County of \_\_\_\_\_)

I, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.

Notary Public	
My Commission Expires: _	

### WATKINS PROPERTIES LP:

By: \_\_\_\_\_

State of IDAHO ) ss. County of )

I, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me \_\_\_\_\_, who, being first duly sworn, declared that he signed.

Notary Public My Commission Expires: \_\_\_\_\_

**HESS PROPERTIES LLC:** 

By: \_\_\_\_\_

State of IDAHO )

County of \_\_\_\_\_)

I, a notary public, do hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, personally appeared before me \_\_\_\_\_, who, being first duly sworn, declared that he signed.

SS.

Notary Public

### Exhibit "D"

### Comments from the Public

TERRY MCENTEE, PRESIDENT PAT MCENTEE, VICE PRESIDENT

> P.O. BOX 15010 - ZIP 83715 5040 SOUTH APPLE BOISE, IDAHO

> > PHONE (208) 338-0818

> > FAX (208) 338-1329

E-MAIL: info@CentralPaving.com Website: www.CentralPaving.com



August 4<sup>th</sup>, 2021

City of Middleton Planning and Zoning Department PO Box 487 Middleton, ID 83644

Re: Public Hearing Notice – Annexation/Rezone, Preliminary Plat, Development agreement, and Comprehensive Plan Map Amendment (River Walk Crossing Subdivision)

Planning and Zoning Commission:

In response to the letter we received regarding the public hearing notice for the River Walk Crossing Subdivision, we would like to bring to your attention our mining/hot plant operation located on the property to the south end of the proposed subdivision. Central Paving Co., Inc. owns and operates a gravel pit and has a conditional use permit to erect and operate an asphalt hot plant. Our activities include the use of heavy equipment such as loaders, excavators, rock crushing equipment, asphalt hot plant, and tractor trailers. As you know this type of work can be disturbing for a residential area. We feel this is an important factor to consider due to the nature of the purposed development. Please reach out if you wish to discuss this matter further or have additional questions.

Sincerely, Rebecca Strickland

RStille

Controller

### Exhibit "E"

## **Comments from Agencies**



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

June 28, 2021

Middleton City Council and Planning and Zoning Commission 1103 West Main Street Middleton, ID 83644 Attention: Roberta Stewart, P&Z

Hess Properties, LLC c/o KM Engineering 5725 N. Discovery Way Boise, Idaho 83713 Attention: Joe Pachner, P.E.

### RE: River Ranch Crossing Subdivision Preliminary Plat- Middleton Rd & Traffic Impacts

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for the proposed River Ranch Crossing Subdivision dated July 2, 2021, and offers the following comments:

### General

- 1. CHD4 has jurisdiction over, and operates and maintains Middleton Rd south of Sawtooth Drive adjacent to the proposed development on the westerly boundary. Additionally, CHD4 operates and maintains Duff Lane and Lincoln Rd which will be indirectly affected by the proposed development. By policy, CHD4 may consider adopting adjacent city standards for road section, access controls, and other urban features for projects within city area of impact and within one mile of city limits. This subject property is proposed for annexation into the City of Middleton.
- 2. CHD4 requests that the City include as part of any development agreement for the project a clause requiring dedication of public right-of-way for Middleton Rd (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.
- 3. The City should, through exactions or other fees, determine and require a proportionate share of the costs necessary to improve capacity at local intersections affected by new traffic from the development, including but not limited to Middleton Rd/Sawtooth Drive and Middleton Rd/Lincoln Rd. No other local funding sources for these improvements is currently available to CHD4.
- 4. The preliminary plat does not include consideration for re-alignment of SH 44 south of existing downtown Middleton. If alternatives for development of this bypass route are not included with this (and other nearby) preliminary plats or development plans, no other reasonable alternative alignment for SH 44 is available due to existing development north and south of the city. This will significantly limit the opportunity to add additional east-west traffic capacity within city limits to serve new growth and development. If the opportunity for a bypass/alternate route is abandoned now, it is gone forever in all practical terms.
- 5. Ember Street closely matches an existing road name in Canyon County (Ember Rd, located between Middleton & Duff north of Purple Sage Rd) and may cause confusion for emergency responders. As this road is not continuous, and will never connect to the existing Ember Rd, consider an alternate name.

### Access

- 1. Middleton Rd is designated as a principal arterial on the functional classification maps adopted by CHD4, Canyon County, and the City of Middleton. The Sawtooth Drive collector road access to Middleton Rd is consistent with the Middleton Rd Corridor Plan (2016) adopted by the City and CHD4. There does not appear to be any other public road access proposed by the development, although future connection to Duff Lane through River Pointe Subdivision to the east appears to be planned.
- 2. The proposed Sawtooth Drive access to Middleton Rd appears to be offset approximately 45-feet south of the existing Sawtooth Drive approach to the west. CHD4 recognizes this offset is planned to accommodate a roundabout at the Sawtooth/Middleton intersection in the future; however this geometry will not accommodate any interim access as the left turn movements for the two Sawtooth Drive approaches will overlap, causing conflicts and potential safety concerns. To correct this conflict, the roundabout should be constructed prior to or in conjuction with the east Sawtooth approach, or the east Sawtooth approach should be temporarily located to align with the west Sawtooth approach until a roundabout can be constructed. Alternatively, the Sawtooth Drive approaches could be limited to right-in-right-out for interim operation.
- 3. The Ember Street connection east to River Street does not appear consistent with the preliminary plat for River Pointe Subdivision dated May 5, 2021.

### **Traffic Impacts**

CHD4 has reviewed the Traffic Impact Study (TIS) dated November 24, 2020 for River Ranch Crossing, and provides the following comments:

- The TIS dated 11/24/20 appears to include a re-alignment of SH 44 through portions of the development, and references a connection to SH 44 via "Marjorie Drive" referenced as a "Closed Right-of-Way". If this connection is not planned for use, the traffic impacts assumed for the Sawtooth Drive connection to Middleton Rd, and the future connection through River Pointe Subdivision to Duff are likely understated in the TIS.
- 2. The TIS states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.
- 3. The TIS states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

Please feel free to contact me with any questions on these comments. Respectfully,

2

Chris Hopper, P.E. District Engineer

CC: File: Middleton\_Middleton Rd- River Ranch Crossing Subdivision



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

August 5, 2021

Middleton City Council & Planning and Zoning Commission 1103 West Main Street Middleton, ID 83644 Attention: Roberta Stewart, P&Z

### RE: River Pointe Subdivision Preliminary Plat River Walk Crossing Subdivision Preliminary Plat Middleton Rd & Duff Lane

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the following items related to preliminary plats for the proposed River Pointe Subdivision and River Walk Crossing Subdivision: River Pointe:

- Preliminary Plat dated May 5, 2021
- Revised Traffic Impact Study dated April 14, 2021
- Updated Technical Report from ITD dated February 14, 2021

River Walk Crossing:

- Preliminary Plat dated June 2, 2021
- Traffic Impact Study dated November 24, 2021
- Technical Report from ITD dated March 4, 2021

CHD4 provides the following comments on these applications:

### General

By agreement with the City, CHD4 operates and maintains Middleton Road and Duff Lane adjacent to the proposed developments. It is our understanding that the subject properties are or will be annexed into the City of Middleton.

The City is currently considering significant revisions to the comprehensive plan and transportation planning maps, including removal of a bypass route for SH 44 south of the existing city center. The River Point plat shows area reserved for right-of-way for this bypass, while the River Walk Crossing plat does not. It is difficult to provide comprehensive comments on traffic impacts from these developments given the uncertainty of the SH 44 principal arterial corridor. Comments provided below are general in nature due to this uncertainty, and additional comment may be provided in the future.

CHD4 requests that the City include as part of any development agreement for the projects a clause requiring dedication of public right-of-way for Middleton Road or Duff Lane (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.

### **Traffic Impacts**

The two developments combine to produce a reported 16,866 trips per average weekday at buildout, with three (or possibly four) connections to the existing highway system at Middleton Rd, SH 44, and Duff Lane. This increase in traffic will have a significant impact on all three highways adjacent to the development, and on adjacent and downstream intersections.

Middleton Rd along the west boundary of the developments is a two lane rural road between the city center and Lincoln Rd. The existing road is nearing capacity with current 2021 traffic volumes. The Mid-Star Capital Improvement Plan adopted by the City in July 2021 includes projects to widen Middleton Rd to 5 lanes, and to construct roundabouts at the intersections of Lincoln Rd and Sawtooth Drive. This plan is not currently funded, although the city is considering modification to its impact fee ordinance to enact development impact fees sufficient to make these improvements. Construction of any improvements included under the Mid-Star CIP will take place well after traffic impacts from the proposed developments are experienced. CHD4 has no capacity projects programmed for this corridor in the next five years.

Duff Lane along the east boundary of the developments is a two lane rural road with narrow shoulders and limited right-of-way width between the proposed Watkins Street access from the developments. No capacity improvements to Duff Lane are currently programmed by CHD4, nor are included in the Mid-Star CIP. The TIS for River Pointe estimates a total of 73 trips in the 2025 PM peak hour using the Duff Lane/Watkins Street intersection, and 114 trips using Duff Lane at SH 44. These volumes are well within the typical operational capacity of a two-lane highway (300 trips/hr), however it represents only approximately 4% of the total peak hour trips generated by the site. This estimate may not accurately represent usage of this intersection, and the Duff Lane corridor between Watkins St and SH 44, when only two or three other points of access to the highway system are available to the developments. CHD4 recommends re-evaluation of the estimated usage of this approach to Duff Lane when a decision on the SH 44 alternative route is finalized, and timing of development of the Marjorie Ave approach to SH 44 is clarified.

Numerous intersections nearby or affected by the developments are already operating near or below acceptable Levels of Service (average vehicle delay) during the peak hour periods, including SH 44/Middleton, SH 44/Duff, Middleton/Sawtooth, and Middleton/Lincoln. Each of these (except SH 44/Middleton) is included on the Mid-Star CIP for capacity improvements, and will be eligible for funding through development impact fees. Implementation of these projects may lag years behind the traffic impacts generated by the developments, as the fees are not collected until building permit issuance, and traffic associated with building construction can equal or exceed that from the finished development. Levels of service at these surrounding intersections should be expected to further degrade from the current conditions unless these projects can be advanced through other funding sources to occur in sequence with development of the subject properties.

The TIS for River Pointe states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

Page 3 of 3

The TIS for River Walk Crossing states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.

Comments previously provided by CHD4 for River Walk Crossing (June 28, 2021) and River Point (May 27, 2021) are still applicable to these projects.

CHD4 requests the City Council and Planning & Zoning Commission consider these comments, and condition the proposed development to address impacts to the area's transportation system.

Please feel free to contact me with any questions on these comments.

Respectfully,

Chris Hopper, P.E. District Engineer

CC: File: Middleton\_Duff Lane- River Pointe Subdivision/ River Walk Crossing Subdivision

### Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 2.0* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

#### Development Name: River Pointe and River Walk Crossing Agency: Middleton

#### **CIM Vision Category: Future Neighborhoods**

New house	eholds: 274	New jobs: ±80	Exceeds CIM forecast: No
<u>ê</u> !!	CIM Corridor: <b>Highway 44</b> Pedestrian level of stress: <b>R</b> Bicycle level of stress: <b>R</b>		Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: <b>1,080</b> Jobs within 1 mile: <b>540</b> Jobs/Housing Ratio: <b>0.5</b>		A good jobs/housing balance – a ratio between <b>1 and</b> <b>1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: <b>3.4 m</b> Nearest fire station: <b>2.5 mile</b>	es	Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
	Farmland consumed: <b>Yes</b> Farmland within 1 mile: <b>844</b>	acres	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.7 m Nearest public park: 0.1 mile Nearest grocery store: 0.5 m	illes es	Residents who live or work less than $\frac{1}{2}$ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

### Recommendations

The proposed River Pointe and River Walk Crossing subdivision is situated on the south of State Highway 44 in the direct alignment of the SH-44 bypass. As you know, COMPASS works closely with member agencies to develop the regional long-range transportation plan for Ada and Canyon Counties. This plan identifies the vision for growth and the transportation system to support that growth. The long-range transportation plan also enables transportation agencies to maximize the use of the limited transportation dollars in a comprehensive and coordinated approach. The SH-44 bypass has been included in the region's long-range transportation plans since 2003. The current long-range transportation plan, *Communities in Motion 2040 2.0* (CIM 2040 2.0), identified the SH-44 bypass in Middleton as key to the overall efficiency and safety of this corridor. SH-44, including the Middleton bypass, is currently considered the third highest state system priority in CIM 2040 2.0, after Interstate 84 and US Highway 20/26.

Not only has this project been included in the long-range transportation plans since 2003, but it had its genesis a few years earlier in a corridor study that began in 1999. The corridor study later became an environmental assessment (EA). Multiple agencies have been working together to support the development, completion, and eventual adoption of the SH-44 EA. For the past eighteen years, decisions about regional land uses and the transportation system have been influenced by/depend on the future bypass.

This spring the Idaho Legislature passed HB362, which Governor Little signed on May 10, 2021, to increase sales tax distribution to the Transportation Expansion and Congestion Mitigation Fund, to allow for large infrastructure projects. This increase allows at least \$80M per year for capacity projects, with the added ability to bond. If the SH-44 EA can be completed and approved, the project could move forward with the newly available funding.

As recent and future growth will bring added traffic to SH-44, the bypass is needed to maintain a state route as an efficient corridor to access jobs, services, and other communities, while ensuring Middleton's downtown is safe for pedestrian access to nearby schools and businesses. COMPASS has committed almost \$4.7 million dollars in the regional transportation improvement program to construct South Cemetery Road, from Highland Drive to Willow Creek, linking SH-44 and Middleton Road. If the bypass does not come to fruition, there could be unintended consequences, such as drivers choosing to use the Cemetery Road extension to avoid the impending congestion through the City of Middleton due to growth. The bypass was designed to carry/serve this additional traffic. Local land use and transportation plans were developed based on this understanding of the need for a SH-44 bypass in Middleton. Without this bypass, we anticipate a degradation of other roads and an inability to effectively and safely serve future growth. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266).



### SH-44 (State Street), SH-16 to Linder Road, Ada County ✓ Inflated

Regionally Significant: Key #: 20266

Requesting Agency: ITD Project Year: 2023 **Total Previous Expenditures:** \$463 Total Programmed Cost: \$8,760 Total Cost (Prev. + Prog.): \$9,223

#### COMPASS PM:

Congestion Reduction/System Reliability Freight Movement and Economic Vitality Transportation Safety Community Infrastructure





Project Description : Add an additional westbound and eastboud lane to improve congestion and reduce crashes along State Highway 44 (State Street), from State Highway 16 to Linder Road near the City of Eagle.

Funding S	Inding Source TECM Program State Hwy - Safety & Capacity (Capacity)					Local Match 100.00%			
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2021	0	90	0	0	0	0	90	0	90
2023	0	0	0	0	765	7,905	8,670	0	8,670
Fund Totals:	\$0	\$90	\$0	\$0	\$765	\$7,905	\$8,760	\$0	\$8,760

Regionally Significant: 🗹 🛛 😾 Inflate	d <u>COMPASS PM:</u>	Federal PM:	R Class Trit
Key # : 20574	Congestion Reduction/System Reliability	-	Bagi
Requesting Agency: ITD	Freight Movement and Economic Vitality	C	Star
Project Year: 2024	Transportation Safety		THAT ISPACE TO THAT AS
-	Community Infrastructure		
otal Previous Expenditures: \$1,400		-	da and
otal Programmed Cost: \$11,836			
otal Cost (Prev. + Prog.): \$13,236			5
	14 (State Street) from Star Road to State Highwa nal lane in both directions will alleviate congestio fety		

Funding Source TECM         Program         State Hwy - Safety & Capacity (Capacity)				Local Match 100.00%					
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2021	61	0	1,000	0	0	0	1,061	0	1,061
2024	0	0	0	0	704	10,071	10,775	0	10,775
Fund Totals:	\$61	\$0	\$1,000	\$0	\$704	\$10,071	\$11,836	\$0	\$11,836

MIDDLETON RURAL FIRE DISTRICT



STAR FIRE PROTECTION DISTRICT

DATE: June 22, 2021

TO: City of Middleton, Planning & Zoning City of Middleton, Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: River Ranch Crossing

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

**Overview:** This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

**Fire Response Time:** This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, Idaho. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development.

Accessibility: Roadway Access, Traffic, Radio Coverage

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

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

Note: The current proposed entrance design off Middleton Rd to E. Sawtooth Lake Dr. will be sufficient for development of phases 1 & 2. Development of phases 3, 4 and 5 will require additional access.

The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and 50' ladder truck.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.

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 always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

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



The developer shall provide a designated access point(s) to watercourse and bodies of water as requested by the Fire District for emergency services. Access shall have an unobstructed width of not less than 12 feet exclusive of shoulders with an unobstructed vertical clearance of not less than 13 feet 6 inches. The drivable surface shall be capable of supporting the imposed load of fire apparatus weighing at least 35,000 pounds. The access shall be protected from unauthorized vehicles using MaxiForce collapsible bollards. The access shall also be marked with signs on both ends of the access point reading "Emergency and Authorized Vehicles ONLY".

The applicant shall work with City of Middleton, Canyon County 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

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post hall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

#### Specialty/Resource needs: None

#### 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: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
- 2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
- 3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
  - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
  - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
  - c. Fire hydrants shall be placed on corners when spacing permits.
  - 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.
  - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

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



STAR FIRE PROTECTION DISTRICT

### **Inspections:**

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

#### **Additional Comments:**

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

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



Your Safety • Your Mobility Your Economic Opportunity

June 28, 2021

Roberta Stewart City of Middleton, Planning & Zoning 1103 W. Main St. P.O. Box 487 Middleton, ID 83644 Phone: (208) 585-3133 <u>rstewart@middletoncity.com</u>

VIA EMAIL

RE: River Ranch Crossing – ITD Site Plan Comments

Dear Ms. Stewart,

The Idaho Transportation Department (ITD) appreciates the opportunity to review the proposed River Ranch Crossing Preliminary Plat (dated 6/2/2021) that is planned for distribution at the city of Middleton's upcoming July 12<sup>th</sup> public hearing. We realize the city also requires ITD's formal traffic impact study (TIS) comments prior to the public hearing that will describe acceptability of the proposed SH-44 access across from Marjorie Avenue as well as any other improvements needed to mitigate for impacts to the State Highway System. Based on the provided Preliminary Plat, ITD is unable to provide any comments on the TIS.

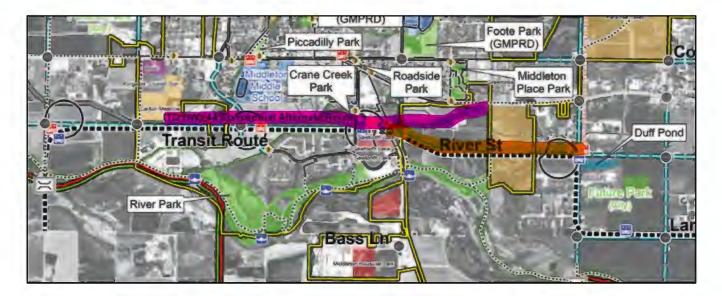
The department is actively moving forward with the draft SH-44 corridor plan with intent to secure approval of the associated environmental document from the Federal Highway Administration (FHWA). The corridor plan includes the Middleton Alternate Route, which bisects River Ranch Crossing. River Ranch Crossing's Preliminary Plat does not provide any setback for the future alternate route. ITD does not expect the city to require the developer to dedicate land towards the future alternate route, but it is necessary for future right-of-way to be preserved. Project costs will increase astronomically to the point of making the alternate route unfeasible if residential houses and/or commercial buildings are allowed to construct within future right-of-way limits.

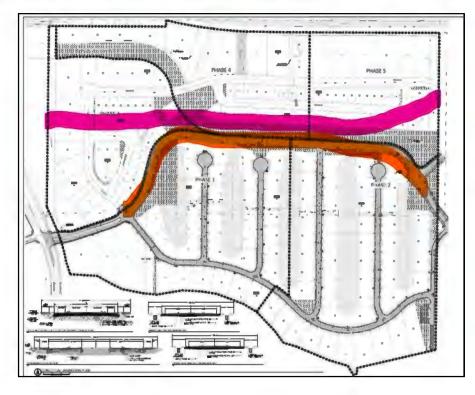
We also compared River Ranch Crossing's Preliminary Plat with the city of Middleton's Comprehensive Plan and Maps adopted on December 4, 2019, and available from the City's website. The Preliminary Plat does not comply with the comprehensive plan. The map titled, "Map 3: COMPREHENSIVE PLAN – Transportation, Schools, and Recreation Map includes the road features "ITD HWY 44 Conceptual Alternate Route" and River Street. The alternative route is not included on the River Ranch Crossing Preliminary Plat. River Street is included in the



Your Safety • Your Mobility Your Economic Opportunity

Preliminary Plat but does not maintain the intent of what is shown in Map 3 that serves as an arterial route between the SH-44 Alternate Route and Duff Lane. Please see diagrams below.







### Your Safety • Your Mobility Your Economic Opportunity

Included on the City's website, Planning and Zoning page, Comprehensive Plan, 2019 Comprehensive Plan Updated Maps, is the "City of Middleton Crane Creek Park" map that includes a 100-foot wide "River Street (Future)" feature. River Street as shown in the Preliminary Plat is only 60-feet wide.

At this time, ITD is unable to complete our review of the River Ranch Crossing TIS based on the above-described concerns. We support economic development within the city of Middleton, but cannot support a development that is in conflict with the SH-44 corridor plan that we have been working on for years with our local agency partners.

Please accept this letter as ITD's formal objection to the development unless significant changes to the preliminary are implemented.

I ask that as the city of Middleton evaluates future development, it be mindful of how the development's traffic accesses SH-44 and whether it is in alignment with the draft SH-44 corridor plan. This plan has been developed to serve the needs of your growing community and the needs of travelers on the State highway. ITD looks forward to working with the City as you plan and grow your community and together we continue ITD's mission of "Your Safety. Your Mobility. Your Economic Opportunity."

Sincerely,

Cube R Bowen

Erika R. Bowen, P.E. ITD – District 3 Development Services Technical Engineer

Cc: Caleb Lakey – ITD Matt Stoll – COMPASS Dan Lister – Canyon County

From:	Erika Bowen
To:	Roberta Stewart
Cc:	Joe Pachner; Stephanie Hopkins; Becky Crofts; Amy Woodruff; Tyler Hess; Sarah Arjona; Mark Wasdahl; Jayme Coonce; Caleb Lakey; Dan Lister; mstoll@compassidaho.org; Jake Melder
Subject:	RE: [EXTERNAL] Revised River Ranch Crossing for ITD review
Date:	Monday, June 28, 2021 8:40:10 AM
Attachments:	image003.png
	<u>19-053 Preliminary Plat 06.2.2021 Signed COPY.pdf</u>
	<u>6-28-2021 River Ranch Crossing Site Plan - ITD Comments.pdf</u>

#### Hi Roberta-

ITD reviewed the provided preliminary plat that will be presented to the Planning and Zoning Commission on July 12<sup>th</sup>. At this time ITD is unable to complete our review of the River Ranch Crossing Traffic Impact Study based on a number of concerns regarding the Preliminary Plat and how it does not comply with the City of Middleton's Comprehensive Plan nor ITD's draft SH-44 corridor plan. Please find details of our concerns in the attached letter.

Thanks,

Erika R. Bowen, P.E.

ITD District 3 Development Services Technical Engineer

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Thursday, June 17, 2021 1:52 PM
To: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>; Erika Bowen <Erika.Bowen@itd.idaho.gov>; Mark
Wasdahl <Mark.Wasdahl@itd.idaho.gov>; Jayme Coonce <Jayme.Coonce@itd.idaho.gov>
Cc: Joe Pachner <Joe@kmengllp.com>; Stephanie Hopkins <shopkins@kmengllp.com>; Becky Crofts
<bcrofts@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Tyler Hess
<tyler@hesspropertiesidaho.com>

Subject: [EXTERNAL] Revised River Ranch Crossing for ITD review

## --- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Hi Erika and Sarah: you have been working with Stephanie Hopkins of KM Engineers on review of this River Ranch Crossing preliminary plat in Middleton, Idaho. It is the large commercial/residential plat that is closely connected to Brian Burnett's River Pointe Subdivision, which you recently reviewed.

This is the 4<sup>th</sup> version of River Ranch's plat, and it is the version that we will be taking to the Planning & Zoning Commission for public hearing on July 12, 2021. It is not terribly different from the last version you reviewed, but it is different. One of the differences is the fact that the Hwy 44 bypass Right of Way is missing per emails between Mayor Rule and Caleb Lakey. Earlier, Sarah had asked that the right of way be re-inserted into the plat, but the City is not requiring that right of way, as you know.

We are requesting that you re-review and revise as necessary your earlier Traffic Findings and Technical Report. If you need me to resend Burnett's River Pointe pre-plat to see how the 2

subdivisions connect, please let me know and I will send it right away. Thanks for your help.

Roberta L. Stewart

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

Tele - (208) 585-3133 Fax - (208) 585-9601 rstewart@middletoncity.com

www.middleton.id.gov



From: Sarah Arjona <<u>Sarah.Arjona@itd.idaho.gov</u>>

Sent: Monday, April 19, 2021 10:36 AM

To: Stephanie Hopkins <<u>shopkins@kmengllp.com</u>; Erika Bowen <<u>Erika.Bowen@itd.idaho.gov</u>; Mark Wasdahl <<u>Mark.Wasdahl@itd.idaho.gov</u>; Jayme Coonce <<u>Jayme.Coonce@itd.idaho.gov</u>; Becky Crofts <<u>bcrofts@middletoncity.com</u>; Rachel Speer <<u>rspeer@middletoncity.com</u>; Amy Woodruff <<u>amy@civildynamics.net</u>; Roberta Stewart <<u>rstewart@middletoncity.com</u></u>; Spencer Kofoed <<u>Spencer@tcpidaho.com</u>; Tyler Hess <<u>tyler@hesspropertiesidaho.com</u>; Mary Wall <<u>mwall@breckonld.com</u>; Jon Breckon <<u>jbreckon@breckonld.com</u>; 'Brian Burnett' <<u>invest1977@yahoo.com</u>>

Cc: Joe Pachner <Joe@kmengllp.com>

Subject: RE: [EXTERNAL] River Ranch Crossing and River Pointe layouts

Stephanie,

Can you provide a site plan with the SH-44 future alternate route overlay please?

Thank you,

Sarah Arjona Development Services Coordinator ITD District 3 (208) 334-8338 From: Stephanie Hopkins <<u>shopkins@kmengllp.com</u>>

Sent: Monday, April 19, 2021 10:27 AM

To: Erika Bowen <<u>Erika.Bowen@itd.idaho.gov</u>>; Sarah Arjona <<u>Sarah.Arjona@itd.idaho.gov</u>>; Mark Wasdahl <<u>Mark.Wasdahl@itd.idaho.gov</u>>; Jayme Coonce <<u>Jayme.Coonce@itd.idaho.gov</u>>; Becky Crofts <<u>bcrofts@middletoncity.com</u>>; Rachel Speer <<u>rspeer@middletoncity.com</u>>; Amy Woodruff <<u>amy@civildynamics.net</u>>; Roberta Stewart <<u>rstewart@middletoncity.com</u>>; Spencer Kofoed <<u>Spencer@tcpidaho.com</u>>; Tyler Hess <<u>tyler@hesspropertiesidaho.com</u>>; Mary Wall <<u>mwall@breckonld.com</u>>; Jon Breckon <<u>jbreckon@breckonld.com</u>>; 'Brian Burnett' <<u>invest1977@yahoo.com</u>>

Cc: Joe Pachner <<u>Joe@kmengllp.com</u>>

Subject: [EXTERNAL] River Ranch Crossing and River Pointe layouts

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---Hi all,

Please see attached for two exhibits that depict the River Ranch Crossing Subdivision and the River Pointe Subdivision. These exhibits demonstrate the connectivity between the two proposed subdivisions and proposed points of access for each separately.

We look forward to further discussion regarding both projects today.

Thank you,

Stephanie Hopkins Land Planner KM ENGINEERING 5725 N. Discovery Way | Boise, ID 83713 208.639.6939

### **Roberta Stewart**

From:	O'Shea, Maureen <maureen.oshea@idwr.idaho.gov></maureen.oshea@idwr.idaho.gov>
Sent:	Thursday, September 16, 2021 1:16 PM
To:	Roberta Stewart
Subject:	re: River Walk Public Hearing - CC 10-6-2021
Attachments:	Notice - Agencies - CC.pdf

#### Roberta,



The following National Flood Insurance Program (NFIP) regulations will apply to this project: Title 44 of the Code of Federal Regulations §60.3 Flood plain management criteria for flood-prone areas.

... Minimum standards for communities are as follows:

(a) ... the community shall:

(1) Require permits for all proposed construction or other development in the community, including the placement of manufactured homes, so that it may determine whether such construction or other development is proposed within flood-prone areas;

(2) <u>Review proposed development to assure that all necessary permits have been received from those</u> <u>governmental agencies from which approval is required by Federal or State law, including section 404 of</u> the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334;

(3) <u>Review all permit applications to determine whether proposed building sites will be reasonably safe</u> <u>from flooding</u>. If a proposed building site is in a flood-prone area, <u>all new construction and substantial</u> <u>improvements shall</u>

(i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,

(ii) be constructed with materials resistant to flood damage,

(iii) be constructed by methods and practices that minimize flood damages, and

(iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(4) Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that

(i) all such proposals are consistent with the need to minimize flood damage within the flood-prone area,

(ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) adequate drainage is provided to reduce exposure to flood hazards;

(5) Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

(6) Require within flood-prone areas

(i) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and

(ii) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

(b) ... the community shall:

(1) <u>Require permits for all proposed construction and other developments</u> including the placement of manufactured homes, within Zone A on the community's FHBM or FIRM;

(2) Require the application of the standards in paragraphs (a) (2), (3), (4), (5) and (6) of this section to development within Zone A on the community's FHBM or FIRM;

(4) Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to paragraph (b)(3) of this section, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the community's FHBM or FIRM meet the standards in paragraphs (c)(2), (c)(3), (c)(5), (c)(6), (c)(12), (c)(14), (d)(2) and (d)(3) of this section;

(5) Where base flood elevation data are utilized, within Zone A on the community's FHBM or FIRM:
 (i) Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures, and

(ii) Obtain, if the structure has been floodproofed in accordance with paragraph (c)(3)(ii) of this section, the elevation (in relation to mean sea level) to which the structure was floodproofed, and

(iii) Maintain a record of all such information with the official designated by the community under §59.22 (a)(9)(iii);

(6) Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator;

(7) Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained;

(8) Require that all manufactured homes to be placed within Zone A on a community's FHBM or FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame

ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

(c) ... the community shall:

(1) Require the standards of paragraph (b) of this section within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the community's FIRM;

(2) <u>Require that all new construction and substantial improvements of residential structures within Zones</u> A1-30, AE and AH zones on the community's FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with §60.6 (b) or (c);

(3) <u>Require that all new construction and substantial improvements of non-residential structures within</u> <u>Zones A1-30, AE and AH zones on the community's firm (i) have the lowest floor (including basement)</u> <u>elevated to or above the base flood level or, (ii) together with attendant utility and sanitary facilities, be</u> <u>designed so that below the base flood level the structure is watertight with walls substantially</u> <u>impermeable to the passage of water and with structural components having the capability of resisting</u> <u>hydrostatic and hydrodynamic loads and effects of buoyancy;</u>

(4) Provide that where a non-residential structure is intended to be made watertight below the base flood level,

(i) a registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of paragraph (c)(3)(ii) or (c)(8)(ii) of this section, and

(ii) a record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained with the official designated by the community under §59.22(a)(9)(iii);

(5) Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(6) Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the community's FIRM on sites

(i) Outside of a manufactured home park or subdivision,

(ii) In a new manufactured home park or subdivision,

(iii) In an expansion to an existing manufactured home park or subdivision, or

(iv) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

(10) Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development,

when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

(12) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the community's FIRM that are not subject to the provisions of paragraph (c)(6) of this section be elevated so that either

(i) The lowest floor of the manufactured home is at or above the base flood elevation, or
 (ii) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

(13) Notwithstanding any other provisions of §60.3, a community may approve certain development in Zones Al-30, AE, and AH, on the community's FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

(14) Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the community's FIRM either

(i) Be on the site for fewer than 180 consecutive days,

(ii) Be fully licensed and ready for highway use, or

(iii) Meet the permit requirements of paragraph (b)(1) of this section and the elevation and anchoring requirements for "manufactured homes" in paragraph (c)(6) of this section.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

### (d) the community shall:

(1) Meet the requirements of paragraphs (c) (1) through (14) of this section;

(2) Select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood, without increasing the water surface elevation of that flood more than one foot at any point;

(3) <u>Prohibit encroachments, including fill, new construction, substantial improvements, and other</u> development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge;

(4) Notwithstanding any other provisions of §60.3, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the provisions of §65.12, and receives the approval of the Federal Insurance Administrator.

Should you have any questions please do not hesitate to contact me.

Thank you, Maureen O'Shea, AICP, CFM NFIP State Coordinator Idaho Dept. of Water Resources 322 E Front St, P.O. Box 83720, Boise, ID 83720 Office # 208-287-4928 Cell # 208-830-4174 <u>Maureen.OShea@idwr.idaho.gov</u> <u>www.idwr.idaho.gov/floods</u>

From: IDWRInfo <idwrinfo@idwr.idaho.gov> Sent: Wednesday, September 15, 2021 20:43 To: O'Shea, Maureen <Maureen.OShea@idwr.idaho.gov>; Miller, Nick <Nick.Miller@idwr.idaho.gov> Subject: River Walk Public Hearing - CC 10-6-2021

Maureen & Nick,

- Middleton City Zoning Commission
- Application Type: Notice of Public Hearing /
- Hearing Date: October 6, 2021 @ 5:30 PM, 1103 W. Main 5t. Middleton, ID
- Please submit your comments and recommendations to City of Middleton @ PO Box 487, Middleton, ID 83644
- 208-585-3133 or rstewart@middletoncity.com

-Kris

Office Specialist II Idaho Department of Water Resources P: (208) 287-4802 https://idwr.idaho.gov/



Please see the notice for public hearing scheduled for 10-6-2021.

Exhibit "F"

## Comments from City Engineer

and Floodplain Administrator



June 21, 2021

TO: Roberta Stewart, Planner, City of Middleton

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

RE: River Ranch Crossing Subdivision – Revised Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. <u>The</u> <u>plat(s) are incomplete</u>. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

MCC 5-4-3: Traffic Impact Analysis. Required unless waived through other mitigation.

MCC 5-4-4.2.f. Add benchmark information.

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

MCC 5-4-4.2.p. Please specifically identify all land to be dedicated to the public with purpose indicated. Please list lots and use.

MCC 5-4-10-2.J Correct street names – typical of all sheets. Street is east-west, avenue is north-south, and court is cul-de-sac. There are no other designations.

Overlay the roundabout design at the intersection of Sawtooth Lake Drive and S Middleton and configure the lots/rights of way accordingly. Contact us if you need CADD files or other information. If the River Ranch Sawtooth access comes on prior to the roundabout, the construction drawings will be approved using the 70' section on PP2.0 but the roundabout rights of way will be dedicated.

Note 5. Separate out as needed. No lot drainage or irrigation in front easement area.

Show utilities in SH44 right of way.

Add note no direct lot access to S Middleton or Sawtooth Lake Drive.

Note 2 revise.

Add note access for Lot 18/19/ 20/21/22 Block 1 to be full cross access/ingress/egress finalized at final plat. Identify and show utilities for service to all.

Irrigation layout is required.

Submit a stand alone phasing plan. The heavy dashed line obscures utilities and details.

Extend 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Connect to water at Boise Street and S Middleton.

Extend all utilities to Phase 3, Phase 4 and Phase 5. 12" water may be required in commercial zone.



Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy.

• •

Show hydrant location, streetlight location, and add a note or show fiber installation.

Streetlights required on S Middleton.

Need a street section for S Middleton. Use City's three lane urban.

Swales are not permitted for stormwater management. Stormwater cannot comingle in irrigation facilities or on site ponds.

Submit cross section for the mining sites/ponds.

Dimension all rights of way including ITD right of way.

Identify what is happening at northwest corner/boundary area with Boise Avenue (if extended) and access to Lot 18- Lot 22, Block 1.

Secondary access is needed either at Boise Street area or at Township Rd. extended. If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot and the 90d turn established. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments. Add call out if applicable.

Typical 60 ft street section (local road), please add section, including structural components.

Centerline radii and intersection radii are required to meet City code. Please review and revise or follow up with variance or address in development agreement.

Dimension rights of way - all.

Clearly show pathway(s) with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing.

Well to be abandoned note: Add per IDWR.

Identify and callout septic to be abandoned.

Review the title report and clearly show the easements listed or submit a narrative detailing how each is shown or not applicable.

Boundary is missing bearing/distance east area. Plat boundary needs stamped.



September 21, 2021

TO: Roberta Stewart, Planner, City of Middleton

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

RE: River Walk Subdivision – Preliminary Plat Review

Thank you for the opportunity to review the above referenced preliminary plat submittal. All comments below are a condition of preliminary plat prior to Council hearing.

- 1. Show complete topography on the preliminary plat.
- 2. How does Lot 1 Block 6 access? Lots are required to access on a public right of way. It cannot access off Middleton Road or the leg of the roundabout.

mloo &

- 3. Irrigation to the common lots is required.
- 4. Submit preliminary engineering design/inverts for sewer. The connection at the 30" in Boise needs to match top pipe. Confirm the crossing of Lawrence Kennedy at Middleton Road and at Township Street. What is the bottom of ditch elevation compared to top pipe elevation?
- Swales are not permitted for stormwater management and a variance to allow swales will not supported. The only stormwater management allowed is retention basins.
   Please revise the preliminary plat as needed to provide area sufficient for retention basins.
- 6. Secondary, public, improved access is needed either at Boise Street area or at Township Rd. extended (or approved other). Closed right of way is not approvable. Revise note 11 as needed to remove "closed". Please be informed: City code requires a secondary access at 51 lots (max 50). 17 lots of Phase 2 will be developed without secondary access either through River Pointe or to S Middleton or other.
- 7. Centerline radii and intersection radii are required to meet City code. **60 ft will not be supported by the City and Middleton Rural Fire.**
- 8. Add a note the exterior boundary will be fenced per an approved fencing plan.



August 2, 2021

TO: Roberta Stewart, Planner, City of Middleton

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

RE: River Ranch Crossing Subdivision – Preliminary Plat 2<sup>nd</sup> Review

Thank you for the opportunity to review the above referenced preliminary plat submittal. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward. All comments below are a condition of preliminary plat prior to Council hearing.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0. The table needs to identify the number of lots for each phase/use: commercial, residential, common lots, etc.

MCC 5-4-10-2.J Correct street names – typical of all sheets. Add street name at the east end of River intersection/roundabout.

How does Lot 1 Block 6 access?

Irrigation layout is required. Need to provide irrigation water to the lots and area north of the Lawrence Kennedy if water rights are appurtenant. If no water right, add a note or otherwise detail the status.

Label 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy. This is a condition of preliminary plat prior to Council hearing.

Please update the street section for S Middleton. Use the Middleton Road corridor plan section (revised comment).

Swales are not permitted for stormwater management and a variance to allow swales will not supported. Need to provide preliminary stormwater management design for the area north of Lawrence Kennedy.

Secondary, public, improved access is needed either at Boise Street area or at Township Rd. extended (or approved other). If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments? This is the parcel directly west and across Middleton Road. An irrigation ditch bisects the River Walk property and continues west to this parcel. Add easement or call out if applicable.

Centerline radii and intersection radii are required to meet City code. 60 ft will not be supported by the City and Middleton Rural Fire. 10 mph speed limit doesn't seem realistic or something the PD wants to manage.

Clearly show **pathway(s)** with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing. Add pathway cross section.

What is the status of Lot 3 Block 2? Provide access and extend water and sewer service.



## CITY OF MIDDLETON

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

August 04, 2021

Hess Properties, LLC 15031 Spyglass Lane Caldwell, Idaho 83607

Re: Floodplain Development Comments for River Walk Crossing Sub, R33938 and R33938011, Middleton ID 83644

Hess Properties, LLC:

This letter is in response to your floodplain development permit application for the subject subdivision.

Please complete your Floodplain Development Permit Application:

- 1) Please Sign and Date application
- 2) Please provide the City with Panel 16001C0125J and how it applies to your development as on description of work item 4
- Because you answered description of work item 6 as YES you must also mark item 7 YES or NO
- 4) Remove base flood elevations on "complete for new structures and building sites. See note 7 below.
- 5) On "complete for subdivisions and planned unit developments" section item 2 you marked YES on question, "does the plat or proposal clearly identify base flood elevations (BFE's). The plan shows squiggly lines where the BFE's are located per FEMA mapping. That is NOT appropriate. The lines should be straight and in the same locations as the FEMA map indicates (see attached FIRMette). Also see note 7 below.

Please revise your preliminary plat to show the following items:

- 6) As your property boundary is within 50' of the floodway please show a line designating the 50'no-build offset, per City Code (CC) 4-3-7-5-E.
- 7) Designate the BFE (base flood elevation) for EACH buildable lot, by lot and block. The BFE will the elevation on the highest corner of any lot.
- 8) Add a note on the plan that all construction and lots in the floodplain must meet CC 4-3 standards.



## CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main Street, Middleton, ID 83644 208-S8S-3133 Fax (208) 585-9601 citmid@middletonidaho.us www.middleton.id.gov

- 9) Add a note on the plan that designates exactly which lots on the plan are inside the Boise River floodplain, FEMA Panels #253. And that residential lots, lowest floor and building utilities must be built a minimum of 1.0' above BFE. For commercial lots, lowest floor must be built 2.0' above the BFE or be built floodproofed to 2' above BFE.
- 10) Add a note that all structures built in the special flood hazard area (SFHA) must have elevation certificates provide. One before construction can commence and one after construction is completed and before CofO will be issued.
- 11) Designate on the plan which areas are in the AE zone, 0.2% zone by screening or hatching or some other means per attached FIRMette.

Sincerely,

Bruce Bayne

Bruce Bayne 208-585-3133 bbayne@middletoncity.com

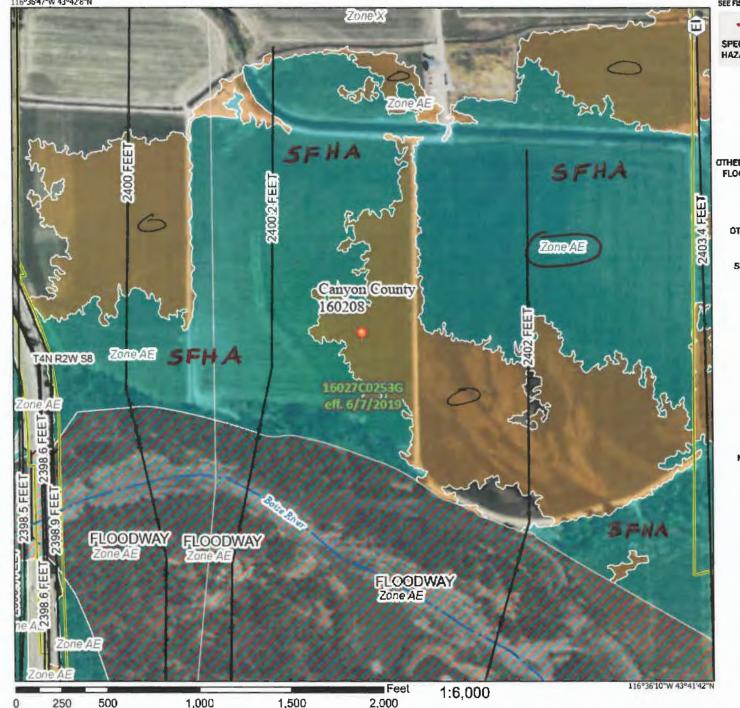
Attachment:

### National Flood Hazard Layer FIRMette



### Legend

116°36'47"W 43°42'8"N



Basemap: USGS National Map: Ortholmagery: Data refreshed October, 2020

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT Without Base Flood Elevation (BFE) Zone A. V. A99 With BFE or Depth Zone AE, AO, AH. VE. AR SPECIAL FLOOD HAZARD AREAS **Regulatory Floodway** 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X Future Conditions 1% Annual Chance Flood Hazard Zona K Area with Reduced Flood Risk due to Levee. See Notes. Zone X OTHER AREAS OF Area with Flood Risk due to Levee Zone D FLOOD HAZARD NO SCREEN Area of Minimal Flood Hazard Zone X Effective LOMRs OTHER AREAS Area of Undetermined Flood Hazard Zone D GENERAL - - - - Channel, Culvert, or Storm Sewer STRUCTURES ITTETT Levee, Dike, or Floodwall 20.2 Cross Sections with 1% Annual Chance 17.5 Water Surface Elevation B - - - Coastal Transect Base Flood Elevation Line (BFE) Limit of Study Jurisdiction Boundary ---- Coastal Transect Baseline OTHER Profile Baseline FEATURES Hydrographic Feature Digital Data Available No Digital Data Available MAP PANELS Unmapped The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below, The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/4/2021 at 12:49 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time,

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

Planning and Zoning Department



### CITY OF MIDDLETON

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

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### Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ \_\_\_\_\_ Application Accepted by: \_\_\_\_\_

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

### Applicant:

Hess Properties, LLC.	208.409.0864	<u>tyler@hesspropertiesidaho.com</u>
Name	Phone	Email
15031 Spyglass Lane	Caldwell, Idaho	83607
Mailing Address	City, State	Zip
Property Owner(s):		
Hess Properties, LLC. & Watkins Properties, L P	208.409.0864	tyler@hesspropertiesidaho.com
Name	Phone	Email
15031 Spyglass Lane	Caldwell, Idaho	83607
Mailing Address	City, State	Zip Code
Representative:		
KM Engineering, LLP Stephanie Leonard	208.639.6939	sleonard@kmenglip.com
Name	Phone	Email
9233 West State Street	Boise, Idaho	83714
Mailing Address	City, State	Zip Code
Site Information:		
10669 Highway 44	Middleton, Idaho	83644
Street Address	City, State	Zip Code
Assessor's Tax Parcel No(s): <u>R3393800000 &amp;</u>	R3393801100	
Total Acres of Site: <u>+/- 130</u> Subdivision: _	n/a Lot(s):	: Block(s):
Description of Work (Complete for all Worl 1. Proposed Development Descrip I. New Building	2	

- □ Manufactured Home
- □ Improvement to Existing Building
- □ Filling
- Other: \_\_\_\_\_\_

Planning and Zoning Department



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

WWW.MIDDLETON.ID.GOV

Floodplain Development Permit Application Rev: 8/20/2019

Fee Paid: \$

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

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

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

+/-130 acres at the SE corner of Middleton Road and SH-44

- Is the purposed development in a Special Flood Hazard Area (Zones A of AE)?
   ☑ Yes
  - 🗆 No
- 4. Per the floodplain map, what is the zone and panel number of the area of the purposed development?

Zone(s): AE Panel No. 16027 C0253G & 16001 C0125J

- 5. Are other Federal, State or local permits obtained?
  - 🗆 Yes
  - 🖾 No
- 6. Is the purposed development in an identified floodway?
  - Yes Southwest part of site, outside proposed building envelopes.
     No
- If yes to No. 6, "No Rise Certification" with supporting data attached?
   Yes
  - No will be submitted with final design and/or building permit

### Complete for New Structures and Building Sites:

- 1. Base Flood Elevation at the site: 2,402 \_\_\_\_\_ feet NGVD
- 2. Required lowest floor elevation (including basement): \_2,403 \_\_\_\_\_ feet NGVD
- 3. Elevation to which all attendant utilities, including all heating and electrical equipment will be protected from flood damage: 2,403 \_\_\_\_\_\_ feet NGVD

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

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

### Complete for Non-Residential Floodproofed Construction:

- 1. Type of floodproofing method: \_\_\_\_
- 2. The required floodproofing elevation is: \_\_\_\_\_\_ feet NGVD
- 3. Floodproofing certification by a registered engineer is attached
  - □ Yes
  - 🗆 No





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

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**Floodplain Development Permit Application** 

Rev: 8/20/2019

Fee Paid: \$	
Application Accepted by:	

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

### Complete for Subdivisions and Planned Unit Developments:

- 1. Will the subdivision or other development contain 50 lots or 5 acres
  - 🗵 Yes
  - 🗆 No
- 2. If yes, does the plat or proposal clearly identify base flood elevations?
  - ⊠ Yes □ No
- 3. Are the 100-year floodplain and floodway delineated on the site plan?
  - 🗵 Yes
  - 🗆 No

I hereby certify that all the information requested and as submitted is correct to the best of my knowledge. I understand that additional information or requirements may be required per the Floodplain Administrator.

Applicant Signature

Date

	FOR OFFICE USE ONLY	
1.	Permit Approved Before Construction:	Date
2.	Elevation Certificate Attached – Before Construction:	_ Date
3.	CONDITIONS:	
4.	Local Administrator Signature:	Date
5.	Permit Approved – After Construction	Date
	Elevation Certificate Attached – After Construction:	
	As-Built Lowest Floor Elevation: feet NGVD	_
	Work Inspected By:	_ Date
	Local Administrator Signature:	Date

From:	Dave Sterling
To:	Roberta Stewart; Pat Colwell
Cc:	Amy Woodruff; Becky Crofts
Subject:	RE: River Walk Crossing - Floodplain
Date:	Sunday, October 3, 2021 12:39:57 PM
Attachments:	image002.png
	image004.png
	image005.png
	image006.png
	image007.png
	image008.png
	image001.png

Roberta,

I have reviewed the attached documents. It appears that the applicant updated the pre-plat and provided responses to Bruces comments. I believe you can move forward with the hearing on the  $6^{th}$ .

At time of CD's they should submit a grading plan that includes the Floodplain limits, Floodway Limits, the lot elevations, and minimum finish floor elevations for all lots within the floodplain. This information should be retained by the City for use in reviewing the future elevation certificates that will be needed for building permits.

Please let me know if you have any questions. Thanks.

DAVID STERLING, PE (ID, OR) | Project Manager 2471 S. Titanium Place | Meridian, Idaho 83642 O 208-323-2288 | C 208-860-7946 www.to-engineers.com

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Tuesday, September 28, 2021 4:28 PM
To: Dave Sterling <dsterling@to-engineers.com>; Pat Colwell <pcolwell@to-engineers.com>
Cc: Amy Woodruff <amy@civildynamics.net>; Becky Crofts <bcrofts@middletoncity.com>
Subject: River Walk Crossing - Floodplain

Hey Dave and Pat: The River Walk Crossing subdivision is a large commercial and residential subdivision at the corner of Hwy 44 & Middleton Road. It is Tyler Hess' and the Watkins' project. Bruce had started the floodplain application before he left. The preliminary plat has been updated with BFE information per his request. This application is going before City Council next Wednesday night. Do I need to do anything at this point, or can we finish this administrative floodplain application after City Council approval? Their floodplain application is attached. Bruce's prior comments are also attached along with the preliminary plat in issue.

I'm just trying to make sure I can get this preliminary plat approved without having the floodplain

permit signed by one of you guys.

Roberta L. Stewart

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

Tele - (208) 585-3133 Fax – (208) 585-9601 <u>rstewart@middletoncity.com</u>

www.middleton.id.gov



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## Planning & Zoning Commission

## FCO

### Middleton Planning & Zoning Commission

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



In the Matter of the Request of Hess Properties LLC and KM Engineering LLP for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment for the River Walk Crosssing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R33938011 and R339380):

#### A. Findings of Fact:

- 1. Hearing Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 2. Process Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- Application and Property Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 4 Required Findings per Middleton City Code 1-14-2(E)(7) and 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and the Idaho State Code, Title 67 and Title 50: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.

#### B. Conclusions of Law:

- That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public via written comment and public testimony, and comments from City Planning Staff and City Engineer.
- 3. That notice of the application and public hearing were given according to law.
- 4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
- 5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.
- 6. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the

public if the attached conditions of approval are imposed.

7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 9, 2021, which Report is incorporated herein by this reference.

#### C. Decision and Recommendation:

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

- 1. City Council approve the annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
- 2. City Council approve the preliminary plat application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
- 3. City Council approve the Development Agreement application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
- City Council approve the Comprehensive Plan map amendment subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
- All four applications are further subject to the condition that prior to preliminary plat approval, Applicant works with the Idaho Transportation Department staff to ensure that the preliminary plat complies with the southern alternate route shown on the Comprehensive Plan Maps.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: September 1/3, 2021.

Ray Walternate, Chairman Planning and Zoning Commission

Attested by Roberta Stewart

Planning and Zoning Department

# EXHIBIT "G"

# EXHIBIT "H"

### ORDINANCE NO. 654 River Walk Crossing Subdivision Annexation

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO 36 ACRES TO C-3 (HEAVY COMMERCIAL), 26 ACRES TO M-U (MIXED-USE) AND 57 ACRES TO R-2 (LARGE LOT RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

### BE IT ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO:

Section 1. That the Middleton City Council, upon recommendation of the Planning & Zoning Commission, and following the public notice and hearing procedures set forth in the Local Land Use Planning Act and Middleton City Code Title 1, Chapter 14, approved the River Walk Crossing Subdivision Annexation and Rezone at a public hearing held on October 6, 2021.

**Section 2.** The following described property, commonly known as 10699 Hwy 44 and 0 Hwy 44 (Tax Parcels R33938000 and R3393801), comprising approximately 121.37 acres, more or less, is contiguous to the City of Middleton, Idaho, and the applicant has requested that said following described property should be annexed into the City of Middleton as C-3 (Heavy Residential), M-U (Mixed-Use) and R-2 (Large Lot Residential):

### Legal description and sketch exhibit of perimeter boundary of all property being annexed is attached hereto as Exhibit "A," and incorporated herein by this reference as if set forth in full.

**Section 3.** That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned as follows: 38.243 acres as C-3 (Heavy Commercial), 25.927 acres as M-U (Mixed Use) and 57.2 acres as R-2 (Large Lot Residential).

Legal description and sketch exhibit for property zoned C-3 is attached hereto as Exhibit "B" and incorporated herein by this reference as if set forth in full.

Legal description and sketch exhibit for property zoned M-U is attached hereto as Exhibit "C" and incorporated herein by this reference as if set forth in full.

Legal description and sketch exhibit for property zoned R-2 is attached hereto as Exhibit "D" and incorporated herein by this reference as if set forth in full.

**Section 4.** That the City Engineer and the Planning & Zoning Director of the City of Middleton, Idaho, are hereby instructed to so designate the same above described property on the official zoning map and other area maps of the City of Middleton, Idaho as lying within the city limits and zoned C-3, M-U and R-2 as set forth in Section 3 respectively.

Section 5. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 6. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

Section 7. The Clerk of the City of Middleton, Idaho shall, within 10 days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman-like manner plainly and clearly designating the boundaries of the City of Middleton, including the land herein annexed, with the following officials of the County of Canyon, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall file simultaneously a certified copy of this ordinance with the State Tax Commission of the State of Idaho, all in compliance with Idaho Code § 63-215.

**PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO**, this 6<sup>th</sup> day of October, 2021.

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO,** this 6th day of October, 2021.

Attest:

Steven J. Rule Mayor, City of Middleton Middleton City Clerk

### EXHIBIT "A"

Legal Description and Exhibit for Perimeter Boundary of Annexed Property



June 22, 2021 Project No. 19-053 Watkins Properties, L.P. Hess Properties, LLC

### EXHIBIT "A"

### City of Middleton Annexation Legal Description

A parcel of land being a portion of the Northwest 1/4 and a portion of Government Lots 3 and 4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho and being more particularly described as follows:

**BEGINNING** at a found lead plug and tack marking the Center 1/4 corner of said Section 8 and the Northeast corner of said Government Lot 3, which bears S89°30′32″E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8;

Thence following the easterly line of said Government Lot 3, S00°50′37″W a distance of 910.81 feet to the North Bank Meander Line of the Boise River;

Thence leaving said easterly line and following said North Bank Meander Line the following two (2) courses:

- 1. S77°01'27"W a distance of 547.74 feet;
- 2. S00°38'22"W a distance of 36.14 feet to the North Bank Ordinary High Water Line of said Boise River;

Thence leaving said North Bank Meander Line and following said North Bank Ordinary High Water Line the following seventeen (17) courses:

- 1. S58°26'19"W a distance of 26.45 feet to a found 5/8-inch rebar;
- 2. N31°40'33"W a distance of 75.41 feet to a found 5/8-inch rebar;
- 3. N73°15'46"W a distance of 138.24 feet to a found 5/8-inch rebar;
- 4. N67°11′47″W a distance of 231.63 feet to a found 5/8-inch rebar;
- 5. N73°03'40"W a distance of 96.44 feet to a found 5/8-inch rebar;
- 6. N36°31'41"W a distance of 100.89 feet to a found 5/8-inch rebar;
- 7. N43°24'33"W a distance of 178.25 feet to a found 5/8-inch rebar;
- 8. N59°19'17"W a distance of 105.49 feet to a found 5/8-inch rebar;
- 9. N69°18'03"W a distance of 190.94 feet to a found 5/8-inch rebar;
- 10. N81°08'08"W a distance of 113.30 feet to a found 5/8-inch rebar;
- 11. N86°42'20"W a distance of 122.08 feet to a found 5/8-inch rebar;
- 12. S80°25'15"W a distance of 176.98 feet to a found 5/8-inch rebar;
- 13. N84°25'06"W a distance of 95.29 feet to a found 5/8-inch rebar;
- 14. N78°41'12"W a distance of 146.46 feet to a found 5/8-inch rebar;
- 15. N63°15'14"W a distance of 81.61 feet to a found 5/8-inch rebar;
- 16. N60°51'55"W a distance of 107.72 feet;
- 17. N86°24'00"W a distance of 184.54 feet to a found 5/8-inch rebar on said North Bank Meander Line;

Thence leaving said North Bank Ordinary High Water Line and following said North Bank Meander Line, N17°50'35"W a distance of 92.62 feet to a found 5/8-inch rebar marking the easterly right-of-way line of Middleton Road;

Thence leaving said North Bank Meander Line and following said easterly right-of-way line the following three (3) courses:

- 1. 195.10 feet along the arc of a circular curve to the left, said curve having a radius of 1,005.37 feet, a delta angle of 11°07′06″, a chord bearing of N15°35′37″W and a chord distance of 194.79 feet to a found 5/8-inch rebar;
- 2. 102.58 feet along the arc of a circular curve to the left, said curve having a radius of 1,960.08 feet, a delta angle of 02°59′55″, a chord bearing of N22°39′07″W and a chord distance of 102.57 feet to a found 5/8-inch rebar;
- 3. N24°09'05"W a distance of 95.48 feet to a found 5/8-inch rebar on the westerly line of said South 1/2 of the Northwest 1/4;

Thence leaving said easterly right-of-way line and following said westerly line, N00°39'59"E a distance of 1,230.72 feet to a found 5/8-inch rebar;

Thence leaving said westerly line, S89°43′48″E a distance of 797.00 feet to a found 5/8-inch rebar;

Thence N00°19′15″E a distance of 43.04 feet to a found 5/8-inch rebar on the southerly right-of-way line of State Highway 44;

Thence N13°26'58"E a distance of 60.00 feet to the centerline of said State Highway 44;

Thence following said centerline the following three (3) courses:

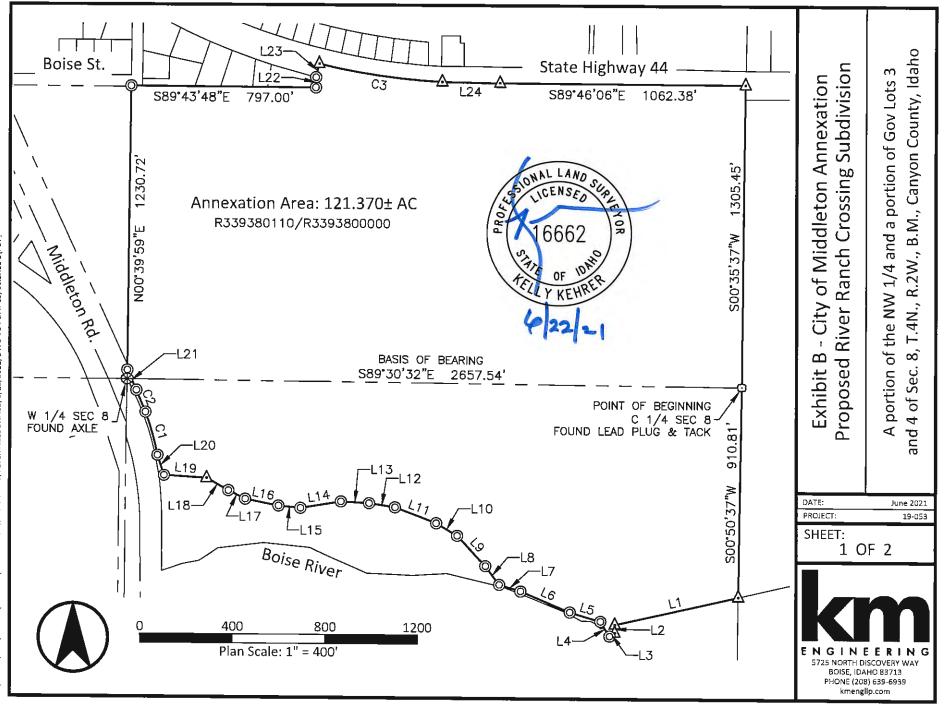
- 1. 537.49 feet along the arc of a circular curve to the left, said curve having a radius of 2,864.79 feet, a delta angle of 10°45′00″, a chord bearing of S81°55′31″E and a chord distance of 536.71 feet;
- 2. S88°56'46"E a distance of 251.30 feet;
- 3. S89°46'06" E a distance of 1,062.38 feet to the easterly line of said Northwest 1/4;

Thence leaving said centerline and following said easterly line, S00°35′37″W a distance of 1,305.45 feet to the **POINT OF BEGINNING**.

Said parcel contains 121.370 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

Attached hereto is **EXHIBIT B** and by this reference is hereby made a part hereof.

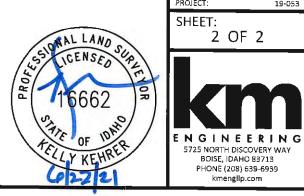




LINE TABLE		
LINE	BEARING	DISTANCE
L1	\$77'01'27"W	547.74
L2	S0"38'22"W	36.14
L3	S58"26'19"W	26.45
L4	N31"40'33"W	75.41
L5	N73'15'46"W	138.24
L6	N67 <b>'</b> 11'47"W	231.63
L7	N73°03'40"W	96.44
L <b>8</b>	N36'31'41"W	100.89
L9	N43'24'33"W	178.25
L10	N59°19'17"W	105.49
L11	N69°18'03"W	190.94
L12	N81'08'08"W	113.30
L13	N86*42'20"W	122.08
L14	S80'25'15"W	176.98
L15	N84*25'06"W	95.29
L16	N78'41'12"W	146.46
L17	N63'15'14"W	81.61
L18	N60*51*55"W	107.72
L19	N86"24'00"W	184.54
L20	N17°50'35"W	92.62
L21	N24°09'05"W	95.48
L22	N0"19'15"E	43.04
L23	N13°26'58"E	60.00
L24	S88'56'46"E	251.30

		CU	RVE TABLE		
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	1005.37'	195.10'	11*07'06"	N15"35'37"W	19 <b>4.79'</b>
C2	1960.08'	102.58'	2*59'55"	N22 39'07"W	102.57'
C3	2864.79'	537.49'	10"45'00"	S81°55'31"E	536.71'

LEGEND	
0	FOUND 5/8-INCH REBAR
O	FOUND LEAD PLUG/TACK
*	FOUND AXLE
${\bf \triangle}$	CALCULATED POINT
	SECTION LINE
	PARCEL BOUNDARY LINE
	ADJACENT BOUNDARY LINE



A portion of the NW 1/4 and a portion of Gov Lots 3 and 4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho
---------------------------------------------------------------------------------------------------------------

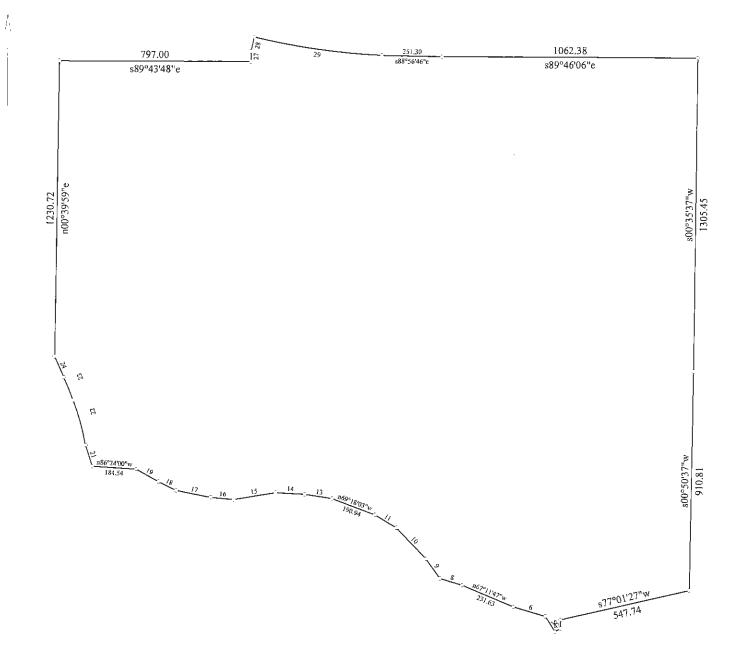
June 2021 19-053

Proposed River Ranch Crossing Subdivision

Exhibit B - City of Middleton Annexation

DATE: PROJECT:

P:\19-053\CdD\SURVEY\EXHIBITS\19-053 ANNEXATION.DWG, PETER FRIEDEWALD, 6/22/2021, DWG TO PDF.PC3, 08.5X11 L [PDF]



Title: 19-053 City of Middl	Date: 06-16-2021	
Scale: 1 inch = $400$ feet	File: Deed Plotter.des	· <u></u>
Tract 1: 121.370 Acres: 5286866	Sq Feet: Closure = n13.1329e 0.01 Feet: Precision	n =1/802202: Perimeter = 9440 Feet
001=s00.5037w 910.81	012=n69.1803w 190.94	023: Lt, R=1960.08, Delta=02.5955 Bng=n22.3907w, Chd=102.57
002=s77.0127w 547.74	013=n81.0808w 113.30	024=n24.0905w 95.48
003=s00.3822w 36.14	014=n86.4220w 122.08	025=n00.3959e 1230.72
004=s58.2619w 26.45	015=s80.2515w 176.98	026=s89.4348e 797.00
005=n31.4033w 75.41	016=n84.2506w 95.29	027=n00.1915e 43.04
006=n73.1546w 138.24	017=n78.4112w 146.46	028=n13.2658e 60.00
007=n67.1147w 231.63	018=n63.1514w 81.61	029: Lt, R=2864.79. Delta=10.4500 Bng=s81.5531e, Chd=536.71
008=n73.0340w 96.44	019=n60.5155w 107.72	030=s88.5646e 251.30
009=n36.3141w 100.89	020=n86.2400w 184.54	031=s89.4606e 1062.38
010=n43.2433w 178.25	021=n17.5035w 92.62	032=s00.3537w 1305.45
011=n59.1917w 105.49	022: Lt, R=1005.37, Delta=11.0706 Bng=n15.3537w, Chd=194.79	

### EXHIBIT "B"

### Legal Description and Exhibit for Property Zoned C-3



June 23, 2021 Project No. 19-053 Watkins Properties, L.P. Hess Properties, LLC

### EXHIBIT "B"

#### Legal Description for Rezone to C-3 Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and a portion of Government Lot 4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

Commencing at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8, thence following the easterly line of said Northwest 1/4, N00°35'37"E a distance of 868.38 feet to the **POINT OF BEGINNING.** 

Thence leaving said easterly line, 132.45 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 37°56′40″, a chord bearing of N71°19′53″W and a chord distance of 130.04 feet;

Thence S89°41'47"W a distance of 689.03 feet;

Thence 25.90 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 02°54'36", a chord bearing of N88°52'53"W and a chord distance of 25.90 feet;

Thence N86°58'01"W a distance of 90.02 feet;

Thence N87°23'37"W a distance of 481.57 feet;

Thence 176.43 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta angle of 19°49'14", a chord bearing of S82°41'45"W and a chord distance of 175.55 feet;

Thence S72°47'08"W a distance of 161.47 feet;

Thence 156.85 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 17°37′18″, a chord bearing of S81°35′47″W and a chord distance of 156.24 feet;

Thence N89°35'33"W a distance of 425.15 feet;

Thence 93.98 feet along the arc of a circular curve to the left, said curve having a radius of 60.00 feet, a delta angle of 89°44'27", a chord bearing of S45°32'13"W and a chord distance of 84.66 feet;

Thence S00°39'59"W a distance of 429.69 feet;

Thence 177.90 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 50°57′52″, a chord bearing of S24°48′56″E and a chord distance of 172.09 feet;

Thence S50°17'52"E a distance of 138.86 feet;

Thence 40.13 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 11°29'42", a chord bearing of S44°33'01"E and a chord distance of 40.06 feet;

Thence S38°48'10"E a distance of 411.92 feet;

Thence S51°11′50″W a distance of 25.00 feet;

Thence S00°35′37"W a distance of 277.20 feet;

Thence N84°25'06"W a distance of 72.65 feet;

Thence N78°41'12"W a distance of 146.46 feet;

Thence N63°15'14"W a distance of 81.61 feet;

Thence N60°51'55"W a distance of 107.72 feet;

Thence N86°24'00"W a distance of 184.54 feet;

Thence N17°50'35"W a distance of 92.62 feet;

Thence 195.10 feet along the arc of a circular curve to the left, said curve having a radius of 1,005.37 feet, a delta angle of 11°07′06″, a chord bearing of N15°35′37″W and a chord distance of 194.79 feet;

Thence 102.58 feet along the arc of a circular curve to the left, said curve having a radius of 1,960.08 feet, a delta angle of 02°59′55″, a chord bearing of N22°39′07″W and a chord distance of 102.57 feet; Thence N24°09′05″W a distance of 95.48 feet to the westerly line of said Northwest 1/4;

Thence following said westerly line, N00°39'59"E a distance of 1,230.72 feet;

Thence S89°43'48"E a distance of 797.00 feet;

Thence N00°19'15"E a distance of 43.04 feet to the southerly right-of-way line of State Highway 44; Thence N13°26'58"E a distance of 60.00 feet to the centerline of said State Highway 44;

Thence following said centerline the following three (3) courses:

- 537.49 feet along the arc of a circular curve to the left, said curve having a radius of 2,864.79 feet, a delta angle of 10°45'00", a chord bearing of S81°55'31"E and a chord distance of 536.71 feet;
- 2. S88°56'46"E a distance of 251.30 feet;
- 3. S89°46'06"E a distance of 1,062.38 feet to the easterly line of said Northwest 1/4;

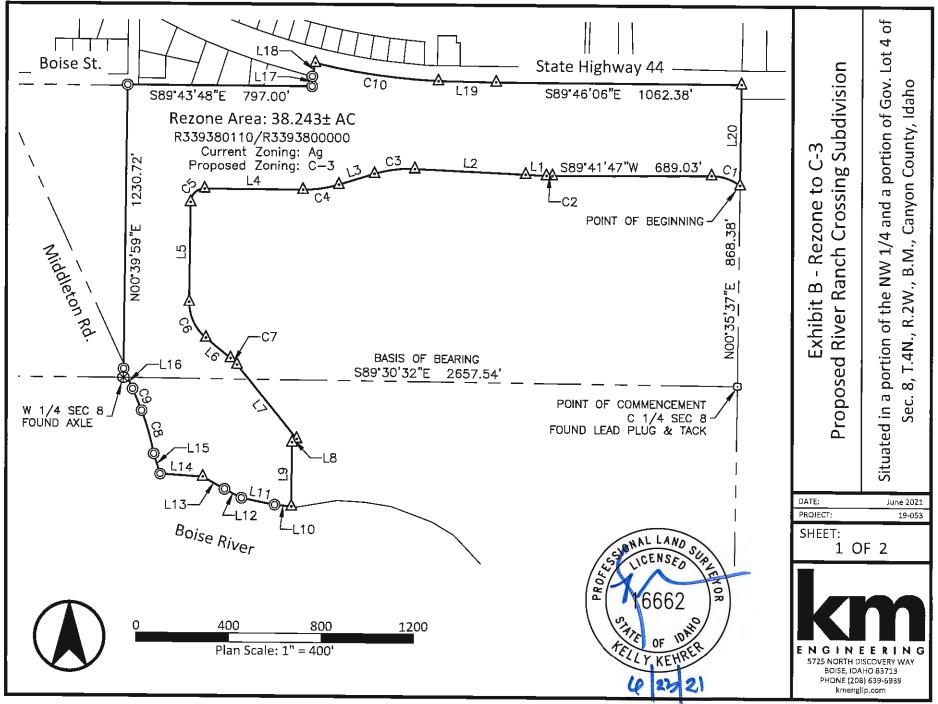
Thence leaving said centerline and following said easterly line, S00°35′37″W a distance of 437.07 feet to the **POINT OF BEGINNING**.

Said parcel contains 38.243 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.

Attached hereto is Exhibit B and by this reference is hereby made a part hereof.





P:\19-053\CAD\SURVEY\EXHIBITS\19-053 REZONE C-3.DWG, PETER FRIEDEWALD, 6/23/2021, DWG TO PDF.PC3, 08.5X11 L [PDF]

	CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	200.00'	132.45'	37*56'40"	N71°19'53"W	130.04'
C2	510.00'	25.90'	2*54'36"	N88'52'53"W	25.90'
С3	510.00'	176.43'	19*49'14"	S82*41'45"W	175.55'
C4	510.00'	156.85'	17'37'18"	S81*35'47"W	156.24'
C5	60.00'	93.98'	89*44'27"	S45'32'13"W	84.66'
C6	200.00'	177.90'	50'57'52"	S24'48'56"E	172.09'
C7	200.00'	40.13'	11"29'42"	S44*33'01"E	40.06'
C8	1005.37'	195.10'	11'07'06"	N1 <b>5⁺3</b> 5′37"₩	194.79'
C9	1960.08'	102.58'	2*59'55"	N22 <b>*3</b> 9'07"₩	102.57'
C10	2864.79'	537.49'	10*45'00"	S81*55'31"E	536.71'

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	N86*58'01"W	90.02		
L2	N87'23'37"W	481.57		
L3	S72"47'08"W	161.47		
L4	N89'35'33"W	425.15		
L5	S0"39'59"W	429.69		
L6	S50'17'52"E	138.86		
L7	S38'48'10"E	411.92		
L8	S51"11'50"W	25.00		
L9	S0°35'37"W	277.20		
L10	N84°25'06"W	72.65		
L11	N78'41'12"W	146.46		
L12	N63'15'14"W	81.61		
L13	N60'51'55"W	107.72		
L14	N86"24'00"W	184.54		
L15	N17'50'35"W	92.62		
L16	N24°09'05"W	95.48		
L17	N0'19'15"E	43.04		
L18	N13'26'58"E	60.00		
L19	S88'56'46"E	251.30		
L20	S0'35'37"W	437.07		

LEGEND	)
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Ø	FOUND 5/8-INCH REBAR
O	FOUND LEAD PLUG/TACK
*	FOUND AXLE
$\triangle$	CALCULATED POINT
	SECTION LINE
	PARCEL BOUNDARY LINE
	ADJACENT BOUNDARY LINE
	LICENSED PL
	Locato Aver
	( <sup>𝐾</sup> ( 16662 ) <sup>𝔅</sup> )

Situated in a portion of the NW 1/4 anda portion of Gov. Lot 4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho

June 2021

19-053

Proposed River Ranch Crossing Subdivision

Rezone to C-3

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**Exhibit B** 

DATE:

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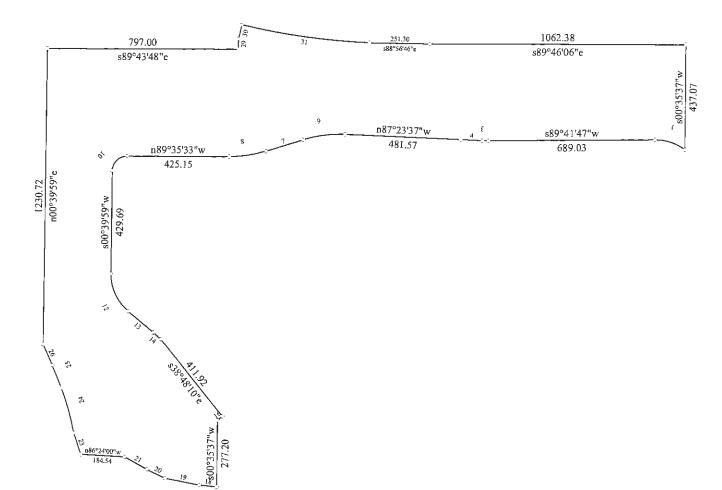
OF

STATE

PROJECT:

SHEET: 2 OF 2

ENGINEERING 5725 NORTH DISCOVERY WAY BOISE, IDAHO 83713 PHONE (208) 639-6939 kmenglip.com



Title: 19-053 Rezone C-3	Date: 06-15-2021	
Scale: 1 inch = 400 feet	File: Deed Plotter.des	
$\begin{array}{c} Tract 1: \ 38.243 \ Acres: \ 1665855 \ Sq \ Fee \\ 001: \ Lr, \ R=200.00, \ Delta=37.5640 \\ Bng=n71.1953w, \ Chd=130.04 \\ 002=s89.4147w \ 689.03 \\ 003: \ Rt, \ R=510.00, \ Delta=02.5436 \\ Bng=n86.5253w, \ Chd=25.90 \\ 004=n86.5801w \ 90.02 \\ 005=n87.2337w \ 481.57 \\ 006: \ Lr, \ R=510.00, \ Delta=19.4914 \\ Bng=s82.4145w, \ Chd=175.55 \\ 007=s72.4708w \ 161.47 \\ 008: \ Rt, \ R=510.00, \ Delta=-17.3718 \\ Bng=s81.3547w, \ Chd=156.24 \\ 009=n89.3533w \ 425.15 \\ 010: \ Lr, \ R=60.00, \ Delta=89.4427 \\ Bng=s45.3213w, \ Chd=84.66 \\ 011=s00.3959w \ 429.69 \\ 012: \ Lr, \ R=0000, \ Delta=50.5752 \\ Bng=24.4856e, \ Chd=172.09 \\ \end{array}$	t: Closure = n48.0048e 0.01 Feet: Precis 013=s50.1752e 138.86 014: Rt, R=200.00. Delta=11.2942 Bug=\$44.3301e, Chd=40.06 015=s38.4810e 411.92 016=s51.1150w 25.00 017=s00.3537w 277.20 018=n84.2506w 72.65 019=n78.4112w 146.46 020=n63.1514w 81.61 021=n60.5155w 107.72 022=n86.2400w 184.54 023=n17.5035w 92.62 024: Lt, R=1005.37, Delta=11.0706 Bug=n15.3537w, Chd=194.79	ion >1/999999: Perimeter = 9431 Feet 025: Lt, R=1960.08, Delta=02, 5955 Bng=n22.3907w, Chd=102.57 026=n24.0905w 95.48 027=n00.3959e 1230.72 028=s89.4348e 797.00 029=n00.1915e 43.04 030=n13.2658e 60.00 031: Lt, R=2864.79, Delta=10.4500 Bng=s81.5518.e Chd=536.71 032=s88.5646e 251.30 033=s89.4606e 1062.38 034=s00.3537w 437.07

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## EXHIBIT "C"

## Legal Description and Exhibit for

**Property Zoned M-U** 



June 3, 2021 Project No. 19-053 Watkins Properties, L.P. Hess Properties, LLC

#### EXHIBIT "C"

#### Legal Description for Rezone to M-U Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and the Southwest 1/4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

Commencing at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30'32"E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8, thence following the easterly line of said Northwest 1/4, N00°35'37"E a distance of 377.41 feet to the POINT OF BEGINNING.

Thence leaving said easterly line, S50°17′05″W a distance of 178.86 feet;

Thence N29°32'52"W a distance of 116.25 feet;

Thence 200.87 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 57°32′41″, a chord bearing of N58°19′12″W, and a chord distance of 192.53 feet; Thence N87°05′33″W a distance of 1,107.15 feet;

Thence 32.88 feet along the arc of a circular curve to the right, said curve having a radius of 405.00 feet, a delta angle of 04°39'07", a chord bearing of N84°45'59"W, and a chord distance of 32.87 feet; Thence N82°26'26"W a distance of 216.64 feet;

Thence 289.27 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 82°52'12", a chord bearing of 556°07'28"W, and a chord distance of 264.71 feet;

Thence S14°41'22"W a distance of 190.15 feet;

Thence 253.20 feet along the arc of a circular curve to the right, said curve having a radius of 400.00 feet, a delta angle of 36°16′06″, a chord bearing of S32°49′25″W, and a chord distance of 248.99 feet; Thence N38°48′10″W a distance of 88.36 feet;

Thence 40.13 feet along the arc of a circular curve to the left, said curve having a radius of 200.00 feet, a delta angle of 11°29'42", a chord bearing of N44°33'01"W, and a chord distance of 40.06 feet;

Thence N50°17′52″W a distance of 138.86 feet;

Thence 177.90 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 50°57′52″, a chord bearing of N24°48′56″W, and a chord distance of 172.09 feet; Thence N00°39′59″E a distance of 429.69 feet;

Thence 93.98 feet along the arc of a circular curve to the right, said curve having a radius of 60.00 feet, a delta angle of 89°44'27", a chord bearing of N45°32'13"E, and a chord distance of 84.66 feet;

Thence S89°35′33″E a distance of 425.15 feet; Thence 156.85 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta

angle of 17°37′18″, a chord bearing of N81°35′47″E, and a chord distance of 156.24 feet;

Thence N72°47'08"E a distance of 161.47 feet;

Thence 176.43 feet along the arc of a circular curve to the right, said curve having a radius of 510.00 feet, a delta angle of 19°49'14", a chord bearing of N82°41'45"E, and a chord distance of 175.55 feet;

Thence S87°23'37"E a distance of 481.57 feet;

Thence S86°58'01"E a distance of 90.02 feet;

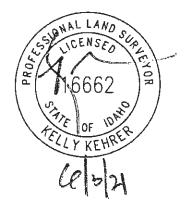
Thence 25.90 feet along the arc of a circular curve to the left, said curve having a radius of 510.00 feet, a delta angle of 02°54′36″, a chord bearing of S88°52′53″E, and a chord distance of 25.90 feet; Thence N89°41′47″E a distance of 689.03 feet;

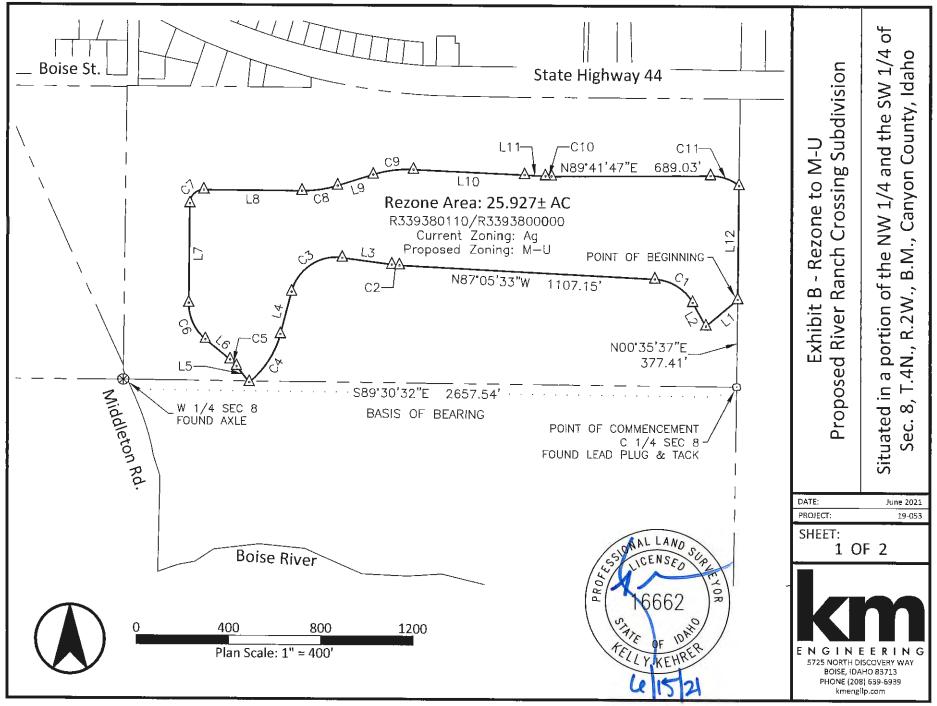
Thence 132.45 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 37°56′40″, a chord bearing of S71°19′53″E, and a chord distance of 130.04 feet to the easterly line of said Northwest 1/4;

Thence following said easterly line, S00°35′37″W a distance of 490.96 feet to the **POINT OF BEGINNING**.

Said parcel contains 25.927 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.





ituated in a portion of the NW 1/4 and the SW 1/4 of	Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho
ituated in a porti	Sec. 8, T.4N., R.

Exhibit B - Rezone to M-U Proposed River Ranch Crossing Subdivision

	Sit
DATE:	June 2021
PROJECT:	19-053
SHEET: 2 O	)F 2



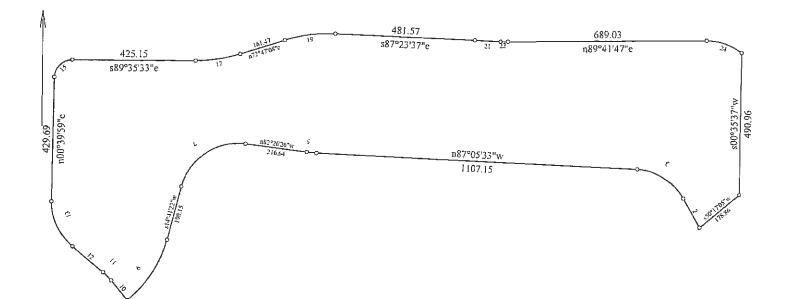
CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	200.00'	200.87'	57*32`41"	N58'19'12"W	192.53'
C2	405.00'	32.88'	4 <b>*</b> 39'07"	N84'45'59"W	32.87'
С3	200.00'	289.27'	82"52'12"	S56*07'28"W	264.71'
C4	400.00'	253.20'	36'16'06"	S32*49'25"W	248.99
C5	200.00'	40.13'	11'29'42"	N44'33'01"W	40.06'
C6	200.00'	177.90'	50*57'52"	N24'48'56"W	172.09'
C7	60.00'	93.98'	89'44'27"	N45'32'13"E	84.66'
C8	510.00'	156.85'	17"37'18"	N81°35'47"E	156.24'
C9	510.00'	176.43'	19"49'14"	N82°41'45"E	175.55'
C10	510.00'	25.90'	2'54'36"	S88'52'53"E	25.90'
C11	200.00'	132.45'	37'56'40"	S71"19'53"E	130.04

LINE TABLE				
LINE	BEARING	DISTANCE		
L1	S50°17'05"W	178.86		
L2	N29*32'52"W	116.25		
L3	N82*26'26"W	216.64		
L4	S14 <b>'</b> 41'22"W	190.15		
L5	N38'48'10"W	88.36		
L6	N50°17'52"W	138.86		
L7	N0"39'59"E	429.69		
L8	S89'35'33"E	425.15		
L9	N72*47'08"E	161.47		
L10	S87°23'37"E	481.57		
L11	S86"58'01"E	90.02		
L12	N0'35'37"E	490.96		

L	F	G	F	N	D
-	-	$\sim$	-	1.4	

Ô	FOUND 5/8-INCH REBAR
Ο	FOUND LEAD PLUG/TACK
$\bigotimes$	FOUND AXLE
$\triangle$	CALCULATED POINT
	SECTION LINE
<u> </u>	PARCEL BOUNDARY LINE
	ADJACENT BOUNDARY LINE





Title: 19-053 Rezone to M-U		Date: 06-03-2021
Scale: 1 inch = 320 feet		
Tract 1: 25.927 Acres: 1129374 Sq Fe	et: Closure = s37.1807w 0.01 Feet: Precisio	on >1/9999999: Perimeter = 6384 Feet
$\begin{array}{c} 001 = & s50.1705 \mbox{w} 178.86 \\ 002 = & n29.3252 \mbox{w} 116.25 \\ 003; \mbox{L}, \mbox{R}=200.00, \mbox{Delta}=57.3241 \\ \mbox{Brg}=n58.1912 \mbox{w}, \mbox{Chd}=192.53 \\ 004 = & n87.0533 \mbox{w} 1107.15 \\ 005; \mbox{R}, \mbox{R}=405.00, \mbox{Delta}=64.3907 \\ \mbox{Brg}=n84.4559 \mbox{w}, \mbox{Chd}=32.87 \\ 006 = & n82.2626 \mbox{w} 216.64 \\ 007; \mbox{L}, \mbox{R}=20.00, \mbox{Delta}=82.5112 \\ \mbox{Brg}=s56.0728 \mbox{w}, \mbox{Chd}=264.71 \\ 008 = & s14.4122 \mbox{w} 190.15 \\ 009; \mbox{R}, \mbox{R}=400.00, \mbox{Delta}=36.1606 \\ \mbox{Brg}=s52.4925 \mbox{w}, \mbox{Chd}=248.99 \\ \end{array}$	$\begin{array}{c} 010 = & 138.4810 \\ weightarrow 88.36 \\ 011: LL R=200.00, Delta=11.2942 \\ Bng=n44.3301 \\ w. Chd=40.06 \\ 012=n50.1752 \\ wightarrow 138.86 \\ 013: RL R=200.00, Delta=50.5752 \\ Bng=n24.4856 \\ w. Chd=172.09 \\ 014=n00.3959 \\ e 429.69 \\ 015: RL R=50.00, Delta=89.4427 \\ Bng=n45.3213 \\ e, Chd=84.65 \\ 016=s89.3533 \\ e 425.15 \\ 017: LL R=510.00, Delta=17.3718 \\ Bng=n81.5347 \\ e, Chd=156.24 \\ 018=n72.4708 \\ e 161.47 \\ \end{array}$	019: Rt. 8=510.00, Delta=19.4914 Bng=n82.4145c, Chd=175.55 020=s87.2337c 481.57 021=s86.5801c 90.02 022: Lt. R=510.00, Delta=02.5436 Bng=s85.2535c, Chd=25.90 023=n89.4147c 689.03 024: Rt. R=200.00, Delta=37.5610 Bng=s71.1953c, Chd=130.04 025=s00.3537w 490.96

### EXHIBIT "D"

Legal Description and Exhibit for Property Zoned R-2



June 3, 2021 Project No. 19-053 Watkins Properties, L.P. Hess Properties, LLC

#### EXHIBIT "D"

#### Legal Description for Rezone to R-2 Proposed River Ranch Crossing Subdivision

A parcel of land being a portion of the Northwest 1/4 and the Southwest 1/4 of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

**BEGINNING** at a found lead plug and tack marking the Center 1/4 corner of said Section 8, which bears S89°30′32″E a distance of 2,657.54 feet from a found axle marking the West 1/4 corner of said Section 8; Thence following the easterly line of said Southwest 1/4, S00°50′37″W a distance of 910.81 feet;

Thence S77°01′27″W a distance of 547.74 feet;

Thence S00°38'22"W a distance of 36.14 feet; Thence S58°26'19"W a distance of 26.45 feet;

Thence N31°40'33"W a distance of 75.41 feet:

Thence N73°15'46"W a distance of 138.24 feet;

Thence N67°11′47″W a distance of 231.63 feet:

Thence N73°03'40"W a distance of 96.44 feet;

Thence N36°31'41"W a distance of 100.89 feet;

Thence N43°24'33"W a distance of 178.25 feet;

Thence N59°19'17"W a distance of 105.49 feet;

Thence N69°18'03"W a distance of 190.94 feet;

Thence N81°08'08'W a distance of 113.30 feet;

Thence N86°42′20″W a distance of 122.08 feet; Thence S80°25′15″W a distance of 176.98 feet;

Thence N84°25′06″W a distance of 22.64 feet;

Thence N00°35′37″E a distance of 277.20 feet;

Thence N51°11′50″E a distance of 25.00 feet;

Thence N38°48'10"W a distance of 323.57 feet;

Thence 253.20 feet along the arc of a circular curve to the left, said curve having a radius of 400.00 feet, a delta angle of 36°16'06", a chord bearing of N32°49'25"E, and a chord distance of 248.99 feet;

Thence N14°41'22"E a distance of 190.15 feet;

Thence 289.27 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 82°52′12″, a chord bearing of N56°07′28″E, and a chord distance of 264.71 feet; Thence S82°26′26″E a distance of 216.64 feet;

Thence 32.88 feet along the arc of a circular curve to the left, said curve having a radius of 405.00 feet, a delta angle of 04°39′07″, a chord bearing of S84°45′59″E, and a chord distance of 32.87 feet;

Thence S87°05'33"E a distance of 1,107.15 feet;

Thence 200.87 feet along the arc of a circular curve to the right, said curve having a radius of 200.00 feet, a delta angle of 57°32′41″, a chord bearing of S58°19′12″E, and a chord distance of 192.53 feet; Thence \$20°32′52″E a distance of 116.25 feet:

Thence \$29°32'52"E a distance of 116.25 feet;

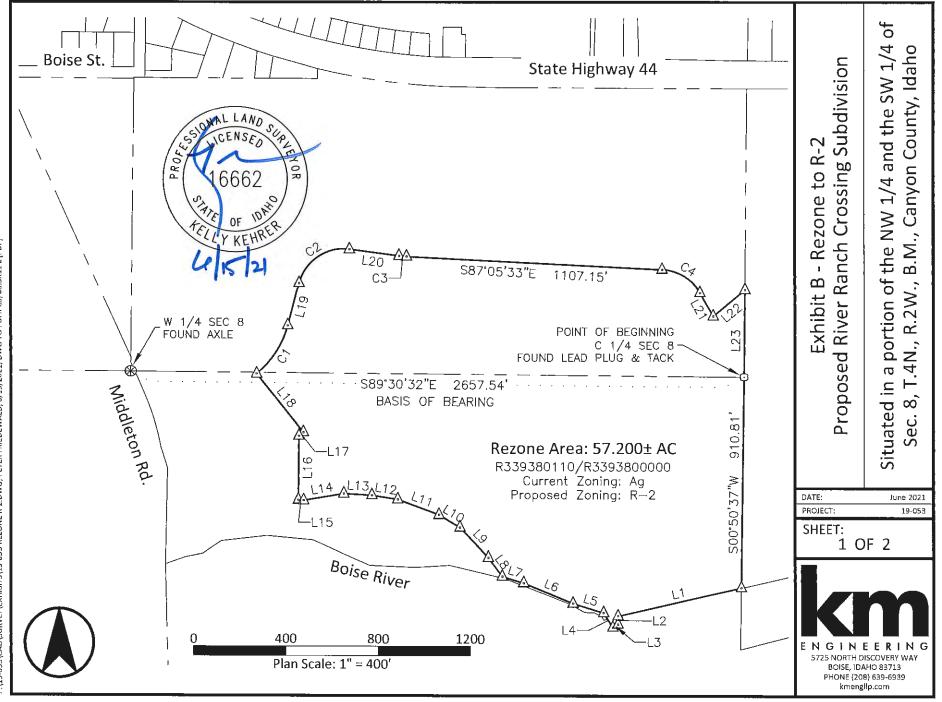
Thence N50°17'05"E a distance of 178.86 feet to the easterly line of said Southwest 1/4;

Thence following said easterly line, S00°35′37″W a distance of 377.41 feet to the **POINT OF BEGINNING**.

Said parcel contains 57.200 acres, more or less, and is subject to all existing easements and/or rights-of-way of record.

All subdivisions, deeds, record of surveys, and other instruments of record referenced herein are recorded documents of the county in which these described lands are situated in.





P:\19-053\CAD\SURVEY\EXHIBITS\19-053 REZONE R-2.DWG, PETER FRIEDEWALD, 6/15/2021, DWG TO PDF.PC3, 08.5X11 L [PDF]

	LINE TABLE				
LINE	BEARING	DISTANCE			
L1	S77*01'27"W	547.74			
L2	S0°38'22"W	36.14			
L3	S58*26'19"W	26.45			
L4	N31*40'33"W	75.41			
L5	N73 15'46"W	138.24			
L6	N67'11'47"W	231.63			
L7	N73'03'40"W	96.44			
L8	N36"31'41"W	100.89			
L9	N43°24'33"W	178.25			
L10	N59*19'17"W	105.49			
L11	N69°18'03"W	190.94			
L12	N81'08'08"W	113.30			
L13	N86*42'20"W	122.08			
L14	S80°25'15"W	176.98			
L15	N84°25'06"W	22.64			
L16	N0'35'37"E	277.20			
L17	N51°11'50"E	25.00			
L18	N38'48'10"W	323.57			
L19	N14"41'22"E	190.15			
L20	S82"26'26"E	216.64			
L21	S29'32'52"E	116.25			
L22	N50"17'05"E	178.86			
L23	S0*35'37"W	377.41			

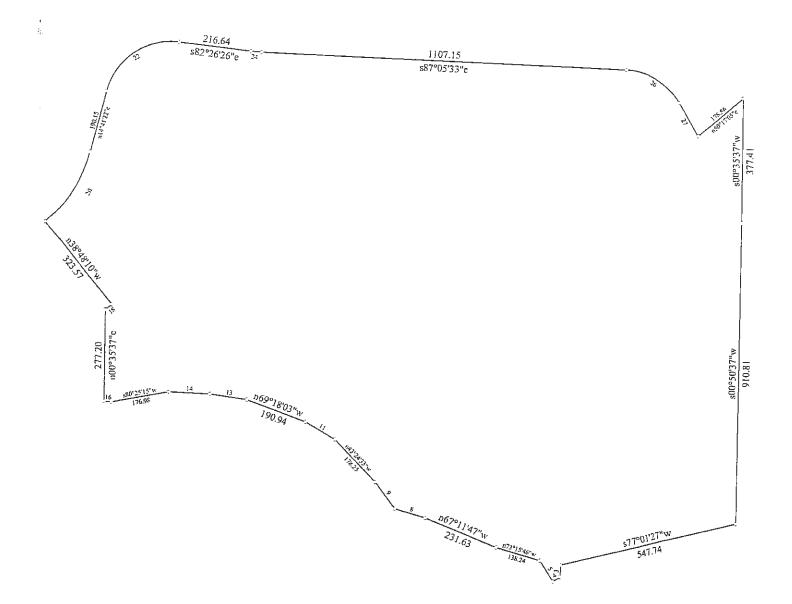
CURVE TABLE								
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD			
C1	400.00'	253.20'	36'16'06"	N32°49'25"E	248.99'			
C2	200.00'	289.27'	82*52'12"	N56'07'28"E	264.71'			
C3	405.00'	32.88'	4*39'07"	S84"45'59"E	32.87'			
C4	200.00'	200.87'	57'32'41"	S58'19'12"E	192.53'			

LEGEND	
Ô	FOUND 5/8-INCH REBAR
0	FOUND LEAD PLUG/TACK
$\otimes$	FOUND AXLE
$\bigtriangleup$	CALCULATED POINT
	SECTION LINE
	PARCEL BOUNDARY LINE
	ADJACENT BOUNDARY LINE



Exhibit B - Rezone to R-2 Proposed River Ranch Crossing Subdivision	Situated in a portion of the NW 1/4 and the SW 1/4 of Sec. 8, T.4N., R.2W., B.M., Canyon County, Idaho
DATE: PROJECT:	June 2021 19-053
SHEET:	
2 0	F 2

E N G I N E E R I N G \$725 NORTH DISCOVERY WAY BOISE, IDAHO 83713 PHONE (208) 639-6939 kmenglip.com



Title: 19-053 Rezone to R-2	2	Date: 06-03-2021			
Scale: 1 inch = 280 feet	File: Deed Plotter.des				
Tract 1: 57.200 Acres: 2491637 Sc	Feet: Closure = s38.2811e 0.01 Feet: Precision	n =1/697496: Perimeter = 6662 Feet			
001=s00.5037w 910.81 002=s77.0127w 547.74 003=s00.3822w 36.14 004=s58.2619w 26.45 005=n31.4033w 75.41 006=n73.1546w 138.24 007=n67.1147w 231.63 008=n73.0340w 96.44	011=n59.1917w 105.49 012=n69.1803w 190.94 013=n81.0808w 113.30 014=n86.4220w 122.08 015=s80.2515w 176.98 016=n84.2506w 22.64 017=n00.3537e 277.20 018=n51.1150e 25.00	021=n14.4122e 190.15 022: Rt, R=200.00, Delta=82.5212 Bng=n56.0728e, Chd=264.71 023=s82.2626e 216.64 024: Lt, R=405.00, Delta=04.3907 Bng=s84.4559e, Chd=32.87 025=s87.0533e 1107.15 026: Rt, R=200.00, Delta=57.3241 Bng=s58.1912e, Chd=192.53 027=s29.3252e 116.25 028=n50.1705e 178.86			
009≕n36.3141w 100.89 010≕n43.2433w 178.25	019=n38.4810w 323.57 020: Lt. R=400.09, Delta=36,1506 Bng=n32.4925e, Chd=248.99	029=s00.3537w 377.41			

## EXHIBIT "I"



#### In the Matter of the Request of Hess Properties LLC and KM Engineering LLP for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment for the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R33938011 and R339380):

#### A. Findings of Fact:

- 1. Hearing Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 2. Process Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 3. Application and Property Facts: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 4. Required Findings per Middleton City Code 1-14-2(E)(7) and 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and the Idaho State Code, Title 67 and Title 50: See Staff Report for the hearing date of October 6, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

#### B. Conclusions of Law:

- 1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- 2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public via written comment and public testimony, and comments from City Planning Staff and City Engineer.
- 3. That notice of the application and public hearing for both the P&Z Commission public hearing and the City Council public hearing were given according to law, and the City has kept a record of the application and related documents.
- 4. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.
- 5. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the

public if the attached conditions of approval are imposed.

6. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of October 6, 2021, which Report is incorporated herein by this reference.

#### C. Decision and Order:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, **it is hereby ordered that**:

- 1. The application for annexation/rezone is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
- 2. The application for preliminary plat is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
- 3. The application for Development Agreement is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.
- 4. The application for Comprehensive Plan map amendment is approved subject to the Conditions of Approval set forth in the Staff Report for the October 6, 2021 Public Hearing.

WRITTEN DECISION APPROVED ON: October \_\_\_\_, 2021.

Steven J. Rule, Mayor

Attested by:

Roberta Stewart Planning and Zoning Department

#### MIDDLETON CITY COUNCIL SPECIAL MEETING OCTOBER 13, 2021

The Middleton City Council special meeting on October 13, 2021 was called-to-order at 2:33 p.m. by Council President Kiser.

**Roll Call**: Council President Kiser and Council Member O'Meara were present. Council Members Huggins and Garner attended by phone.

#### Action Items:

 Second Reading of AMENDED AND RESTATED ORDINANCE NO. 591 OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO RELATED TO MIDDLETON TRANSPORTATION IMPACT FEES; PROVIDING APPLICABLE IMPACT FEES BY USE CATEGORY; PROVIDING FOR THE IMPOSITION, COMPUTATION, AND PAYMENT OF SAID FEE; PROVIDING FOR THE ESTABLISHMENT OF AN IMPACT FEE FUND; PROVIDING FOR EXEMPTIONS, REFUNDS, CREDITS AND WAIVERS OF THE IMPACT FEES; ADOPTING GENERAL PROVISIONS; PROVIDING FOR APPEALS; AND PROVIDING AN EFFECTIVE DATE. THE CITY SHALL MAKE AVAILABLE TO THE PUBLIC, UPON REQUEST, THE FOLLOWING: PROPOSED LAND USE ASSUMPTIONS AND A COPY OF THE PROPOSED AMENDMENT TO THE CAPITAL IMPROVEMENT PLAN AND CITY CODE.—

Council President Kiser called the item and read Amended and restated Ordinance No. 591 by title only.

**Motion:** Motion by Council President Kiser to have second reading of Amended and Restated Ordinance by title only. Second was made by Council member O'Meara. Roll call vote passed unanimously.

Adjourn: Council President Kiser adjourned the special city council meeting at 2:35 p.m.

ATTEST:

Steven J. Rule, Mayor

Rhonda Carpenter, Deputy Clerk Minutes Approved: October 6, 2021

# 

### CITY OF MIDDLETON HARTLEY SEWER MAIN PROJECT OCTOBER 6, 2021

CONTRACTOR	ADDENDUM 1	ADDENDUM 2	PRICE
Knife River Corp.			1,814,491.00
Granite Excavation Inc.			1,568,902.00
La Rivière Inc.			1,478,968.50
Cougar Execution LLC			1,900,799.00
Blige sky Construction LLC			2,336,458.00

## 

#### AMENDED AND RESTATED ORDINANCE NO. 591

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 1 OF THE MIDDLETON CITY CODE BY THE ADDITION OF A NEW CHAPTER, CHAPTER 20, SECTIONS 1-20-1 THROUGH 1-20-12, ADOPTING A TRANSPORTATION IMPACT FEE FOR THE CITY OF MIDDLETON; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

## BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CALDWELL, COUNTY OF CANYON, STATE OF IDAHO:

**Section 1.** That Middleton City Code, Title 1, is hereby amended by the addition of a new Chapter, Chapter 1, Sections 1-20-01 through 1-20-12, as follows:

#### **1-20-1: FINDINGS:**

The City Council of the City of Middleton, Idaho, finds that:

A. Based on the City of Middleton comprehensive plan adopted by the City pursuant to title 67, chapter 65, Idaho Code, including, but not limited to, the capital improvements element of the comprehensive plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the City, and its area of City impact, it is necessary that the City's public facilities for City transportation accommodate new growth and development within the City.

B. New residential, commercial, and industrial growth and development imposes and will impose increasing and excessive demands upon the transportation facilities.

C. The revenues generated from new residential, commercial, and industrial growth and development often do not generate sufficient funds to provide the necessary improvements to these transportation facilities to accommodate new growth and development.

D. New growth and development are expected to continue and will place ever increasing demands on the City to provide and expand the transportation facilities to serve new growth and development.

E. The City has planned for the improvement of the transportation facilities in the capital improvements plan, duly made part of the City of Middleton's Comprehensive Plan.

F. The creation of an equitable impact fee system for transportation impact fees would enable the City to impose a proportionate share of the costs of needed improvements to the public transportation facilities to accommodate new growth and development, and would assist the City in implementing the capital improvements element of the comprehensive plan.

G. In order to implement an equitable impact fee system for the public facilities, the City retained Kittelson & Associates, Inc. to prepare an impact fee study for these types of transportation facilities. The resulting document (the "impact fee study") is on file in the Office of the City Clerk of the City of Middleton.

H. The impact fee study is consistent with the City of Middleton comprehensive plan and the levels of service set forth in the impact fee study are hereby adopted.

I. The impact fee study sets forth reasonable methodologies and analyses for determining the impacts of new residential, commercial, and industrial growth and development on the public

transportation facilities and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such public facilities created by new growth and development.

J. The impact fee study uses a calculation methodology that is a net of credits for the present value of revenues that will be generated by new growth and development based on historical funding patterns and that are reasonably anticipated to be available to pay for system improvements including user fees, debt service payments, taxes, assessments, intergovernmental transfers, and all other available sources of funding such system, and included consideration of the following factors:

1. The cost of existing system improvements within the service area or areas;

2. The means by which existing system improvements have been financed;

3. The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;

4. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;

5. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;

6. Extraordinary costs, if any, incurred in serving the new development;

7. The time and price differential inherent in a fair comparison of fees paid at different times; and

8. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental transfers, and special taxation.

K. The impact fees are based on the impact fee study, and do not exceed the costs of system improvements for the public facilities to serve new development that will pay the impact fees.

L. The City transportation infrastructure included in the calculation of impact fees in the impact fee study will benefit all new growth and development throughout the City, and it is therefore appropriate to treat all areas of the City as a single service area for purposes of calculating, collecting and spending the impact fees collected.

M. There is both a rational nexus and a rough proportionality between the development impacts created by each type of development covered by this chapter and the impact fees that such development will be required to pay.

N. This chapter creates a system by which impact fees paid by new growth and development will be used to finance, defray or to provide capital improvements for the public facilities in ways that benefit the development for which impact fees were paid.

O. This chapter creates a system under which impact fees shall not be used to correct existing deficiencies in public facilities, or to replace or rehabilitate existing public facilities, or to pay for routine operation or maintenance of those public facilities.

P. This chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code section 67-8204(19).

Q. This chapter is consistent with all applicable provisions of title 67, chapter 82, Idaho Code, concerning impact fee ordinances.

R. This chapter shall not be deemed invalid because payment of an impact fee may result in an incidental benefit to others within the service area other than the fee payer.

#### 1-20-2: AUTHORITY, APPLICABILITY, AND EFFECTIVE DATE:

A. This chapter is enacted pursuant to the City's general police powers pursuant to the authority granted to the City by title 50, Idaho Code, and pursuant to the authority granted to the City by section 67-8201 et seq., Idaho Code.

B. The provisions of this chapter shall apply to all territory within the limits of the City.

#### **1-20-3: INTENT:**

A. The intent of this chapter is to promote the health, safety and general welfare of the residents of the City and its area of City impact.

B. The intent of this chapter is to be consistent with those principles for allocating a fair and proportionate share of the cost of capital improvements to public facilities to serve new development in compliance with the provisions set forth in section 67-8201 et seq., Idaho Code. The provisions of this chapter shall be interpreted, construed and enforced in accordance with the provisions set forth in section 67-8201 et seq., Idaho Code.

C. The intent of this chapter is that impact fees should be charged, collected, and expended for City transportation capital improvements to increase the service capacity of those public facilities, which capital improvements are included in approved capital improvements plans that list the capital improvements that may be funded with impact fees.

D. The intent of this chapter is to ensure that: public facilities are available to serve new development; new development bears a proportionate share of the cost of City transportation capital improvements to such public facilities; to ensure that such proportionate share does not exceed the cost of the capital improvements to such public facilities required to serve new development; and to ensure that the funds collected from new development are used for capital improvements for public facilities that benefit new development.

E. It is not the intent of this chapter to collect any monies from new development in excess of the actual amount necessary to offset new demands for capital improvements to public facilities created by such new development.

F. It is not the intent of this chapter that the impact fees be used to remedy any deficiency in existing City transportation facilities on the effective date hereof, or ever be used to replace, rehabilitate, maintain and/or operate any public facilities.

G. It is not the intent of this chapter that any monies collected from an impact fee deposited in an Impact Fee Fund ever be commingled with monies from a different fund, or ever be used for capital improvements that are different from those for which the impact fee was paid.

H. It is not the intent of this chapter that impact fees be used for:

1. Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan.

2. Repair, operation or maintenance of existing or new capital improvements.

3. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards.

4. Upgrading, updating, expanding or replacing existing capital improvements to serve existing development to provide better service to existing development.

5. Administrative and operating costs of the City unless such costs are attributable to development of the capital improvements plan used to determine impact fees by a surcharge imposed by ordinance on the collection of an impact fee, which surcharge shall

not exceed a development's proportionate share of the cost of preparing the capital improvements plan.

6. Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the City to finance capital improvements identified in the capital improvements plan.

#### **1-20-4: IMPOSITION AND COMPUTATION OF IMPACT FEES:**

A. The development impact fee reflects the need for capital improvements to public transportation facilities created by new development. Any application for a building permit enabling the construction and, in the case of construction that does not require a building permit, any building that takes place on or after the effective date hereof shall be subject to the imposition of impact fees in the manner and amount set forth in this chapter. The methodology adopted for the purpose of determining City transportation impact fees shall be based upon the assumptions set forth in the impact fee study and pursuant to the following:

1. The development impact fee shall not exceed the proportionate share of the costs incurred or the costs that will be incurred by the City in the provision of system improvements to serve new development.

2. The proportionate share is the cost attributable to the new development after consideration by the City of the following factors:

a. Any appropriate credit, offset or contribution of money, dedication of land, or construction of system improvements;

b. Payments reasonably anticipated to be made by or as a result of a new development in the form of user fees and debt service payments;

c. That portion of general tax and other revenues allocated by the jurisdiction to system improvements; and

d. All other available sources of funding such system improvements.

3. In determining the proportionate share of the cost of system improvements to be paid by the developer, the following additional factors shall be considered:

a. The cost of existing system improvements within the service area or areas;

b. The means by which existing system improvements have been financed;

c.The extent to which the new development will contribute to the cost of system improvements through taxation, assessment, or developer or landowner contributions, or has previously contributed to the cost of system improvements through developer or landowner contributions;

d. The extent to which the new development is required to contribute to the cost of existing system improvements in the future;

e. The extent to which the new development should be credited for providing system improvements, without charge to other properties within the service area or areas;

f. Extraordinary costs, if any, incurred in serving the new development;

g. The time and price differential inherent in a fair comparison of fees paid at different times; and

h. The availability of other sources of funding system improvements including, but not limited to, user charges, general tax levies, intergovernmental

transfers, and special taxation. The governmental entity shall develop a plan for alternative sources of revenue.

4. The current transportation impact fees for the City of Middleton are set forth in Title 1, Chapter 20, Section 1-16-12, Middleton City Code.

B. Impact fees shall be required as a condition of approval of all residential, commercial, and industrial development in the service area for which a building permit is required and shall be payable prior to the issuance of any building permit (or installation permit in the case of a manufactured home) for a dwelling unit. Except as otherwise provided herein, after the effective date hereof, no building permit shall be issued until the impact fees described in this chapter have been paid, unless the development for which the permit is sought is exempted or approved credits are used to cover the impact fee. The City shall have the authority to withhold a building permit, stop construction, withhold utility services or impose liens as the case may be, until the appropriate impact fee has been collected.

C. After payment of the development impact fees or execution of an agreement for payment of development impact fees, additional development impact fees or increases in fees may not be assessed unless the number of service units increases or the scope or schedule of the development changes. In the event of an increase in the number of service units or schedule of the development changes, the additional development impact fees to be imposed are limited to the amount attributable to the additional service units or change in scope of the development.

D. A fee payer required to pay an impact fee may choose to have the amount of such impact fee determined pursuant to either the fee schedule (whereupon such payment shall be recognized as full and complete payment of the development's proportionate share of system improvement costs, except as provided in Idaho Code section 67-8214(3)) or subsections E through G of this section. If the fee payer chooses to have the amount of such impact fee determined pursuant to subsections E through G of this section, such impact fee shall be subject to the adjustment described in this section, if applicable. If the project is a mix of those uses listed on the fee schedule, then the impact fees shall be determined by adding up the impact fees that would be payable for each use as if it were a freestanding use pursuant to the fee schedule.

E. Individual assessment of impact fees is permitted in situations where the fee payer can demonstrate by clear and convincing evidence that the established impact fee is inappropriate for the project. Written application for individual assessment shall be made to the City at any time prior to receiving building permit(s). Late applications for individual assessment of impact fees may be considered for a period of sixty (60) days after the receipt of a building permit only if the fee payer makes a showing that the facts supporting such application were not known or discoverable prior to receipt of a building permit and that undue hardship would result if said application is not considered. Such independent impact fee calculation study for the fee payer's development shall be prepared at the fee payer's cost by a qualified professional and contain studies, data and other relevant information and be submitted to the City for review. Any such study shall be based on the same methodology and the same level of service standards, improvements and costs used in the impact fee study, and must document the methodologies and assumptions used. The City may hire a professional consultant to review any independent impact fee calculation study on behalf of the City, and may charge the reasonable costs of such review to the fee payer.

F. Any independent impact fee calculation study submitted by a fee payer may be accepted, rejected or accepted with modifications by the City as the basis for calculating impact fees. The City shall not be required to accept any study or documentation the City reasonably deems to be

inaccurate or unreliable, and shall have the authority to request that the fee payer submit additional or different documentation for consideration in connection with review of any independent impact fee calculation. If such additional or different documentation is accepted or accepted with modifications as a more accurate measure of the impact fees due in connection with fee payer's proposed development than the applicable impact fees set forth in the fee schedule, then the impact fee due under this chapter shall be calculated according to such documentation.

G. The City shall render a written decision establishing the impact fees in connection with the individual assessment within thirty (30) days of the date a complete application is submitted. The decision shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered pursuant to Idaho Code section 67-8207.

H. Certification of the impact fee for a project may be applied for in the following manner:

1. Written application may be made to the City not later than sixty (60) days after development approval by the City Council. Late applications for certification of the impact fee will not be considered unless the fee payer makes a showing that the facts supporting such application were not known or discoverable until after the time had run and that undue hardship would result if said application is not considered.

2. The City shall provide the fee payer with a written impact fee certification for the project within thirty (30) days of the date a complete application is submitted. The certification provided by the City shall establish the impact fee for the project in question so long as there is no material change to the project as identified in the certification application or the impact fee schedule. The certification shall include an explanation of the calculation of the impact fees, shall specify the system improvement(s) for which the impact fees are intended to be used, and shall include an explanation of the factors considered, which factors are identified in subsection G of this section.

I. Appeals of the City's determination of an individual assessment or certification shall be made to the City as provided further in this chapter.

J. There may be circumstances where the anticipated fiscal impacts of a proposed development are of such magnitude that the City may be unable to accommodate the development without excessive or unscheduled public expenditures that exceed the amount of the anticipated impact fees from such development. If the City determines that a proposed development would create such an extraordinary impact on the City's transportation infrastructure and facilites, the City may refuse to approve the proposed development and/or may recommend to the other affected government agencies that the project not be approved. In the alternative, the City may calculate a pro rata share per dwelling unit, or square feet of nonresidential buildings, of the extraordinary impact and charge a reasonable extraordinary impact fee that is greater than would ordinarily be charged pursuant to the fee schedule.

K. If the City discovers an error in its impact fee formula that results in assessment or payment of more than a proportionate share, City shall, at the time of assessment on a case by case basis, adjust the impact fee to collect no more than a proportionate share or discontinue the collection of any impact fees until the error is corrected by ordinance.

#### **1-20-5: PAYMENT OF IMPACT FEES:**

A. After the effective date hereof all fee payers shall pay the impact fees as provided by this chapter to the City following application for a building permit and prior to the issuance of any building permit for a dwelling unit.

B. All impact fees paid by a fee payer pursuant to this chapter shall be promptly deposited in the Impact Fee Fund.

#### **1-20-6: IMPACT FEE FUNDS; REFUNDS OF IMPACT FEES PAID:**

A. There is hereby established a City Transportation Impact Fee Fund into which shall be deposited all transportation impact fees for the purpose of ensuring City transportation impact fees collected pursuant hereto are designated for the accommodation of City transportation capital improvements reasonably necessary to serve new development that paid the impact fee.

B. Each fund shall be an interest bearing account which shall be accounted for separately from other impact fee funds and from other City funds. Any interest or other income earned on monies deposited in a fund shall be credited to such fund. Expenditures of impact fees shall be made only for the category of system improvements for which the impact fees were collected and as identified in the capital improvements plan.

C. Except as otherwise provided herein, monies from the fund, including any accrued interest, shall be limited to the financing of acquisition, expansion, and/or improvement of capital improvements, or for principal and interest payments on bonds or other borrowed revenues used to acquire, expand or improve such capital improvements, necessary to serve new development. Impact fees in each fund shall be spent within eight (8) years from the date such impact fees were collected on a first in/first out (FIFO) basis. The City may hold the impact fees longer than the prescribed time period if the City identifies, in writing: 1) a reasonable cause why the impact fees should be held longer; and 2) an anticipated date by which the impact fees were collected.

D. The City shall prepare annual reports to be provided to the Advisory Committee and the City Council, which reports shall: 1) describe the amount of all impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area; and 2) describe the percentage of tax and revenues other than impact fees collected, appropriated or spent for system improvements during the preceding year, as applicable, by category of public facility and service area.

E. Funds shall be deemed expended when payment of such funds has been approved by the City. The fee payer or successor in interest shall be entitled to a refund of the impact fee if:

1. Service is available but never provided;

2. A building permit or permit for installation of a manufactured home is revoked or abandoned;

3. The City, after collecting the impact fee when service is not available, has failed to appropriate and expend the collected impact fees; or

4. The fee payer pays an impact fee under protest and a subsequent review of the impact fee paid or the completion of an individual assessment determines that the impact fee paid exceeded the proportionate share to which the City was entitled to receive.

F. When the right to a refund exists, within ninety (90) days after the City determines that a refund is due, the City shall provide written notice of entitlement to a refund, to the owner of record and the fee payer who paid the impact fees at the address shown on the application for development approval, or to a successor in interest who has notified the City of a transfer of the right or entitlement to a refund and who has provided to the City a mailing address. When the right to a refund exists, the City shall also publish the notice of entitlement to a refund within thirty (30) days after the expiration of the eight (8) year period after the date that the impact fees were collected. Such published notice shall contain the heading "Notice Of Entitlement To Impact Fee Refund".

G. A refund shall include interest at one-half (1/2) the legal rate provided for in section 28-22-104, Idaho Code, from the date on which the impact fee was originally paid.

H. In order to be eligible for a refund, a fee payer, successor in interest or owner of record shall file a written application for a refund with the City within six (6) months of the time such refund becomes payable under subsection C of this section, or within six (6) months of publication of the notice of entitlement to a refund, whichever is later. If a successor in interest claims a refund of impact fees, the City may require written documentation that such rights have been transferred to the claimant prior to issuing the requested refund. Refunds shall be paid within sixty (60) days after the date on which the City determines that a sufficient proof of claim for a refund has been made.

I. Any person entitled to a refund shall have standing to sue for a refund under the provisions of this chapter if there has not been a timely payment of a refund as provided herein.

#### **1-20-7: EXEMPTIONS FROM IMPACT FEES:**

A. The following types of land development shall be exempted from payment of the impact fees imposed by this chapter:

1. Rebuilding the same amount of square feet of a dwelling unit or nonresidential structure that was destroyed by fire or other catastrophe, provided that the structure is rebuilt and ready for occupancy within two (2) years of its destruction.

2. Construction of an unoccupied, detached accessory structure, or addition of uses related to a dwelling unit unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

3. Remodeling or repairing a dwelling unit or a nonresidential structure in a manner that does not increase the number of service units.

4. Replacing a dwelling unit with another dwelling unit on the same lot, provided that the number of service units does not increase.

5. Placing a temporary construction trailer or office on a lot.

6. Constructing an addition on a residential structure which does not increase the number of service units.

7. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of system improvements.

B. An impact fee will be assessed for installation of a modular building, manufactured home or recreational vehicle unless the fee payer can demonstrate by documentation such as utility bills and tax records, either: 1) that a modular building, manufactured home or recreational vehicle was legally in place on the lot or space prior to the effective date hereof; or 2) that an impact fee has been paid previously for the installation of a modular building, manufactured home or recreational vehicle on that same lot or space. Lawful storage of a recreational vehicle shall not be deemed installation for purposes of this chapter. (Ord. 541, 8-6-2014; and. Ord. 609, 7-3-2018)

#### **1-20-8: CREDITS; REIMBURSEMENTS:**

A. No fee payer shall be required to construct, fund or contribute any capital improvement to meet the same need for City transportation for which an impact fee is imposed. All system improvements constructed, funded or contributed over and above the proportionate share of system improvement costs, including such system improvements paid for pursuant to a local improvement district, shall result in either a credit on future impact fees or reimbursement (at the fee payer's

option) for such excess construction, funding or contribution to be paid from impact fees paid by future development that benefits from such system improvements constructed, funded or contributed by the fee payer. However, no credit or reimbursement shall be provided for: 1) project improvements; 2) any construction, funding or contribution not agreed to in writing by the City prior to commencement of such construction, funding or contribution; 3) any construction, funding or contribution of a type of capital improvements not included in the calculation of the applicable impact fee; and 4) any improvement required by an agency other than the City for that agency's development approval.

B. In the calculation of an individual assessment of impact fees for a project, credit shall be given for the present value of all tax and user fee revenue generated by the fee payer within the service area and used by the City for system improvements of the category for which the impact fee is being collected. If the amount of such credit exceeds the impact fee for a project, the fee payer shall receive a credit on future impact fees. The credit may be applied by the fee payer as an offset against future impact fees only in the service area where the credit was generated.

C. In the calculation of impact fees for a project, credit or reimbursement (at the fee payer's option) shall be given for the present value of any construction of system improvements or contribution of land or money required by the City from the developer for system improvements of the category for which the impact fee is being collected, including system improvements paid for through local improvement district assessments. Credit or reimbursement shall not be given for project improvement.

D. If credit or reimbursement is due to the fee payer, the City and fee payer shall enter into a written agreement, negotiated in good faith, prior to the construction, funding or contribution. The written agreement shall include, without limitation: a description of the construction, funding or contribution of system improvements including, in the case of real property, a legal description of the real property; description as to how the system improvements are to be valued; the amount of the credit or the amount, time and form of reimbursement; instructions as to how the capital improvements should be provided to the City to ensure full transfer of ownership; and the circumstances under which the credit or reimbursement is deemed effective. To assist in such reimbursement, the City shall continue to collect impact fees from other developers whose proposed developments will benefit from such construction, funding or contribution, and will promptly transfer such funds to the fee payer. If a successor in interest claims a reimbursement or credit, the City may require written documentation that such rights have been conveyed to the claimant prior to issuing the requested reimbursement or credit.

E. Approved credits may be used to reduce the amount of impact fees in connection with any new development until the amount of the credit is exhausted. Each time a request to use approved credits is presented to the City, the City shall reduce the amount of the applicable impact fee otherwise due from the fee payer and shall note in the City records the amount of credit remaining, if any. Upon request of the fee payer, the City shall issue a letter stating the amount of credit available. If the credit has not been exhausted within eight (8) years of the date of issuance of the first building permit for which an impact fee was due and payable, or within such other time period as may be designated in writing by the City, such credit shall lapse, unless a refund of the remaining credit is applied for.

F. Approved credits or reimbursement shall only be used to reduce the amount of the impact fee of the category for which the impact fee is otherwise due, and shall not be paid to the fee payer in cash or in credits against any other monies due from the fee payer to the City.

G. Credit for land dedications shall, at the fee payer's option, be valued at: 1) one hundred percent (100%) of the most recent assessed value for such land as shown in the records of the Canyon County Assessor; or 2) that fair market value established by a private appraiser reasonably acceptable to the City in an appraisal paid for by the fee payer. Credit for contribution or construction of system improvements shall be valued by the City based on complete engineering drawings, specifications, and construction cost estimates submitted by the fee payer to the City, which estimates shall be revised as actual costs become available. The City shall determine the amount of credit due based on the information submitted, or, if the City determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs reasonably acceptable to the City as a more accurate measure of the value of the offered system improvements to the City.

H. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form reasonably acceptable to the City at no cost to the City, and has been accepted by the City. Approved credits for contribution or construction of system improvements shall generally become effective when: 1) all required construction has been completed and has been accepted by the City; and 2) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City. Approved credits for the construction of system improvements may become effective at an earlier date if the fee payer posts security in the form of a performance bond, irrevocable letter of credit or escrow agreement in the amount and under terms reasonably acceptable to the City.

I. Credit may only be transferred by a fee payer that has received credit to such fee payer's successor in interest. The credit may be used only to offset impact fees for the same category for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits are being transferred, the dollar amount of the credit being transferred, and the system improvements for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the City for documentation of the transfer before the transfer shall be deemed effective.

J. In the event that a developer intends to contribute or dedicate an interest in land in lieu of paying impact fees or a portion thereof, the following procedures and criteria shall be applied:

1. The City with the advice of the appropriate department head and the City Attorney will determine whether the land proposed for dedication is acceptable based upon the following considerations:

a. Size: The size of the parcel is expressed as a net amount and is exclusive of road right-of-way, existing and proposed easements, borrow pits, lakes, and other manmade or natural conditions which restrict or impede the intended use of such areas.

b. Unity: The land to be dedicated shall form a single parcel of land except where aforesaid review determines that two (2) or more parcels would be in the best public interest.

c. Shape: The configuration of the parcel of land is such as to be usable for public facilities purposes as determined by the City.

d. Location: The land to be dedicated is so located as to serve the needs of the development, by being within the service area public facilities.

e. Access: Appropriate access to the land to be dedicated is provided by improved public road frontage.

f. Utility: Dedicated land should be usable for public facilities purposes and meet the following criteria prior to its final acceptance by the City:

1) The property is platted and ready to be developed.

2) All utilities are in place and are at the perimeter of the site and include roads, walks, curbs, water lines, sewer lines, electric service lines, and telephone service lines.

3) All utilities are of sufficient quality and quantity to adequately service the site.

4) The property is filled and compacted to comply with all appropriate Subdivision Codes, Building and Zoning Codes, and flood insurance laws and regulations. The fill and compaction are of sufficient quality to accept the contemplated improvements.

g. Plans: City, regional, and State plans shall be taken into consideration when evaluating land proposals for dedication.

2. Appeals of the City's determination of land suitability shall be made to the City Council by the filing of an appeal with the City Clerk no later than ten (10) days following the date of the decision of the City.

#### **1-20-9: APPEALS:**

The decisions of the City may be appealed as provided below:

A. Any fee payer who is or may be obligated to pay an impact fee may appeal a decision made by the City in applying this chapter to the City Council's designee. Such decisions that may be appealed include:

- 1. The applicability of an impact fee to the development.
- 2. The amount of an impact fee to be paid for the development.
- 3. The availability, amount or application of any credit.
- 4. The amount of any refund, reimbursement or credit.
- 5. Any discretionary action or inaction by or on behalf of the City.

A fee payer may pay an impact fee under protest in order to obtain a development approval or building permit(s) and, by paying such impact fee, shall not be estopped from exercising the right of appeal provided herein, nor shall the fee payer be estopped from receiving a refund of any amount deemed to have been illegally collected. Upon final disposition of an appeal, the impact fee shall be adjusted in accordance with the decision rendered and, if necessary, a refund paid.

B. In order to pursue an appeal, the fee payer shall file a written notice of appeal with the City Council's designee within fifteen (15) days after the date of the decision being appealed, or the date on which the fee payer submitted a payment of impact fees under protest, whichever is later. Such written application shall include a statement describing why the appellant believes that the decision was in error; together with copies of any documents that the appellant believes supports the claim.

C. The City Council's designee shall notify the fee payer of the hearing date on the appeal, which notice shall be given no less than fifteen (15) days prior to the date of the hearing, and shall hear the appeal within thirty (30) days after receipt of a written notice of appeal. The appellant shall have a right to be present and to present evidence in support of the appeal. The City who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The burden of proof in any such hearing shall be on the fee payer to

demonstrate that the amount of the impact fee, credit, reimbursement or refund was not properly calculated by the City.

D. The criteria to be used by the City Council's designee shall be whether: 1) the decision or interpretation made by the City; or 2) the alternative decision or interpretation offered by the appellant, more accurately reflects the intent of this chapter that new development in the City pay its proportionate share of the costs of system improvements for public facilities necessary to serve new growth and development. The City Council's designee may affirm, reject or revise the decision of the City, providing written findings of fact and conclusions, within fifteen (15) days after hearing the appeal. The City Council's designee shall modify the amount of the impact fee, credit, refund or reimbursement only if there is substantial evidence in the record that the City erred, based upon the methodologies contained in the impact fee study, this chapter and/or the capital improvements plan. The decision of the City Council's designee shall be final.

E. Upon voluntary agreement by the fee payer and the City, the fee payer and the City may enter into mediation with a qualified independent party to address a disagreement related to the impact fee for proposed development. Costs for the independent mediation service shall be shared equally by the fee payer and the City. Mediation may take place at any time during an appeals process and participation in mediation does not preclude the fee payer from pursuing other remedies.

#### **1-20-10: IMPACT FEE ADVISORY COMMITTEE:**

A. The City has established an Advisory Committee. The Advisory Committee shall continue to be composed of not fewer than five (5) members appointed by the City Council. Two (2) or more members of the Advisory Committee shall be active in the business of development, building or real estate. The Advisory Committee shall serve in an advisory capacity to the City Council and is established to:

1. Assist the City in adopting land use assumptions;

2. Review the capital improvements plan, and proposed amendments, and file written comments;

3. Monitor and evaluate implementation of the capital improvements plan;

4. File periodic reports, at least annually, with respect to the capital improvements plan and report to the City any perceived inequities in implementing the capital improvements plan or imposing the impact fees; and

5. Advise the City of the need to update or revise land use assumptions, the capital improvements plan, and impact fees.

B. The City shall make available to the Advisory Committee, upon request, all financial and accounting information, professional reports in relation to other development and implementation of land use assumptions, the capital improvements plan and periodic updates of the capital improvements plan.

#### **1-20-11: MISCELLANEOUS PROVISIONS:**

A. As used in this chapter, masculine, feminine or neuter gender and the singular or plural number shall each be deemed to include the others wherever and whenever the context so dictates; the word shall, will or must is always mandatory; the word may is permissive; and the word should indicates that which is recommended, but not required.

B. Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly development of real property.

C. Nothing in this chapter shall limit or modify the rights of any person to complete any development for which a lawful building permit was issued prior to the effective date hereof.

D. Nothing in this chapter shall prevent the City from requiring a developer to construct reasonable project improvements in conjunction with a project.

E. Nothing in this chapter shall limit the ability of the City to enter into intergovernmental agreements as provided in section 67-8204A, Idaho Code.

F. Nothing in this chapter shall obligate the City to approve any development request that may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee study.

G. Nothing in this chapter shall obligate the City to approve development which results in extraordinary impact.

H. Notwithstanding any agreement by the fee payer to pay the proportionate share of system improvement costs documented by the supplemental study, nothing in this chapter shall obligate the City to approve development that results in an extraordinary impact.

I. Nothing in this chapter shall work to limit the use by the City of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

J. A development impact fee shall not exceed a proportionate share of the cost of system improvements determined in accordance with section 67-8207, Idaho Code. Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs.

K. Nothing in this chapter shall be construed to prevent or prohibit private agreements between developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer or fee payer, including interproject transfers of credits, or providing for reimbursement for project improvements that are used or shared by more than one development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of development impact fees collected from the developer or fee payer for the improvement of the public facility by the Idaho Transportation Department.

L. Nothing in this chapter shall restrict or diminish the power of the City: 1) to impose reasonable conditions on the annexation of any property to the City in accordance with Idaho Code, including conditions for recovery of project or system improvement costs required as a result of such voluntary annexation, or 2) to negotiate and execute development agreements that may impose additional conditions on development, including the recovery of project or system improvement costs, either in connection with a proposed annexation or in connection with any other development within the City.

M. The impact fees described in this chapter, and the administrative procedures of this chapter shall be reviewed at least once every five (5) years to ensure that: 1) the demand and cost assumptions and other assumptions underlying such impact fees are still valid; 2) the resulting impact fees do not exceed the actual costs of providing City transportation infrastructure required to serve new development; 3) the monies collected in any Impact Fee Fund have been and are expected to be spent for system improvements of the type for which such impact fees were paid; and 4) such system improvements will benefit those developments for which the impact fees were paid.

N. Violation of this chapter shall be subject to those remedies provided in this Code. Knowingly furnishing false information to any official of the City charged with the administration of this chapter on any matter relating to the administration of this chapter including, without limitation, the furnishing of false information regarding the expected size or use of a proposed development, shall be a violation of this chapter.

O. The captions used in this chapter are for convenience only and shall not affect the interpretation of any portion of the text of this chapter.

Land Use Type	ITE	Peak	Trip Gen Unit-Type	Network	New	Average	VMT Cost	Traffic
	Land	Hour		Adjustment	Trip	Trip	(per mile)	Impact Fee
	Use	Trip		Factor	Factor	Length		per Unit
	Code	Gen Rate			(Pass-	(miles)		
		Kate			By)	(See Note 2)		
Single Family Housing	210	0.405	Per dwelling unit	0.317	1.00	11.2	\$2,883	\$5050
Single Family Housing	210	0.495	Per dwelling unit (PDU)	0.317	1.00	11.2	\$2,885	\$5050
Multifamily Housing, Low-Rise	220	0.28	PDU	0.317	1.00	11.2	\$2,883	\$2857
Multifamily Housing, Mid-Rise	220	0.28	PDU	0.317	1.00	11.2	\$2,883	\$2837
Mobile Home	240	0.22	PDU	0.317	1.00	11.2	\$2,883	\$2243
Accessory Dwelling Unit	See	0.25	PDU	0.317	1.00	11.2	\$2,883	\$2547 \$1581
Accessory Dweining Unit	See Note 1	0.155	PDU	0.317	1.00	11.2	\$2,885	\$1381
Senior Adult Housing-Attached	252	0.13	PDU	0.317	1.00	11.2	\$2,883	\$1326
Senior Adult Housing-Detached	251	0.15	PDU	0.317	1.00	11.2	\$2,883	\$1530
Assisted Living	254	0.13	Per bed	0.317	1.00	11.2	\$2,883	\$1326
Hotel	310	0.3	Per room	0.317	1.00	11.2	\$2,883	\$3061
Motel	320	0.19	Per room	0.317	1.00	11.2	\$2,883	\$1939
Automobile Car Center/Repair	942	1.555	Per 1000 SF	0.317	0.72	2.8	\$2,883	\$2856
Automobile Parts Sales	843	2.455	Per 1000 SF	0.317	0.72	2.8	\$2,883	\$3569
Bank (No Drive-Thru)	911	6.065	Per 1000 SF	0.317	0.65	2.8	\$2,883	\$10056
Bank (With Drive-Thru)	912	10.225	Per 1000 SF	0.317	0.65	2.8	\$2,883	\$16953
Building Materials and Lumber	812	1.03	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$10509
Church	560	0.245	Per 1000 SF	0.317	1.00	5.6	\$2,883	\$1250
Coffee/Donut Shop No Drive-	936	18.155	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$23154
Thru	750	10.155	1011000 51	0.517	0.50	2.0	\$2,885	φ2313 <del>4</del>
Coffee/Donut Shop with Drive-	937	21.69	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$27663
Thru	)51	21.07	1011000 51	0.317	0.50	2.0	\$2,005	φ27005
Coffee shop with Drive-Thru No	938	41.665	Per 1000 SF	0.317	0.11	2.8	\$2.883	\$11690
Indoor Seats	750	+1.005	1011000 51	0.317	0.11	2.0	\$2,005	φ11070
Convenience Market (24hrs, No	851	24.555	Per 1000 SF	0.317	0.49	2.8	\$2,883	\$30690
Gas)	0.51	24.555	1011000 51	0.517	0.47	2.0	\$2,005	\$50070
Day Care	565	5.56	Per 1000 SF	0.317	1.00	2.8	\$2,883	\$14182
Discount Club	857	2.09	Per 1000 SF	0.317	0.63	8.4	\$2,883	\$10076
High-Cube Transload and Short-	154	0.05	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$510
Term Storage Warehouse	154	0.05	101 1000 51	0.517	1.00	11.2	\$2,005	φ510
Drinking Place/Bar	925	5.68	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$8258
Free-standing Discount Store	815	2.415	Per 1000 SF	0.317	0.83	8.4	\$2,883	\$15339
Free Standing Discount	813	2.165	Per 1000 SF	0.317	0.83	8.4	\$2,883	\$13751
Superstore	010		101 1000 51	0.017	0.00	0.1	¢ <b>_</b> ,000	<i><i><i>ϕ</i><sup>1</sup><i>UIU</i><sup>1</sup><i>U</i><sup>1</sup></i></i>
Furniture Store	890	0.26	Per 1000 SF	0.317	0.47	8.4	\$2,883	\$935
Hardware/Paint Store	816	1.34	Per 1000 SF	0.317	0.74	8.4	\$2.883	\$7588
Home Improvement Superstore	862	1.165	Per 1000 SF	0.317	0.58	8.4	\$2,883	\$5171
Hospital	610	0.485	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$3711
Light Industrial	110	0.315	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$3214
Manufacturing	140	0.335	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$3418

#### **1-20-12: IMPACT FEE SCHEDULE:**

Mini-Warehouse (Self Storage)	See Note 1	0.052	Per 1000 SF	0.317	1.00	5.6	\$2,883	\$265
Automobile Sales, New	840	1.215	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$9297
Automobile Sales, Used	841	1.875	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$14348
Pharmacy/Drug Store (No Drive- Thru)	880	4.255	Per 1000 SF	0.317	0.47	2.8	\$2,883	\$5101
Pharmacy/Drug Store (With Drive-Thru)	881	5.145	Per 1000 SF	0.317	0.51	2.8	\$2,883	\$6693
Restaurant-Fast Food (No Drive- Thru)	933	14.17	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$20602
Restaurant – Fast Food (With Drive-Thru)	934	16.335	Per 1000 SF	0.317	0.50	2.8	\$2,883	\$20883
Restaurant- High Turnover	932	4.885	Per 1000 SF	0.317	0.57	2.8	\$2,883	\$7102
Shopping Center	820	1.905	Per 1000 SF	0.317	0.66	5.6	\$2,883	\$6414
Supermarket (Free Standing	850	4.62	Per 1000 SF	0.317	0.64	2.8	\$2,883	\$7542
Tire Store	848	1.99	Per 1000 SF	0.317	0.72	8.4	\$2,883	\$10964
Variety Story (Dollars Store)	814	3.42	Per 1000 SF	0.317	0.66	8.4	\$2,883	\$17273
Warehousing	150	0.095	Per 1000 SF	0.317	1.00	11.2	\$2,883	\$969
Gas Station with Conv Mkt (Fueling position)	945	6.995	Per fueling position	0.317	0.44	2.8	\$2,883	\$7851
Gas station (fueling Position)	944	7.015	Per fueling position	0.317	0.58	2.8	\$2,883	\$10378
Golf Course (Hole)	430	1.455	Per hole	0.317	1.00	11.2	\$2,883	\$14845
Movie Theater	444	0.045	Per seat	0.317	1.00	8.4	\$2,883	\$344
Public Park	411	0.055	Per acre	0.317	1.00	5.6	\$2,883	\$281
Quick Lubrication	941	2.425	Per servicing positions	0.317	0.58	2.8	\$2,883	\$3588
Self-Service Car Wash	947	2.77	Per stall	0.317	0.58	2.8	\$2,883	\$6098
Sup Conv Mkt/Gas Station >3000 sf and >10 FP	960	11.48	Per fueling position	0.317	0.44	2.8	\$2,883	\$12884
Dental/Vision	See Note 1	1.315	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$10063
General Office	710	0.575	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$4400
Medical	720	1.73	Per 1000 SF	0.317	1.00	8.4	\$2,883	\$13238

'Trip generation data based on local data. Collected by Ada County Highway District (ACHD) through individual assessment process. 2 Vehicle trips generated by commercial land uses typically have lower lengths than trips generated by residential or office land-uses. The U.S. Department of Transportation's Summary of Travel Trends: 2017 National Household Travel Survey states that the average trip length of shopping trips and other family/personal errands are approximately 32% shorter than the average trip lengths for all trips. The COMPASS 2012 Regional Household Travel Survey states that Home-Based-Shop trips are approximately 59% shorter than Home-Based-Work trips. Trip reduction factors of 75% (correlates with 25% decrease), 50%, and 25% were applied to land uses that are expected to have average trip lengths lower than 11.2 miles. These reduction factors were applied based on the guidance in the travel surveys and expected development patterns in the Mid-Star service area. Commercial and office-related development is expected to be centered on the SH 44 corridor and will result in trip lengths significantly shorter than trips that require travel external to the Mid-Star service area.

**Section 2.** This ordinance shall be in full force and effect after its passage, approval, and publication, according to applicable law.

**Section 3.** This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

**Section 4.** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

ATTEST:

Steve Rule, Mayor

City Clerk (or Deputy)

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PROPOSAL SUBMITTED TO City of Middleton Attention Art Hill

Prodost

Proposal Number 86115 Phone 208-585-3133 Cell

2975 LANARK ST. MERIDIAN, ID 83642 PHONE (208) 888-1727 FAX (208) 895-9699

DATE 9/17/2021 Email

ahill@middletoncity.com

Street Address: PO Box 487 Middleton ID 83644 Work Site:

**Citv Hall** 1103 W Main St Middleton. ID 83644

Authorized

Signature

Price to build custom curbs disconnect the existing two RTU's crane off the existing two RTU that are leaking and install custom curbs to sit on the existing platform then reset the stated RTU's and reconnect and start back up.

Includes:

Materials, Labor and Install

Excludes:

Total

Electrical and Any Other Work Not Specified

\$12,992.00

Twelve Thousand Nine Hundred Ninety Two Dollars & Zero Cents

Give me a call with any questions, Thank '\

		Dealer	
Heating & Cooling	Systems	/	
-	-		
-			



YMC DISCLOSURE STATEMENT

- 1. The homeowner or residential real property purchaser shall have the right at the reasonable expense of the homeowner or residential real property purchaser to require that the general contractor obtain lien waivers from any subcontractors providing services or materials to the general contractor.
- 2. The homeowner or residential real property purchaser shall have the right to receive from the general contractor proof that the general contractor has a general liability insurance policy including completed operations in effect and proof that the general contractor has worker's compensation insurance for his employees as required by Idaho law.
- 3. The homeowner or residential real property purchaser shall be informed of the opportunity to purchase an extended policy of title insurance covering certain unfiled or unrecorded liens.
- 4. The homeowner or residential real property purchaser shall have the right to require, at the homeowner's or residential real property purchaser's expense, a surety bond in an amount up to the value of the construction project.

All material guaranteed to be as specified. All work to be completed in a workmanlike

manner according to standard practices. Any alteration or deviation from above

specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. Exclusions: Roofing, Electrical, any after hours work, temporary heat, and any work not mentioned in proposal above or normally considered within the scope

of another trade. All agreements contingent upon strikes, accidents or delays

beyond our control. Owner to carry fire, tornado, and other necessary insurance.

Warranty is null and void if YMC, Inc. is not contacted to perform any and all warranty work.

#### Note: This proposal may be withdrawn by us if not accepted within 30 days.

Acceptance of Proposal - The above prices, specification	ons		
and conditions are satisfactory and are hereby accepted. You ar	Signature:		
to do the work as specified. Payment will be made as agree	ed.		
Date of Acceptance :		Signature:	
YMC USE ONLY			
Emailed:	Approval Date and Customer PO:		Scheduled:

Approval Date and Customer PO:\_\_\_

Scheduled:\_

Rick Hazzard

**Rick Hazzard** 

RM Mechanical, INC	·			
5998 West Gowen Ro	bad			
Boise, ID 83709				
(208) 362-0131 - Mair				
(208) 362-9790 - Mair	1 Fax			
			PROPOSAL	
Date: 10/15/2021	1		I NOI OUAE	
To: City of Mid				MECHANICAL
				ΙΫΙΕŪΛΑΠΙΟΑL
				COMMERCIAL & INDUSTRIAL CONTRACTORS
Attn: Becky Crof				
Quote #	# SB313-2021a		Job Name: Middletor	City Hall RTU Lift
Addenda Noted: N/A				
Addenida Noted. N/A				
Description Of Work:	:			
-		on, support sy	stems, delivery and lifts neces	ssary to access work and material to
disconnect the elect	rical, controls, a	nd gas to th	e two roof top units on the S	South side of the building. Connect the units
to a crane and lift off	the roof. Install	a new color	matched cap and unit curb	to cover both curbs. Then the units will be
reset and connectior	ıs made. Roofin	g contractor	to make corrections to the	roof to prevent possible water infiltration
				ousiness hours. Quote valid for 30 days.
-		T 10.64		• • • • •
Proposed Amount	BASE BID	🗌 T&M		\$10,473
Inclusions:				
			RRANTY, 1 YEAR PARTS W	
TEST OF ERATIONS,	SUDAT WORKIN		ARRANTE, I TEAR PARTS W	ARRANTT,
Exclusions:				
PERMIT, OVERTIME,	HOLIDAY OR P	REMIUM TIN	IE, ROOFING, ALL CUTTING	, PATCHING, & FINISHING OF FLOORS,
CEILINGS & WALLS.,	ANYTHING NOT	T SPECIFICA	LLY STATED IN DESCRIPTION	ON OF WORK OR INCLUSIONS,
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		AVAI	LABILITY AND PRICE POLIC	Ŷ
Submitted By:	Carl Lohrengel			
Title	ESTIMATOR			
Direct Line	208.871.1466			
Cell Phone	208.871.1466			
Email	carl@rmmechai	nical.net		
	_			
Accepted By:				
Signaturo:				
Signature.				