



AMENDED AGENDA  
City Council Meeting  
City of Middleton, Idaho

Date: Wednesday October 19, 2022,

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 Amended Agenda

**Information Item:**

Presentation from the Cemetery District for the installation of a crosswalk connecting the west and east cemetery sites across Cemetery Rd. - John Sandborg.

**Action Items:**

1. Consent Agenda (items of routine administrative business) (**Action Items**)
  - a. Consider approving minutes for City Council October 5, 2022, Special Meeting
  - b. Consider approving minutes for City Council October 5, 2022, Regular meeting.
  - c. Consider ratifying payroll for October 7, 2022, in the amount of \$ 97,733.55.
  - d. Consider approving accounts payable through October 11, 2022, in the amount of \$494,703.15.
2. Consider a request from 208 Burger Q to reconsider a beer and wine license. – Representative from 208 Burger Q
3. Consider A.M.E. Electric Proposal # 2022-770, to repair the South Dewey Pole Light and Base in an amount not to exceed \$11,200.00. – Jason VanGilder
4. Consider A.M.E. Electric Proposal # 2022-771, to repair the HWY 44 at Subway Pole Light and Base in an amount not to exceed \$11,000.00. – Jason VanGilder
5. **Public Hearing:** Application by Infinite Real Estate/Amy Johnson for annexation/rezone, preliminary plat and development agreement with respect to the Pheasant Heights Subdivision located at 0 Emmett Road and 13236 Greenwell Lane (Tax Parcel Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1). The proposed preliminary plat consists of 147 single-family home lots and 12 common lots on 54.06 acres of land zoned Canyon County C1, R1 and Agricultural. Applicant is requesting a zone change to Middleton R-3 (Single-Family Residential). – Roberta Stewart
6. Consider adopting Ordinance No. 671: 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 R-3 (SINGLE FAMILY RESIDENTIAL);

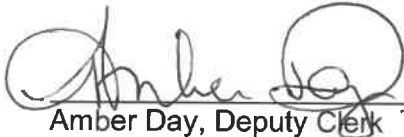
DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

7. **Public Hearing:** To approve the Additional Construction Walk Through Reinspection fee to be added to the approved City of Middleton Fee Schedule effective October 20, 2022.  
– Roberta Stewart

**Public Comments, Mayor and Council Comments:**

**Adjourn:**

Posted by:

  
Amber Day, Deputy Clerk

Date: October 18, 2022, 9:30 p.m.

Please contact the City Clerk at (208) 585-3133 if you have special needs or require assistance.



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**MIDDLETON CITY COUNCIL – SPECIAL MEETING  
OCTOBER 5, 2022**

The Middleton City Council Meeting was called to order on October 5, 2022, at 4:33 p.m. by Mayor Steve Rule.

**Roll Call:**

City Council: Council President Kiser, Council Members Huggins, and Murray were present. Council Member O'Meara was absent. City Attorney Mark Hilty and City Administrator Becky Crofts were present.

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to move into Executive Session. Motion seconded by Councilman Huggins.

**Executive Session** started at 4:35 p.m.

**Executive Session:**

74-206(d) To consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code.

74-206(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 closed at 5:26 p.m.**

**No decisions were made, only discussion took place during the Executive Session.**

**Adjourn:** Mayor adjourned the Special Meeting at 5:26 p.m.

ATTEST:

\_\_\_\_\_  
Rob Kiser, Council President

\_\_\_\_\_  
Amber Day, Deputy Clerk  
Minutes Approved: October 19, 2022



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**MIDDLETON CITY COUNCIL  
OCTOBER 5, 2022**

The Middleton City Council Meeting was called to order on October 5, 2022, at 5:34 p.m. by Mayor Steve Rule.

**Roll Call:**

City Council: Council President Kiser, Council Members O'Meara, Council Member Huggins and Murray were present.

Mayor Steve Rule, City Attorney Mark Hilty, City Administrator Becky Crofts, Planning Official Roberta Stewart, and Deputy Clerks Jennica Reynolds and Amber Day were present.

Pledge of Allegiance, Invocation: Jim Taylor

**Action Items**

**A. Approve Agenda**

**Motion:** Motion by Council President Kiser to approve the agenda as posted September 30, 2022, at 4:45 p.m. Motion seconded by Council Member O'Meara and approved unanimously by all the board members present.

**Action Items:**

1. Consent Agenda (items of routine administrative business) (**Action Items**)
  - a. Consider approving minutes for City Council September 21, joint and regular meeting.
  - b. Consider ratifying payroll for September 23, 2022, in the amount of \$134,981.87
  - c. Consider approving accounts payable through September 30, 2022, in the amount of \$ \$415,648.66.
  - d. Consider approving the Findings of Facts, Conclusions of Law & Order (FCO) for the Hidden Mills Subdivision.

Mayor Steve Rule called the items and stated he had reviewed the accounts payable.

**Motion:** Motion by Council President Kiser to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member O'Meara.

**Roll Call:** Council President Kiser, Council Member Huggins, Council Member Murray, and Council Member O'Meara. Motion approved unanimously.

**2. Swearing in of new police officer Nicholas Randall. – Mayor Rule**

Mayor Rule called and Swore in Officer Nicholas Randall.

**3. Consider approving the final plat application for Stonehaven Estates Subdivision, Phase No. 6, including request for approval of \$4,500 surety to cover unfinished landscaping. – Roberta Stewart**

Mayor Rule called the item and the City P&Z Official, Roberta Stewart presented Stonehaven Estates Subdivision No. 6 Final Plat. The plat is in compliance with all city codes and standards. The developer has bonded for \$4,500 which is 150% of the estimated cost to cover all unfinished landscaping. This type of bonding is allowed per

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City Code.

**Motion:** Motioned by Council President Kiser to approve final plat application for Stonehaven Estates Subdivision, Phase No. 6, including request for approval of \$4,500 surety to cover unfinished landscaping. Motion seconded by Council Member O'Meara. Mayor called for Roll Call Vote.

**Roll Call Vote:** Council President Kiser, Council Member Murray, Council Member Huggins and Council Member O'Meara. Motion approved unanimously.

**Public Comments**

- Jim Taylor has concerns about new apartments coming in, would rather have single homes built in Middleton. He thinks single homes make policing in the city easier.
- Mike Grafe has concerns about sidewalks and frontage along Willis and Hartley adjacent to the Stonehaven Subdivision.

**Mayor and Council Comments**

Council Member O'Meara said that the Cemetery District would like help getting a crosswalk painted/installed from the Sexton's Office to the other side of the Cemetery across Cemetery Rd. Mayor Rule said they are working with Civil Engineers to determine the safest location for the crosswalk.

**Adjourn:** Mayor Rule adjourned the city council meeting at 6:02 p.m.

ATTEST:

\_\_\_\_\_  
Rob Kiser, Council President

\_\_\_\_\_  
Amber Day, Deputy Clerk  
Minutes Approved: October 19, 2022





# CITY OF MIDDLETON

PO Box 487, 1103 W. MAIN ST.  
MIDDLETON, ID 83644  
208-585-3133, 208-585-9601 FAX  
[CITMID@MIDDLETONCITY.COM](mailto:CITMID@MIDDLETONCITY.COM)

ADMINISTRATION

BEER WINE  
APPLICATION/LICENSE

YEAR June 1, 2018– May 31, 2019

- ☒ New License  
☐ Renewal

## SALE FOR ON-PREMISE CONSUMPTION

- ☒ BEER (\$200.00)  
☒ WINE (\$200.00)

## SALE FOR OFF-PREMISE CONSUMPTION

- ☐ BEER (\$50.00)  
☐ WINE (\$200.00)

### OFFICE USE ONLY:

RECEIPT

# \_\_\_\_\_

\$ \_\_\_\_\_

LICENSE

# \_\_\_\_\_

Applicant Name: April Bibbins

Business Name: 208 Burger Q

Business Address (Street/P.O. Box/City/Zip): 308 W. Main St

Mailing Address (Street/P.O. Box/City/Zip): 2342 Lansing Ln, Middleton

Business phone: 208-585-3097 Other Phone: 510-304-4758

Email address: 208burgerq@gmail.com

● Attach copy of application for State license, including a copy of site and floor plans submitted with state application.

● Attach a copy of your State and County Alcohol Beverage Licenses before a City license will be issued.

6/25/21  
Date

April Bibbins  
Applicant Signature

April Bibbins  
Print Name

### LICENSE

Application Approved by City Council on (date): \_\_\_\_\_

Application Denied: \_\_\_\_\_

License is hereby issued this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
City Clerk

Notes: \_\_\_\_\_



2021-2022

RETAIL ALCOHOL BEVERAGE LICENSE

2021284

CANYON COUNTY, ID

STATE OF IDAHO

*This is to certify, that Marwood, INC*

*dba: 208 Burger Q*

is licensed hereby as a retailer of alcohol beverage, as stated below, to the provisions of Title 23, Idaho Code and the laws of the State of Idaho and regulations and ordinances of Board of County Commissioners in regard to the sale of alcoholic beverage at: 308 W MAIN ST., MIDDLETON, ID 83644



License valid until May 31, 2022

|      |  |          |
|------|--|----------|
| Beer | Bottled or canned, consumed ON premises                | \$75.00  |
| Wine | WINE by the drink: (This covers Retail & By the Drink) | \$100.00 |

\_\_\_\_\_  
Signature of Licensee or Officer of Corporation

APPROVED by the Board of County Commissioners this 22nd day of June, 2021

Mail To: 23412 LANSING LN, MIDDLETON, ID 83644

Chris Gammons

Clerk

Kurt Smith

Chairman

(THIS LICENSE MUST BE CONSPICUOUSLY DISPLAYED)



# State of Idaho

## Idaho State Police

Cycle Tracking Number: 126261

Premises Number: 2C-31045 **Retail Alcohol Beverage License**

License Year: 2022

License Number: 31045

*This is to certify, that* Marwood, Inc  
*doing business as:* 208 Burger Q

*is licensed to sell alcoholic beverages as stated below at:*  
308 W. Main St, Middleton, Canyon County

*Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.*

*County and city licenses are also required in order to operate.*

|                         |                   |
|-------------------------|-------------------|
| Liquor                  | No                |
| Beer                    | Yes <u>\$0.00</u> |
| Wine by the bottle      | No                |
| Wine by the glass       | Yes <u>\$0.00</u> |
| Kegs to go              | No                |
| Growlers                | No                |
| Restaurant              | Yes <u>\$0.00</u> |
| On-premises consumption | Yes <u>\$0.00</u> |
| Multipurpose arena      | No                |
| Plaza                   | No                |

\_\_\_\_\_  
Signature of Licensee, Corporate Officer, LLC Member or Partner

MARWOOD, INC  
208 BURGER Q  
23412 LANSING LN

MIDDLETON, ID 83644

Mailing Address

TOTAL FEE: \$0.00

License Valid: 06/01/2021 - 05/31/2022

**Expires: 05/31/2022**

*[Signature]*

Director of Idaho State Police





**Idaho State Police**

**Alcohol Beverage Control**  
700 S. Stratford Dr. Ste 115  
Meridian, ID 83642  
Phone: (208) 884-7060

**AFFIDAVIT – RELEASE OF LICENSE**

I/we, the undersigned, regarding herein named license:

Alcohol License No.: \_\_\_\_\_; Premises ID No.: \_\_\_\_\_,

doing business as \_\_\_\_\_, located in the city of \_\_\_\_\_,

County of \_\_\_\_\_, State of Idaho, transferred on this \_\_\_\_\_ day of \_\_\_\_\_,

20\_\_\_\_, the use of said license to the following person(s) or entity (new applicant name(s)):

\_\_\_\_\_  
Name Address

\_\_\_\_\_  
Name Address

\_\_\_\_\_  
Name Address

**DISCLAIMER:** This affidavit cannot be construed to affect any agreements between assignor(s) and assignee(s).

Assignor's Signature(s): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a notary public in and for the State of \_\_\_\_\_, personally appeared \_\_\_\_\_ known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument and acknowledged to me that (s)he/they executed the same.

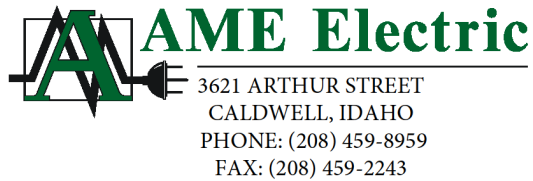
(Seal)

\_\_\_\_\_  
Notary Public  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_





JAMIE J. WINTERS  
[jamie@ameelectric.com](mailto:jamie@ameelectric.com)



MIKE S. TENHULZEN  
[mike@ameelectric.com](mailto:mike@ameelectric.com)

IDAHO CONTRACTOR LICENSE # C 2854 OREGON CCB #221860  
PUBLIC WORKS LICENSE # PWC-C-11544-UNLIMITED-4 (16000, 02500)  
UL 508A INDUSTRIAL CONTROL PANEL LICENSE # E 312625  
MSHA CERTIFIED - ID NUMBER # N 760  
WEB SITE: [www.ameelectric.com](http://www.ameelectric.com)  
September 26, 2022

To: **CITY OF MIDDLETON**

Ref: **SOUTH DEWEY POLE LIGHT AND BASE**  
**A.M.E. PROPOSAL #2022-770**

A.M.E. Electric, Inc. is pleased to present this proposal for your review and consideration.

**INCLUDED IN THIS PROPOSAL:**

1. Demo existing concrete pole base and pole light
2. Provide and install new concrete pole base
3. Provide and install new 24' decorative historical pole light to match existing
4. Provide and install necessary conduit and wire from junction box to pole
5. Terminate and test

**NOT INCLUDED IN THIS PROPOSAL:**

1. Right of way permit
2. Traffic control

**TOTAL PROPOSAL AS DETAILED.....\$11,200.00**

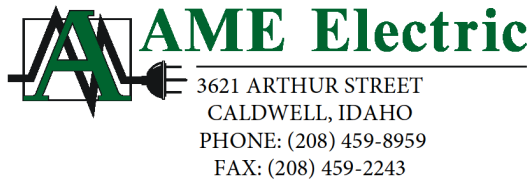
A.M.E. Electric, Inc. appreciates this opportunity and we strive to earn your future business.  
Should you have any questions, or require any additional information please feel free to contact us.

Sincerely,

Jamie J. Winters  
*Owner / Estimator*



JAMIE J. WINTERS  
[jamie@ameelectric.com](mailto:jamie@ameelectric.com)



MIKE S. TENHULZEN  
[mike@ameelectric.com](mailto:mike@ameelectric.com)

IDAHO CONTRACTOR LICENSE # C 2854 OREGON CCB #221860  
PUBLIC WORKS LICENSE # PWC-C-11544-UNLIMITED-4 (16000, 02500)  
UL 508A INDUSTRIAL CONTROL PANEL LICENSE # E 312625  
MSHA CERTIFIED - ID NUMBER # N 760  
WEB SITE: [www.ameelectric.com](http://www.ameelectric.com)  
September 13, 2022

To: **CITY OF MIDDLETON**

Ref: **HWY 44 AT SUBWAY POLE LIGHT AND BASE**  
**A.M.E. PROPOSAL #2022-771**

A.M.E. Electric, Inc. is pleased to present this proposal for your review and consideration.

**INCLUDED IN THIS PROPOSAL:**

1. Demo existing concrete pole base, sidewalk panel and pole light
2. Provide and install new concrete pole base
3. Provide sidewalk patch back
4. Provide and install new 18' decorative historical pole light to match existing
5. Provide and install necessary conduit and wire from junction box to pole
6. Terminate and test

**NOT INCLUDED IN THIS PROPOSAL:**

1. Right of way permit
2. Traffic control

**TOTAL PROPOSAL AS DETAILED.....\$11,000.00**

A.M.E. Electric, Inc. appreciates this opportunity and we strive to earn your future business.  
Should you have any questions, or require any additional information please feel free to contact us.

Sincerely,

Jamie J. Winters  
*Owner / Estimator*

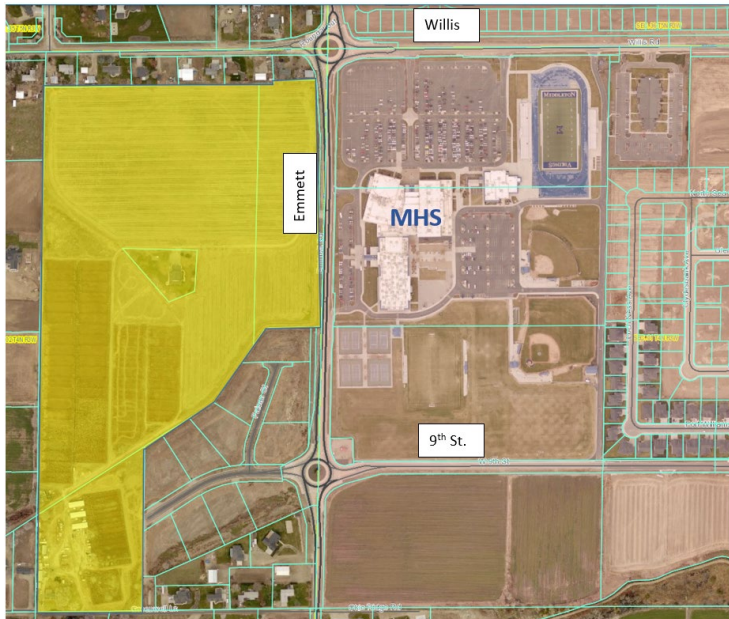




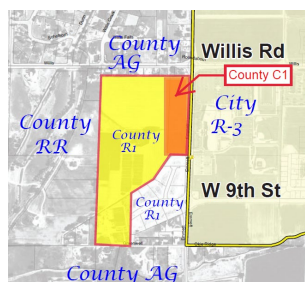
# STAFF REVIEW AND REPORT

## Middleton City Council

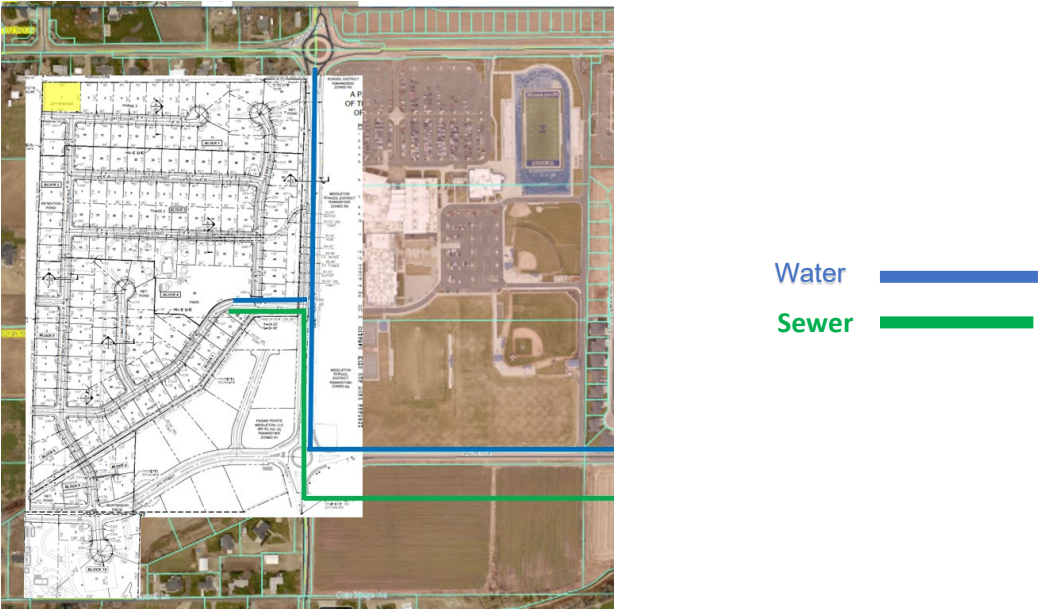
### Pheasant Heights Subdivision Snapshot Summary



- A. **City Council Public Hearing:** October 19, 2022
- B. **Project Description:** Residential subdivision with 147 single family buildable lots and 12 common lots on 54.06 acres of vacant land located at 0 Emmett Road and 13236 Greenwell Lane (Tax Parcels Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1).
- C. **Application Requests:** Applicant, Amy Johnson of Infinite Real Estate, has submitted three applications: (1) Annexation/Rezone, (2) Preliminary Plat, and (3) Development Agreement.
- D. **Current Zoning & Property Condition:** The project parcel is comprised of four parcels with two homestead sites. Most of the land is vacant and has been used for farming for a number of years. The property is currently located in Canyon County and zoned C1 (Neighborhood Commercial) and R1 (Single-Family Residential). The property to the east is within City limits and zoned R-3 (Single-Family Residential). The properties to the south, west and north are County property zoned residential R-1, R-R and Agricultural.

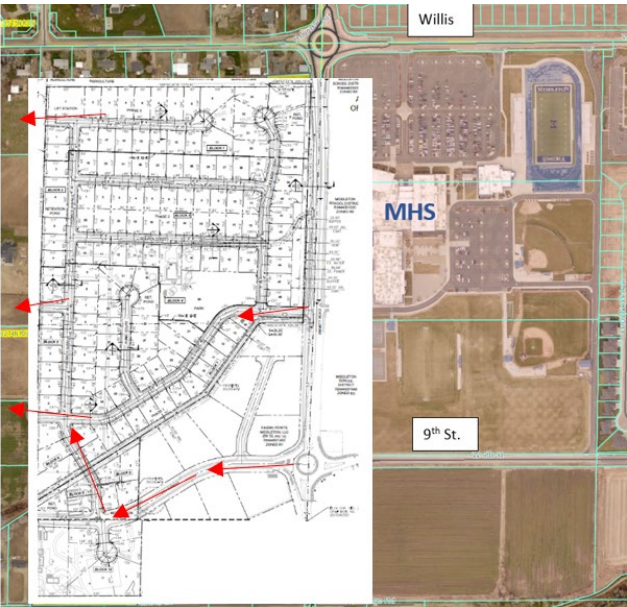


- E. City Services:** City Water is located in Emmett Road adjacent to the Project. Sewer is located near the 9<sup>th</sup> Street roundabout and will be extended northward along Emmett Road. A sewer lift station is required to serve the site. (See location highlighted in yellow.) Developer has agreed to build an over-sized regional lift station if requested by City.



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

Primary access to the subdivision will be through 9<sup>th</sup> Street to the south. Access on Emmett Road will be right in/right out only. The plat shows three stub roads along the western border for future extension of the City to the west.



Developer will be required to improve, at its own cost, the 50' half road portion of Emmett Road as well as the extension of 9<sup>th</sup> Street from Faison Subdivision through the project parcel.

Middleton requires Development "to pay for itself" so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$742,350.00 in Mid-Star Transportation Impact Fees by the time all 147 residential building permits are issued (\$147 x \$5050).

Applicant has also completed a Traffic Study, and pursuant to the impact percentages set forth in the study, Applicant will pay \$138,563.00 in additional "pro-rata traffic fees" pursuant to MCC 5-4-3. These fees cover the development's direct impact on intersections near the project that are not already included in the Mid-Star program. Payment of this fee should be a condition of final plat approval for Phase 1.

Developer/Builder will pay a total of \$880,913.00 toward traffic improvements in and around the City of Middleton.

- G. Traffic Signal at Emmett Road & State Hwy 44:** Much of the project's traffic will use the intersection of Emmett Road and Hwy 44. That intersection is a failing intersection. For that reason, City cannot collect Mid-Star Transportation Fees for the future construction of a traffic signal at that intersection. (Per state law, impact fees can only be used for "future" impacts; they cannot be used to fix an existing deficiency.)

City also does not have sufficient funds at its disposal or in its budget (approximately \$1.7 million) to design and construct the traffic signal.

ITD has stated recently that it has resumed its environmental studies of the Hwy 44 corridor, and it will not complete those studies for seven to 10 years. Until the studies are completed, ITD cannot design or install any permanent traffic control at Emmett & Hwy 44. Therefore, any help from ITD is about seven to 10 years away.

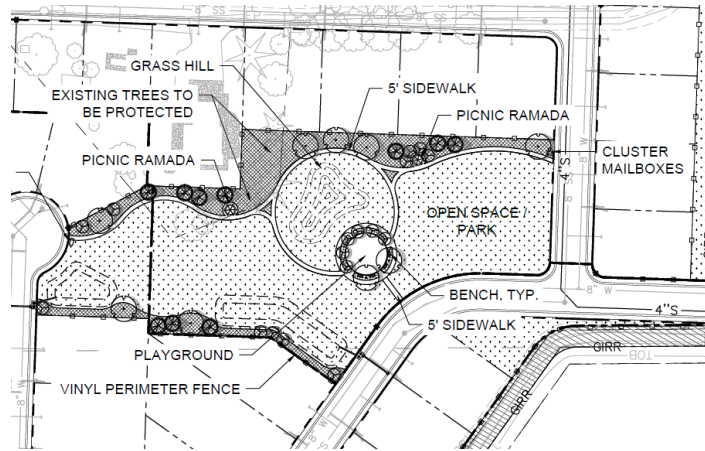
However, a number of private developers, including the Pheasant Heights Developer, are collaborating together and working with ITD, CHD4 and the City to design and construct an interim traffic signal at the Emmett/44 intersection. The private developers are offering to design and construct the traffic signal at no cost to the City or taxpayers. They have hired Kittelson Engineering to perform a traffic study on Emmett Road & Hwy 44, and an engineering firm has begun designing an interim traffic signal for presentation to ITD, CHD4 and the City.

This collaboration between private developers has been incorporated into the proposed Development Agreement ("DA") for Pheasant Heights. In a nutshell, the DA notes the private collaboration and provides that the Pheasant Heights Developer cannot submit for any building permits until the Developers or other entities construct the interim traffic control at Emmett & Hwy 44.

Therefore, even if City Council approves this project, no one will be allowed to build and move into a home until the intersection of Emmett Road & Hwy 44 is improved with a sufficient traffic control.

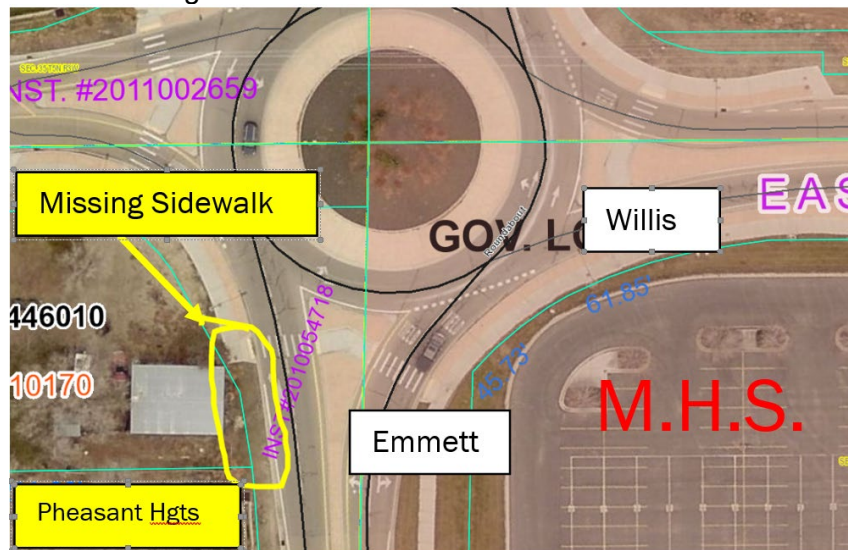


- H. **Pathway, Sidewalks & Open Space:** No pathways or amenities are required by the Comprehensive Plan's *Transportation, Schools & Recreation Map*. However, Developer has proposed a large park with micro-paths, playground, open grassy area, and picnic area.



Developer has provided 5.5% open space, which exceeds the 5% minimum required by MCC 5-4-10-10.

Developer will also construct a missing portion of sidewalk located outside of the project area in order to complete the sidewalk that has been left unfinished for a number of years. This off-site work will assist children in reaching the crosswalk at Willis & Emmett so they can travel safely to Middleton High School.



- I. **Schools:** This proposed project is part of the Middleton School District #134. At the September 12, 2022, Planning & Zoning Meeting, Superintendent Marc Gee gave a presentation on the status of the School District. He reported that Heights Elementary is at 134% capacity. Mill Creek Elementary is at 123% capacity, and other schools in the District are nearing capacity.



When asked what the District intends to do now that the recent school bond has failed, Superintendent Gee indicated that they have some tools and solutions at their disposal. They are currently considering the following:

1. Re-drawing the boundary for elementary schools so they can move children around to better equalize the capacity and population of each school.
2. Implementing year-round school. (He emphasized that they are simply exploring this option.)
3. Implementing a.m./p.m. school.
4. Bringing in more portables and teachers.
5. Adding on to, or remodeling, existing schools.
6. Formulating more bonds that will be passed by the electorate in the future.

MSD #134 Superintendent, Marc Gee, submitted a comment to this application after meeting with the Applicant. Among other things, Superintendent Gee noted that the traffic signal at Emmett & SH44 will help the school district because it will help control traffic along Hwy 44. He also noted that the very close proximity to Middleton High School will help with logistics and busing since students will be able to walk to school.

- J. Police:** If annexed into Middleton, the Middleton City Police will be responsible for patrolling and protecting the Pheasant Heights community. The Developer/Builder will pay a Police Impact fee of \$304.00 for each building permit it receives. This fee is designed to cover the Subdivision's proportionate impact on the police department.

Of note, even if this subdivision is not approved and a County subdivision is built in its place, the Middleton Police Department will still patrol the area and probably be the first to respond to any incidences because of its proximity to an arterial road that is already patrolled by City Police. This extra work in the County would be paid by Middleton residents without any impact fees being contributed by the Developer.

- K. Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. Developer/Builders will pay a Fire Protection Impact Fee of \$849 at the time of each building permit to cover any impacts the subdivision will have on the Fire Protection agency.

- L. Annexation and Zone Change:** Applicants are requesting that the 54 acre project parcel be annexed into the City of Middleton with a zone change from County R-1, R-R, Agricultural, and C-1 to the City R-3 Zone (Single Family Residential).

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

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

## STAFF FINDINGS:

*With respect to annexation, Planning Staff finds that Applicant's project meets the 1<sup>st</sup> criteria of contiguity.*

*As to the 2<sup>nd</sup> annexation criteria, Planning Staff finds that the proposed annexation is orderly and an efficient extension of City Services. Specifically, Police and Fire protection can be extended to serve the site because the additional protection will be covered by the impact fees that will be charged at Building Permit issuance. These fees are designed to cover Developer/Builders' proportion of impact on the emergency response services.*

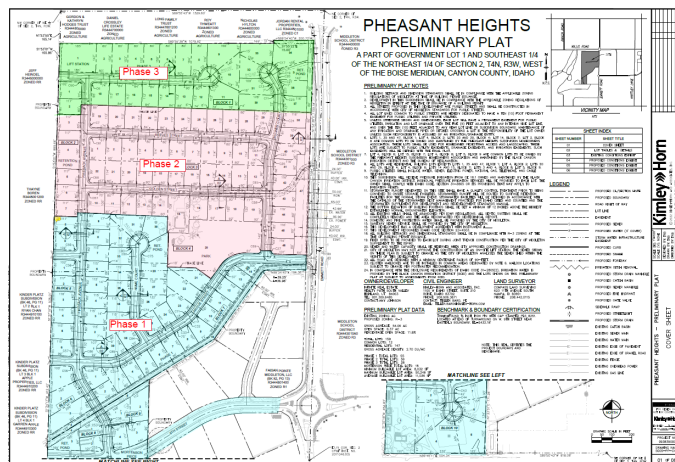
*As to the extension of the transportation system & roadway, Developer will pay transportation impacts and pro-rata traffic fees to cover its proportion of impact on the roadway system. However, because Emmett Road & Hwy 44 is a failing intersection, none of the impact fees can be applied to that intersection. Developer Applicant is attempting to address this situation through a DA provision that encourages private construction of a traffic control at the intersection...at no cost to taxpayers or City. More importantly, the DA provides that Developer cannot build one home in the subdivision until the Emmett/SH44 traffic control is actually built. This will delay any impact on the roadway system until a traffic control is in place to handle the added impacts.*

*As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services for the reasons already stated directly above.*

*A rezone also requires a finding that the project will not be in conflict with the City's comprehensive plan. Planning Staff finds that the Pheasant Heights Subdivision is not in conflict with the Comprehensive Plan, but rather, is in harmony with the Plan. See detailed discussion on this below in Section O.*

## M. Preliminary Plat Application: The preliminary plat shows three phases of construction.

The plat complies with all dimensional standards and codes of the City of Middleton, which means it meets the sole criteria required for an approval by City Council. No variances are requested.



[A full-size copy of the preliminary plat is attached to this Staff Report as Exhibit "B".]

- N. Development Agreement:** Annexation/Rezone generally require a Development Agreement. Applicant and City Staff have used the City's form for the DA, and have added the following conditions of development to Section 3 of the DA:

Sec. 3.1 & 3.2: Developer to complete all frontage/road improvements adjacent to the project.

Sec. 3.3: Developer to construct project generally consistent with Concept Plan attached to the DA.

Sec. 3.4: Developer to pay all pro-rata traffic fees prior to final plat approval for phase 1.

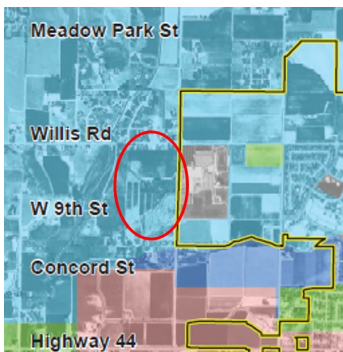
Sec. 3.4.1: Developer cannot obtain a building permit until a sufficient traffic control is constructed at Emmett & SH44. If Developer participates in the design and construction of the site, Developer is entitled to a credit against any pro-rata traffic fees it must pay with respect to the Emmett intersection.

Sec. 3.5: Developer shall build a sewer lift station to serve the project site. If the City, in its sole discretion, decides that a regional lift station is required, then Developer shall construct a regional lift station. Developer shall be reimbursed for construction costs over and above its proportionate share via a latecomer's fee as allowed by MCC 1-17-1.

Sec. 3.6: Developer has 4 years to obtain phase 1 final plat approval (after 2 extensions are approved). Developer must then bring each phase thereafter to final plat within 4 years (which includes two extensions). If Developer fails to meet these timelines, City has the right to terminate the DA, and the preliminary plat will be null and void.

Section 3.7: Developer shall provide the following amenities: large playground with benches/seating area, at least two ramadas with picnic tables, micro-pathway, pocket park with seating areas. [Proposed Development Agreement attached as Exhibit "C"]

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



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

- a. *Goal 1 & Annexation: New development/annexation will be required to pay for improvements necessitated by its impacts on City Services. Developer will pay for its proportionate impacts on parks, police, fire, and traffic via impact fees. Developer will also extend City utility services at no cost to the City and construct a regional lift station if requested by the City. Developer may participate in the "private" construction of a traffic signal at Emmett & SH44, at no cost to City or taxpayers. At the very least, Developer will not build a single house until a sufficient control at the intersection of Emmett & SH44 is completed.*
- b. *Comprehensive Plan Element "Annexation" (Page 18 of 68): The City of Middleton is getting boxed in by County and Star subdivisions. Annexation of Pheasant Heights is an efficient and economical expansion that prevents the external limitations on City growth. This further prevents subdivisions from using City services while not paying their fair share for City services.*
- c. *Goal 2 Private Property Rights: allowing reasonable annexation and development will ensure that the City is not engaging in a "taking" of property, which is a violation of the Fifth Amendment to the U.S. Constitution. (Comp Plan/Private Property Rights, page 21 of 68)*
- d. *Goals 3 and 5: Provide variety of safe transportation services and facilities for vehicles and pedestrians. Developer's impact fees and pro-rata traffic fees will be used for the improvement and safety of surrounding roadways. Additionally, Developer is assisting in the private installation of a traffic control at Hwy 44 & Emmett or, at the very least, refraining from building homes until a traffic control is installed at that location. Developer is also completing a sidewalk project off-site to ensure safe pedestrian passage at a location north of the project site.*
- e. *Goal 6: expansion of public facilities: Developer's project extends sewer and water utilities in an economical manner and improves existing roadways nearby.*
- f. *Goals 7 and 8: the addition of homes in Middleton increases the likelihood of bringing more commercial and industrial opportunities to Middleton, thereby lowering taxes for residents and creating employment opportunities.*
- g. *Goals 10, 22 and 23: the addition of parks and micro-paths and the completion of City sidewalks increases recreational activity and promotes walkability, social interaction, and health in the Community.*
- h. *Goal 11: the R-3 zoning matches the resident lifestyle in the area. **Of note, Strategy 2 encourages "...higher density housing near schools...etc."***
- i. *Goal 14: plan for population growth by providing sufficient services. Developer is improving roadways and paying toward future improvements to City streets. Developer is also responsible for building a regional sewer lift station that will serve the City beyond this subdivision, should the City request it to do so.*

**P. Comments from City Engineer and City Staff:** City Engineer and Planner comments are attached as Exhibit "D".

**Q. Comments from Agencies:** Planning Staff has received comments from Middleton School District #134, Black Canyon Irrigation District, CHD4, COMPASS, Greater Middleton Parks & Recreation District, and Middleton Rural Fire Department. Copies of all comments received are attached as Exhibit "E".

**R. Comments Received from Public:** Comments from the public and surrounding residents are attached as Exhibit “F”.

**S. Applicant Information:** Application was received and accepted on March 19, 2021. The Applicant/Owner is Infinite Real Estate/Amy Johnson, 719 Blue Ridge Circle, Alpine, UT 84004.

| <b>T. Notices:</b>                                   | <b>Dates:</b>         |
|--|-----------------------|
| Neighborhood Meeting                                 | 2/18/2021 & 1/31/2022 |
| Newspaper Notification                               | 10/4/2022             |
| Radius notification mailed to Landowners within 500' | 10/3/2022             |
| Circulation to Agencies                              | 10/3/2022             |
| Sign Posting property                                | 10/3/2022             |

**U. Applicable Codes and Standards:** Idaho Statute, Title 67, Chapter 65 and Title 50, Chapters 2 & 13, Idaho Standards for Public Works Construction, the Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4.

**V. Planning & Zoning Recommendation:** The Planning & Zoning Commission considered these applications at an April 11, 2022, public hearing. The Planning & Zoning Commission recommended denial of all three development applications. There was discussion regarding the fact that Pheasant Heights abutted County Subdivisions that included 1 acre lots or higher. The Commission did not like placing a higher density City subdivision next to the large lot county subdivisions.

The Commission stated that rezoning to City R-1 (1 home per gross acre) would result in the Commission recommending approval of the project. (See copy of the Commission’s FCR attached as Exhibit “G”).

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

Applications for annexation/rezone, development agreement, and preliminary plat are before City Council for consideration. When deciding whether to approve or deny a development application, City Councilmembers must base their decisions on *Findings of Facts and Conclusions of Law*.

**As to General Facts,** Planning Staff has set forth the findings of facts above in parentheses. If City Council agrees with those *Findings of Facts* and agrees with the evidence presented at the public hearing, then the City Council can accept those facts as part of its motion for approval or denial.

**As to Conclusions of Law,** Planning Staff finds that the City Council has the authority to hear these applications and to approve or deny the applications, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the City Council may accept these *Conclusions of Law* as part of any motion to approve or deny the applications.

If City Council is inclined to recommend approval of the three applications based upon the above *General Facts and Conclusions of Law*, then Planning Staff recommends that any approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Developer to comply with all terms and provisions in the Development Agreement that was reviewed and approved by City Council at the public hearing.
3. License/Access Easement pertaining to existing home (Lot15/Block3) must be terminated or abandoned prior to Phase 2 final plat approval.
4. All pro-rata traffic fees due pursuant to MCC 5-4-3 must be paid prior to phase 1 final plat approval.
5. Off-site installation of sidewalk between Willis Road roundabout and northern boundary of project to be completed prior to Phase 3 final plat approval.
6. All City Engineer review comments, including comments dated October 13, 2022, are to be completed and approved.
7. All City planner comments to be completed and approved.
8. All Middleton Rural Fire District comments to be completed and approved.
9. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Finally, if the Council denies the application, then pursuant to the Local Land Use Planning Act (Idaho Statute, Title 67, Chpt. 65) and Middleton City Code 1-14(E)(8), the Council should state on the record what Applicant can do, if anything, to gain approval of the applications.

Prepared by: Roberta Stewart – P&Z Official

Dated: 10/14/2022

# EXHIBIT “A”

## City Engineer Recommendation Letter

To be Submitted

## **EXHIBIT “B”**

Proposed Preliminary Plat





| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 1      | 26,648        | 0.61          |
| 2              | BLOCK 1      | 11,807        | 0.27          |
| 3              | BLOCK 1      | 12,107        | 0.28          |
| 4              | BLOCK 1      | 12,327        | 0.28          |
| 5              | BLOCK 1      | 12,546        | 0.29          |
| 6              | BLOCK 1      | 12,766        | 0.29          |
| 7              | BLOCK 1      | 12,986        | 0.30          |
| 8              | BLOCK 1      | 13,206        | 0.31          |
| 9              | BLOCK 1      | 13,426        | 0.31          |
| 10             | BLOCK 1      | 13,646        | 0.32          |
| 11             | BLOCK 1      | 13,866        | 0.32          |
| 12             | BLOCK 1      | 14,086        | 0.32          |
| 13             | BLOCK 1      | 14,306        | 0.33          |
| 14             | BLOCK 1      | 14,526        | 0.33          |
| 15             | BLOCK 1      | 14,746        | 0.34          |
| 16             | BLOCK 1      | 14,966        | 0.34          |
| 17             | BLOCK 1      | 15,186        | 0.35          |
| 18             | BLOCK 1      | 15,406        | 0.35          |
| 19             | BLOCK 1      | 15,626        | 0.36          |
| 20             | BLOCK 1      | 15,846        | 0.36          |
| 21             | BLOCK 1      | 16,066        | 0.37          |
| 22             | BLOCK 1      | 16,286        | 0.37          |
| 23             | BLOCK 1      | 16,506        | 0.38          |
| 24             | BLOCK 1      | 16,726        | 0.38          |
| 25             | BLOCK 1      | 16,946        | 0.39          |
| 26             | BLOCK 1      | 17,166        | 0.39          |
| 27             | BLOCK 1      | 17,386        | 0.40          |
| 28             | BLOCK 1      | 17,606        | 0.40          |
| 29             | BLOCK 1      | 17,826        | 0.41          |
| 30             | BLOCK 1      | 18,046        | 0.41          |
| 31             | BLOCK 1      | 18,266        | 0.42          |
| 32             | BLOCK 1      | 18,486        | 0.42          |
| 33             | BLOCK 1      | 18,706        | 0.43          |
| 34             | BLOCK 1      | 18,926        | 0.43          |
| 35             | BLOCK 1      | 19,146        | 0.44          |
| 36             | BLOCK 1      | 19,366        | 0.44          |
| 37             | BLOCK 1      | 19,586        | 0.45          |
| 38             | BLOCK 1      | 19,806        | 0.45          |
| 39             | BLOCK 1      | 20,026        | 0.46          |
| 40             | BLOCK 1      | 20,246        | 0.46          |
| 41             | BLOCK 1      | 20,466        | 0.47          |
| 42             | BLOCK 1      | 20,686        | 0.47          |
| 43             | BLOCK 1      | 20,906        | 0.48          |
| 44             | BLOCK 1      | 21,126        | 0.48          |
| 45             | BLOCK 1      | 21,346        | 0.49          |
| 46             | BLOCK 1      | 21,566        | 0.49          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 2      | 9,897         | 0.23          |
| 2              | BLOCK 2      | 9,959         | 0.23          |
| 3              | BLOCK 2      | 10,021        | 0.23          |
| 4              | BLOCK 2      | 10,083        | 0.23          |
| 5              | BLOCK 2      | 10,145        | 0.24          |
| 6              | BLOCK 2      | 10,207        | 0.24          |
| 7              | BLOCK 2      | 10,269        | 0.24          |
| 8              | BLOCK 2      | 10,331        | 0.24          |
| 9              | BLOCK 2      | 10,393        | 0.24          |
| 10             | BLOCK 2      | 10,455        | 0.24          |
| 11             | BLOCK 2      | 10,517        | 0.25          |
| 12             | BLOCK 2      | 10,579        | 0.25          |
| 13             | BLOCK 2      | 10,641        | 0.25          |
| 14             | BLOCK 2      | 10,703        | 0.25          |
| 15             | BLOCK 2      | 10,765        | 0.26          |
| 16             | BLOCK 2      | 10,827        | 0.26          |
| 17             | BLOCK 2      | 10,889        | 0.26          |
| 18             | BLOCK 2      | 10,951        | 0.26          |
| 19             | BLOCK 2      | 11,013        | 0.27          |
| 20             | BLOCK 2      | 11,075        | 0.27          |
| 21             | BLOCK 2      | 11,137        | 0.27          |
| 22             | BLOCK 2      | 11,199        | 0.27          |
| 23             | BLOCK 2      | 11,261        | 0.28          |
| 24             | BLOCK 2      | 11,323        | 0.28          |
| 25             | BLOCK 2      | 11,385        | 0.28          |
| 26             | BLOCK 2      | 11,447        | 0.29          |
| 27             | BLOCK 2      | 11,509        | 0.29          |
| 28             | BLOCK 2      | 11,571        | 0.29          |
| 29             | BLOCK 2      | 11,633        | 0.30          |
| 30             | BLOCK 2      | 11,695        | 0.30          |
| 31             | BLOCK 2      | 11,757        | 0.30          |
| 32             | BLOCK 2      | 11,819        | 0.31          |
| 33             | BLOCK 2      | 11,881        | 0.31          |
| 34             | BLOCK 2      | 11,943        | 0.31          |
| 35             | BLOCK 2      | 12,005        | 0.32          |
| 36             | BLOCK 2      | 12,067        | 0.32          |
| 37             | BLOCK 2      | 12,129        | 0.32          |
| 38             | BLOCK 2      | 12,191        | 0.33          |
| 39             | BLOCK 2      | 12,253        | 0.33          |
| 40             | BLOCK 2      | 12,315        | 0.33          |
| 41             | BLOCK 2      | 12,377        | 0.34          |
| 42             | BLOCK 2      | 12,439        | 0.34          |
| 43             | BLOCK 2      | 12,501        | 0.34          |
| 44             | BLOCK 2      | 12,563        | 0.35          |
| 45             | BLOCK 2      | 12,625        | 0.35          |
| 46             | BLOCK 2      | 12,687        | 0.35          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 3      | 9,897         | 0.23          |
| 2              | BLOCK 3      | 9,959         | 0.23          |
| 3              | BLOCK 3      | 10,021        | 0.23          |
| 4              | BLOCK 3      | 10,083        | 0.23          |
| 5              | BLOCK 3      | 10,145        | 0.24          |
| 6              | BLOCK 3      | 10,207        | 0.24          |
| 7              | BLOCK 3      | 10,269        | 0.24          |
| 8              | BLOCK 3      | 10,331        | 0.24          |
| 9              | BLOCK 3      | 10,393        | 0.24          |
| 10             | BLOCK 3      | 10,455        | 0.24          |
| 11             | BLOCK 3      | 10,517        | 0.25          |
| 12             | BLOCK 3      | 10,579        | 0.25          |
| 13             | BLOCK 3      | 10,641        | 0.25          |
| 14             | BLOCK 3      | 10,703        | 0.25          |
| 15             | BLOCK 3      | 10,765        | 0.26          |
| 16             | BLOCK 3      | 10,827        | 0.26          |
| 17             | BLOCK 3      | 10,889        | 0.26          |
| 18             | BLOCK 3      | 10,951        | 0.26          |
| 19             | BLOCK 3      | 11,013        | 0.27          |
| 20             | BLOCK 3      | 11,075        | 0.27          |
| 21             | BLOCK 3      | 11,137        | 0.27          |
| 22             | BLOCK 3      | 11,199        | 0.27          |
| 23             | BLOCK 3      | 11,261        | 0.28          |
| 24             | BLOCK 3      | 11,323        | 0.28          |
| 25             | BLOCK 3      | 11,385        | 0.28          |
| 26             | BLOCK 3      | 11,447        | 0.29          |
| 27             | BLOCK 3      | 11,509        | 0.29          |
| 28             | BLOCK 3      | 11,571        | 0.29          |
| 29             | BLOCK 3      | 11,633        | 0.30          |
| 30             | BLOCK 3      | 11,695        | 0.30          |
| 31             | BLOCK 3      | 11,757        | 0.30          |
| 32             | BLOCK 3      | 11,819        | 0.31          |
| 33             | BLOCK 3      | 11,881        | 0.31          |
| 34             | BLOCK 3      | 11,943        | 0.31          |
| 35             | BLOCK 3      | 12,005        | 0.32          |
| 36             | BLOCK 3      | 12,067        | 0.32          |
| 37             | BLOCK 3      | 12,129        | 0.32          |
| 38             | BLOCK 3      | 12,191        | 0.33          |
| 39             | BLOCK 3      | 12,253        | 0.33          |
| 40             | BLOCK 3      | 12,315        | 0.33          |
| 41             | BLOCK 3      | 12,377        | 0.34          |
| 42             | BLOCK 3      | 12,439        | 0.34          |
| 43             | BLOCK 3      | 12,501        | 0.34          |
| 44             | BLOCK 3      | 12,563        | 0.35          |
| 45             | BLOCK 3      | 12,625        | 0.35          |
| 46             | BLOCK 3      | 12,687        | 0.35          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 4      | 9,897         | 0.23          |
| 2              | BLOCK 4      | 9,959         | 0.23          |
| 3              | BLOCK 4      | 10,021        | 0.23          |
| 4              | BLOCK 4      | 10,083        | 0.23          |
| 5              | BLOCK 4      | 10,145        | 0.24          |
| 6              | BLOCK 4      | 10,207        | 0.24          |
| 7              | BLOCK 4      | 10,269        | 0.24          |
| 8              | BLOCK 4      | 10,331        | 0.24          |
| 9              | BLOCK 4      | 10,393        | 0.24          |
| 10             | BLOCK 4      | 10,455        | 0.24          |
| 11             | BLOCK 4      | 10,517        | 0.25          |
| 12             | BLOCK 4      | 10,579        | 0.25          |
| 13             | BLOCK 4      | 10,641        | 0.25          |
| 14             | BLOCK 4      | 10,703        | 0.25          |
| 15             | BLOCK 4      | 10,765        | 0.26          |
| 16             | BLOCK 4      | 10,827        | 0.26          |
| 17             | BLOCK 4      | 10,889        | 0.26          |
| 18             | BLOCK 4      | 10,951        | 0.26          |
| 19             | BLOCK 4      | 11,013        | 0.27          |
| 20             | BLOCK 4      | 11,075        | 0.27          |
| 21             | BLOCK 4      | 11,137        | 0.27          |
| 22             | BLOCK 4      | 11,199        | 0.27          |
| 23             | BLOCK 4      | 11,261        | 0.28          |
| 24             | BLOCK 4      | 11,323        | 0.28          |
| 25             | BLOCK 4      | 11,385        | 0.28          |
| 26             | BLOCK 4      | 11,447        | 0.29          |
| 27             | BLOCK 4      | 11,509        | 0.29          |
| 28             | BLOCK 4      | 11,571        | 0.29          |
| 29             | BLOCK 4      | 11,633        | 0.30          |
| 30             | BLOCK 4      | 11,695        | 0.30          |
| 31             | BLOCK 4      | 11,757        | 0.30          |
| 32             | BLOCK 4      | 11,819        | 0.31          |
| 33             | BLOCK 4      | 11,881        | 0.31          |
| 34             | BLOCK 4      | 11,943        | 0.31          |
| 35             | BLOCK 4      | 12,005        | 0.32          |
| 36             | BLOCK 4      | 12,067        | 0.32          |
| 37             | BLOCK 4      | 12,129        | 0.32          |
| 38             | BLOCK 4      | 12,191        | 0.33          |
| 39             | BLOCK 4      | 12,253        | 0.33          |
| 40             | BLOCK 4      | 12,315        | 0.33          |
| 41             | BLOCK 4      | 12,377        | 0.34          |
| 42             | BLOCK 4      | 12,439        | 0.34          |
| 43             | BLOCK 4      | 12,501        | 0.34          |
| 44             | BLOCK 4      | 12,563        | 0.35          |
| 45             | BLOCK 4      | 12,625        | 0.35          |
| 46             | BLOCK 4      | 12,687        | 0.35          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 5      | 9,897         | 0.23          |
| 2              | BLOCK 5      | 9,959         | 0.23          |
| 3              | BLOCK 5      | 10,021        | 0.23          |
| 4              | BLOCK 5      | 10,083        | 0.23          |
| 5              | BLOCK 5      | 10,145        | 0.24          |
| 6              | BLOCK 5      | 10,207        | 0.24          |
| 7              | BLOCK 5      | 10,269        | 0.24          |
| 8              | BLOCK 5      | 10,331        | 0.24          |
| 9              | BLOCK 5      | 10,393        | 0.24          |
| 10             | BLOCK 5      | 10,455        | 0.24          |
| 11             | BLOCK 5      | 10,517        | 0.25          |
| 12             | BLOCK 5      | 10,579        | 0.25          |
| 13             | BLOCK 5      | 10,641        | 0.25          |
| 14             | BLOCK 5      | 10,703        | 0.25          |
| 15             | BLOCK 5      | 10,765        | 0.26          |
| 16             | BLOCK 5      | 10,827        | 0.26          |
| 17             | BLOCK 5      | 10,889        | 0.26          |
| 18             | BLOCK 5      | 10,951        | 0.26          |
| 19             | BLOCK 5      | 11,013        | 0.27          |
| 20             | BLOCK 5      | 11,075        | 0.27          |
| 21             | BLOCK 5      | 11,137        | 0.27          |
| 22             | BLOCK 5      | 11,199        | 0.27          |
| 23             | BLOCK 5      | 11,261        | 0.28          |
| 24             | BLOCK 5      | 11,323        | 0.28          |
| 25             | BLOCK 5      | 11,385        | 0.28          |
| 26             | BLOCK 5      | 11,447        | 0.29          |
| 27             | BLOCK 5      | 11,509        | 0.29          |
| 28             | BLOCK 5      | 11,571        | 0.29          |
| 29             | BLOCK 5      | 11,633        | 0.30          |
| 30             | BLOCK 5      | 11,695        | 0.30          |
| 31             | BLOCK 5      | 11,757        | 0.30          |
| 32             | BLOCK 5      | 11,819        | 0.31          |
| 33             | BLOCK 5      | 11,881        | 0.31          |
| 34             | BLOCK 5      | 11,943        | 0.31          |
| 35             | BLOCK 5      | 12,005        | 0.32          |
| 36             | BLOCK 5      | 12,067        | 0.32          |
| 37             | BLOCK 5      | 12,129        | 0.32          |
| 38             | BLOCK 5      | 12,191        | 0.33          |
| 39             | BLOCK 5      | 12,253        | 0.33          |
| 40             | BLOCK 5      | 12,315        | 0.33          |
| 41             | BLOCK 5      | 12,377        | 0.34          |
| 42             | BLOCK 5      | 12,439        | 0.34          |
| 43             | BLOCK 5      | 12,501        | 0.34          |
| 44             | BLOCK 5      | 12,563        | 0.35          |
| 45             | BLOCK 5      | 12,625        | 0.35          |
| 46             | BLOCK 5      | 12,687        | 0.35          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 6      | 9,897         | 0.23          |
| 2              | BLOCK 6      | 9,959         | 0.23          |
| 3              | BLOCK 6      | 10,021        | 0.23          |
| 4              | BLOCK 6      | 10,083        | 0.23          |
| 5              | BLOCK 6      | 10,145        | 0.24          |
| 6              | BLOCK 6      | 10,207        | 0.24          |
| 7              | BLOCK 6      | 10,269        | 0.24          |
| 8              | BLOCK 6      | 10,331        | 0.24          |
| 9              | BLOCK 6      | 10,393        | 0.24          |
| 10             | BLOCK 6      | 10,455        | 0.24          |
| 11             | BLOCK 6      | 10,517        | 0.25          |
| 12             | BLOCK 6      | 10,579        | 0.25          |
| 13             | BLOCK 6      | 10,641        | 0.25          |
| 14             | BLOCK 6      | 10,703        | 0.25          |
| 15             | BLOCK 6      | 10,765        | 0.26          |
| 16             | BLOCK 6      | 10,827        | 0.26          |
| 17             | BLOCK 6      | 10,889        | 0.26          |
| 18             | BLOCK 6      | 10,951        | 0.26          |
| 19             | BLOCK 6      | 11,013        | 0.27          |
| 20             | BLOCK 6      | 11,075        | 0.27          |
| 21             | BLOCK 6      | 11,137        | 0.27          |
| 22             | BLOCK 6      | 11,199        | 0.27          |
| 23             | BLOCK 6      | 11,261        | 0.28          |
| 24             | BLOCK 6      | 11,323        | 0.28          |
| 25             | BLOCK 6      | 11,385        | 0.28          |
| 26             | BLOCK 6      | 11,447        | 0.29          |
| 27             | BLOCK 6      | 11,509        | 0.29          |
| 28             | BLOCK 6      | 11,571        | 0.29          |
| 29             | BLOCK 6      | 11,633        | 0.30          |
| 30             | BLOCK 6      | 11,695        | 0.30          |
| 31             | BLOCK 6      | 11,757        | 0.30          |
| 32             | BLOCK 6      | 11,819        | 0.31          |
| 33             | BLOCK 6      | 11,881        | 0.31          |
| 34             | BLOCK 6      | 11,943        | 0.31          |
| 35             | BLOCK 6      | 12,005        | 0.32          |
| 36             | BLOCK 6      | 12,067        | 0.32          |
| 37             | BLOCK 6      | 12,129        | 0.32          |
| 38             | BLOCK 6      | 12,191        | 0.33          |
| 39             | BLOCK 6      | 12,253        | 0.33          |
| 40             | BLOCK 6      | 12,315        | 0.33          |
| 41             | BLOCK 6      | 12,377        | 0.34          |
| 42             | BLOCK 6      | 12,439        | 0.34          |
| 43             | BLOCK 6      | 12,501        | 0.34          |
| 44             | BLOCK 6      | 12,563        | 0.35          |
| 45             | BLOCK 6      | 12,625        | 0.35          |
| 46             | BLOCK 6      | 12,687        | 0.35          |

| LOT AREA TABLE |              |               |               |
|----------------|--------------|---------------|---------------|
| LOT NUMBER     | BLOCK NUMBER | LOT AREA (SF) | LOT AREA (AC) |
| 1              | BLOCK 7      | 9,897         | 0.23          |
| 2              | BLOCK 7      | 9,959         | 0.23          |
| 3              | BLOCK 7      | 10,021        | 0.23          |
| 4              | BLOCK 7      | 10,083        | 0.23          |
| 5              | BLOCK 7      | 10,145        | 0.24          |
| 6              | BLOCK 7      | 10,207        | 0.24          |
| 7              | BLOCK 7      | 10,269        | 0.24          |
| 8              | BLOCK 7      | 10,331        | 0.24          |
| 9              | BLOCK 7      | 10,393        | 0.24          |
| 10             | BLOCK 7      | 10,455        | 0.24          |
| 11             | BLOCK 7      | 10,517        | 0.25          |
| 12             | BLOCK 7      | 10,579        | 0.25          |
| 13             | BLOCK 7      | 10,641        | 0.25          |
| 14             | BLOCK 7      | 10,703        | 0.25          |



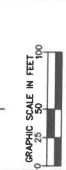
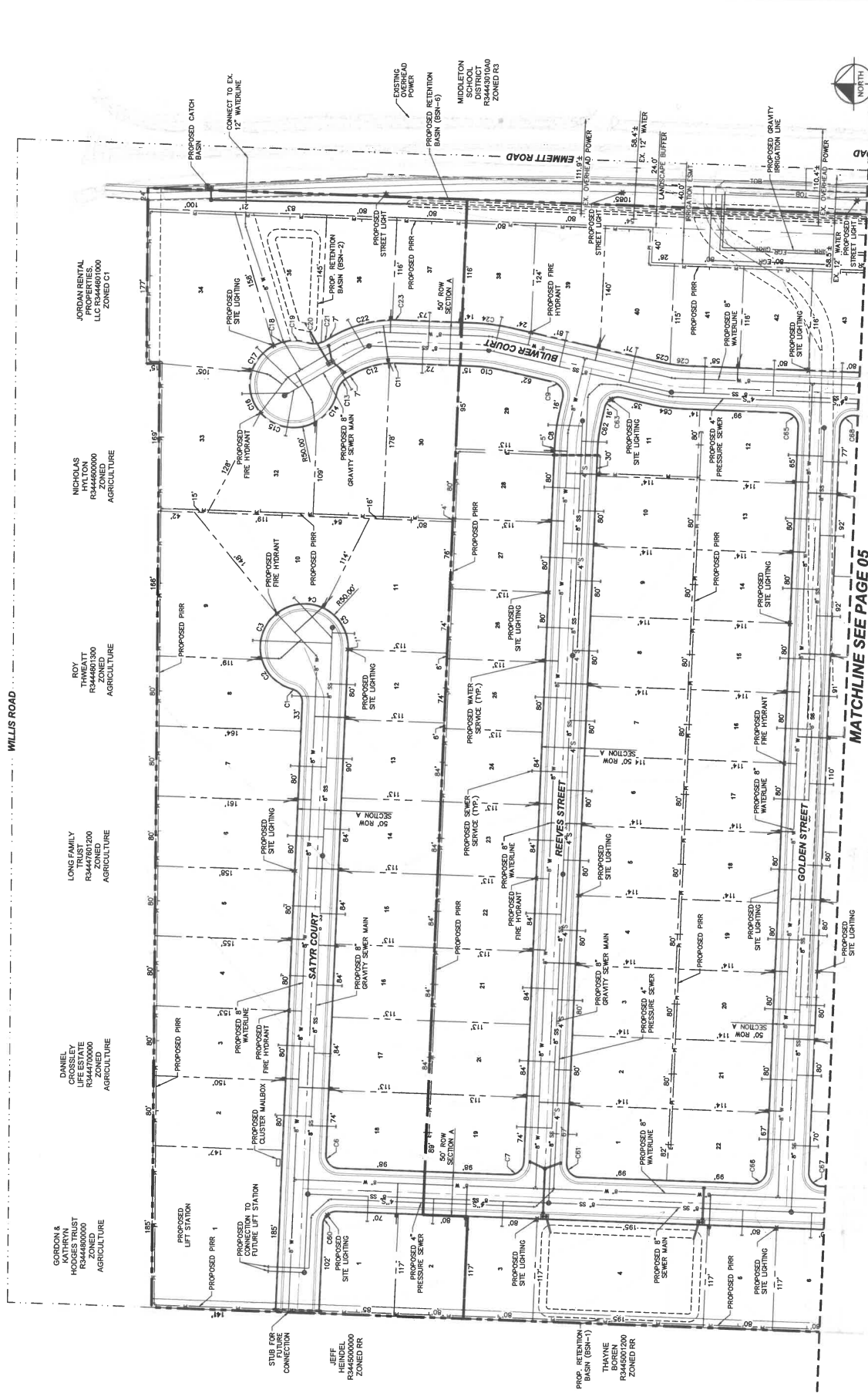
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|     |          |    |      |      |

**Kimley-Horn**  
 550 Birchwood Street, Suite 1100  
 Boise, Idaho 83702 (208) 297-2972-2885

DATE: 10/17/2022  
 CHECKED BY: JH  
 DESIGNED BY: JH  
 SCALE (H): 1"=50'  
 SCALE (V): NONE

PHEASANT HEIGHTS - PRELIMINARY PLAT  
 PROPOSED CONDITIONS EXHIBIT  
 CANYON COUNTY, IDAHO

FOR REVIEW ONLY  
 NOT FOR CONSTRUCTION  
**Kimley-Horn**  
 PROJECT NO. 03355000  
 DRAWING NAME 5002-PP-01  
 04 of 06



MATCHLINE SEE PAGE 05

WILLS ROAD

JORDAN RENTAL  
 PROPERTIES, LLC  
 R3444601000  
 ZONED C1

NICHOLAS  
 TRUST  
 R3444601300  
 ZONED AGRICULTURE

ROY  
 TRUST  
 R3444601200  
 ZONED AGRICULTURE

LONG FAMILY  
 TRUST  
 R34447001200  
 ZONED AGRICULTURE

DANIEL  
 GORDON &  
 KATHRYN  
 HODGES TRUST  
 R3444700000  
 ZONED AGRICULTURE

GORDON &  
 KATHRYN  
 HODGES TRUST  
 R3444700000  
 ZONED AGRICULTURE

JEFF  
 HAYNE  
 R3445000000  
 ZONED RR

PROPOSED RETENTION  
 BASIN (ES&V)  
 THAYNE  
 R3445001200  
 ZONED RR

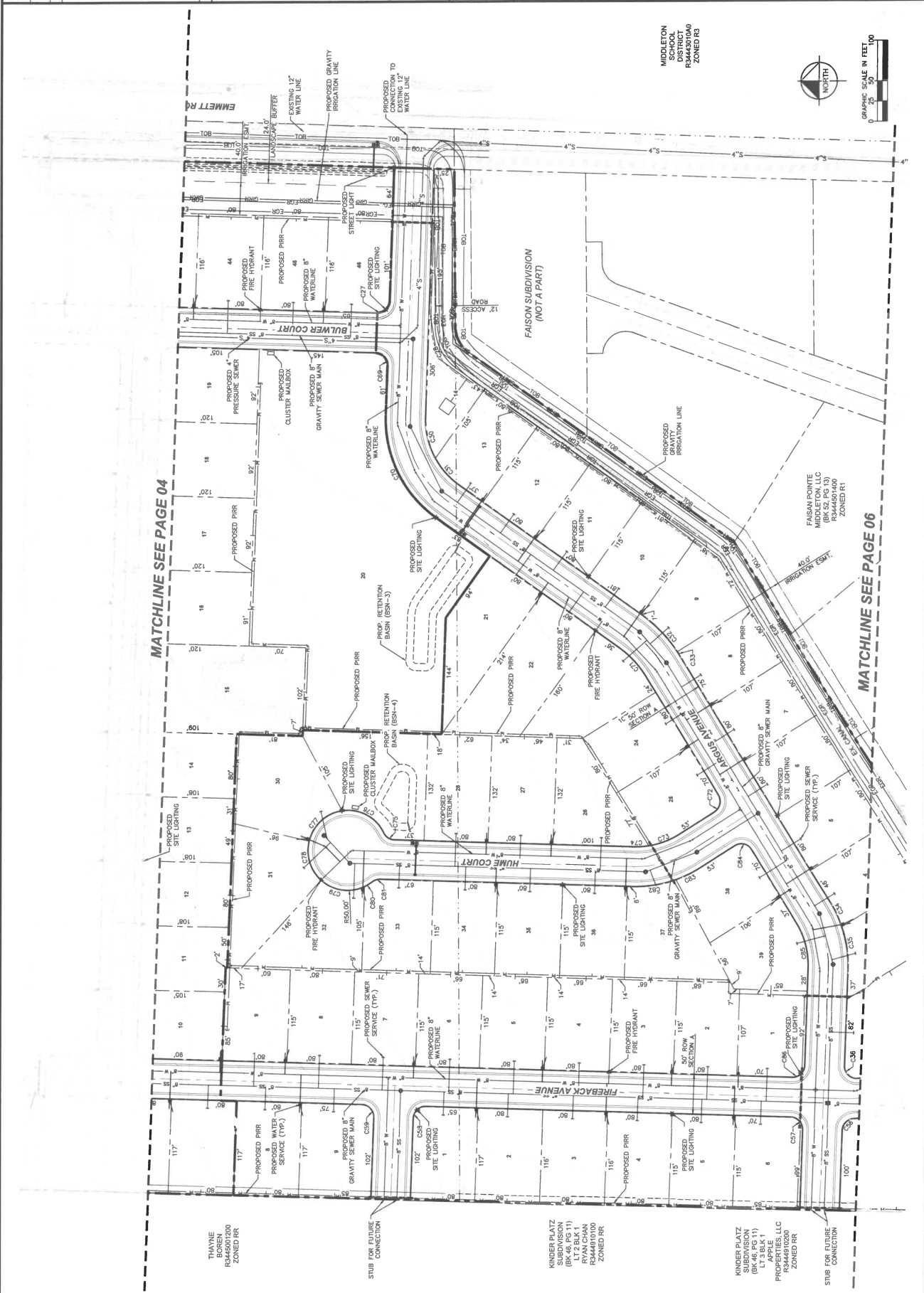


| NO. | REVISION | BY | DATE | APP. |
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|     |          |    |      |      |

**Kimley-Horn**  
 920 Broadway Street, Suite 1100  
 Boise, Idaho 83702 (208) 297-2855  
 © 2022 KIMLEY-HORN AND ASSOCIATES, INC.

SCALE (H): 1"=50'  
 SCALE (V): NONE  
 DESIGNED BY: **888**  
 CHECKED BY: **888**  
 DATE: 10/11/2022  
 CANYON COUNTY, IDAHO  
 PROPOSED CONDITIONS EXHIBIT  
 PHEASANT HEIGHTS - PRELIMINARY PLAT

**Kimley-Horn**  
 920 Broadway Street, Suite 1100  
 Boise, Idaho 83702 (208) 297-2855  
 PROJECT NO.: R344601200  
 SHEET NO.: 05 OF 06  
 DATE FOR CONSTRUCTION: 5000-PP-UF



MATCHLINE SEE PAGE 04

MATCHLINE SEE PAGE 06



## PRELIMINARY STORM DRAIN CALCULATIONS

Note: Intensity obtained from ITD Urban Drainage Design Manual - Appendix B



## **EXHIBIT “C”**

### **Proposed Development Agreement**

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

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## **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 J&A Johnson LLC, a Utah limited liability company (**Developer**).

### **RECITALS**

WHEREAS, Developer owns approximately 54.07 acres of real property located at 0 Emmett Road (Tax Parcel Nos. R34445012B0, R34445012A2, R3445012A0, and R3445012A1), Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

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

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

### **AGREEMENT**

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and



performances herein bargained for, relied on, and expected, the parties agree as follows:

## **ARTICLE I LEGAL AUTHORITY**

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

## **ARTICLE II ANNEXATION AND ZONING ORDINANCE**

The City will adopt an ordinance to annex and rezone the Property from Canyon County C-1 (Neighborhood Commercial) and R-1 (Single Family Residential) to City of Middleton R-3 (Single Family Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform at the city's expense and with the Developer's cooperation.

## **ARTICLE III CONDITIONS OF DEVELOPMENT**

**3.1 Frontage Improvements.** Developer shall, at its own cost, improve the fifty foot (50') half-road right of way of Emmett Road per City standards and codes and dedicate the same to City. Developer shall also construct the portions of 9<sup>th</sup> Street to be located on the Property, and the width of the 9<sup>th</sup> Street right of way shall match the width already constructed through the Faison Subdivision.

**3.2 9<sup>th</sup> Street Improvements:** Developer shall improve the existing portions of 9<sup>th</sup> Street located within the Faison Subdivision to bring the Canyon County roadway standards and specifications more in conformance with City standards and specifications for a major collector as they exist as of the date of this Agreement. Specifically, Developer shall add centerline striping for the entire length of the Faison Subdivision roadway and further in accordance with the road standards depicted on Exhibit B, attached hereto and incorporated herein by this reference.

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

**3.4 Proportionate Share Fees:** Developer shall pay City required applicable traffic pro-rata share fees for all traffic impacts and intersection controls per MCC 5-4-3. Payment of the pro-rata share fee shall be made prior to final plat approval of

Development Agreement – Pheasant Heights Subdivision

Developer redline version 10-10-2022

Page 2

phase 1. However, if Developer participates in the design and construction of an interim traffic signal at the intersection of Emmett Road & Highway 44 pursuant to Section 3.4.1 below, then Developer will not be required to pay those portions of the Pro-rata share fee attributable to said intersection.

**3.4.1 Emmett Road and State Highway 44 Intersection.** The intersection of Emmett Road and State Highway 44 (the “Intersection”) is currently operating at a Level of Service (“LOS”) F. **City will not issue the first ~~certificate of occupancy~~ building permit for a residence within the Project until the Intersection Improvement (defined below) has been installed (whether by Developer, a government agency, or a third-party, or a combination thereof) and accepted by ITD and CHD4.**

Development is anticipated in the areas north of said intersection, including in the area of Purple Sage Road. Developer has committed with a group of other developers in the area to pay the costs of a study of the Intersection to identify: (i) a proposed interim traffic solution to be in place until such time as Idaho Transportation Department (ITD) and Canyon Highway District No. 4 (CHD4) identify the ultimate intersection configuration and generate plans for and construct the same; and (ii) proportionate share contributions of the participating developers. Said interim traffic solution will be subject to review and approval by City, ITD, and CHD4 and is anticipated to include a traffic signal covering the existing three approaches, which traffic signal facilities are anticipated to be located within existing public right-of-way (the “Intersection Improvement”). Any proportionate share contribution plan shall be handled by the Developers, and City will not be involved in approving, administering, or participating in said contribution plan. The costs of designing the Intersection Improvement are referred to herein as the “Design Costs”. The costs of constructing the Intersection Improvement and acquisition of right-of-way required for the Intersection Improvement (if any) are referred to herein as the “Construction Costs.”

In the event Developer incurs Construction Costs in connection with the Intersection Improvement, such Construction Costs shall be credited against the Pro-rata share fee for the Emmett Rd. and State Highway 44 intersection, as identified in Section 3.4, above.

### **3.5 Domestic Water and Sewer Facilities:**

**3.5.1.** Developer is responsible for all planning, engineering, and costs associated with extending City utilities, including sewer and water facilities, “to and through” the Property and tying the same into the existing City sewer and water systems. A lift station is required to serve the sewer needs of the Project. Developer shall construct a sewer lift station inside the project to

serve the Property, and Developer agrees to oversize the lift station if requested by the City to serve other developments. To the extent Developer provides capacity over and above what is required to serve the Project based on peak hour flows, such additional capacity (including over-size work and additional lines) shall be subject to reimbursement via a mutually agreeable latecomer fee agreement to be negotiated between Developer and City as set forth in MCC 1-17-1 or other mutually agreeable reimbursement agreement. Said agreement shall contain a provision wherein City will reserve sufficient capacity for Developer to fully complete Project construction in the future.

**3.5.2.** Alternatively, if the City, in its sole discretion, determines that a regional lift station is preferable to a lift station on the Project site, Developer shall participate in the construction of a regional lift station, which participation may include contributing monies to the extent of Developer's proportionate share of the regional lift station, paying late comer fees, or constructing the regional lift station. If Developer constructs the regional lift station, to the extent Developer provides capacity over and above what is required to serve the Project based on peak hour flows, such additional capacity (including over-size work and additional lines) shall be subject to reimbursement via a mutually agreeable a latecomer fee agreement to be negotiated between Developer and City as set forth in MCC 1-17-1 or other mutually agreeable reimbursement agreement. Said agreement shall permit Developer to be reimbursed by means of credits against otherwise applicable sewer connection fees, and shall contain a provision wherein City will reserve sufficient capacity for Developer to fully complete Project construction in the future.

**3.5.3.** Except as otherwise set forth above, sewer and water capacity will undergo a will-serve analysis, and City will not reserve sewer and water capacity any earlier than construction drawing approval.

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

3.7.1 Developer may obtain a one (1) year extension to obtain the City Engineer's signature on Phase 1 final plat by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the initial two-year period, which approval shall not be withheld if Developer submits its request in a timely manner. Thereafter,

City Council may approve an additional time extension of one (1) year if developer submits a written request for extension prior to the expiration of the previous extension period. Neither approval shall require a public hearing before City Council.

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

3.7.3 After final plat approval for the first phase, Developer shall obtain City Engineer's signature on the final plat for each phase in two (2) year intervals (subject to the requirement by the City to process such applications expeditiously and in no event later than six months from the time Developer submits a fully completed "Completion Packet" application and final plat application). Developer may obtain two (2) additional one-year extensions using the procedure as outlined above in paragraph 3.7.1. If Developer fails to comply with said timelines, the portions of the preliminary plat yet to be final platted will become null and void. The zoning for the unplatted area shall remain R-3 (single family residential) zoning.

**3.8 Amenities:** Developer shall provide the following amenities for the Project: Large playground with benches/seating area and at least two picnic ramadas. The pocket park shall contain benches/seating area.

#### **ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT**

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

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

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

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

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

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

## **ARTICLE V GENERAL PROVISIONS**

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

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

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

Middleton: City Clerk  
City of Middleton  
P.O. Box 487

Middleton, Idaho 83644

Developer: J&A Johnson LLC  
Amy Johnson  
24 East Main Street  
American Fork, UT 84003

With a copy to: Clark Wardle LLP  
Attn: Hethe Clark  
PO Box 639  
Boise, Idaho 83701

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 Recorder at the expense of the City.

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

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

5.6.2 The new owner of the Property or any portion thereof (including, without limitation, any owner who acquires its interest by foreclosure, trustee's sale or otherwise) shall be liable for all commitments and other obligations arising under this Agreement with respect only to such owner's lot or parcel.

Development Agreement – Pheasant Heights Subdivision

Developer redline version 10-10-2022

Page 7



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.

*[end of text – signatures on following page]*

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2022 and effective upon annexation and rezoning of the Property.

**CITY OF MIDDLETON**

**ATTEST**

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

By: \_\_\_\_\_  
Becky Crofts, City Clerk

**J&A JOHNSON LLC,**  
a Utah limited liability company

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

**Schedule of Exhibits:**

Exhibit A – Legal Description

Exhibit B – 9<sup>th</sup> Street Road Construction Requirements

Exhibit C – Concept Plan

[notary acknowledgments on following page]

Development Agreement – Pheasant Heights Subdivision

Developer redline version 10-10-2022

Page 9

State of IDAHO        )  
                                  ss.  
County of Canyon    )

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

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

State of Idaho        )  
                                  ss.  
County of \_\_\_\_\_)

I, a notary public, do hereby certify that on this \_\_\_ day of \_\_\_\_\_, 2022, personally appeared before me \_\_\_\_\_ who declared that he/she signed this Development Agreement in the capacity of \_\_\_\_\_ for J&A Johnson LLC.

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

**EXHIBIT A**

**Legal Description of Property**

[INSERT]



Date: 10 January 2022  
Client: Kimley-Horn  
Job No.: 13221

EXHIBIT "A"

ANNEXATION BOUNDARY  
PROPERTY DESCRIPTION

A parcel of land being a portion of the East one-half of the Northeast one-quarter of Section 02, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of Government Lot 1 on the East line of said East one-half of said Northeast one-quarter of said Section 02, said Southeast corner being a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 14216" from whence the East one-quarter corner of said Section 02 bears South 01° 53' 40" West a distance of 1322.18 feet;

THENCE South 89° 34' 44" West along the South line of said Government Lot 1 a distance of 244.37 feet to a tangent point of curvature;

THENCE leaving said South line a distance of 36.98 feet along the arc of a curve to the left having a radius of 39.25 feet, a central angle of 53° 59' 21", and a long chord which bears South 62° 35' 03" West a distance of 35.63 feet;

THENCE tangent to said curve South 35° 35' 23" West a distance of 407.19 feet;

THENCE South 58° 11' 32" West a distance of 385.33 feet;

THENCE South 01° 35' 06" West a distance of 771.60 feet to the South line of said East one-half;

THENCE South 89° 50' 28" West along said South line a distance of 504.14 feet to the Southwest corner of said East one-half (the East 1/16<sup>th</sup> corner);

THENCE leaving said South line North 01° 35' 41" East along the West line of said East one-half of said Northeast one-quarter of said Section 02 a distance of 454.82 feet to point, said point being South 01° 33' 57" West a distance of 27.85 feet from a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 8960";

THENCE continuing along said West line North 01° 33' 57" East a distance of 861.03 feet to the Southwest corner of said Government Lot 1, said Southwest corner being a found bronze cap inscribed "GLO 1936";

THENCE continuing along said West line North 01° 53' 00" East a distance of 1151.94 feet to the Southwest corner of that certain tract of land conveyed by Kenneth H. Mortensen and Cheyenne C. Mortensen, husband and wife, per Deed Instrument 2011016366, records of Canyon County;

THENCE leaving said West line North 89° 55' 39" East along the South line of said Mortensen tract a distance of 150.00 feet to the Southwest corner of that certain tract of land conveyed to the Dan and Sherie Crossley Trust per Deed Instrument 2011016365, records of Canyon County;

THENCE North 89° 54' 55" East along the South line of said Crossley Trust tract a distance of 259.85 feet;

THENCE leaving said South line of said Crossley Trust tract North 89° 55' 39" East a distance of 669.98 feet;

THENCE North 01° 37' 21" West a distance of 15.01 feet;

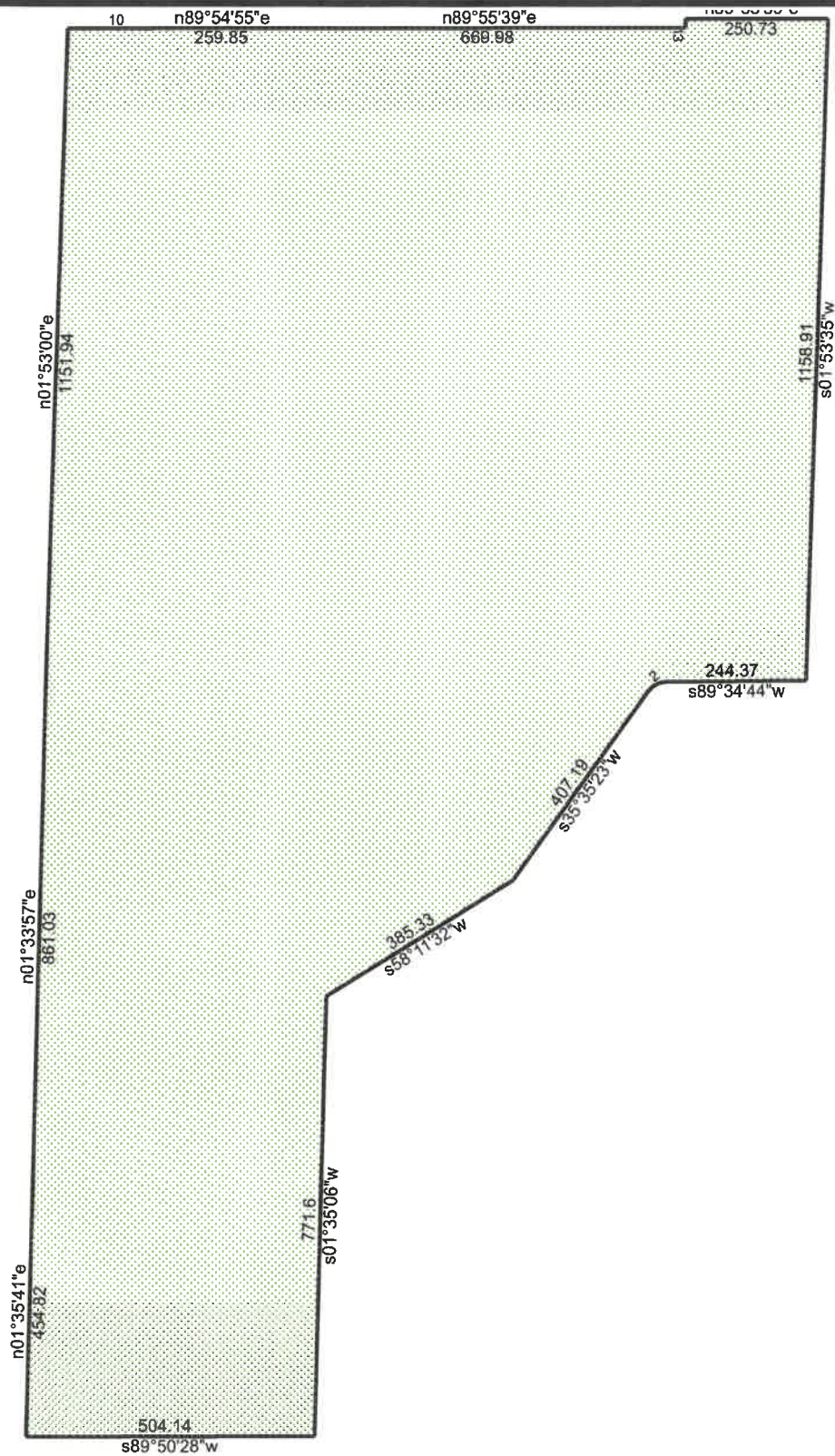
THENCE North 89° 55' 39" East a distance of 250.73 feet to the East line of said Government Lot 1;

THENCE South 01° 53' 35" West along said East line of said Government Lot 1 a distance of 1158.91 feet to the POINT OF BEGINNING.

Containing 54.58 acres, more or less.







## 13221 City Annex

1/10/2022

Scale: 1 inch= 305 feet

File:

Tract 1: 54.5840 Acres, Closure: s73.2140e 0.02 ft. (1/420288), Perimeter=7322 ft.

01 s89.3444w 244.37  
02 Lt, r=39.25, delta=053.5921, chord=s62.3503w 35.63  
03 s35.3523w 407.19  
04 s58.1132w 385.33  
05 s01.3506w 771.6  
06 s89.5028w 504.14  
07 n01.3541e 454.82  
08 n01.3357e 861.03  
09 n01.5300e 1151.94  
10 n89.5539e 150

11 n89.5455e 259.85  
12 n89.5539e 669.98  
13 n01.3721w 15.01  
14 n89.5539e 250.73  
15 s01.5335w 1158.91

**EXHIBIT B**

**9<sup>th</sup> Street Road Construction Requirements**

[INSERT]

**EXHIBIT C**

**Approved Concept Plan**

[INSERT]



## **EXHIBIT “D”**

City Planner & Engineering Comments



# CITY OF MIDDLETON

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

## PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION 2<sup>nd</sup> Submittal (Kimley-Horn Engineer)

February 8, 2022

1. Provide new Vicinity Map/update on Plat
2. Provide/update the narrative for the project.
3. Provide new/updated record of survey for additional parcels.
4. Update Title Report/Schedule B
5. Provide Warranty Deeds for additional parcel
6. Provide AOL to match Warranty Deed
7. Update Drainage Calculations
8. Update TIS
9. Provide 2 new sets of mailing labels for Landowners within **500 ft** of the project. You can get the list from Canyon County.
10. Show perimeter fence around development in landscape plan. The added parcels are not part of the landscape plan.
11. Show and call out all irrigation/ditch easements in development. Irrigation cannot locate in rights of way and need to cross rights of way at 90d.
12. Work with City Engineer - Roads need to show a centerline turning radius of minimum of 90 ft. Call out in notes.
13. Add language to note 1: Building setback and dimension standards shall be in compliance with the applicable zoning regulations of Middleton at time of building permit issuance.
14. Add to note 4: All lot lines common to public streets are hereby designated to have a 10-foot permanent easement for public and private utilities ....
15. Add note to call out common areas by lot and block, identify the use and state who owns and maintains them.
16. Add note: All lots are residential building lots except lots (insert L/B)
17. Add cluster mailbox(s) in common area(s). Call out in notes.
18. Frontage of Block 1, Lots 9, 10, 11, 30, 31, 32, 33, 34, 36, 38. Block 4, Lots 34, 35, 36 and Block 6, Lot 2 need to show at least 75 ft. at the 25 ft setback line.
19. Add note explaining how stormwater run-off will be handled. The City accepts retention swales only – designed to manage the 100yr/1 hour storm event.
20. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
21. Add note: Domestic and fire protection water shall be provided by the City of Middleton,
22. Add note: Sanitary Sewer service shall be provided by the City of Middleton.
23. Access onto Emmett Road will need to be approved by CHD4.
24. Add note: This development has a Development Agreement with Instrument #\_\_\_\_\_.
25. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.



26. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
27. Block 9/Lot 2 is a land locked parcel. The city does not allow for landlocked parcels.
28. Add note: Fiber optic to be provided to each lot during Joint Trench construction per the City of Middleton Supplement to the ISPWC.
29. Show all public and private easements on preliminary plat.
30. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.
31. Remove Note 14 – “Right to Farm....”
32. Work with City Engineer on location of possible regional lift station to be reimbursed through late-comer fees.

*Jennica Reynolds*

Middleton City Deputy Clerk, Planning



# CITY OF MIDDLETON

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

## PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION 3rd Submittal (Kimley-Horn Engineer)

March 23, 2022

1. Need Warranty deeds for Mortensen and VanderJagt parcels.
2. Provide AOL to match Warranty Deed -VanderJagt
3. Add to note 4: All lot lines common to public streets are hereby designated to have a 10-foot permanent easement for public and private utilities ....
4. Lot 29/Block 4 is a retention pond. Add to note 6 and 7 to call out in common areas by lot and block.
5. I only count out 8 common areas, please call out the 3 others.
6. Work with City Engineer on location of possible regional lift station to be reimbursed through late-comer fees.

*Jennica Reynolds*

Middleton City  
Deputy Clerk, Planning



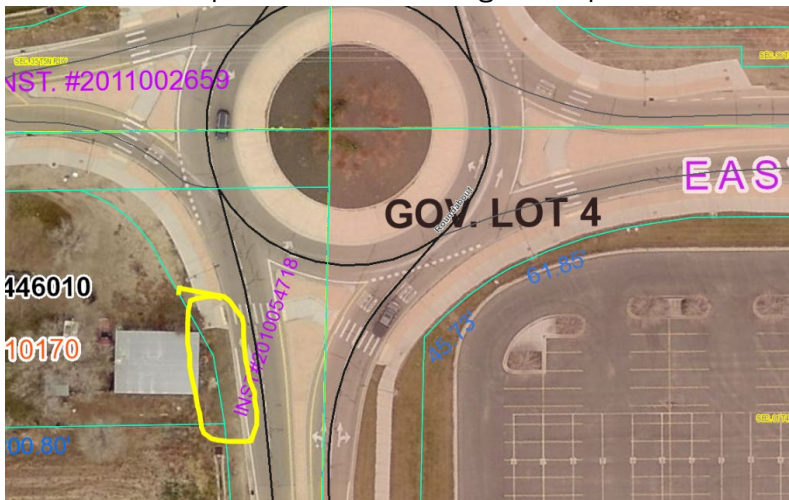
# CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644  
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## PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION Review of Preliminary Plat dated 4/8/2022

April 28, 2022

1. Revise the pre-plat to show a small strip of off-site work to construct the sidewalk and connected right of way improvements for the 55' long strip between the roundabout sidewalk and the Pheasant Heights sidewalk. All work will be inside the right of way. I will add this requirement to the proposed DA. Looks like the curb is already in place. The sidewalk just needs to be completed on that 55' long dirt strip.



2. The Emmett road section needs to show a 4' wide bike lane. This would be very helpful to the students. Additionally, it was recommended by CHD4 in their first set of comments.
3. Please make sure the pressurized irrigation has been removed from the Right of Way to Amy Woodruff's satisfaction.
4. Add note to preliminary plat that the access on to Emmett Road will be a right in/right out only.
5. Please provide auto turn analysis to Middleton Fire per their request.
6. Remove pre-plat note #18. It is duplicative of Note 1.
7. Add the following note: "Any re-subdivision of this plat will comply with the applicable zoning regulations in effect at the time of the re-subdivision."
8. Remove note 12 regarding footings and groundwater elevation. Any such note should mirror the City's floodplain code language. Since you are not in the floodplain, it will not be necessary to insert a note such as note 12 at this time.

*Roberta Stewart*

Middleton City  
Planning & Zoning Director



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## PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION

SEPT 23, 2021

1. Provide new mailing labels for Landowners within 300ft of the project. You can get those from Canyon County. The Landowner in the center of the project at 23854 Emmett Road is not on your labels and was not sent the notice for the neighborhood meeting. He did find out about the meeting and attended so you will not have to redo the neighborhood meeting. However, we need 2 sets of correct labels.
2. If you are going to use a color legend, you must provide a colored print. The legends are not matching the plans.
3. Utility map is lacking required detail (Work with City Engineer). For example on the utility map the only way you have called out water, sewer and stormwater is through color. There are no (— — — W — — —, or — — — SS — — — ) lines on the map, only in the legend.
4. Fire Hydrants and street lights need to be more visible on black and white plans or need to submit color hard copy plans.
5. Provide a landscape plan.
6. Show perimeter fence around development in landscape plan. Add note to preliminary plat: subdivision exterior required to be fenced in conformance with approved fencing plan.
7. MCC 5-4-4(3d) "Irrigation System: A statement describing the proposed irrigation system, point of delivery, and preliminary layout shall appear on the preliminary plat."
8. Show and call out all irrigation/ditch easements in development. Irrigation cannot locate in rights of way and need to cross rights of way at 90d.
9. Add note: Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the Re-subdivision.
10. Show right of way and utility easements. Call out in notes. No irrigation may locate in utility easement area(s).
11. Need phasing plan with lot breakdown per phase. MCC 5-4-4 (2c) If the subdivision is to be developed in phases, phase lines, numbers and development data per phase shall be shown on the plat.
12. Lot and block numbers need to be in consecutive order beginning with the number 1. For example: L1/B1, L4/B3.
13. Work with City Engineer - Roads need to show a turning radius of minimum of 90 ft. Call out in notes.
14. MCC 5-4-10-10 "developers shall include 5% irrigated and landscaped open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities." Call out amenity in notes.
15. Add note to call out common areas by lot and block, identify the use and state who owns them.
16. Add note: All lots are residential building lots except lots (insert L/B)

17. Add cluster mailbox(s) in common area(s). Call out in notes.
18. MCC 5-4-10 (2J) "All new roads shall be named as follows: roads having a predominantly north-south direction shall be avenues; roads having a predominantly east-west direction shall be streets., and cul-de-sacs shall be courts." Change Street names accordingly removing Place, Way, Drive and Road. (I am verifying your proposed road names with Canyon County, there may be some changes)
19. Block length cannot be more than 1,100 ft. Fireback Place is too long of a block and needs to be broken up, perhaps with common lots.
20. Frontage of lots 134, 135, 138, 225, 227, 234 need to show at least 75 ft. at the 25 ft setback line.
21. Per MCC 5-4-10-6 Traffic Buffer along Emmett Road for the length of the frontage. This buffer is not part of the Right-of-Way for Emmett Road.
22. Add note: All streets proposed in this development are public streets and shall be constructed in accordance with City of Middleton standards. Add typical section for local roads and Emmett Road (5 lane urban).
23. Add note explaining how stormwater run-off will be handled. The City accepts retention swales only – designed to manage the 100yr/1 hour storm event.
24. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
25. Add note: Domestic and fire protection water shall be provided by the City of Middleton,
26. Add note: Sanitary Sewer service shall be provided by the City of Middleton.
27. After 30 homes per Fire code, 50 per MCC there needs to be a 2<sup>nd</sup> access. Currently only one access onto Emmett Road is showing, work with city engineer to address this.
28. Access onto Emmett Road will need to be approved by CHD4.
29. Add note: This development has a Development Agreement with Instrument # \_\_\_\_\_.
30. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.
31. Rear setbacks are 20 ft. (Remove Key with setbacks)
32. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
33. Add note: Fiber optic to be provided to each lot during Joint Trench construction per the City of Middleton Supplement to the ISPMC.
34. Show all public and private easements on preliminary plat.
35. Add note: Lot lines common to street right-of-way contain a 10-foot wide permanent easement for public and private utilities.
36. Add note: All lots are hereby designated as having a permanent easement for public utilities and pedestrian walkway over the five (5) feet adjacent to any interior side lot line, and over the ten (10) feet adjacent to any rear lot line of subdivision boundary.
37. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.

*Jennica Reynolds*

Middleton City Deputy Clerk, Planning



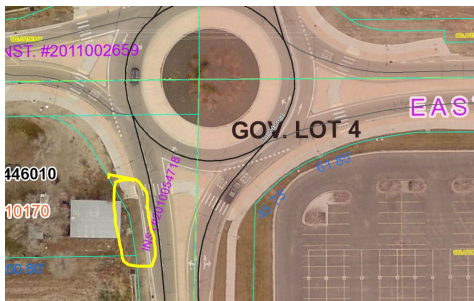
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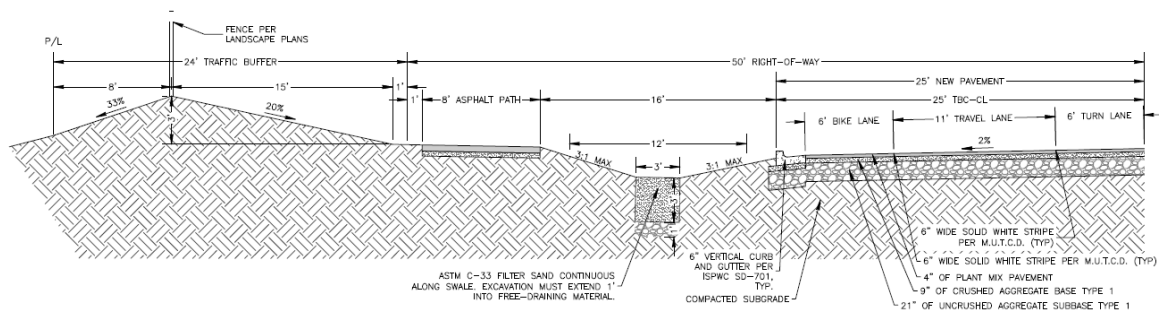
## UPDATED PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION Review of Preliminary Plat received 6/1/2022

October 3, 2022

1. Add note: “Developer to construct approximately 55 l.f. of sidewalk to the north of the project to complete the unfinished portion of sidewalk on the east side of Emmett Road between the Willis roundabout and the Pheasant Heights project.”



2. On Page 2, add a street section to show the 3’ berm and fence required by MCC 5-4-10-6 to complete the 24’ wide traffic buffer. Needs to be graphic something like the below.



3. The 24’ wide traffic berm mandated by 5-4-10-6 appears incomplete as it nears the Willis roundabout. This is an issue for City Engineer to confirm is in compliance or not.
4. Add “location notes” on pre-plat showing mailbox cluster locations. Currently showing on landscape plan, but needs to show on preliminary plat.
5. Need title report/Schedule B for the Mortensen parcel on southern boundary and Jagernault parcel (proposed Lot 15/Block 4).

*Roberta Stewart*

Middleton City  
 Planning & Zoning Director





November 30, 2021

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

---

Thank you for the opportunity to review the above referenced preliminary plat submittal. The plat(s) and packet encompass a lot of detail. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

Reduce plat to two (2) pages if possible. If you want to include imagery and grading on an exhibit, that is ok, but the actual plat should be no more than two (2) pages and include topography from survey and utility layout required by code.

An actual boundary of all the property included in the project is required. Is the property to the south eligible for a division for the acreage needed to connect to 9<sup>th</sup>? If not, will the complete parcel be included in Pheasant Heights?

MCC 5-4-3: Traffic Impact Analysis.

MCC 5-4-4.2.b. Please add Preliminary Plat and required information at the top of the page and add information to the title block – typical of all sheets.

MCC 5-4-4.2.f. and i. The project needs to be based on topography – a field survey. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information. Remove all contours but existing. If you want to submit a grading plan on a separate sheet, do so, but do not include it in the actual preliminary plat.

1. Show existing house and features, well, septic, etc.

MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels. Add subdivision for parcels to the north if applicable.

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.

Note 10 – public utility only. No private utility.

Add note detailing pressure irrigation to be provided. Read read and reference Idaho Code 31-38.

Correct street names per code. Make street name labels much larger so they are easily referenced.

Label cul-de-sac radii.

Water corridor is north and east. Sewer corridor is south and west.



Please plan to connect to the existing water main near the intersection of Willis/Emmett and extend the new 12" main southwest into the subdivision via a 25ft easement parallel to the south line of L34B4 and into Bulmer Court. Extend water to the subdivision limits in every connected right of way. ALTERNATIVELY – water may be extended down W 9<sup>th</sup> Street to Frieback Avenue. There is no existing water main in W 9<sup>th</sup> west of Emmett as is being shown.

Loop and connect the water main in Argus Ave to the existing 12" main in Emmett.

Middleton Rural Fire will review and approve final hydrant location.

Thank you for the preliminary sewer layout. Show topography for Emmett from south project boundary to 9<sup>th</sup> so the sewer corridor can be evaluated.

Streetlights are required at intersections, cul-de-sacs and every 400 ft approximately. Show street lights locations for Emmett Road.

A stormwater management design is required. Review the Middleton Supplemental for specifics: retention facilities only, rational method, and pretreatment is required.

Drop inlets cannot function like a manhole because of problems inherent in their geometry.

Stormwater from rights of way cannot be discharged off site.

The stormwater management for Emmett Road needs to be preliminarily addressed.

An irrigation plan is required. Preliminary layout of piping/distribution, point of delivery and location of pump station. Think through overflow as well.

Revisit/correct lot numbering.

Emmett Road plan view – very difficult to determine improvements existing/proposed/etc with the drafting, line types and information included. Show the existing water line location.

Add a typical section for the improvements to W 9<sup>th</sup> Street. Show the actual constructed limits of W 9<sup>th</sup> clearly show new road to be constructed and connected.

Emmett Road is five (5) lane urban typical section – dimension 36ft to tbc and structural section is 4/9/21.

Please identify and detail the easements on site per Schedule B of title commitment.

Extend Argus west to west boundary. Include water and sewer.

Sheet C2.0 utility notes: correct all.

City code requires off-site transportation improvements be included in Phase 1. Either adjust the phasing or coordinate with City Planning to fully address the requirement.

What is the purpose for L1B4?



January 27, 2022

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

---

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

Reduce number of pages in the plat if possible.

MCC 5-4-4.2.b. Please add Preliminary Plat, those two words, to the title block on the right. All sheets.

MCC 5-4-4.2.f. and I. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information.

MCC 5-4-4.2.j. Add subdivision information for parcels to the north if applicable.

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.

Please combine notes 8, 9, and 10 to one note that addresses IC 31-3805.b. Please don't use acronyms.

Note 3. City of Middleton is street jurisdiction.

Not 4. Front lot easement is for public utilities only. No irrigation or drainage or other.

Note 7 delete or revise.

Note 14. Delete.

Label cul-de-sac radii.

Extend utilities in Argus Street to the west boundary.

Streetlights are required at intersections, cul-de-sacs and every 400 ft approximately. Show street lights locations for area south of the canal.

Extend utilities west in 9<sup>th</sup> St from intersection of Fireback to the west boundary. Show services for the lots south of canal.

A stormwater management preliminary design is required. Review the Middleton Supplemental for specifics: retention facilities only, rational method, and pretreatment is required. No seepage beds are approved for installation.

The stormwater management for Emmett Road needs to be preliminarily addressed.



An irrigation plan is required. Preliminary layout of piping/distribution, point of delivery and location of pump station. Think through overflow as well.

Emmett Road. Please confirm Emmett Road is 50ft half right of way with 36ft to tbc. The structural section is 4/9/21 – please add to the typical section. The traffic buffer required along Emmett is 24ft wide and adjacent to right of way.

Add a typical section for the improvements to W 9<sup>th</sup> Street. Why are the street improvements not centered in the right of way?

Add structural components to all typical section(s). Please delete the utility corridor area in typical section.

Where is well and septic for existing dwelling?

Where is the irrigation in Emmett Road relocated to?

Intersection Argus/Hulme, move manhole to sewer main intersection.

There are lines bisecting the property and lines near lot 15 that look to be the original parcel lines.

The retention areas/common lots do not require a water and sewer service to be installed.

Show private lane to access lot 2 and lot 3 block 9.

The City may not approve an on-site lift station (as shown) or the sewer for the project may change. The City is exploring options regarding sewer for Pheasant Heights and many other projects in the direct vicinity of Pheasant Heights. Add note to front sheet reflecting the condition.



March 23, 2022

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

---

Thank you for the opportunity to review the above referenced preliminary plat re-submittal – plat dated 03.16.2022.

**The plat needs stamped.**

Note 4. Delete language after the comma.

Note 6. Please list lots and the use. The public utility/stormwater lots cannot have blanket irrigation easement language.

MCC 5-4-4.2.f. and I. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information.

Please specify whether each lot will be subject to assessment per IC 31-3805.b.

Label cul-de-sac radii. Please note: code requires 50ft to right of way.

The stormwater management for Emmett Road needs to be preliminarily addressed. Please either develop borrow ditch/swale or move retention area out of right of way. At this point, you may add a note: *stormwater management for Emmett Road to be.....*

Add a typical section for the improvements to W 9<sup>th</sup> Street. Why are the street improvements not centered in the right of way? The 80ft right of way from the existing portion of 9<sup>th</sup> should be consistent at least through the intersection of Fireback. Develop 80ft right of way to the west boundary, but use the local collector section for improvement. The improvements need to be centered in right of way.

Note 20 is approved.





# CITY OF MIDDLETON

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## PLANNER COMMENTS – PHEASANT HEIGHTS SUBDIVISION 2<sup>nd</sup> Submittal (Kimley-Horn Engineer)

January 25, 2022

1. Provide new Vicinity Map/update on Plat
2. Provide/update the narrative for the project.
3. Provide new/updated record of survey for additional parcels.
4. Update Title Report/Schedule B
5. Provide Warranty Deeds for additional parcel
6. Provide AOL to match Warranty Deed
7. Update Drainage Calculations
8. Update TIS
9. Provide 2 new sets of mailing labels for Landowners within **500 ft** of the project. You can get the list from Canyon County.
10. Show perimeter fence around development in landscape plan. The added parcels are not part of the landscape plan.
11. Show and call out all irrigation/ditch easements in development. Irrigation cannot locate in rights of way and need to cross rights of way at 90d.
12. Work with City Engineer - Roads need to show a centerline turning radius of minimum of 90 ft. Call out in notes.
13. Add language to note 1: Building setback and dimension standards shall be in compliance with the applicable zoning regulations of Middleton at time of building permit issuance.
14. Add to note 4: All lot lines common to public streets are hereby designated to have a 10-foot permanent easement for public and private utilities ....
15. Add note to call out common areas by lot and block, identify the use and state who owns and maintains them.
16. Add note: All lots are residential building lots except lots (insert L/B)
17. Add cluster mailbox(s) in common area(s). Call out in notes.
18. Frontage of Block 1, Lots 9, 10, 11, 30, 31, 32, 33, 34, 36, 38. Block 4, Lots 34, 35, 36 and Block 6, Lot 2 need to show at least 75 ft. at the 25 ft setback line.
19. Add note explaining how stormwater run-off will be handled. The City accepts retention swales only – designed to manage the 100yr/1 hour storm event.
20. Add note: All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompacted per geotechnical report.
21. Add note: Domestic and fire protection water shall be provided by the City of Middleton,
22. Add note: Sanitary Sewer service shall be provided by the City of Middleton.
23. Access onto Emmett Road will need to be approved by CHD4.
24. Add note: This development has a Development Agreement with Instrument #\_\_\_\_\_.
25. Address any additional comments from City Engineer, MRFD, CHD4, ITD, Irrigation District.



26. Add note: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
27. Block 9/Lot 2 is a land locked parcel. The city does not allow for landlocked parcels.
28. Add note: Fiber optic to be provided to each lot during Joint Trench construction per the City of Middleton Supplement to the ISPWC.
29. Show all public and private easements on preliminary plat.
30. Add note: Sewer and water capacity shall be reserved when City approves construction drawings.

Amy and Roberta: I also have notes about needing Legal Agreements from the County Subdivision for the sewer and 9<sup>th</sup> street access? I don't remember/know if this is taken care of with approval of CHD4 for the Pheasant Heights to connect to 9<sup>th</sup> Street? I think it might be for ROW and the improvement of 9<sup>th</sup> Street to bring it up to City standards. How would I put this in the notes?

*Jennica Reynolds*

Middleton City Deputy Clerk, Planning



March 23, 2022

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

---

Thank you for the opportunity to review the above referenced preliminary plat re-submittal – plat dated 03.16.2022.

**The plat needs stamped.**

Note 4. Delete language after the comma.

Note 6. Please list lots and the use. The public utility/stormwater lots cannot have blanket irrigation easement language.

MCC 5-4-4.2.f. and I. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information.

Please specify whether each lot will be subject to assessment per IC 31-3805.b.

Label cul-de-sac radii. Please note: code requires 50ft to right of way.

The stormwater management for Emmett Road needs to be preliminarily addressed. Please either develop borrow ditch/swale or move retention area out of right of way. At this point, you may add a note: *stormwater management for Emmett Road to be.....*

Add a typical section for the improvements to W 9<sup>th</sup> Street. Why are the street improvements not centered in the right of way? The 80ft right of way from the existing portion of 9<sup>th</sup> should be consistent at least through the intersection of Fireback. Develop 80ft right of way to the west boundary, but use the local collector section for improvement. The improvements need to be centered in right of way.

Note 20 is approved.



January 27, 2022

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

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

Reduce number of pages in the plat if possible.

MCC 5-4-4.2.b. Please add Preliminary Plat, those two words, to the title block on the right. All sheets.

MCC 5-4-4.2.f. and I. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information.

MCC 5-4-4.2.j. Add subdivision information for parcels to the north if applicable.

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.

Please combine notes 8, 9, and 10 to one note that addresses IC 31-3805.b. Please don't use acronyms.

Note 3. City of Middleton is street jurisdiction.

Not 4. Front lot easement is for public utilities only. No irrigation or drainage or other.

Note 7 delete or revise.

Note 14. Delete.

Label cul-de-sac radii.

Extend utilities in Argus Street to the west boundary.

Streetlights are required at intersections, cul-de-sacs and every 400 ft approximately. Show street lights locations for area south of the canal.

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A stormwater management preliminary design is required. Review the Middleton Supplemental for specifics: retention facilities only, rational method, and pretreatment is required. No seepage beds are approved for installation.

The stormwater management for Emmett Road needs to be preliminarily addressed.



An irrigation plan is required. Preliminary layout of piping/distribution, point of delivery and location of pump station. Think through overflow as well.

Emmett Road. Please confirm Emmett Road is 50ft half right of way with 36ft to tbc. The structural section is 4/9/21 – please add to the typical section. The traffic buffer required along Emmett is 24ft wide and adjacent to right of way.

Add a typical section for the improvements to W 9<sup>th</sup> Street. Why are the street improvements not centered in the right of way?

Add structural components to all typical section(s). Please delete the utility corridor area in typical section.

Where is well and septic for existing dwelling?

Where is the irrigation in Emmett Road relocated to?

Intersection Argus/Hulme, move manhole to sewer main intersection.

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Show private lane to access lot 2 and lot 3 block 9.

The City may not approve an on-site lift station (as shown) or the sewer for the project may change. The City is exploring options regarding sewer for Pheasant Heights and many other projects in the direct vicinity of Pheasant Heights. Add note to front sheet reflecting the condition.



November 30, 2021

TO: Jennica Reynolds, Planner

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

**RE: PHEASANT HEIGHTS Preliminary Plat**

---

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An actual boundary of all the property included in the project is required. Is the property to the south eligible for a division for the acreage needed to connect to 9<sup>th</sup>? If not, will the complete parcel be included in Pheasant Heights?

MCC 5-4-3: Traffic Impact Analysis.

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MCC 5-4-4.2.f. and i. The project needs to be based on topography – a field survey. The boundary is required to be surveyed, tied to corners and stamped. Add benchmark information. Remove all contours but existing. If you want to submit a grading plan on a separate sheet, do so, but do not include it in the actual preliminary plat.

1. Show existing house and features, well, septic, etc.

MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels. Add subdivision for parcels to the north if applicable.

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.

Note 10 – public utility only. No private utility.

Add note detailing pressure irrigation to be provided. Read read and reference Idaho Code 31-38.

Correct street names per code. Make street name labels much larger so they are easily referenced.

Label cul-de-sac radii.

Water corridor is north and east. Sewer corridor is south and west.



Please plan to connect to the existing water main near the intersection of Willis/Emmett and extend the new 12" main southwest into the subdivision via a 25ft easement parallel to the south line of L34B4 and into Bulmer Court. Extend water to the subdivision limits in every connected right of way. ALTERNATIVELY – water may be extended down W 9<sup>th</sup> Street to Frieback Avenue. There is no existing water main in W 9<sup>th</sup> west of Emmett as is being shown.

Loop and connect the water main in Argus Ave to the existing 12" main in Emmett.

Middleton Rural Fire will review and approve final hydrant location.

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Drop inlets cannot function like a manhole because of problems inherent in their geometry.

Stormwater from rights of way cannot be discharged off site.

The stormwater management for Emmett Road needs to be preliminarily addressed.

An irrigation plan is required. Preliminary layout of piping/distribution, point of delivery and location of pump station. Think through overflow as well.

Revisit/correct lot numbering.

Emmett Road plan view – very difficult to determine improvements existing/proposed/etc with the drafting, line types and information included. Show the existing water line location.

Add a typical section for the improvements to W 9<sup>th</sup> Street. Show the actual constructed limits of W 9<sup>th</sup> clearly show new road to be constructed and connected.

Emmett Road is five (5) lane urban typical section – dimension 36ft to tbc and structural section is 4/9/21.

Please identify and detail the easements on site per Schedule B of title commitment.

Extend Argus west to west boundary. Include water and sewer.

Sheet C2.0 utility notes: correct all.

City code requires off-site transportation improvements be included in Phase 1. Either adjust the phasing or coordinate with City Planning to fully address the requirement.

What is the purpose for L1B4?





October 13, 2022

TO: Roberta Stewart, Planning and Zoning Official

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

RE: **PHEASANT HEIGHTS Preliminary Plat**

---

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

1. **The plat is required to be stamped.**
2. Note 6. Please list lots and the use. The public utility/stormwater lots cannot have blanket irrigation easement language. L1B1, L35B1, L4B2, L20B4, L29B4...I think you understand.
3. MCC 5-4-4.2.f. and I. The boundary is required to be surveyed, tied to corners and stamped.
4. Please combine notes 10 and 20 to one note that addresses IC 31-3805.b.
5. Request the PLS confirm "WEST OF THE BOISE MERIDIAN" language in the title block.
6. What is the status of the overhead power to the existing home? Is it eliminated? Is there an easement associated with it and how is the easement vacated if yes.
7. Add block pages 4, 5 and 6.
8. Note 11. Delete "normal storm event".
9. Add note # for well/septic.
10. Note 15. Delete.
11. Add note # for fiber language.
12. Note 16. Add language "and is subject to municipal system capacity".
13. Note 22. Add "at Argus" to end of sentence.
14. Note 23. Change east to west.
15. Delete utility corridors shown on typical section.
16. The Emmett typical section for the landscape buffer needs to be revised. The landscape buffer needs to be entirely in the 24 ft landscape buffer easement.
17. Why is the stormwater management area for Emmett in the landscape buffer easement and not in right of way as borrow type facility? How is buffer constructed and maintained?



## **EXHIBIT “E”**

### Agency Comments



# Middleton School District #134

*Every Child Learning Every Day*

## Middleton School District #134

### City of Middleton--Public Hearing Notice Response

#### General Response for New Development

Middleton School District is currently experiencing significant growth in its student population. **Currently Middleton School District has 2 of our 3 elementary schools over capacity. Heights Elementary is at 134% of capacity with three portable units. Mill Creek Elementary is at 123% of capacity with 2 portables (soon to be 4).** We are nearing capacity, but have not superseded at this point, at our high school (91%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. However, we have significant concerns of the continued growth and our ability to meet the future facility needs of our district at the secondary level (Middleton Middle School and Middleton High School).

We have completed demographic study performed for our school district boundaries and data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .569) students to come to our schools. That is the factor/rate we use to make our projection of student impact for each development.

#### Pheasant Heights Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Purple Sage Elementary School. With 147 lots we anticipate the following breakdown of student increase in our schools:

| Grade Range      | Factor | # of students |
|------------------|--------|---------------|
| Elementary (K-5) | 0.219  | 32.193        |
| Middle (6-8)     | 0.139  | 20.433        |
| High (9-12)      | 0.211  | 31.017        |
| Total            | 0.569  | 83.643        |

Representatives of Pheasant Heights Subdivision have met with school district administration and discussed ways to mitigate the impact of these students on the physical facilities and operations of the school district. Based on district analysis (see attached *Analysis of Real Estate Development Impact on Middleton School District*) and discussion with developer representatives we have identified two primary areas where the developers of the Pheasant Heights Subdivision could assist in the mitigation of growth in the school system.

First, the developer has committed to a cooperative arrangement with the developers of other subdivisions accessing Emmett Road to develop the traffic signal at the intersection of Emmett Road and State Highway 44. With the proximity of the intersection to our school zones, combined with increased

**Middleton School District Office: 5 S. Viking Ave, Middleton, ID 83644**

**Phone: 208-585-3027**

Marc C. Gee, Superintendent

Lisa Pennington, Asst. Superintendent

Alicia Krantz, Business Manager

[mgee@msd134.org](mailto:mgee@msd134.org)

[lpennington@msd134.org](mailto:lpennington@msd134.org)

[akrantz@msd134.org](mailto:akrantz@msd134.org)



# Middleton School District #134

*Every Child Learning Every Day*

traffic on Emmett Road and Highway 44, we feel the addition of the traffic signal will be a significant support for the school operations.

Second, the developers and school district officials are in the process of developing a Memorandum of Understanding regarding a voluntary contribution from the developer to the district. With the addition of elementary students into a system that is over capacity, our analysis indicates that \$1114.60 per lot, or \$5,089.52 per elementary student, is the cost share that would account for the elementary growth due to the development of any given development. The developer has indicated this is something they would be willing to voluntarily support.

In addition to the increase in student population, no bussing would be provided for Middleton High School students. As such, it would be important that the developer include plans for sidewalks connecting to the existing sidewalk system so that students have a safe passage to school. We would ask that the developer be responsible for any safety signage and alterations to Emmett Road that would be required for students crossing from the subdivision to Middleton High School. Bussing would be provided for students attending Middleton Middle School and Purple Sage Elementary.

A handwritten signature in black ink, appearing to read 'Marc C. Gee'.

---

Marc C. Gee, Superintendent

October 14, 2022

Date



# **Middleton School District #134**



## **DRAFT: Analysis of Real Estate Development Impact on Middleton School District**

**Fall 2022**

## Summary of Analysis of Real Estate Development Impact on Middleton School District

In response to recent Middleton City Council decisions regarding approval/denials of real estate developments within the boundaries of Middleton School District, the district has produced a document sharing the potential impact of these developments on the district, as well as a range of the potential financial impact. This is a summary of that analysis. As much as possible, the data utilized in decision making will be a part of this document or its appendices. Please consult the full report for understanding of the process used to gather information.

The focus of this document is specific to the impact on elementary schools, as the district is currently over capacity in elementary schools only.

The following steps were used to determine impact:

### Step 1. Physical Facility Cost Impact

|                      | Cost per Student |
|----------------------|------------------|
| Portables            | \$ 3,333.33      |
| Curricular Materials | \$ 862.94        |
| Technology           | \$ 768.27        |
| Furniture            | \$ 278.98        |
| State Funding        | \$ (154.00)      |
| TOTAL:               | \$ 5,089.52      |

### Step 2: Student Growth Rates

| Student Generation 2021 |          |
|-------------------------|----------|
| 0.219                   | SFD K-5  |
| 0.139                   | SFD 6-8  |
| 0.211                   | SFD 9-12 |
| 0.569                   | SFD K-12 |

### Step 3: Cost per student for temporary structures

With an elementary student generation factor of 0.219 and a cost per student of \$5,089.52 we can calculate a cost per lot of \$1114.60 per lot.

### Step 4: Cost for permanent Structures (as the previous steps were applying to temporary structures)

The estimated cost per student is \$28,776

The estimated cost per lot is \$6301.94\*\*

**\*\*NOTE:** These calculations were prepared utilizing the Student Generation Factor for elementary schools only (K-5). For a K-12 estimate of impact for permanent structures a Student Generation Factor of 0.569 should be used.

## Analysis of Real Estate Development Impact on Middleton School District

In response to recent Middleton City Council decisions regarding approval/denials of real estate developments within the boundaries of Middleton School District, the district has produced the following document sharing the potential impact of these developments on the district, as well as a range of the potential financial impact. As much as possible, the data utilized in decision making will be a part of this document or its appendices. If more information or clarification is needed, please contact Marc Gee, Superintendent of Middleton Schools, at [mgee@msd134.org](mailto:mgee@msd134.org), or 208-585-3027. The focus of this document is specific to Elementary School impact, as the district is currently over capacity in elementary schools only.

The following steps were used to determine impact:

1. Identification of physical facility costs associated with a new classroom unit. (Instructional and personnel costs are provided by funding from the State of Idaho)
2. Identification of growth rates to determine needs for new classroom spaces
3. Calculation of cost per new lot
4. Comparison of per student and per lot costs for temporary vs permanent structures

### Step 1: Identification of physical facility costs associated with a new classroom unit.

There are four specific areas of costs that a district must address when adding a new, non-permanent, classroom:

- The physical location (i.e., portable classroom)
- Curricular needs for the students and teacher in the new classroom
- Technology needs for the new classroom
- Desks, Chairs, Tables, etc.

For the sake of these calculations, we will not be including indirect costs (i.e., electric, gas, municipality bill, etc.).

#### Physical Location

While remodeling of existing facilities can be utilized, most often the short-term response for school districts is the use of portable classrooms. A typical portable classroom is sold as a two-classroom set, with each classroom sized at about 900 square feet.

The district's most recent purchase of a portable classroom cost \$250,100 for the 2 classroom portable as well as delivery and installation. We will address the cost of one classroom at \$125,000 (though the actual cost of a single would be slightly higher. (See Appendix A for current invoice)

Using data regarding the district's near-term potential need for additional classrooms (see Elementary School Facility Planning Fall 2022) and how new students are distributed throughout the district to elementary schools we determined, in the near term, that **for every 37.5 students added at elementary schools we would need an additional portable classroom**. This number is used to calculate a cost per student per portable.

Table 1: Cost per Student for Portables

|                    | Total Cost    | Elementary Divisor of Students for Portable | Cost per Student |
|--------------------|---------------|---|------------------|
| Portable Classroom | \$ 125,000.00 | 37.5  | \$ 3,333.33      |

### Curricular Needs

Typically curricular needs are purchased as classroom sets. As each new classroom is developed, new curricular materials will be needed. The needs for students and teachers are individually shared to create a total classroom cost (see Table 2). A breakdown of cost per classroom can be found in Appendix B.

Table 2 (Based on 23.26 average elementary students per classroom)

|                      | Student Costs Per Classroom | Teacher Costs Per Classroom | Total Cost  | Cost Per Student |
|----------------------|-----------------------------|-----------------------------|-------------|------------------|
| Curricular Materials | \$15,072.00                 | \$5,000.00                  | \$20,072.00 | \$862.94         |

### Technological Needs

Similar to curricular needs, educational technology needs at the elementary level are typically determined in classroom sets. The needs are also separated by student and teacher needs, per classroom. See Appendix C for a detailed description of the needs.

Table 3 (Based on 23.26 average elementary students per classroom)

|            | Student Costs Per Classroom | Teacher Costs Per Classroom | Total Cost   | Cost Per Student |
|------------|-----------------------------|-----------------------------|--------------|------------------|
| Technology | \$ 11,560.00                | \$ 6,310.00                 | \$ 17,870.00 | \$ 768.27        |

### Classroom Furniture

When portable classrooms are delivered, there are no desks, chairs, storage closets, etc. As such it is necessary to purchase those materials when new classrooms are added to the district.

Table 4 (Based on 23.26 average elementary students per classroom )

|                     | Student Costs Per Classroom | Teacher Costs Per Classroom | Total Cost  | Cost Per Student |
|---------------------|-----------------------------|-----------------------------|-------------|------------------|
| Classroom Furniture | \$ 3,489.00                 | \$ 3,000.00                 | \$ 6,489.00 | \$ 278.98        |

### State of Idaho Contribution

The Idaho State Department of Education provides limited funding on a per student basis for facilities and technology. For physical facilities through the state lottery system, the state provides \$98 per student for school facilities. For technology, the state provides \$56 per student for educational technology. To calculate an accurate per student impact, these values must be subtracted from the total.

Table 5: Per Student Total for Physical Facilities

|                      | Cost per Student |
|----------------------|------------------|
| Portables            | \$ 3,333.33      |
| Curricular Materials | \$ 862.94        |
| Technology           | \$ 768.27        |
| Furniture            | \$ 278.98        |
| State Funding        | \$ (154.00)      |
| TOTAL:               | \$ 5,089.52      |



## Step 2: Identification of Growth Rates to Determine Needs for Classroom Spaces

In the fall of 2021 Middleton School District commissioned a demographic study to be completed for the school district. Davis Demographics conducted the study and provided a report of the study in the spring of 2022. A link to the complete report is available as well as a summary can be found at the following website: <https://www.msdsd134.org/Page/5710>. As a part of the study, a Student Generation factor was calculated that would provide a predictor for the number of students that would be generated for new single family households. The factors are contained below in Table 6.

Table 6: Student Generation Factors, 2021

| Student Generation 2021 |          |
|-------------------------|----------|
| 0.219                   | SFD K-5  |
| 0.139                   | SFD 6-8  |
| 0.211                   | SFD 9-12 |
| 0.569                   | SFD K-12 |

As a general rule, when predicting impact of a development on student enrollment we will use the SFD K-12 factor of 0.569 students per new home. However, in determining the impact for elementary students specifically, we will use the SFD K-5 factor of 0.219.

*As an example, if a proposed development were to plan to create lots for 125 single family homes we would anticipate that 71 new K-12 students would enroll in our schools by the time the development was completed (125 Lots X 0.569 = 71.125). To predict the impact on the elementary school in that zone we would anticipate 27 new K-5 students (125 Lots X 0.219 = 27.375).*

## Step 3: Calculation of Cost per New Lot

Using this factor and the cost per student shown in Step 1, we can calculate a cost per lot with the following calculation:

$$\frac{\# \text{ of new lots in development } \times \text{ Student Generation Factor } \times \text{ Cost per Student}}{\# \text{ of new lots in development}}$$

This can be simplified to the following:

$$\text{Student Generation Factor } \times \text{ Cost per Student} = \text{Cost per new lot in development}$$

**With an elementary student generation factor of 0.219 and a cost per student of \$5,089.52 we can calculate a cost per lot of \$1114.60 per lot.**

## Step 4: Comparison of Cost per New Lot for Permanent vs. Temporary Structures

The above mentioned steps is the method for attempting to identify a cost for temporary structures (ie portables). If the impact is meant to identify a cost per student for new, permanent facilities, estimates should be made using different metrics. As we are not discussing items that have a definite cost, making assumptions using national comparable studies for the square feet per student as well as a cost per square foot can provide a method of estimating the overall cost per lot for new permanent structures.\*\*

The median square feet per student in schools in the western region of the United States is 88 square feet per student (sq. ft/student). The average cost to build a school is \$327 per square foot (\$/sq. ft). Using the the sf/student and \$/sf we can estimate the cost per student for new permanent structures with the following calculation:

$$sq. ft/student \times \$/sq.ft = cost per student$$

By including the Student Generation Factor we can estimate the cost per lot for new permanent structures with this equation:

$$Student Generation Factor \times sq. ft/student \times \$/sq.ft = Cost per Lot$$

Using these equations we can calculate:

- **The estimated cost per student is \$28,776**  $(88 \times \$327 = \$28,776)$
- **The estimated cost per lot is \$6,301.94\*\***  $(0.219 \times 88 \times \$327 = \$6,301.94)$

**\*\*NOTE:** These calculations were prepared utilizing the Student Generation Factor for elementary schools only (K-5). For a K-12 estimate of impact for permanent structures a Student Generation Factor of 0.569 should be used.

**Appendix A:**  
**Mobile Modular Invoice for 1**  
**Modular Unit (2 classrooms)**



Mobile Modular Management Corporation  
4055 South Eagleson Road  
Boise, ID 83705  
Phone: (208) 362-7587  
Fax:  
www.mobilemodular.com

## Sale Quotation and Agreement

Quotation Number: 455784  
Customer PO/Ref:  
Date of Quote: 04/04/2022

### Sign up for the Easy Sale Option (see end of document for details)

| Customer Information  | Site Information                                      | Mobile Modular Contact  |
|---|---|---|
| Middleton School District #134<br>Middleton, ID 83644<br><br>Alicia Krantz<br>akrantz@msd134.org<br>Phone: (208) 585-3027 | Middleton School District #134<br>Middleton, ID 83644 | <b>Questions?</b><br>Contact: Steve Haynie<br>Steve.Haynie@MobileModular.com<br>Direct Phone:<br>Fax: |

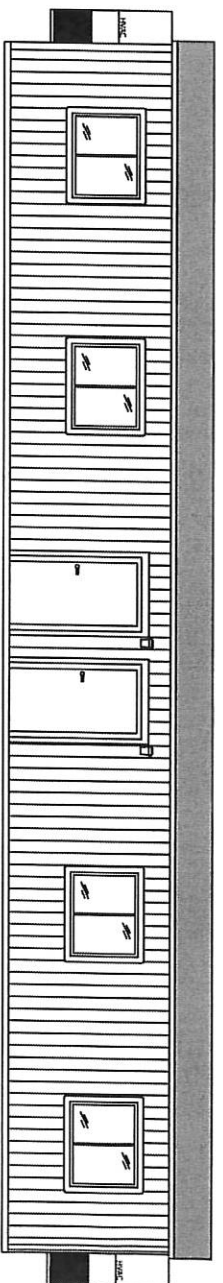
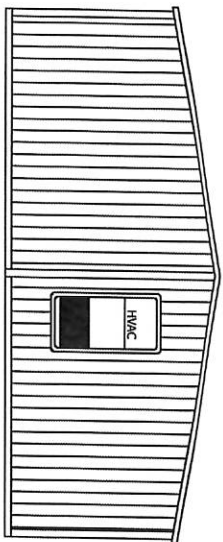
| Product Information   | Qty                                  | Purchase Price | Extended Purchase Price | Taxable |
|---|--------------------------------------|----------------|-------------------------|---------|
| Classroom, 28x64 WMS (NonStd)<br><i>Size excludes towbar.</i><br><i>New dry classrooms lease for about \$3100/mo. October 1 is schedule for new</i> | 1                                    | \$220,600.00   | \$220,600.00            | N       |
| Ramp, Custom Plan   | 1                                    | \$17,000.00    | \$17,000.00             | N       |
| Charges Upon Delivery   | Qty                                  | Charge Each    | Total One Time          | Taxable |
| <b>Classroom, 28x64 WMS (NonStd)</b>  |                                      |                |                         |         |
| Block and Level Building (A9)   | 1                                    | \$4,700.00     | \$4,700.00              | N       |
| Delivery Haulage 14 wide  | 2                                    | \$350.00       | \$700.00                | N       |
| Delivery Haulage Pilot 14 wide  | 2                                    | \$250.00       | \$500.00                | N       |
| Install Foundation, Tiedown (Blvl)  | 1                                    | \$2,500.00     | \$2,500.00              | N       |
| Installation, Ramp Custom Plan  | 1                                    | \$1,500.00     | \$1,500.00              | N       |
| Installation, Skirting, Wood  | 1                                    | \$2,600.00     | \$2,600.00              | N       |
|   |                                      |                | \$12,500.00             |         |
| <b>Total Estimated Charges</b>  |                                      |                |                         |         |
|   | Subtotal                             |                | \$250,100.00            |         |
|   | Taxes                                |                | \$0.00                  |         |
|   | <b>Total Charges (including tax)</b> |                | <b>\$250,100.00</b>     |         |

| Special Notes |
|---------------|
|---------------|

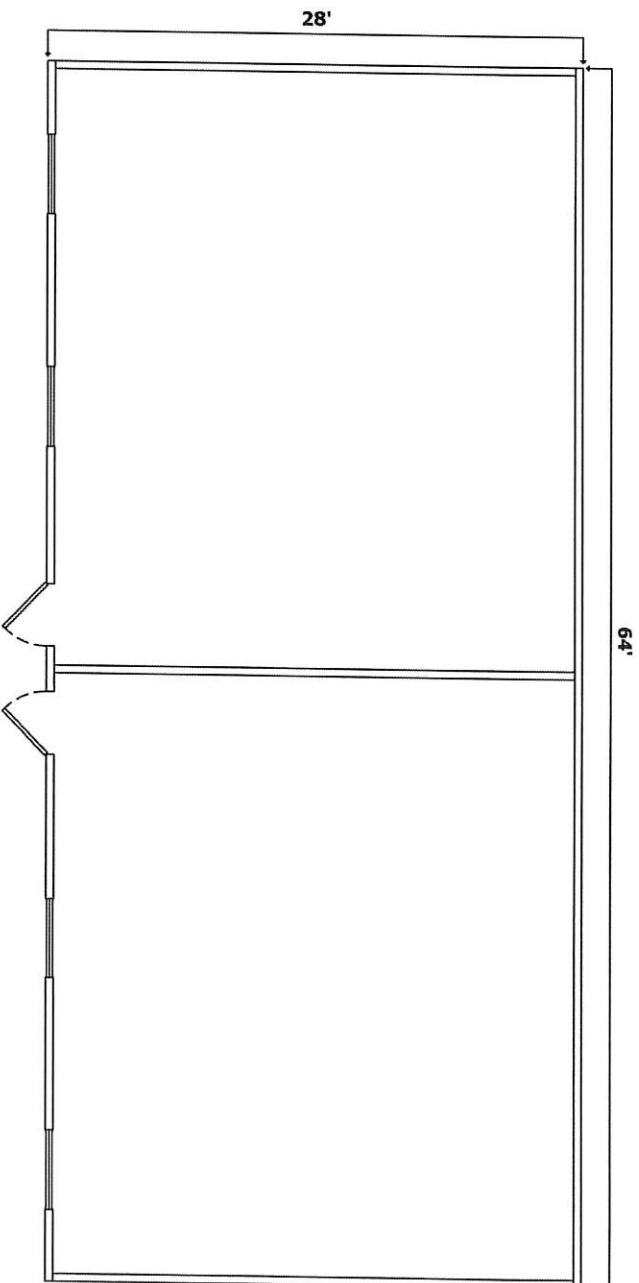
| Floor Plans |
|-------------|
|-------------|

| Additional Information |
|------------------------|
|------------------------|

- Quote is valid for 30 days.
- Customer's site must be dry, compacted, level and accessible by normal truck delivery. Costs to dolly, crane, forklift, etc. will be paid by customer. Unless noted, prices do not include permits, stairs, foundation systems, temporary power, skirting, engineering, taxes or utility hookups.
- Subject to equipment availability. Unless noted, equipment and related furnishings, finishes, accessories and appliances provided are previously leased and materials, dimensions, and specifications vary. Detailed specifications may be available upon request.
- This transaction is subject to prior credit approval and all terms, conditions, and attachments of MMMC's standard contract.
- Down Payment required on execution.
- **Sales Tax will be calculated based on the tax rate at the time of invoicing.**
- **Unless otherwise noted, prices do not include prevailing wages, Davis-Bacon wages, or other special or certified wages.**



- Two 924 square foot classrooms.
- Upgraded vinyl covered wall panels.
- Energy efficient fluorescent lighting.
- Acoustical T-bar ceiling decreases noise from room to room.
- Decorative exterior siding for a modern appearance.
- Our buildings are completely insulated and come with a heating and air conditioning system to provide a comfortable learning environment.



**Note:** Dimensions, and door & window locations shown are nominal. Actual dimensions, layout, and roof slope may vary depending on model or model year selected.

**Your Local  
Sales Professional**  
**Steve Haynie**  
**208.362.7587**

**28' x 64' Modular Classroom**  
Delivered ready to use "On Time and On Budget"

 **DesignSpace**  
MODULAR BUILDINGS  
*From Vision to Reality | On Time and On Budget*  
[www.DesignSpaceModular.com](http://www.DesignSpaceModular.com)

# **Appendix B:**

## **Curriculum Resource Adoption Costs Over Time**



## Middleton School District #134

### Curriculum Resource Adoption Costs Over Time

| Year                          | Adoption Cycle              | Curricular Area       | Initial Adoption Cost | Additional Costs (Beyond Year 1) | Professional Development Expenses | Cost to Date (minus PD) | Enrollment | Cost Per Student | Cost Per Student/Year |
|-------------------------------|-----------------------------|-----------------------|-----------------------|----------------------------------|-----------------------------------|-------------------------|------------|------------------|-----------------------|
| 2016-2017                     | 6 years                     | Math (K-12)           | \$494,386             | \$261,057                        | \$48,500                          | \$755,443               | 4000       | \$189            | \$31                  |
| 2017-2018                     | 6 years                     | Health/PE (K-12)      | \$79,000              | \$5,535                          |                                   | \$84,535                | 4086       | \$21             | \$3                   |
| 2017-2018                     | 6 years                     | Social Science (6-12) | \$224,000             | \$5,668                          |                                   | \$229,668               | 2328       | \$99             | \$16                  |
| 2017-2018                     | 6 years                     | Humanities (K-12)     | \$112,500             | \$2,675                          |                                   | \$115,175               | 4086       | \$28             | \$5                   |
| 2018-2019                     | 6 years                     | ELA/EL/Speech (K-12)  | \$735,751             | \$33,461                         | \$35,050                          | \$769,212               | 4114       | \$187            | \$31                  |
| 2020-2021                     | 5 years                     | Science (K-12)        | \$509,879             | \$12,107                         | \$8,000                           | \$521,986               | 4174       | \$125            | \$25                  |
| <b>Total Cost Per Student</b> |                             |                       |                       |                                  |                                   |                         |            | <b>\$648</b>     | <b>\$112</b>          |
| <b>Assessments</b>            |                             |                       |                       |                                  |                                   |                         |            |                  |                       |
| i-Ready                       | 6 Years - one Time purchase | Math/Reading          | \$104,830             |                                  |                                   |                         |            |                  |                       |
| NWEA MAP                      | Paid Annually               | Math/Reading/Language | \$66,062              |                                  |                                   |                         |            |                  |                       |

# **Appendix C:**

## **Estimated Teacher & Student Technology Equipment Costs**

## Middleton School District #134

### Estimated Teacher & Student Technology Equipment Costs

#### **Teacher Cost**

T14 Teacher Computer \$1,500.00  
14e Chromebook \$400.00  
Docking Station \$300.00  
Projector \$800.00  
Projector Remote \$30.00  
Juno Speaker \$1,800.00  
Doc Camera \$150.00  
Mouse \$30.00  
Keyboard \$30.00  
Air Mouse \$50.00  
Phone \$200.00  
Monitor(s) \$300.00  
2-Way Radio \$20.00  
Paging Speaker \$300.00  
Webcam \$50.00  
Cabling (parts only) \$300.00  
Adapters \$50.00

**Total \$6,310.00**

#### **Student Cost**

Chromebook \$400.00  
Sleeve \$30.00  
Cart Cost (/30) \$50.00  
Charging Parts (/30) \$7.00  
Barracuda \$1.50  
Gaggle \$2.50  
GoGuardian \$6.00

**Total \$497.00**

**From:** [Carl Hayes](#)  
**To:** [Jennica Reynolds](#)  
**Subject:** RE: Notice of Public Hearing - PZ Pheasant Heights  
**Date:** Tuesday, November 2, 2021 2:51:51 PM  
**Attachments:** [image001.png](#)

---

Jennica,

Standard piping requirements apply to this as well. The developer has just begun the process of plan review. BCID cannot provide approval until final plan approval and the fees have been paid.

Thank you,



---

**From:** Jennica Reynolds <jreynolds@middletoncity.com>  
**Sent:** Friday, October 22, 2021 11:06 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>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Carl Hayes <carl@blackcanyonirrigation.com>; Chris Hopper <chopper@canyonhd4.org>; Iriccio@canyonhd4.org

**Cc:** Roberta Stewart <rstewart@middletoncity.com>

**Subject:** Notice of Public Hearing - PZ Pheasant Heights

Please see the attached notice of public hearing.

<https://middleton.id.gov/PublicHearingNotices>

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning

City of Middleton

208-585-3133

[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)



October 4, 2021

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

**RE: Pheasant Ridge Subdivision—Preliminary Plat**

Mrs. Stewart:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat dated 3/19/2021 for Pheasant Ridge Subdivision. The development consists of 45.7 acres with 137 buildable lots. The development is located on parcels R34445012A2 and R34445012B0. The development is requesting annexation, preliminary plat, and R-3 zoning from Middleton City. The Subdivision is located on the west side of Emmett Road and the north boundary is approximately 150' south of the section line in common with Willis Road.

CHD4 offers the following recommendations:

**General**

By agreement with the City, CHD4 maintains Emmett Road from Highway 44 to Purple Sage Road (including roundabout circulatory lanes at 9<sup>th</sup> Street and Willis Road). Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Middleton Road.

**CHD4 requests the City postpone hearing this request until the irrigation adjacent to Emmett Road is shown relocated in an easement outside of the 50' Emmett ROW and 9<sup>th</sup> Street is shown extended to a more feasible location (consider extending to parcel R3444910300 as originally intended by CHD4 from Faison Pointe).**

**Emmett Road**

Middleton City and Canyon County classify Emmett Road as a principal arterial. Design speeds of urban principal arterial roads are 45 mph.

CHD4 asks the City to consider the following:

- Minimum ROW dedication of 50' from centerline of Emmett Road
- Cross section that matches existing improvements—generally as follows:
  - 32' measured from face of splitter island to TBC
  - 2' buffer from face of splitter island curb
  - Two 12' wide travel lanes
  - 4' wide bike lane
  - 8' wide landscape buffer strip from TBC
  - 8' wide pathway with at least 1' landscape strip from back of pathway.



Improvements to the right-of-way outside of the subdivision boundary shall be required—improvements include:

- Connecting pathway to the Willis roundabout
- Widen as needed the two southbound travel lanes to 12' wide plus bike lane

This will be reviewed in further detail at time of improvement drawings.

The preliminary plat does not depict the centerline of Emmett Road to crosscheck the right-of-way dedication. CHD4 advises the applicant to confirm this is correct.

CHD4 can provide improvement drawings for the Emmett Road roundabouts and Faison Pointe extension of 9<sup>th</sup> Street to assist in design.

### RIRO Approach

Applicant is proposing a RIRO approach approximately 1,320' south of the section line in common with Willis Road. CHD4 requests the applicant confirm a right-in-right-out approach is acceptable with Middleton City onto a principal arterial and apply for a variance with Middleton City if applicable.

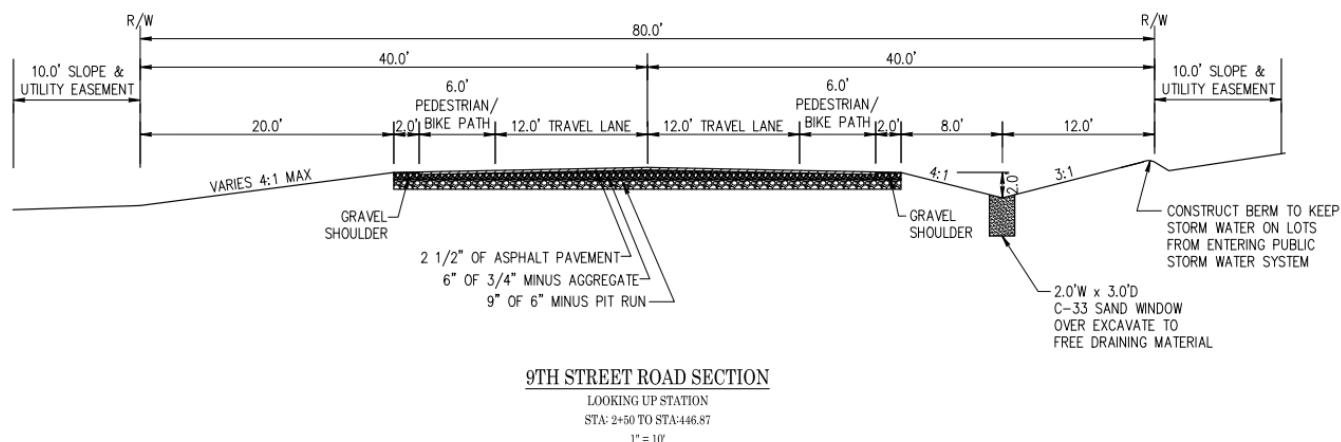
Extension of the splitter island and other improvements may be required for the RIRO approach. CHD4 will look into improvements related to the RIRO approach at time of improvement drawings.

### **Emmett Road Irrigation**

Existing canal alignment interferes with future extension of curb along Emmett Road. Applicant shall relocate all irrigation in an easement outside of the 50' Emmett Road right-of-way. This does not appear shown on the plans and will result in a significant lot reconfiguration.

### **9<sup>th</sup> Street**

Middleton City classifies 9<sup>th</sup> Street as a major collector. Urban major collector roads are typically designed for 35 mph. Design 9<sup>th</sup> Street per Middleton City desired section. Existing 9<sup>th</sup> Street through Faison Pointe is constructed as follows:



Per Canyon County Functional Class Map, 9<sup>th</sup> Street is shown extending to Harvey Road (West of Canyon Lane). Per the latest Middleton City functional Class Map, this appears to be the desire of Middleton City albeit terminate at Canyon Lane.

Extending 9<sup>th</sup> Street per Pheasant Ridge Subdivision Preliminary Plat will lead the centerline through 3 existing residences.

CHD4 intended 9<sup>th</sup> Street to be extended from Faison Pointe to parcel R3444910300 due to the likelihood of development (15.54 acres) vs extending it through three (3) one (1) acre lots and residences. CHD4 also requests the City direct the applicant to design the extension to parcel R3444910300 at 35 mph design speeds.

**Traffic Impact Study (TIS)**

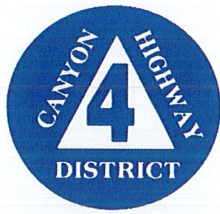
Traffic mitigation will be addressed through subdivision frontage improvements and impact fees.

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

Respectfully,



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



October 5, 2022

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

**RE: Pheasant Ridge Subdivision—Preliminary Plat dated March 16, 2022**

Canyon Highway District No. 4 (CHD4) has received notice for a hearing Oct 19, 2022 to consider a preliminary plat for Pheasant Heights Subdivision.

CHD4 offers the following comments on the preliminary plat dated March 16, 2022 included with the public hearing materials:

1. By agreement with the City, CHD4 maintains Emmett Road from Highway 44 to Purple Sage Road (including roundabout circulatory lanes at 9<sup>th</sup> Street and Willis Road). Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Emmett Road or 9<sup>th</sup> Street west of the intersection.
2. The Traffic Impact Study prepared for the development (March 16, 2021) indicates that the Emmett Rd/SH 44 intersection operates at LOS F (SB Emmett Rd approach) during the AM peak hour under current conditions (without the new development). The TIS estimates the development will increase trips at the SB Emmett Rd approach to the intersection by 40% in the 2025 build-out year. As a condition of approval, the city should consider requiring improvements to this intersection to improve this deficiency. This intersection was identified as an existing deficiency on the Mid-Star Capital Improvement Plan, and is not eligible for impact fee funding. Conditions established in the proposed development agreement appear to satisfy the need to make improvements at the intersection prior to issuance of building permits for the development.
3. CHD4 requests the city annex the existing highway right-of-way for 9<sup>th</sup> Street west of Emmett Rd, and take over 9<sup>th</sup> Street for maintenance and operation to facilitate extension of city utilities through the existing Faisan Estates Subdivision, and to accommodate the traffic from the proposed development.
4. CHD4 supports the restriction for the Argus Street approach to Emmett Rd to be limited to right-in-right-out operations.
5. CHD4 recommends the city require the developer of Pheasant Heights to remove the temporary culdesac constructed at the west end of 9<sup>th</sup> Street within Faisan Estates, and construct a road shoulder and borrow ditch consistent with the typical 9<sup>th</sup> Street section to the east. The city may also consider requiring the developer of Pheasant Heights to install

curb and gutter to match the standard city collector road section between Pheasant Heights and Emmett Rd. This curb and gutter was not installed as part of the Faisan Estates project to facilitate extension of city utilities outside the existing pavement.

6. Extension of city utilities to serve the development should be designed and constructed to minimize the impacts to traffic and existing infrastructure within the Emmett Rd and 9<sup>th</sup> Street rights-of-way. CHD4 will review improvement drawings for the development as they relate to these rights-of-way. A utility permit from CHD4 is required for any utility work, frontage improvements, temporary traffic controls, or temporary access to these roadways.

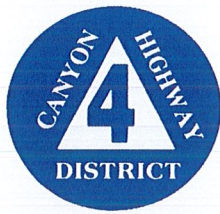
Please feel free to contact with any questions on this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a long horizontal line extending to the right.

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





April 11, 2022

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

**RE: Pheasant Ridge Subdivision—Preliminary Plat Received 10/25/21**

Canyon Highway District No. 4 (CHD4) has received from city staff a revised preliminary plat for Pheasant Heights Subdivision dated March 11, 2022.

CHD4 offers the following comments on the revised preliminary plat:

1. By agreement with the City, CHD4 maintains Emmett Road from Highway 44 to Purple Sage Road (including roundabout circulatory lanes at 9<sup>th</sup> Street and Willis Road). Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Emmett Road or 9<sup>th</sup> Street west of the intersection.
2. The Traffic Impact Study prepared for the development (March 16, 2021) indicates that the Emmett Rd/SH 44 intersection operates at LOS F (SB Emmett Rd approach) during the AM peak hour under current conditions (without the new development). The TIS estimates the development will increase trips at the SB Emmett Rd approach to the intersection by 40% in the 2025 build-out year. As a condition of approval, the city should consider requiring improvements to this intersection to improve this deficiency. This intersection was identified as an existing deficiency on the Mid-Star Capital Improvement Plan, and is not eligible for impact fee funding.
3. The proposed Mikado Street approach to Emmett Rd should be restricted to a right-in-right-out movement to be consistent with access restrictions placed on the high school approaches, and to allow the two roundabouts to function as intended to provide left-turn movements for the corridor. This will make 9<sup>th</sup> Street the principal point of access for the development as intended.
4. CHD4 requests the city annex the existing highway right-of-way for 9<sup>th</sup> Street west of Emmett Rd, and take over 9<sup>th</sup> Street for maintenance and operation to facilitate extension of city utilities through the existing Faisan Estates Subdivision, and to accommodate the traffic from the proposed development.
5. CHD4 recommends the city require the developer of Pheasant Heights to remove the temporary culdesac constructed at the west end of 9<sup>th</sup> Street within Faisan Estates, and construct a road shoulder and borrow ditch consistent with the typical 9<sup>th</sup> Street section to the east. The city may also consider requiring the developer of Pheasant Heights to install

curb and gutter to match the standard city collector road section between Pheasant Heights and Emmett Rd. This curb and gutter was not installed as part of the Faisan Estates project to facilitate extension of city utilities outside the existing pavement.

6. Extension of city utilities to serve the development should be designed and constructed to minimize the impacts to traffic and existing infrastructure within the Emmett Rd and 9<sup>th</sup> Street rights-of-way. CHD4 will review improvement drawings for the development as they relate to these rights-of-way. A utility permit from CHD4 is required for any utility work, frontage improvements, temporary traffic controls, or temporary access to these roadways.

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a long horizontal line extending to the right.

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



# 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: Pheasant Heights**






**Agency: Middleton**

**CIM Vision Category: Existing Neighborhoods**

**New households: 137**

**New jobs: 0**

**Exceeds CIM forecast: No**

|  |   |   |
|--|---|---|
|    | <b>CIM Corridor: None</b><br><b>Pedestrian level of stress: N/A</b><br><b>Bicycle level of stress: N/A</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.  |
|    | <b>Housing within 1 mile: 530</b><br><b>Jobs within 1 mile: 180</b><br><b>Jobs/Housing Ratio: 0.3</b>   | A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.                                   |
|   | <b>Nearest police station: 1.8 miles</b><br><b>Nearest fire station: 2.7 miles</b>  | 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.  |
|  | <b>Farmland consumed: Yes</b><br><b>Farmland within 1 mile: 1,094 acres</b>   | 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.                              |
|  | <b>Nearest bus stop: &gt;4 miles</b><br><b>Nearest public school: 0.1 miles</b><br><b>Nearest public park: 2.1 miles</b><br><b>Nearest grocery store: &gt;4 miles</b> | Residents who live or work less than <b>½ mile</b> 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 site plan shows vehicular access onto Emmett Road. Emmett road is identified in the *Middleton Connects 2015 City Vision Map* as having a micro path in the future. Given the project's proximity to Middleton High School, consider a safe pedestrian crossing of Emmet Road.

The closest transit stop is about 2-miles away at the Middleton Fine Arts Park and Ride location. The *ValleyConnect 2.0 Growth Scenario* proposes future service at this location with an express route from Happy Day Transit Center to St. Luke's in Meridian, via Hwy-44, with 30-minute frequencies.

More information about COMPASS and *Communities in Motion 2040 2.0*:

Web: [www.compassidaho.org](http://www.compassidaho.org)

Email [info@compassidaho.org](mailto:info@compassidaho.org)

More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>

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

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The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at: [www.compassidaho.org/prodserv/fiscalimpact.htm](http://www.compassidaho.org/prodserv/fiscalimpact.htm).

## **Overall Net Fiscal Impact**

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

City

County

Highway District

School District

Break Even:

# Communities in Motion 2050 Development Review

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

**Development Name:**

**CIM Vision Category:**

**New Jobs:**

**CIM Corridor:**

**New Households:**



## Safety

Level of Stress measures how safe and comfortable a bicyclist or pedestrian would feel on a corridor and considers multimodal infrastructure number of vehicle lanes, and travel speeds.

Pedestrian level of stress  
Bicycle level of stress



## Economic Vitality

These tools evaluate whether the location of the proposal supports economic vitality by growing near existing public services.

Activity Center Access  
Farmland Preservation  
Net Fiscal Impact  
Within CIM Forecast



## Convenience

Residents who live or work less than 1/2 mile from critical services have more transportation choices, especially for vulnerable populations.

Nearest bus stop  
Nearest public school  
Nearest public park



## Quality of Life

Checked boxes indicate that additional information is attached.

### Active Transportation

**Automobile Transportation**  
**Public Transportation**  
**Roadway Capacity**



**Improves performance**



**Does not improve or  
reduce performance**



**Reduces performance**

**Comments:**

**Communities in Motion 2050**  
[2020 Change in Motion Report](#)  
[Development Review Process](#)

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



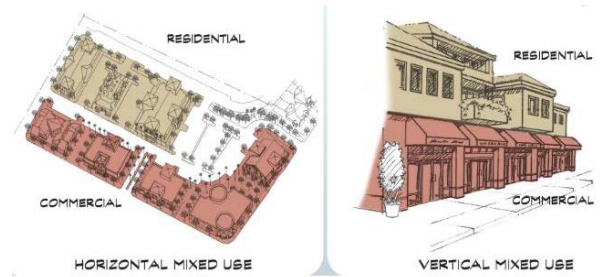
## Land Uses to Support Bicycle and Pedestrian Transportation

Land use decisions can support the safety and comfort of bicyclists and pedestrians. A robust mix of nearby housing, jobs, and services can:

Promote safe and comfortable walking and biking by reducing the number of vehicles on the road

Reduce the distance between housing and services, especially for vulnerable populations

Reduce the requirement for large and costly parking facilities



Credit: Lakeland Village Plan

Land use mix can either be horizontal or vertical. A

horizontal mix indicates a variety of uses across a neighborhood, while vertical mix refers to different uses within the same building or lot. To measure land use mix, consider how many different uses (e.g., residential, office, retail, industrial, service, entertainment, education, health, etc.) are within each community or area. Higher mixes reflect more convenient access to a wide range of jobs and services.

Some steps to take to increase bicycle and pedestrian accommodations are:

- ✓ Provide sidewalks and pathways between horizontal mixed use areas to promote walking and biking between areas.

Place residential uses near services such as parks, schools, grocery stores, or employment centers.

Place higher-density residential uses close to employment, bus service, schools, or parks.

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

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at: [www.compassidaho.org/prodserv/fiscalimpact.htm](http://www.compassidaho.org/prodserv/fiscalimpact.htm).

### **Overall Net Fiscal Impact**

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

City

County

Highway District

School District

Break Even:

**From:** [Julie Collette](#)  
**To:** [Jennica Reynolds](#)  
**Subject:** Re: Agency Notice - Pheasant Heights PZ  
**Date:** Tuesday, March 29, 2022 8:31:30 AM

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To Whom It May Concern at Canyon County Planning & Zoning:

Good morning,

On behalf of our Greater Middleton Parks & Rec Board of Directors and Executive Director, Tim O'Meara, we wanted to reach out to you and let Canyon County know that GMPRD is taking a stance on the growth happening in Middleton and the surrounding areas.

We are opposed to any further developments coming into Middleton at this time. Not only are the parks and recreation districts affected, but the school district and cemetery district as well, are struggling to keep up with the growth. The legislature has not added parks and recreation districts, nor school or cemetery districts to the legal verbiage, allowing the impact fee funding to help incur the costs from the additional growth happening around the city.

We are seeing high numbers of registrations at our sporting events coming from out of state. We have multiple sports clubs and recreation programs needing grass space to play on. We are using an outdated building to play sports in one gym and could use at least two more gyms. We are also seeing higher vandalism this year. We have already spent over \$5,000 dollars on new camera systems at our parks and buildings to try to keep up with the increase in crime in our little town. Last year we were at 419% over budget for vandalism - spending almost \$900 dollars on repairs. This year alone we are already at 110% of our increased vandalism budget, spending over \$550 dollars on repairs thus far. However, in 2019 we only used 12.9% of our vandalism repairs budget. Spending only \$25 dollars on repairs. These numbers alone speak VOLUMES as to what is happening in our area and the negative impact our growth will continue to have, especially on our youth. Having positive sports programs, open play space, and local community classes helps keep kids out of trouble. We are outgrowing our resources at a record pace!

In order for growth to continue and to gain our support, developers will have to step up in some way to aid these growth related issues and problems.

Thank you for listening to our concerns.

Kind Regards,  
Julie-

Julie Collette  
District Clerk II/HR  
Greater Middleton Parks and Recreation District  
310 N. Hawthorne Ave., Middleton, ID 83644  
208-585-3461  
[gmprd.org](http://gmprd.org)



On Thu, Mar 24, 2022 at 5:09 PM Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)> wrote:

Please see the attached Agency Notice.

*Jennica Reynolds*

Jennica Reynolds

Deputy Clerk, Planning

City of Middleton

208-585-3133

[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)





# MIDDLETON STAR FIRE DISTRICTS

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

Tel. No.: (208) 286-7772  
Web: [www.midstarfire.org](http://www.midstarfire.org)  
Email: [permits@starfirerescue.org](mailto:permits@starfirerescue.org)

DATE: April 4, 2022

TO: Middleton City Planning and Zoning  
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Pheasant Heights Subdivision  
Annexation/Rezone, Preliminary Plat and Development Agreement

## Fire District Summary Report:

1. Overview This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.
2. Fire Response Time: This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, ID 83644. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the purposed.
3. Accessibility: Roadway Access, Traffic, Radio Coverage
  - a. Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.
  - b. Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.
  - c. All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.
  - d. One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.
    - i. The purposed entrances into this development meet the intent of the IFC for over 30 dwellings.
  - e. 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 a 50' long ladder truck.
  - f. Block 9 Lot 2 & 3
  - g. Dead-end fire apparatus access roads (Common driveways & streets) in excess of 150 ft shall be provided with width and turnaround provisions in accordance with Table D103.4 of IFC.



- h. Traffic calming devices will require approval by the Fire District.
- i. An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.
- j. The applicant shall work with City of Middleton and Middleton Rural Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1
- k. All residential, commercial, and industrial buildings within the City shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. When required by the fire code official, address numbers shall be provided in additional approved locations to facilitate emergency response.
- l. Address numbers shall have a minimum stroke width of one-half inch (0.5"), and of a color contrasting with the background. The required height of each address number shall be calculated by the distance of the addressed building from the road, as follows:

|   |     |
|---|-----|
| Less than one hundred feet (100')                               | 6"  |
| one hundred feet to one hundred fifty feet (100 - 150')         | 8"  |
| one hundred fifty-one feet to two hundred feet (151 - 200')     | 10" |
| two hundred one feet to two hundred fifty-one feet (201 - 251') | 12" |

- m. Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.
4. Water Supply: Water supply requirements will be followed as described in Appendix B of the 2018 International Fire Code unless agreed upon by the Fire District.
- a. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hour 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.
  - b. 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.
  - c. Water Supply: Final Approval of the fire hydrant locations shall be by the Middleton Rural Fire District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
    - i. ADDITIONAL hydrant will need to be located on Fireback Ave to service block 6,8, and 9.
    - ii. 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.
    - iii. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
    - iv. Fire hydrants shall be placed on corners when spacing permits.
    - v. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
    - vi. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.

- vii. Fire hydrants shall be provided to meet the requirements of the City of Middleton Water Standards.
  - viii. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.
- 5. Inspections: Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued
- 6. Additional Comments:
  - a. Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.
  - b. Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

## **EXHIBIT “F”**

### Public Comments



LAURA L. LONG  
13125 WILLIS ROAD  
CALDWELL, IDAHO 83607

October 27, 2021

The City of Middleton  
Planning & Zoning Department  
P.O. Box 487  
Middleton, Idaho 83644

Re: Parcel R344450112A2 and R344450112B0

DO YOU CARE?

I wonder when enough is enough? Willis & Emmett Road is a construction zone, overrun with equipment, as hundreds of homes are being stuffed into the countryside. It is creating traffic problems on both roads, not to mention the safety concerns for our kids that attend Middleton High School. Now, you want the community to be pleased with another 137 homes, built directly across the street from the High School. Really? Help me understand, what are you thinking?

The property in question is currently zoned R1 "One Acre Lots" consistence with the properties west of Willis Road. I wonder why the push to change the zoning? It's not like you can't find buyers, actually one acre lots are in high demand. I understand why the developers from Salt Lake City want more, I get that! They Don't Care! They don't live in Middleton!

Parents are very concerned about the traffic near and around the High School and you should be too. So, the question remains; Do you Care?

In today's world it would be nice if we cared just a little about what we create, what we leave behind for our community and our kids.

Sincerely,

Laura L. Long

Cc: Mayor Steven Rule

April 10, 2022

***VIA EMAIL ONLY***

City of Middleton  
Planning and Zoning Department  
P.O. Box 487  
Middleton, ID 83644  
*Email: jreynolds@middletoncity.com*

RE: Opposition Comment to Pheasant Heights Subdivision

Dear Middleton Planning and Zoning Commissioners:

My family and children live on Willis Creek Road, directly to the north of the planned development project proposed to be heard at the April 11, 2022 Planning and Zoning hearing. We are opposed to this project in its entirety. Given the adjacent location to the High School and the cumulative impacts of already underway development located in the immediate vicinity, unknown traffic safety impacts cannot be adequately addressed prior to approving this project. **The Pheasant Heights Subdivision conflicts with the Comprehensive Plan, and the Planning and Zoning Commission should recommend denial of the application.**

This will be the fourth hearing for me to attend for these parcels. The first hearing being the rezone to R-1 at Canyon County on July 18, 2019.<sup>1</sup> The second and third were tabled hearings at the City of Middleton on November 8, and December 6, 2021. This project has been a demonstration of inadequate preparation and changed circumstances, and is indicative of a project that will not go as planned, with a low confidence of meeting either City, or County standards coupled with no accountability or concern to the local residents from an out-of-state developer.

**I. Traffic Concerns and Comprehensive Plan Conflicts**

The local area is a hotbed of development. West Highlands Ranch subdivision located at Willis and Emmett Road has been developing hundreds of lots directly north of the High School. Stonehaven Subdivision and the new development directly south of the High School are additional developments not fully completed, and like the proposal, are all zoned R-3. These planned, and not yet fully developed projects represent thousands of trips that not only affect the local traffic concerns, but add to, and further choke the local infrastructure and create delay,

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<sup>1</sup> Attachment 1

safety concerns, and are especially concerning given the close proximity to a High School with new drivers and children that walk to school.

These increased traffic concerns are located within the entirety of the region. This is apparent at I-84 exit 25: an exit without automated traffic controls that dangerously backs up the northbound off ramp back onto the freeway. The intersection of Highway 30 and Emmett road is an additional concern, and on March 10, 2022 experienced a fatal accident.<sup>2</sup> Finally, the intersection of Highway 44 and Emmett road is concerning as well. At peak drive times, drivers experience significant delays from turning onto or off of Emmett Road. In witnessing several driving habits of motorists at the intersection, very risky turns have been observed where a driver hastily attempts to turn left onto Highway 44 off of Emmett, and with a High School full of new drivers and busses regularly using the intersection, it is only a matter of time before something tragic takes place.

In addition to the vehicular traffic concerns, pedestrian traffic in the area is being affected. The additional West Highlands development will already inject hundreds, if not thousands of trips into the area, causing increased stress on the area near the High School. My son Kyle Sheets walks to the High School, as it is only a short distance from our home. In his daily walk to school, he has routinely experienced close calls with inattentive drivers at the intersection of Willis and Emmett roads, and during the winter when he walks in the dark or in the fog, it is even more hazardous. As a parent, I fear every time I hear emergency sirens, or receive a phone call at 8:00 AM fearing he has been hurt or killed by a driver on his walk to a school only a few hundred yards away.

The unfortunate truth is that the area is saturated and unprepared for additional trip generating projects. Not only will it be dangerous for the residents already being overwhelmed with additional and dangerously uncontrolled construction and future residential traffic, but the new residents of these planned developments will also be injected into the foray.

Road improvements suggested by Canyon County Highway District No. 4 are inadequate to address the broader impacts that 147 residential lots will create, and the scope of the consideration is negligent by failing to address the impacts of development in the vicinity already approved. The mere improvement of half a lane of Emmett road is inadequate in its inception, as there is no discussion of immediate vicinity improvements other than impact fees into a slush fund for regional developments. These are not earmarked for the explicit impacts easily identified by this project, and the developer is not responsible for mitigating the impacts easily attributed to the proposal. This creates two distinct problems:

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<sup>2</sup> Attachment 2



1. The developer is free to impact the area negatively without adequately addressing mitigation directly attributable to the project. In essence, this creates a profit motive to generate the highest return on investment without respect to the easily identified externalities created. Mitigation could, and probably will exceed the fees assessed for the direct impacts, and therefore creates publicly-subsidized development that negatively impacts the preexisting residents.
2. All of these mitigation strategies of assessing impact fees occur after the fact. It may be years or decades before enough fatalities build up or public will forces local bureaucrats to prioritize projects that address the prior development authorized without long-term consideration.

These problems can be addressed by:

1. Requiring a traffic impact study to include conditions not only in the immediate vicinity, but at major roadways and intersections easily identified in the region, in this case: Emmett Road with its intersections of Willis Road and the intersection of Highway 44; the intersection of Willis Road and Highway 30; the intersection of Highway 30 and Highway 44; and exit 25 on I-84. Additionally, sensitivity to High School traffic, pedestrian access, and new driver/bus traffic to be considered.
2. MAKE THE DEVELOPER PAY FOR AND IMPLEMENT TRAFFIC MITIGATION IMPROVEMENTS DIRECTLY ATTRIBUTABLE TO THE PROJECT PRIOR TO AUTHORIZING ONE SHOVEL MOVING ON THEIR PROJECT.

Traffic is not only generated by the end result of the 147 lots being fully built, but the additional construction traffic of heavy machinery, earth moving equipment, and contractor traffic during the phased project. Traffic mitigation means ALL TRAFFIC MITIGATION, and must be addressed in order to remedy the additional burdens experienced by preexisting residents.

In total, the proposed project negatively impacts the traffic and safety of the local area without adequately addressing it. This is in conflict to the comprehensive plan in the following ways:

### **Transportation Goal 3,**

**Objective A: Plan and develop a safe system of roads, bike lanes, sidewalks and pathways.**

**Objective B: Reduce vehicle congestion and encourage walking and bicycling.**

The proposal conflicts with the Comprehensive Plan by increasing traffic in an already over-planned area that has not received any additional traffic mitigation actions. The additional traffic directly adjacent to a High School will increase traffic and increase hazards with right-in, right-out access to the area requiring unusual traffic patterns that direct traffic directly south to the uncontrolled intersection of the principal arterial identified Emmett Road and Highway 44 in conflict with Objective A. The City is unable to respond to easily anticipated traffic hazards at regional areas, and cannot adequately respond to the project's impacts. There are no retail, commercial, or recreation areas to walk to, and all traffic will be vehicle traffic in conflict with Objective B.

### **Schools Goal 13**

**Objective A: Minimize vehicle traffic congestion and obstruction on roads abutting school sites.**

The proposal conflicts with Objective A by pressing 147 housing units and the associated construction activities directly adjacent to Middleton High School. The area has preexisting development projects that have been added without adequate mitigation for the additional traffic and this additional project creates additional traffic congestion with additional trips with minimal to no mitigation.

### **Population Goal 14**

**Preserve a high quality of life and livability in Middleton.**

**Objective A: Plan for the projected population by providing sufficient services and amenities.**

The services and amenities are absolutely lacking with the proposal and the additional housing provided without capacity. Additional traffic creates a safety risk without mitigation, and reduces the quality of life and livability in Middleton. How the City Council and the Planning and Zoning Commission can continue to approve high-density housing in contradiction to this goal is unconscionable. The goal states to "preserve a high quality of life." Unmitigated growth is in conflict with this goal.

**Because of the conflicts with the Comprehensive Plan, this project should not be rezoned to R-3, and these conflicts are fatal to the overall annexation plan and preliminary plat. The Planning and Zoning Commission should find that the proposal conflicts with the**

**comprehensive plan in the above ways and deny the application.** In identifying what would satisfy the commission to gain approval, it would be a comprehensive traffic impact study to include already approved developments with the cumulative impacts and mitigate those impacts in construction to finality prior to breaking earth on the project, as would be contained in a new development agreement. Otherwise, the applicant can submit a preliminary plat with Canyon County for its already recently approved R-1 County zoning.

## **II. Nuisance Concerns**

This area has been subject to intense development, and with it, intense nuisances that would only be amplified by approving this project. At its core, Idaho Code 52-111 states that

“Anything which is injurious to health or morals, or indecent, or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, is a nuisance and the subject of an action.”

The Highlands West subdivision development has demonstrated the lack of adequate remedy for the disturbances caused by unmitigated growth. Over the course of two years, our neighborhood has been woken up at the literal crack of dawn by heavy earth moving equipment. Inquiries to Middleton City Police have been instructive, stating that the construction activity is permitted from dawn to dusk. This means that like last June 2021, earthmoving activity was allowed to commence before 6:00 AM. Blaring back-up sirens and vibratory rollers have plagued the comfortable enjoyment of all of the residents of the neighborhood from a construction site over a quarter-mile away. Add to this construction delays from roadway utility cuts and engine braking from dirt hauling along Emmett Road have transformed this area into a two year long construction zone. An additional project proposed over multiple years with the option for extensions would only degrade the area more.

Should the Commission decide to ignore the conflicts with the Comprehensive Plan as discussed earlier, the Commission should include in the development agreement conditions to mitigate nuisance to the surrounding community including hours of operation, noise mitigation, light pollution mitigation, and load securing requirements.

1. Hours of construction operation from 8:00 AM to 5:00 PM Monday through Friday;
2. To the extent possible avoid lighting that projects upwards by prohibiting streetlights or using shaded fixtures and incorporate this into the CC&Rs: we can still see the stars on clear nights and we would like to keep doing so.

3. Install noise barrier fencing on the north side of the property to shield construction and eventual residential noise from disturbing our community
4. Prohibit contractors from engine braking down Willis Street or Emmett Road when approaching the worksite
5. Ensure mud and construction debris are not left on arterial roads
6. Repeated violations of the above constitute a breach, triggering the same remedies of Article IV of the development agreement.

### **III. Summary**

In summary, the proposed project conflicts with the Comprehensive Plan and negatively impacts the surrounding community, adding to a continued cycle of unmitigated development. The staff report cherry-picks Comprehensive Plan goals in order to provide a route for approval while ignoring serious deficiencies and outright conflicts.

I have heard multiple times that we are experiencing “growing pains” within the community due to unrestricted growth. Pain is an indication of when something is injured. When there is an injury, there needs to be time to assess the problem, and allow adequate steps and time to fix it. Adding more of the same problem to an already overtaxed system is not the answer, rather it exacerbates the symptoms, increases conflict, and leads to a decreased quality of life. Before this projects continues, the preexisting issues must be addressed. I know this Commission has heard repeatedly the discontent with unmitigated development, and we are all paying the price for others to profit. I appreciate your time in hearing these concerns we all are dealing with.

Sincerely,

**Brian R. Sheets**



**CANYON COUNTY**  
**DEVELOPMENT SERVICES DEPARTMENT**  
111 North 11<sup>th</sup> Avenue, #140 • Caldwell, Idaho • 83605  
Phone (208) 454-7458 • Fax: (208) 454-6633  
[www.canyoncounty.org/dsd.aspx](http://www.canyoncounty.org/dsd.aspx)

Dear Property Owner:

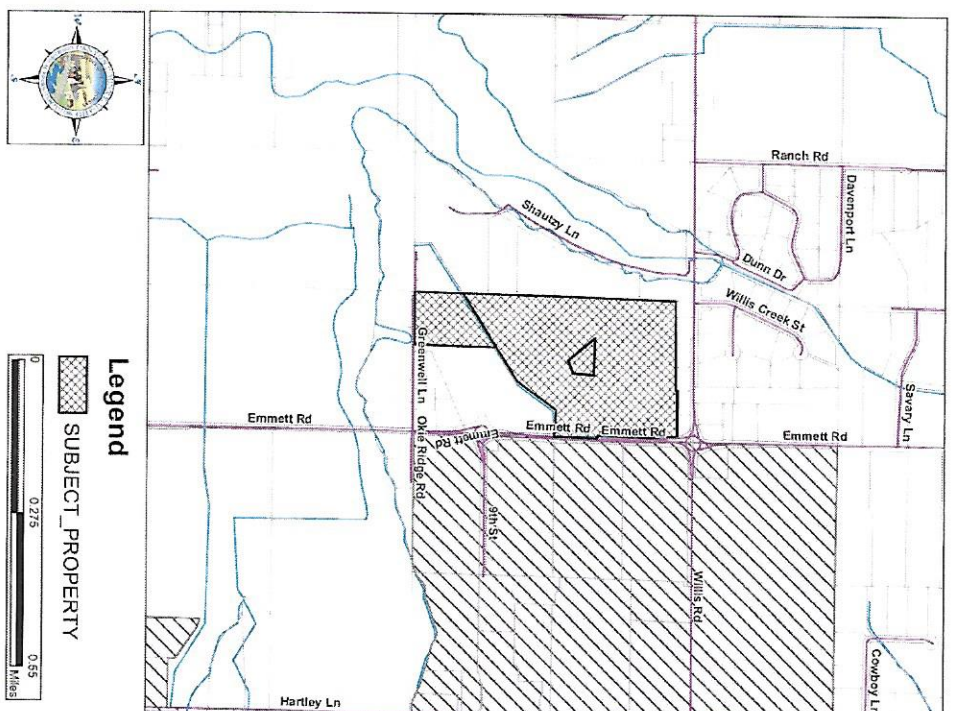
**NOTICE IS HEREBY GIVEN** that the Canyon County Planning & Zoning Commission is scheduled to hold a public hearing on July 18, 2019 beginning at 6:30 P.M. on the following Case No. **RZ2019-0011**.

The hearing will be held in the **Public Meeting Room** on the 1<sup>st</sup> floor of the Canyon County Administration Building, located at 111 North 11<sup>th</sup> Avenue, Caldwell, Idaho.

**Case No. RZ2019-0011:** Jessica Skinner, representing Ken and Cheyenne Mortensen, is requesting a rezone of Parcel R34445012A (1.27 acres), R34445012A1 (7.08 acres) and a 33.38 acre portion of R3445012A2 from an "A" (Agricultural) zone to "R1" (Single Family Residential, 1 acre average minimum lot size) zone. The properties are located at 23854 Emmett Road, Caldwell; a portion of the NE ¼ of Section 2, Township 4N, Range 3W, Canyon County, Idaho.

Your comments and concerns are important in evaluating this case and you are invited to provide oral testimony at the hearing. To have your comments included in the Commissioners packet, written testimony should be submitted to Development Services a minimum of 10 days prior to the hearing date. Packets are mailed to the Commissioners one week prior to the hearing date and they include the staff report with recommendation for approval or denial. All written testimony will be provided to the Commission for consideration.

Copies of all documents concerning public hearing items may be requested at the Canyon County Development Services Department, 1st Floor Canyon County Administration Building, 111 N 11<sup>th</sup> Avenue. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except holidays. If you have questions or would like additional information, please contact the Case Planner, Dan Lister at [dlister@canyonco.org](mailto:dlister@canyonco.org). In all correspondence concerning this case, please refer to the case number above.



Assistance is available for persons with disabilities. Please call the Development Services Department at 454-7458 at least five (5) days prior to the hearing so that arrangements can be made

# Crash near Middleton causes collision with forklift that kills 52-year-old Idaho man



Ian Max Stevenson, Idaho Statesman

Idaho

Published at 9:04 pm, March 10, 2022



MIDDLETON ([Idaho Statesman](#)) — A three-vehicle crash northwest of Middleton on Thursday afternoon killed a 52-year-old Caldwell man, according to the Idaho State Police.

At around 12:24 p.m. at Old Highway 30 and Willis Road, three vehicles were approaching an intersection when a juvenile driving westbound in a pickup truck on Willis Road failed to yield, according to an ISP press release, and collided with a tow truck traveling northbound.

A forklift loaded on the back of the tow truck came off, and a southbound SUV “collided with it,” the release said. The SUV’s driver died at the scene.

The juvenile driver of the pickup and a passenger were taken to a hospital, as was a passenger traveling in the SUV. Their conditions are not known. All vehicle occupants were wearing seat belts.

The crash remains under investigation, Idaho State Police said.

[SUBMIT A CORRECTION](#)

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May 18, 2022

City of Middleton, Idaho  
City Council Department / Mayor Steven Rule  
1103 West Main Street  
Middleton, Idaho 83644  
*Via e-mail:*

[srule@middletoncity.com](mailto:srule@middletoncity.com)  
[chuggins@middletoncity.com](mailto:chuggins@middletoncity.com)  
[rkiser@middletoncity.com](mailto:rkiser@middletoncity.com)  
[tomeara@middletoncity.com](mailto:tomeara@middletoncity.com)  
[dmurray@middletoncity.com](mailto:dmurray@middletoncity.com)

I offer this *Letter of Support* for applications provided by Infinite Real Estate for annexation/zone change, preliminary plat, and development agreement regarding the Pheasant Heights Subdivision (0 Emmett Road; Tax Parcel Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1). Importantly, I am a landowner immediately west of - - and adjacent to - - the target property and will share a common fence-line with this property and continue to raise cows and irrigate pasture long after this property is developed.

As a native Idahoan and 15-year resident of the City of Middleton (the Caldwell-kind; located west of Emmett Road), I share common local concerns tied to rapid population growth, associated school/infrastructure impacts, as well as increased traffic congestion on our small-town roadways. While some in the community would like to wrongly suggest that retaining this target development's R1 zoning (largely; see C1 below) would magically prevent the same "growth" concerns noted above (when surrounding properties east of Emmett Road are already being developed as R-3), I offer the following positive attributes in support of this development:

- Note that the easternmost parcel is currently zoned C1 (Service Commercial); a zone change to R3 will actually *reduce* "growth" concerns by minimizing the resulting traffic, noise, and congestion that would otherwise come with C1 development.
- Given that common growth concerns focus on already-taxed (read: existing) road and utilities infrastructure, the proposed request clearly identifies planned solutions that both mitigate and improve the future growth requirements as well as addressing current planning initiatives (development-provided road improvements [Annexation Plan]; westward-extension of City water and sewer [Middleton Comprehensive Plan]; higher density near schools [Middleton Comprehensive Plan]).
- As a parent of children that grew up in this community, the likelihood of these same children residing here in the future as homeowners (*given our lack of affordable housing, current poor economy, and even-poorer job market and associated wage structure*) is further reduced as 1-5 acre "designer" developments (X,000 square-foot *extravagance*) and mini-ranches continue to be the dominant trend; little hope for single-wage families in this community to ever fulfill the American dream of home-ownership when there are not smaller, "more affordable" houses available in greater supply.
- City (County, State) tax coffers fund growth and development; this is a pretty simple math exercise if we think about fees and tax revenues associated with the two potential options



(R1 resulting in ~ 25-40 lots [uncertain given C1 status of some land; let's assume 40]; R3 resulting in 147 lots [proposed]):

- City Transportation Impact Fee (\$5,050/permit current)
  - 40 building permits = 40 \* \$5,050 = **\$202,000** to future road/intersection improvements
  - 147 building permits = 147 \* \$5,050 = **\$742,350** to future road/intersection improvements
- Annual Property Taxation on a Per Unit (Improvements) Basis
  - 40 mini-ranches (and associated X,000 square-foot housing extravagance; "improvement value" per tax billing) with assumed mean "improvement value" tax assessment of "XXX,XXX" (something likely 2x/3x greater than "lesser-appealing" high[er]-density houses); assume 40 properties @ \$800,000 mean assessment = **\$32M total assessed value**
  - 147 high(er)-density homes (read: "more affordable" ... yet this is even difficult to say given the current real estate market) with assumed mean "improvement value" tax assessment of \$400,000 (likely low); assume 147 properties @ \$400,000 mean assessment = **\$58.8M total assessed value**

While additional positive impacts and contributions that could ultimately come from this rezone/annexation are notable (and/or arguable), it is important to focus on the key core findings of the **City's Planning Staff** (from Middleton P&Z "Snapshot Summary" developed for the April 11, 2022, P&Z Commission Hearing Date):

- *The property to the east is within City limits and zoned R-3 (Single-Family Residential)*
- *As required by MCC 5-4-11-2 the Applicant will bring both City water and sewer to and through the property ... the Developer will also build a regional lift station to service not only this project, but the entire region. The size and scope of the lift station will be determined by the City Public Works Director and City Engineer*
- *Planning Staff finds that Applicant's project meets all three of the annexation requirements. (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site (3) the annexation is orderly and economical because the parcel is adjacent to the City in an area of planned growth*
- *Developer is paying to extend City services and improve the roadways in and adjacent to the project*
- *Developer will also pay a proportionate share towards intersections and traffic improvements identified in the Traffic Impact Study*
- *Planning Staff finds that the zone change will not adversely affect the City's ability to deliver services and that the zone change is in harmony with the City's Comprehensive Plan*
- *Agreement w/Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site*
- **Additionally, Applicant's project complies with the Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan as follows:**
  - a. *Goal 1 Objective A: Be proactive, not reactive, in planning, preparing, budgeting, and delivering city services to properties now and reasonably expected in the future.*
  - b. *Goal 2: Preserve and protect private property rights as required by Idaho law.*

*c. Goals 3 and 23: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.*

*d. Goals 4 and 5: The project will establish a good quality of life based on health, safety and general welfare of residents with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.*

*e. Goal 6: The project will provide public facilities and services that work for the community's needs in the area of city impact by expanding water, sewer, and road systems in an orderly manner consistent with population growth in the City.*

In closing, I again note the same, shared local concerns with pending growth and change in our wonderful community ... yet fail to see the benefits of retaining this target property as a combined R1/C1 development when the developer has clearly addressed the Administrative (and State Code) requirements and has clearly tried to "do the right thing" with regards to eliminating and/or reducing both community and neighbor concerns. I am available to discuss this matter in greater detail at the e-mail address above.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff A. Heindel', with a long horizontal line extending to the right.

Jeff A. Heindel

## **EXHIBIT “G”**

P&Z Commission Findings of Facts, Conclusions of Law &  
Recommendation (FCR)

# Middleton Planning & Zoning Commission

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



**In the Matter of the Request of Infinite Real Estate for Annexation/Zone Change, Preliminary Plat and Development Agreement of Pheasant Heights Subdivision with respect to the 54.06 acres of vacant land located at 0 Emmett Road (Tax Parcels Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1)**

### **A. Findings of Fact:**

1. Hearing Facts: See Staff Report for the hearing date of April 11, 2022, which Report is attached hereto as Exhibit "1" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of April 11, 2022, Exhibit "1".
3. Application and Property Facts: See Staff Report for the hearing date of April 11, 2022, Exhibit "1".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, and Title 50, Chapters 2 & 13; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4: See Staff Report for the hearing date of April 11, 2022, Exhibit "1".

### **B. Conclusions of Law:**

1. That the City of Middleton exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-222, 50-1301 through 50-1329.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
7. That this recommendation is subject to the Conditions of Approval set forth in the

attached Staff Report for the hearing date of April 11, 2022, Exhibit "1".

**C. Decision and Recommendation:**


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

1. City Council deny approval of the application of Infinite Real Estate for Annexation and Zone Change.
2. City Council deny approval of the application of Infinite Real Estate for Development Agreement.
3. City Council deny approval of the application of Infinite Real Estate for Preliminary Plat.

**D. Modifications Presently Necessary to Gain Approval**

Applicant may be able to gain approval of the applications if they were to keep the zoning R-1 instead of changing to R-3.

WRITTEN RECOMMENDATION APPROVED ON: May 9<sup>TH</sup>, 2022.

  
Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

  
Jennica Reynolds  
Planning and Zoning Department

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





**ORDINANCE NO. 671**

**(Pheasant Heights Subdivision Annexation & Rezone – Parcel Nos.  
R34445012A2, R34445012A0, R34445012B0 and 34445012A1)**

**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 R-3 (SINGLE FAMILY 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, following the public notice and hearing procedures set forth in the Local Land Use Planning Act (Idaho Code, Title 67, Chapter 65) and Middleton City Code Title 1, Chapter 14, approved the Annexation and Rezone of the Pheasant Heights Subdivision (Parcel Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1) at a public hearing held on October 19, 2022.

**Section 2.** The following described property, commonly known as 13236 Greenwell Lane and 0 Emmett Road (Tax Parcel Nos. R34445012A2, R34445012A0, R34445012B0 and 34445012A1), comprising approximately 54 acres, more or less, is contiguous to the City of Middleton, Idaho; the annexation enables the orderly development of the City; and the applicant has requested that the property described in Exhibit “A” should be annexed into the City of Middleton and zoned R-3 (Single Family Residential):

**See legal description attached hereto as Exhibit “A”  
and made a part hereof by this reference.**

**Section 3.** That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned R-3 (Single Family Residential).

**Section 4.** That the City Engineer and the Planning & Zoning Official 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 R-3.

**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 \_\_\_\_ day  
of \_\_\_\_\_, 2022.

**APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO,** this \_\_\_\_  
day of \_\_\_\_\_, 2022.

Attest:

\_\_\_\_\_  
Steven J. Rule  
Mayor, City of Middleton

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

## **EXHIBIT A**

### **Legal Description of Annexed Property**



Date: 10 January 2022  
Client: Kimley-Horn  
Job No.: 13221

EXHIBIT "A"

ANNEXATION BOUNDARY  
PROPERTY DESCRIPTION

A parcel of land being a portion of the East one-half of the Northeast one-quarter of Section 02, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the Southeast corner of Government Lot 1 on the East line of said East one-half of said Northeast one-quarter of said Section 02, said Southeast corner being a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 14216" from whence the East one-quarter corner of said Section 02 bears South 01° 53' 40" West a distance of 1322.18 feet;

THENCE South 89° 34' 44" West along the South line of said Government Lot 1 a distance of 244.37 feet to a tangent point of curvature;

THENCE leaving said South line a distance of 36.98 feet along the arc of a curve to the left having a radius of 39.25 feet, a central angle of 53° 59' 21", and a long chord which bears South 62° 35' 03" West a distance of 35.63 feet;

THENCE tangent to said curve South 35° 35' 23" West a distance of 407.19 feet;

THENCE South 58° 11' 32" West a distance of 385.33 feet;

THENCE South 01° 35' 06" West a distance of 771.60 feet to the South line of said East one-half;

THENCE South 89° 50' 28" West along said South line a distance of 504.14 feet to the Southwest corner of said East one-half (the East 1/16<sup>th</sup> corner);

THENCE leaving said South line North 01° 35' 41" East along the West line of said East one-half of said Northeast one-quarter of said Section 02 a distance of 454.82 feet to point, said point being South 01° 33' 57" West a distance of 27.85 feet from a found 5/8 inch diameter iron pin with plastic cap inscribed "PLS 8960";

THENCE continuing along said West line North 01° 33' 57" East a distance of 861.03 feet to the Southwest corner of said Government Lot 1, said Southwest corner being a found bronze cap inscribed "GLO 1936";

THENCE continuing along said West line North 01° 53' 00" East a distance of 1151.94 feet to the Southwest corner of that certain tract of land conveyed by Kenneth H. Mortensen and Cheyenne C. Mortensen, husband and wife, per Deed Instrument 2011016366, records of Canyon County;

THENCE leaving said West line North 89° 55' 39" East along the South line of said Mortensen tract a distance of 150.00 feet to the Southwest corner of that certain tract of land conveyed to the Dan and Sherie Crossley Trust per Deed Instrument 2011016365, records of Canyon County;

THENCE North 89° 54' 55" East along the South line of said Crossley Trust tract a distance of 259.85 feet;

THENCE leaving said South line of said Crossley Trust tract North 89° 55' 39" East a distance of 669.98 feet;

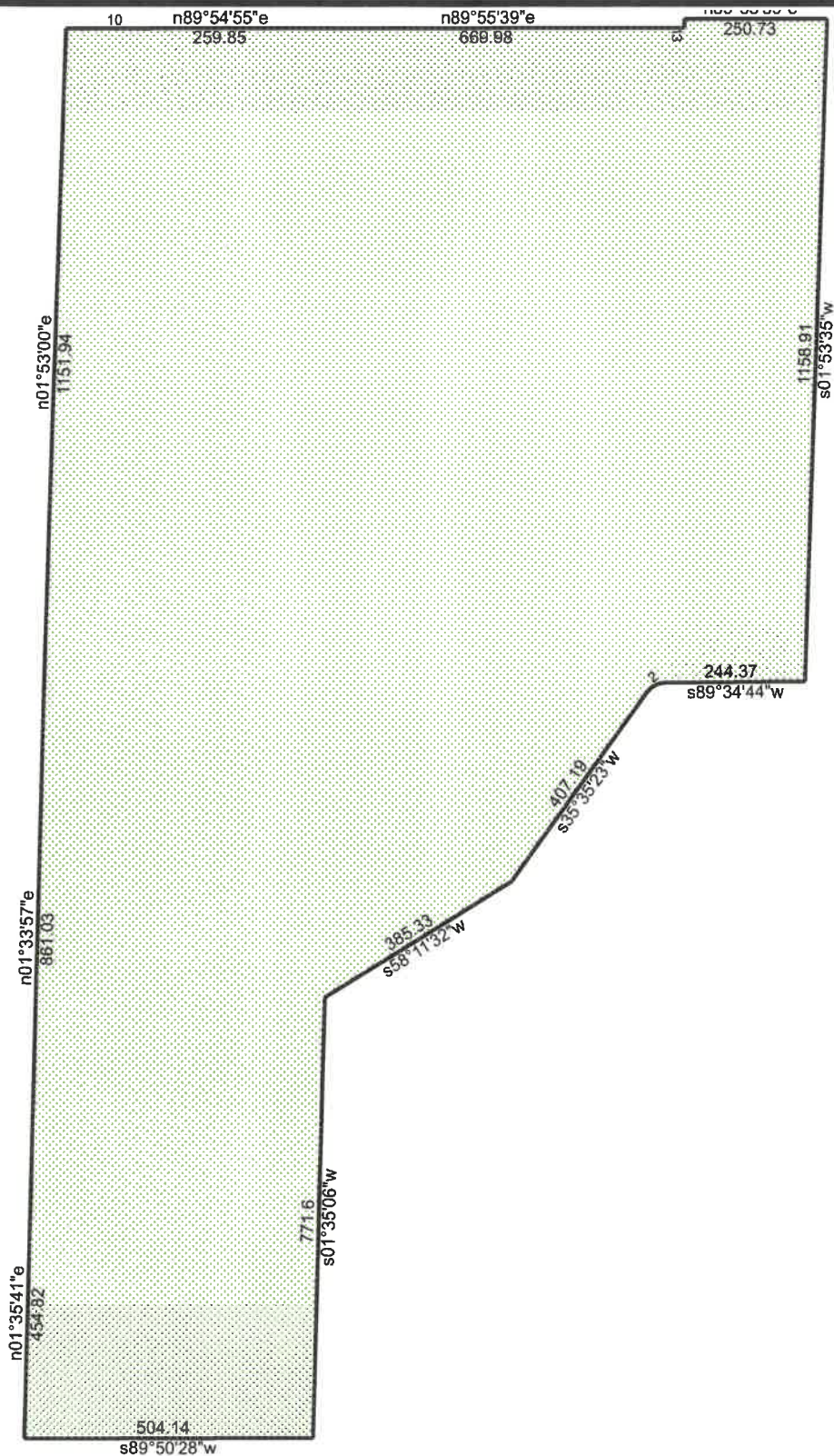
THENCE North 01° 37' 21" West a distance of 15.01 feet;

THENCE North 89° 55' 39" East a distance of 250.73 feet to the East line of said Government Lot 1;

THENCE South 01° 53' 35" West along said East line of said Government Lot 1 a distance of 1158.91 feet to the POINT OF BEGINNING.

Containing 54.58 acres, more or less.





13221 City Annex

1/10/2022

Scale: 1 inch= 305 feet

File:

Tract 1: 54.5840 Acres, Closure: s73.2140e 0.02 ft. (1/420288), Perimeter=7322 ft.

01 s89.3444w 244.37  
02 Lt, r=39.25, delta=053.5921, chord=s62.3503w 35.63  
03 s35.3523w 407.19  
04 s58.1132w 385.33  
05 s01.3506w 771.6  
06 s89.5028w 504.14  
07 n01.3541e 454.82  
08 n01.3357e 861.03  
09 n01.5300e 1151.94  
10 n89.5539e 150

11 n89.5455e 259.85  
12 n89.5539e 669.98  
13 n01.3721w 15.01  
14 n89.5539e 250.73  
15 s01.5335w 1158.91





NOTICE IS HEREBY GIVEN that the Middleton City Council is scheduled to hold a public hearing at 5:30 p.m. Wednesday, October 19, 2022 at City Hall, 1103 W Main Street, Middleton Idaho to receive public comments and consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning October 20, 2022. The fee increases or new fees are necessary to cover increased costs associated with these programs/services.

|   | <i>Current Fee</i> | <i>PROPOSED<br/>FEE</i>      |
|---|--------------------|------------------------------|
| <b>SUBDIVISION</b>  |                    |                              |
| <b><u>Additional Construction Walk Through<br/>Reinspection</u></b> |                    | <b><u>\$300 per trip</u></b> |

Publish October 4 and October 11, 2022

---

Please send Affidavit of Publication to:

Jennica Reynolds, Deputy Clerk  
City of Middleton  
P.O. Box 487  
Middleton, ID 83644

Thank You.



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JENNICA REYNOLDS  
1 MIDDLETON, CITY OF  
P.O. BOX 487  
MIDDLETON, ID 83644

| AD #   | DESCRIPTION          | START    | STOP     | TIMES | AMOUNT  |
|--------|----------------------|----------|----------|-------|---------|
| 288880 | PH 10/19 - WALK THRO | 10/04/22 | 10/11/22 | 2     | \$65.08 |

### Payments:

|      |        |           |               |       |        |
|------|--------|-----------|---------------|-------|--------|
| Date | Method | Card Type | Last 4 Digits | Check | Amount |
|------|--------|-----------|---------------|-------|--------|

Discount: **\$0.00**  
Surcharge: **\$0.00**  
Credits: **\$0.00**

Gross: **\$65.08**  
Paid Amount: **\$0.00**

Amount Due: **\$65.08**

*We Appreciate Your Business!*

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the Middleton City Council is scheduled to hold a public hearing at **5:30 p.m. Wednesday, October 19, 2022** at City Hall, 1103 W Main Street, Middleton Idaho to receive public comments and consider approving the following addition of fees to the Approved City of Middleton Fee Schedule beginning October 20, 2022. The fee increases or new fees are necessary to cover increased costs associated with these programs/services.

| <u>SUBDIVISION</u>                                   | <u>Current<br/>Fee</u> | <u>Proposed<br/>Fee</u> |
|--|------------------------|-------------------------|
| Additional Construction Walk<br>Through Reinspection |                        | \$300 per trip          |
| October 4, 11, 2022                                  |                        | 288880                  |