



AGENDA
City Council Meeting
City of Middleton, Idaho

Date: Wednesday December 7, 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 Agenda

Information Item:

Action Items:

1. Consent Agenda (items of routine administrative business) (**Action Items**)
 - a. Consider approving minutes for City Council November 30, 2022, Special meeting.
 - b. Consider ratifying payroll for December 2, 2022, in the amount of \$ 107,345.44.
 - c. Consider approving accounts payable through November 10, 2022, in the amount of \$377,793.73.
 - d. Consider approving the Findings of Facts, Conclusions of Law & Order for the Waterford East Subdivision project.
2. Consider approving 2023 City Council and Planning and Zoning Commission Regular Scheduled Meeting year schedule.
3. Consider approving Final Plat for Bridger Creek Subdivision and request for waiver to allow bonding for roadway construction. – Ms. Stewart
4. **Public Hearing:** An application by IAG Hidden Mill LLC (successor in interest to IAG LLC) and Bob Unger, Unger Enterprises, LLC for preliminary plat with respect to the Hidden Mill Subdivision (Tax Parcel No. 33891010). The proposed preliminary plat consists of 20 residential lots, 2 common lots, and 2 private lane lots on approximately 6.5 acres of vacant land zoned City R-3 (Single-Family Residential). – Ms. Stewart
5. **Public Hearing: (Continued from 11-16-2022):** Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (tax parcel no., R38207). The annexation involves 40.28 acres of vacant land currently zoned County "Agricultural." Applicants are requesting a rezone to R-3 (single family residential). The preliminary plat includes 105 single family home lots and 17 common lots. – Ms. Stewart
6. **Public Hearing:** Application by City of Middleton for amendment and revision to the following Middleton City Code sections: (a) MCC 1-3-1; (b) 1-14-1 (c) 4-5-7; (d) MCC 4-5-11; (e) MCC 5-4-1, Table 1; (f) MCC 5-4-4; (g) 5-4-7; (h) 5-4-10-2; (i) 5-4-10-6; and (j) 5-4-10-7. – Ms. Stewart

Public Comments, Mayor and Council Comments:

Adjourn:

Posted by:


Amber Day, Deputy Clerk

Date: December 2, 2022, 3:00 p.m.

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

**MIDDLETON CITY COUNCIL – SPECIAL MEETING
DECEMBER 2, 2022**

The Middleton City Council Meeting was called to order on November 30, 2022, at 5:32 p.m. by Mayor Steve Rule.

Roll Call:

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

Mayor Rule, City Attorney Douglas Waterman, City Administrator Ms. Crofts, Public Works Director Mr. Van Gilder and Deputy Clerks Ms. Reynolds and Ms. Day were present.

Action Items

A. Approve Agenda

Motion: Motion by Council President Kiser to approve the Agenda as posted on November 23, 2022, at 3:45 p.m. Motion seconded by Council Member O'Meara and approved unanimously by all the board members.

1. **Consent Agenda (items of routine administrative business) (Action Items)**
 - a. **Consider approving minutes for City Council November 16, 2022, Regular meeting.**
 - b. **Consider ratifying payroll for November 10, 2022, in the amount of \$150,249.61**
 - c. **Consider approving accounts payable through November 18, 2022, in the amount of \$227,983.04.**

Mayor Rule called items and Council President Kiser stated he had reviewed the accounts payable. No questions by Council.

Motion: Motioned by Council President Kiser to approve Consent Agenda Items 1 a-c. Motion seconded by Council Member O'Meara and approved unanimously.

2. **Public Hearing: Consider for adoption the Urban Renewal Plan for the Middleton East District Urban Renewal Project (the "Plan") of the Urban Renewal Agency of the City of Middleton, Idaho, also known as the Middleton Urban Renewal Agency (the "Agency").**

Mayor Rule opened public hearing at 5:34 p.m.

Mayor Rule called item and Ms. Conrad from Elam & Burke presented power point of Urban Renewal Plan for the Middleton East District Urban Renewal Project (the "plan").

Mayor Rules opened for public comment at 6:06 p.m.

Mike M asked about establishing boundaries for city growth and a short description of what Urban Renewal is.

Ms. Crofts give a brief explanation of how the base rate works and that is will help attract

new business to Middleton and it will help offset other costs.

Council Present Kiser advised that Urban Renewal board is separate from the city and the city has no control over the funding from Urban Renewal.

Tony B asked what the downside would be for Urban Renewal.

Ms. Conrad advised that there have been some changes in Idaho State Statute within the last 10 years regarding levies and tort levies and the increment value school districts can receive. Urban Renewal has very little impact on that.

Mayor Rule closed public comment at 6:14 p.m.

Discussion by Council.

Motion: Motioned by Council President Kiser to approve the adoption the Urban Renewal Plan for the Middleton East District Urban Renewal Project (the “Plan”) of the Urban Renewal Agency of the City of Middleton, Idaho, also known as the Middleton Urban Renewal Agency (the “Agency”). Motion seconded by Council Member Huggins.

Roll Call: Kiser – Yes, Huggins – Yes, Murray – Yes, O’Meara – Yes. Approved unanimously.

3. **Consider adopting ORDINANCE NO. 672: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE MIDDLETON EAST DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY, CODIFICATION, AND PUBLICATION BY SUMMARY; APPROVING THE SUMMARY OF THE ORDINANCE; PROVIDING FOR WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE**

Motion: Motioned by Council President Kiser to approve ORDINANCE NO. 672: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE MIDDLETON EAST DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY, CODIFICATION, AND PUBLICATION BY SUMMARY; APPROVING THE SUMMARY OF THE ORDINANCE; PROVIDING FOR WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins.

Roll Call: Kiser – Yes, Huggins – Yes, Murray – Yes, O’Meara – Yes. Approved unanimous.

-
4. Consider approving RESOLUTION NO. 478-22: A RESOLUTION BY THE MAYOR AND THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN CANYON COUNTY, IDAHO, AND THE CITY OF MIDDLETON, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL/REVENUE ALLOCATION AREA; AND PROVIDING AN EFFECTIVE DATE.

Motion: Motioned by Council President Kiser to approve RESOLUTION NO. 478-22: A RESOLUTION BY THE MAYOR AND THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN CANYON COUNTY, IDAHO, AND THE CITY OF MIDDLETON, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL/REVENUE ALLOCATION AREA; AND PROVIDING AN EFFECTIVE DATE. Motion seconded by Council Member Huggins.

Roll Call: Kiser – Yes, Huggins – Yes, Murray – Yes, O'Meara – Yes. Approved unanimous.

Mayor Rule closed Public Hearing at 6:40 p.m.

Mayor and Council Comments

No Comment

Adjourn: Mayor adjourned the Special Meeting at 6:44 p.m.

ATTEST:

Mayor Steve Rule

Amber Day, Deputy Clerk
Minutes Approved: December 2, 2022

EXHIBIT “1”



Middleton East Urban Renewal District

City Council
November 30, 2022

Jason Van Gilder, P.E.
Public Works Director

Becky Crofts
City Administrator

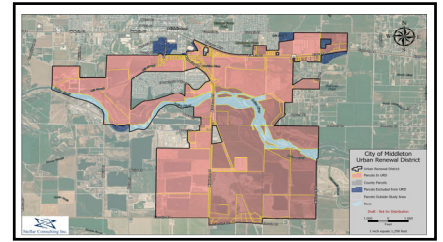
Meghan Sullivan Conrad, Abbiy
Germaine
Elton & Burke, P.A.



1

Consideration of the Urban Renewal
Plan for the Middleton East District
Urban Renewal Project Approval
Ordinance

2



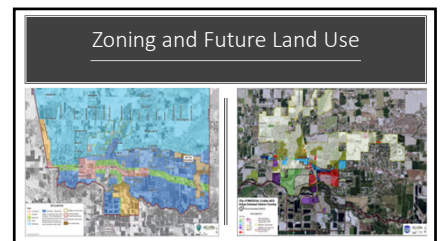
3

- March 21, 2022 – Agency Board adopted Resolution No. 02-22 approving the Eighty-four (84)th and 85th for the Industries (other than) Agency, generally to receive the County Board of County Commission and the City Council for the County Board of County Commission and the City Council for the County Board of County Commission.
- June 2, 2022 – Agency Board and the BOCC, concerning the 12 proposed new other mineral rights, and the BOCC, concerning the 12 proposed new other mineral rights.
- September 21, 2022 – Agency Board of County Commission adopted Resolution No. 14-22 concerning the proposed of a plan.
- July 6, 2022 – County Board of County Commission No. 47-22, adopting the Report and directs Agency 11 concerning the proposed of a plan.
- September 21, 2022 – Agency Board of County Commission to Review BSA
- September 21, 2022 – County Council, C&C, P&C and Agency Board of County Commission
- October 2, 2022 – Board of County Commission, concerning the Workshop on about BSA Plan and Project
- October 2, 2022 – Agency Board of County Commission No. 02-22 approving the Urban Planning and Zoning Commission, concerning the Workshop on about BSA Plan and Project
- October 2, 2022 – City Planning and Zoning Commission meeting to find the proposed to conform the City Commission Resolution No. 02-22
- October 2, 2022 – City Planning and Zoning Commission meeting to find the proposed to conform the City Commission Resolution No. 02-22
- November 1, 2022 – Agency Board of County Commission, concerning the Urban Planning and Zoning Commission, concerning the Workshop on about BSA Plan and Project
- November 1, 2022 – Agency Board of County Commission, concerning the Urban Planning and Zoning Commission, concerning the Workshop on about BSA Plan and Project
- November 1, 2022 – Second notice of public hearing published in the dates Press
- November 1, 2022 – Third notice of public hearing published in the dates Press

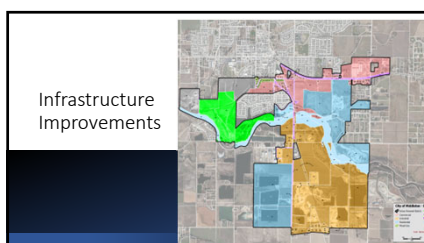
4

- MARA Code § 10(2) identifies what information the Plan must include with specificity as follows:
 - (1) A statement describing the total assumed valuation of the loan assumption bill of the borrower and the total assumed amount of liability payable within the Assumption Period;
 - Section 890
 - (2) A statement listing the kind, number, and location of all proposed public works or improvements within the Assumption Period;
 - Section 890 and Attachment 1
 - (3) An economic feasibility study;
 - Attachment 5
 - (4) A detailed list of estimated project impacts;
 - Attachment 6
 - (5) A financial impact statement showing the project's revenue allocation issue, both at the time of the project and during the Assumption Period, and how such property in the revenue allocation issue;
 - Section 890 and Attachment 7
 - (6) A description of the methods of financing of estimated project costs and the time when such costs or revenues anticipate are to be paid;
 - Section 890, §§ 89B, 90C, 91D, and 92A and Attachment 8
 - (7) Information about the way in which the revenue allocation issue was analyzed in the project;
 - Section 890 and Attachment 9
 - (8) The agency's own estimate of revenues to be collected by the end of the first year of the Assumption Period;
 - Section 890
 - (9) A description of the anticipated or retention of any of the Agency upon the completion of the project;
 - Section 890
- The Agency shall ensure that the Plan includes the following information and documents or arrangements from each such item so long as the Agency that has incurred them does retain additional funds to operate and manage such items:
 - Section 890

5




6



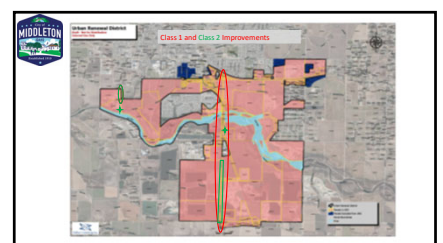
7

Infrastructure Improvements Prioritization



- [Click to View Projects](#)
 - [Municipal Road Corridor](#)
 - [Click to View Projects](#) - Funded under Revenue Projections
 - Water Utility Long-Term/Benefit Backlog Review
 - Wastewater Water Treatment Equipment and Installation Program
 - High Pressure Natural Gas Extension
 - [Click to View Projects](#) - Utility to be within Revenue Projections
 - River Walk Park Initial Development
 - [Click to View Projects](#) - Possible if revenue exceeds expectations.
 - Fredericksburg & Coon Creek Area
 - Riverwalk Park Expansion
 - [Click to View Projects](#) - Initially to be Funded
 - City Streets
 - River Water Bridge
 - Duff Intersection
 - Wastewater Water Distribution Piping Expansion
 - Various Utility Improvements
 - River Walk Park - Final Expansion
 - [Click to View Projects](#)
 - Regional Power Grid Upgrade
 - Water Service Interconnection
 - Water, Sewer, Roads, and Trails within Project Development Areas
 - Madison Water Treatment

8



9



2) Adopting the Urban Renewal Plan for Middleton East District Urban Renewal Project (the "plan") of the Urban Renewal Agency of the City of Middleton, Idaho

November 30, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Mike McNamee						
2	Tony Bestman						
3							
4							
5							
6							
7							
8							
9							



Public Comment Sign In

City Council - November 30, 2022

	Name	Address	Phone or Email	Topic/Agenda Item #
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				



Middleton City Council

Findings of Facts, Conclusions of Law, and Decision & Order

In the Matter of the Application of Patrick Connor/Hubble Homes for preliminary plat and Development Agreement Termination with respect to the Waterford East Subdivision located at 0 Foothills Road (Tax Parcel Nos. R338540 & R33854011):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of November 16, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of November 16, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of November 16, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statue Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of November 16, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has 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 City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes 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 Code Secs., 67-6503, 67-6513, 67-6511, and 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 order is subject to the Conditions of Approval set forth in the attached Staff

Report for the hearing date of November 16, 2022, Exhibit "A".

C. Decision and Order:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the above Findings of Facts and Conclusions of Law, it is hereby **decided and ordered:**

1. That the application of Patrick Connor/Hubble Homes for Preliminary Plat with respect to the Waterford East Subdivision is approved subject to the conditions of approval set forth in the Staff Report for the November 16, 2022, public hearing.
2. That the application of Patrick Connor/Hubble Homes for Development Agreement Termination with respect to the Waterford East Subdivision is approved subject to the conditions of approval set forth in the Staff Report for the November 16, 2022, public hearing.

WRITTEN ORDER APPROVED ON: December ____, 2022.

Steven J. Rule
Mayor, City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Official

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.

Finally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).



CITY OF MIDDLETON

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

City Council and the Planning and Zoning Commission

Regularly Scheduled Meetings in 2023

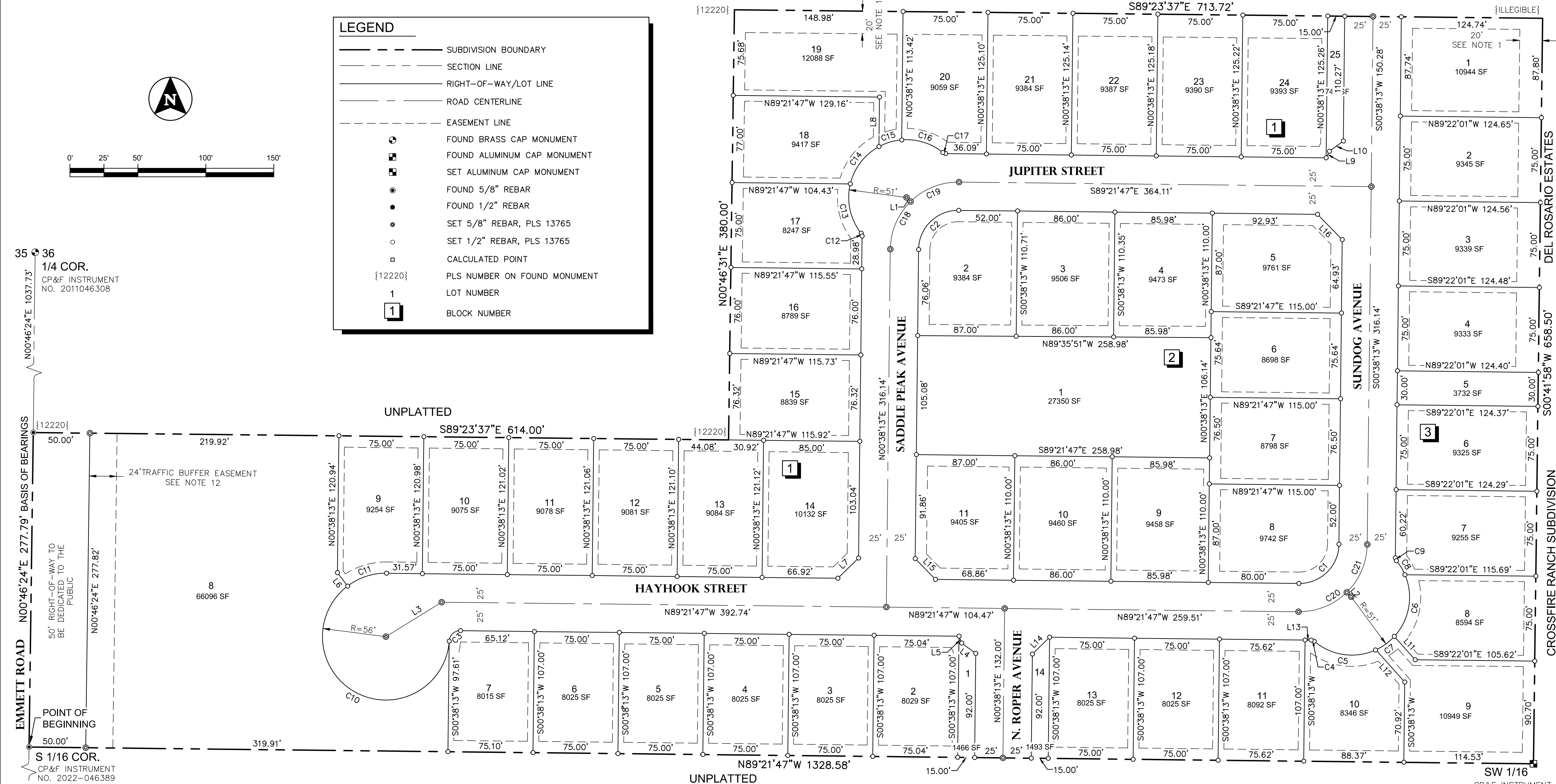
All meetings are at 1103 W Main Street, Middleton, Idaho unless otherwise advised.
Please contact the City Clerk to arrange for language or access assistance.

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

2023		
Months	City Council	Planning & Zoning
January	4 th , 18 th	9 th
February	1 st , 15 th	13 th
March	1 st , 15 th	13 th
April	5 th , 19 th	10 th
May	3 rd , 17 th	8 th
June	7 th , 21 st	12 th
July	5 th , 19 th	10 th
August	2 nd , 16 th	14 th
September	6 th , 20 th	11 th
October	4 th , 18 th	16 th (3 RD Monday)
November	1 st , 15 th	13 th
December	6 th , 20 th	11 th

BRIDGER CREEK SUBDIVISION

LOCATED IN THE NW 1/4 OF THE SW 1/4 OF SECTION 36
TOWNSHIP 5 NORTH, RANGE 3 WEST, BOISE MERIDIAN,
CITY OF MIDDLETON, CANYON COUNTY, IDAHO
2022



SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS PLAT IS TO SUBDIVIDE THE EXISTING PARCEL AS SHOWN INTO SINGLE FAMILY RESIDENTIAL LOTS. BOUNDARY DETERMINATION WAS BASED ON THE FOUND MONUMENTS SHOWN IN THE SW1/4 OF SECTION 36 AND FIT WELL WITH EXISTING SURVEYS OF RECORD. THE NORTH BOUNDARY WAS HELD FROM FOUND MONUMENTS AS SHOWN ON RECORD OF SURVEY-BOUNDARY LINE ADJUSTMENT, INSTRUMENT NO. 2020-048486, THE EAST BOUNDARY WAS HELD PER FOUND MONUMENTS AS SHOWN AND THE WEST BOUNDARY OF DEL ROSARIO ESTATES SUBDIVISION AND CROSSFIRE RANCH SUBDIVISION. THE SOUTH AND WEST BOUNDARIES ARE BASED ON THE PLSS TIES OF THE NW1/4 OF THE SW1/4 AS SHOWN.

REFERENCES:
DEED INSTRUMENT NO. 2021-043340
DEED INSTRUMENT NO. 2020-051410
RECORD OF SURVEY INSTRUMENT NO. 2020-048486
RECORD OF SURVEY INSTRUMENT NO. 2019-047191
RECORD OF SURVEY INSTRUMENT NO. 2018-021997
RECORD OF SURVEY INSTRUMENT NO. 200428075
DEL ROSARIO ESTATES SUBDIVISION
CROSSFIRE RANCH SUBDIVISION

PROFESSIONAL LAND SURVEYOR
LICENSED
13765
STATE OF IDAHO
ROB O'MALLEY
11-21-22

T-O ENGINEERS
332 N. BROADMORE WAY
NAMPA, IDAHO 83687-5123
PHONE: (208) 442-6300 WWW.TO-ENGINEERS.COM
SHEET NO. 1 OF 4

BOOK _____ , PAGE _____


BRIDGER CREEK SUBDIVISION

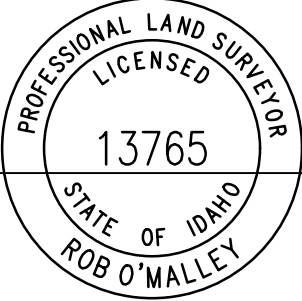
LINE TABLE		
LINE	BEARING	DISTANCE
L1	N44°35'30"W	5.12'
L2	S44°21'25"E	6.21'
L3	N58°13'32"E	57.84'
L4	S53°52'36"E	15.38'
L5	S21°33'31"E	6.56'
L6	N37°09'41"W	14.87'
L7	S45°38'13"W	25.57'
L8	N00°38'13"E	43.86'
L9	S26°13'27"W	6.47'
L10	S53°44'15"W	15.26'
L11	S41°48'28"E	27.71'
L12	S41°48'28"E	38.21'
L13	S89°21'47"E	5.40'
L14	N45°38'13"E	21.21'
L15	N44°21'47"W	25.66'
L16	S44°21'47"E	31.21'

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	BEARING	CHORD
C1	35.00'	54.98'	90°00'00"	N45°38'13"E	49.50'
C2	35.00'	54.98'	90°00'01"	S45°38'13"W	49.50'
C3	10.00'	15.10'	86°31'31"	S47°22'27"W	13.71'
C4	4.00'	2.79'	39°55'55"	N69°23'50"W	2.73'
C5	51.00'	58.16'	65°20'35"	S82°06'10"E	55.06'
C6	51.00'	58.38'	65°35'03"	N9°42'20"E	55.24'
C7	51.00'	20.23'	22°43'41"	N53°51'42"E	20.10'
C8	51.00'	14.42'	16°12'05"	N31°11'14"W	14.37'
C9	4.00'	2.79'	39°55'30"	S19°19'32"E	2.73'
C10	56.00'	223.55'	228°43'38"	S61°31'30"E	102.03'
C11	56.00'	36.94'	37°47'54"	S71°44'16"W	36.28'
C12	4.00'	2.72'	38°57'41"	N18°50'37"W	2.67'
C13	51.00'	46.21'	51°54'54"	S12°22'01"E	44.65'
C14	51.00'	42.69'	47°57'53"	S37°34'23"W	41.46'
C15	51.00'	21.09'	23°41'37"	S73°24'08"W	20.94'
C16	51.00'	38.93'	43°44'10"	N72°52'58"W	37.99'
C17	4.00'	2.68'	38°20'54"	S70°11'20"E	2.63'
C18	60.00'	46.88'	44°46'17"	S23°01'21"W	45.70'
C19	60.00'	47.36'	45°13'43"	S68°01'21"W	46.14'
C20	60.00'	47.12'	44°59'38"	N68°08'24"E	45.92'
C21	60.00'	47.13'	45°00'22"	N23°08'24"E	45.93'

NOTES

1. UNLESS OTHERWISE SHOWN, ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY HAVE TEN FOOT (10') WIDE PERMANENT PUBLIC UTILITIES EASEMENT. ALL REAR LOT LINES HAVE A TEN FOOT (10') WIDE PRESSURE IRRIGATION EASEMENT. ALL INTERIOR LOT LINES HAVE A TEN FOOT (10') WIDE PRIVATE DRAINAGE EASEMENT CENTERED ON THE LOT LINE FOR THE PURPOSE OF STORING AND TRANSPORTING PROPERTY DRAINAGE.
2. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
3. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON APPLICABLE ZONING AND SUBDIVISION REGULATIONS AT THE TIME OF ISSUANCE OF INDIVIDUAL BUILDING PERMITS.
4. IRRIGATION WATER HAS BEEN PROVIDED BY BLACK CANYON IRRIGATION DISTRICT IN COMPLIANCE WITH IDAHO CODE 31-3805(b). LOTS WITHIN BRIDGER CREEK SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS AND WILL BE OBLIGATED FOR ASSESSMENTS FROM BLACK CANYON IRRIGATION DISTRICT.
5. THE HOMEOWNER’S ASSOCIATION (HOA), OWNS AND MANAGES THE COMMON AREAS WHICH INCLUDES STORMWATER FACILITIES. A PLAN FOR OPERATION, MAINTENANCE AND REPAIR OF STORMWATER FACILITIES (O&M PLAN) HAS BEEN PREPARED FOR ALL STORMWATER FACILITIES MAINTAINED BY THE HOA. THE O&M PLAN SHALL BE RECORDED WITH THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&Rs). THE O&M PLANS SHALL BE USED FOR MAINTENANCE AND OPERATION OF THE STORMWATER FACILITIES.
6. MAINTENANCE OF ANY IRRIGATION OR DRAINAGE PIPE OR DITCH CROSSING A LOT IS THE RESPONSIBILITY OF THE LOT OWNER UNLESS SUCH RESPONSIBILITY IS ASSUMED BY AN IRRIGATION/DRAINAGE DISTRICT OR THE HOMEOWNERS’ ASSOCIATION.
7. LOT 1 AND LOT 25 BLOCK 1, LOT 5 AND LOT 14 BLOCK 3, ARE COMMON LOTS WITH A BLANKET PROPERTY DRAINAGE AND IRRIGATION EASEMENT, TO BE OWNED AND MAINTAINED BY THE BRIDGER CREEK SUBDIVISION HOMEOWNERS’ ASSOCIATION.
8. DIRECT LOT ACCESS TO EMMETT ROAD IS PROHIBITED, EXCEPT BY AUTHORIZED EMERGENCY VEHICLES.
9. NO ADDITIONAL DOMESTIC WATER SUPPLIES SHALL BE INSTALLED BEYOND THE WATER SYSTEM APPROVED IN SANITARY RESTRICTION RELEASE.
10. REFERENCE IS MADE TO PUBLIC HEALTH LETTER ON FILE REGARDING ADDITIONAL RESTRICTIONS.
11. THIS DEVELOPMENT IS SUBJECT TO THE COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R’S) THAT PERTAIN TO THIS DEVELOPMENT, TO BE FILED AND RECORDED IN THE OFFICE OF THE RECORDER, CANYON COUNTY.
12. THIS PLAT IS SUBJECT TO A TWENTY FOUR (24) FOOT WIDE TRAFFIC BUFFER EASEMENT ADJACENT TO EMMETT ROAD AS SHOWN HEREON.
13. LOT 8 BLOCK 1 AND LOT 1 BLOCK 2 ARE COMMON LOTS TO BE OWNED AND MAINTAINED BY THE BRIDGER CREEK SUBDIVISION HOMEOWNERS’ ASSOCIATION. SAID LOTS ARE SUBJECT TO A CIT OF MIDDLETON ACCESS, STORMWATER AND UTILITY EASEMENT FOR THE PURPOSE OF LOCATION, CONSTRUCTION, MAINTENANCE, REPLACEMENT, OR REPAIR OF CITY FACILITIES.
14. NO STRUCTURES SHALL BE CONSTRUCTED OR INSTALLED IN AN EASEMENT. ANY FENCES, LANDSCAPING OR ANY OTHER STRUCTURES INSTALLED IN AND EASEMENT AREA MAY BE REMOVED BY THE CITY OF MIDDLETON AND UTILITY COMPANIES AND REPLACED AT THE OWNER’S EXPENSE.
15. DEVELOPMENT OF THE BRIDGER CREEK SUBDIVISION IS SUBJECT TO THE TERMS AND CONDITIONS SET FORTH IN THE DEVELOPMENT AGREEMENT, RECORDED IN THE OFFICES OF THE CANYON COUNTY RECORDER AS INSTRUMENT NO. 2021-076500.


ROB O'MALLEY
IDAHO NO. 13765


11-21-22

BRIDGER CREEK SUBDIVISION

CERTIFICATE OF OWNERS

KNOW ALL MEN BY THESE PRESENTS, THAT THE UNDERSIGNED ARE THE OWNERS OF THE PROPERTY
HEREINAFTER DESCRIBED.

A PARCEL OF LAND LOCATED IN THE NW1/4 OF THE SW1/4 OF SECTION 36, TOWNSHIP 5 NORTH, RANGE
3 WEST OF THE BOISE MERIDIAN, CITY OF MIDDLETON, CANYON COUNTY, IDAHO MORE PARTICULARLY
DESCRIBED AS FOLLOWS:

COMMENCING AT AN ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF SAID SECTION 36, THENCE,
ALONG THE WEST BOUNDARY OF THE SW1/4 OF THE SW1/4 OF SAID SECTION 36

- A. N.00°47'02"E., 1357.70 FEET TO AN ALUMINUM CAP MARKING THE SOUTHWEST CORNER OF SAID NW1/4
OF THE SW1/4 AND THE POINT OF BEGINNING; THENCE, ALONG THE WEST BOUNDARY OF SAID NW1/4
OF THE SW1/4,
1. N.00°46'24"E., 277.79 FEET; THENCE, LEAVING SAID WEST BOUNDARY,
 2. S.89°23'37"E., 614.00 FEET; THENCE, PARALLEL WITH THE WEST BOUNDARY OF SAID NW1/4 OF THE
SW1/4,
 3. N.00°46'31"E., 380.00 FEET; THENCE,
 4. S.89°23'37"E., 713.72 FEET TO THE EAST BOUNDARY SAID NW1/4 OF THE SW1/4.; THENCE, ALONG
SAID BOUNDARY,
 5. S.00°41'58"W., 658.50 FEET TO THE SOUTHEAST CORNER OF SAID SAID NW1/4 OF THE SW1/4,
(SOUTHWEST ONE-SIXTEENTH CORNER); THENCE, ALONG THE SOUTH BOUNDARY OF SAID SAID
NW1/4 OF THE SW1/4,
 6. N.89°21'47"W., 1328.58 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 14.71 ACRES, MORE OR LESS.

IT IS THE INTENTION OF THE UNDERSIGNED TO AND THEY HEREBY INCLUDE SAID LAND IN THIS PLAT.
THE PUBLIC STREETS SHOWN ON THIS PLAT ARE HEREBY DEDICATED TO THE PUBLIC. THE
EASEMENTS AS SHOWN ON THIS PLAT ARE NOT DEDICATED TO THE PUBLIC, BUT THE RIGHT TO USE
SAID EASEMENTS IS HEREBY PERPETUALLY RESERVED FOR PUBLIC UTILITIES AND FOR SUCH OTHER
USES AS DESIGNATED HEREON. ALL LOTS IN THIS SUBDIVISION WILL BE ELIGIBLE TO RECEIVE
DOMESTIC WATER SERVICE FROM THE CITY OF MIDDLETON, IDAHO, AND SAID CITY OF MIDDLETON HAS
AGREED IN WRITING TO SERVE ALL THE LOTS IN THIS SUBDIVISION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 13 DAY OF JUNE, 2022

By: [Signature]
JEFF LUNDIN, AUTHORIZED SIGNER, HHIF V LLC.

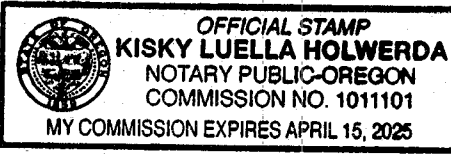
ACKNOWLEDGMENT

STATE OF OREGON }
COUNTY OF DESCHUTES } S.S.

ON THIS 13th DAY OF June, 2022, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC IN
AND FOR SAID STATE, PERSONALLY APPEARED JEFF LUNDIN, KNOWN OR IDENTIFIED TO ME TO BE
AN AUTHORIZED SIGNER OF HHIF V LLC, AN OREGON LIMITED LIABILITY COMPANY, WHO EXECUTED
THE INSTRUMENT OR THE PERSON WHO EXECUTED THE INSTRUMENT ON BEHALF OF SAID COMPANY,
AND ACKNOWLEDGED TO ME THAT SAID COMPANY EXECUTED THE SAME.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY
AND YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

[Signature]
NOTARY PUBLIC FOR THE STATE OF OREGON



CERTIFICATE OF SURVEYOR

I, ROB O'MALLEY, PLS, DO HEREBY CERTIFY THAT I AM A PROFESSIONAL LAND SURVEYOR,
LICENSED BY THE STATE OF IDAHO, AND THAT THIS PLAT AS DESCRIBED IN THE "CERTIFICATE
OF OWNERS" WAS DRAWN FROM THE FIELD NOTES OF A SURVEY MADE ON THE GROUND UNDER
MY DIRECT SUPERVISION AND ACCURATELY REPRESENTS THE POINTS PLATTED HEREON, AND IS
IN CONFORMITY WITH THE STATE OF IDAHO CODE RELATING TO PLATS AND SURVEYS AND THE
CORNER PERPETUATION AND FILING ACT, IDAHO CODE 55-1601 THROUGH 55-1612.

[Signature]
ROB O'MALLEY
IDAHO NO. 13765



332 N. BROADMORE WAY
NAMPÁ, IDAHO 83687-5123
PHONE: (208) 442-6300 WWW.TO-ENGINEERS.COM

BRIDGER CREEK SUBDIVISION

HEALTH CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY IDAHO CODE, TITLE 50, CHAPTER 13 HAVE BEEN SATISFIED BASED ON A REVIEW BY A QUALIFIED LICENSED PROFESSIONAL ENGINEER (QLPE) REPRESENTING THE CITY OF MIDDLETON AND THE QLPE APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER EXTENSIONS OR SEWER EXTENSIONS HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES, THEN SANITARY RESTRICTIONS MAY BE RE-IMPOSED, IN ACCORDANCE WITH SECTION 50-1326, IDAHO CODE, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

Jack Nyd
R.E.H.S. DISTRICT HEALTH DEPARTMENT

06/09/2022
DATE

CERTIFICATE OF COUNTY SURVEYOR

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

David R. Kinzer
CANYON COUNTY SURVEYOR UNDER IC 50-1305
DAVID R. KINZER TEIPLS 2659

7/11/22
DATE

APPROVAL OF MIDDLETON CITY ENGINEER

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

CITY ENGINEER ~ MIDDLETON, IDAHO

DATE

APPROVAL OF MIDDLETON CITY COUNCIL

I, THE UNDERSIGNED CITY CLERK IN AND FOR THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, HEREBY CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____, 20____, THE FOREGOING PLAT WAS DULY ACCEPTED AND APPROVED.

CITY CLERK ~ MIDDLETON, IDAHO

CERTIFICATE OF THE COUNTY TREASURER

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

COUNTY TREASURER

DATE

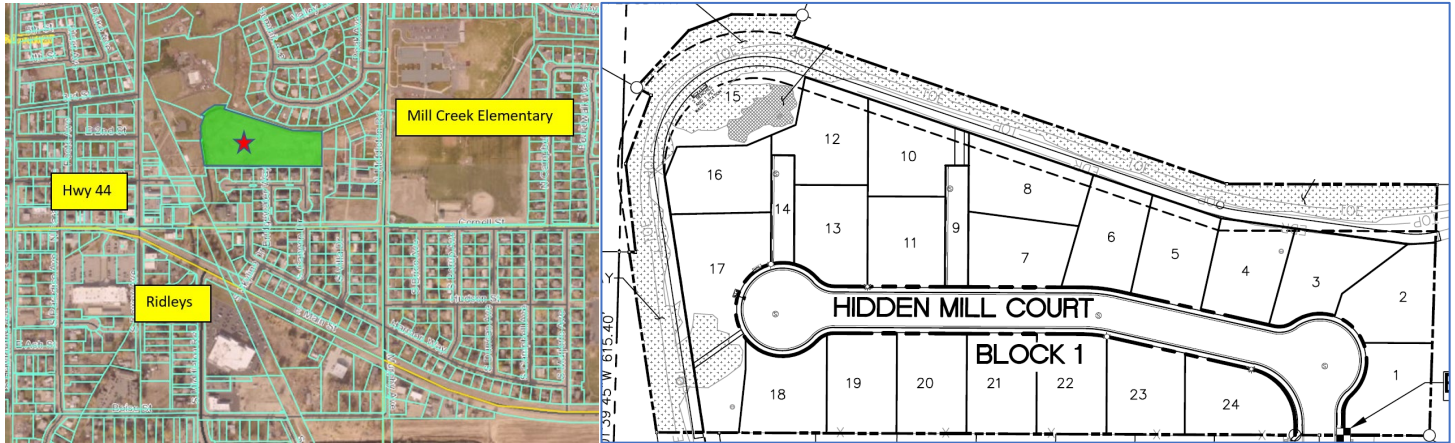
Rob O'Malley
ROB O'MALLEY
IDAHO NO. 13765





STAFF REVIEW AND REPORT Middleton City Council

Hidden Mill Subdivision

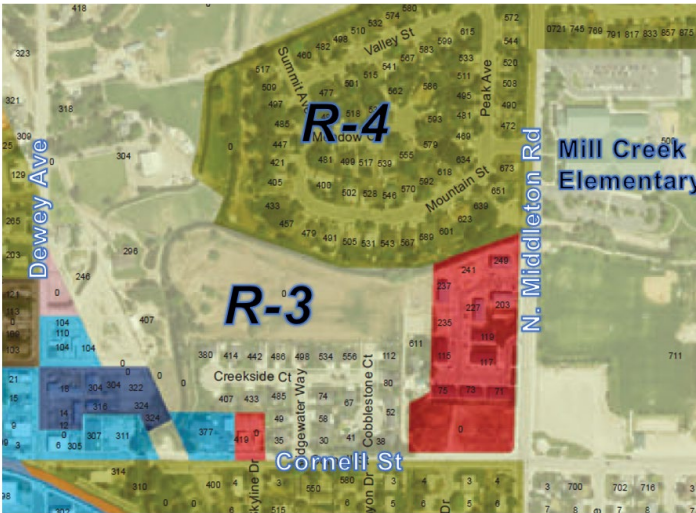


- A. **Public Hearing Date:** December 7, 2022 (Public Hearing after Request for Reconsideration was granted on November 2, 2022).
- B. **Project Description:** Subdivision with 20 single family buildable lots, two common lots, and two private lane lots on 6.65 acres of vacant land located north of Bridgewater Creek Subdivision (Tax Parcels No. R33891010).
- C. **Applications:** Developer/Owner has submitted an application for Preliminary Plat. A separate administrative application for floodplain permit is proceeding simultaneously with this preliminary plat application.

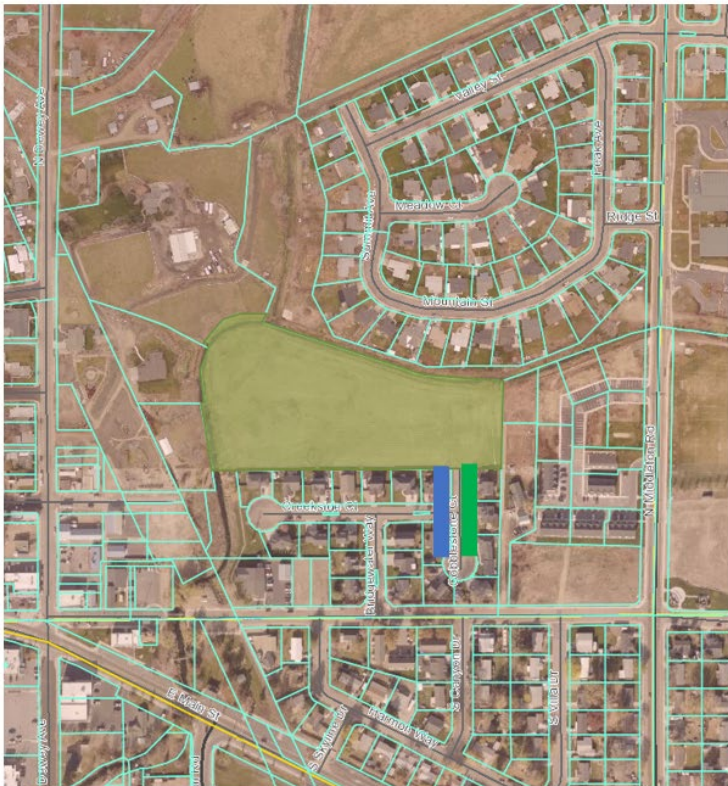
Developer brought this preliminary plat application before City Council on September 21, 2022. Council denied the application based upon information regarding overcrowding in the Middleton School District. Council stated that Applicant may gain approval once Applicant meets with School District staff to discuss mitigation measures to relieve overcrowding.

Developer/Applicant subsequently met with School District Staff and timely submitted a "Request for Reconsideration" of the denial. The request was heard on November 2, 2022, and City Council granted the Request, triggering the need for this new public hearing before City Council.

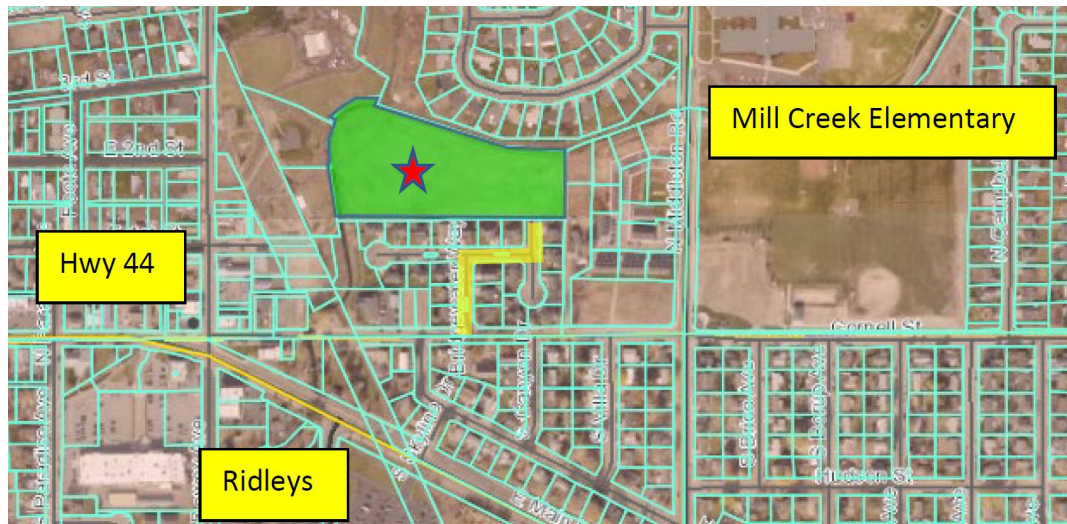
- D. Current Zoning & Property Condition:** The property is within City limits. It is an infill project zoned R-3 (Single-Family Residential). It is surrounded primarily by City property zoned R-3. City property zoned R-4 is located to the north.



- E. City Services:** City water and sewer are located immediately south in the Bridgewater Creek Subdivision.



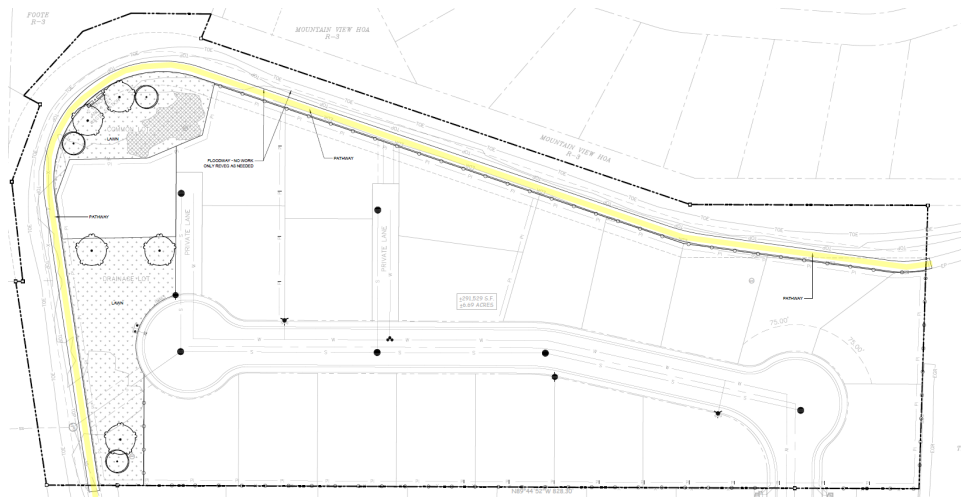
- F. Traffic, Access & Streets:** Road access will be through the Bridgewater Creek Subdivision to the south.



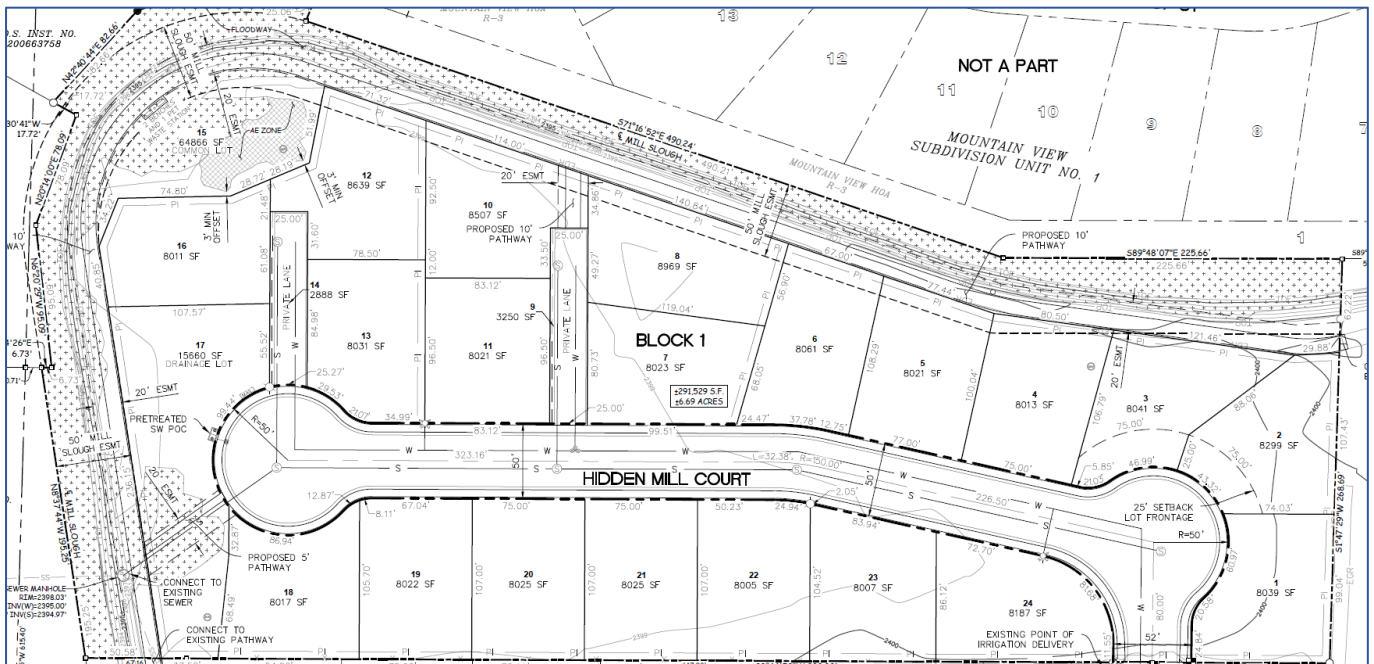
Developer/Builder will contribute to surrounding road improvements by paying \$5,050 to the Mid-Star Transportation Impact program for each building permit issued.

- G. Pathway, Sidewalks & Open Space:** A 10' wide paved pathway will run along the Mill Slough. (See pathway highlighted in yellow below.) Two benches and pet waste station will be strategically installed along the side of the pathway. The pathway will connect to the existing pathways on each side of the subdivision, and it will be encumbered by a public access easement, filling in one more section of the City's pathway plan. The Subdivision HOA and/or Developer will be responsible for maintaining and repairing the public pathway.

Open space for the development is 22% if one considers only the pathway and gathering area with benches. It is 27% if the 2nd large grassy retention area is included. Minimum open space required is 5%.



- H. Middleton Rural Fire District:** Deputy Chief Victor Islas of Middleton Rural Fire District has requested developer to install a fire suppression sprinkler system in each home to mitigate for lack of a 2nd access. This will result in the subdivision meeting code requirements. The developer has agreed to this condition.
- I. Schools:** The Hidden Mill Subdivision is in the Middleton School District #134. Elementary Students living in the subdivision will attend Heights Elementary. Recently Superintendent Gee stated that Heights Elementary is at 134% capacity, but there are solutions that the District is considering to alleviate overcrowding, including year round school, revision of elementary school boundaries to equalize the school population, increased use of portables, and remodels of existing schools.
- The City has no jurisdiction or control over the School system. Instead, the City can only support and collaborate with the School officials to try to address the overcrowding problem. In Idaho, new schools are generally built with bonds passed by the residents. In effect, the residents decide whether new schools will be built or not be built. Residents in Middleton and the surrounding County have not approved bonds for new schools for a number of years.
- J. Preliminary Plat Application:** The subdivision contains 20 home lots, 2 common lots, and 2 private drive lots, all to be completed in a single phase.



Applicant is requesting a variance to not place the “perimeter fence” on the actual subdivision perimeter as required by MCC 5-4-11-2. Council may grant waivers or exceptions to City standards and dimensions when considering a preliminary plat. (MCC 1-15-2).

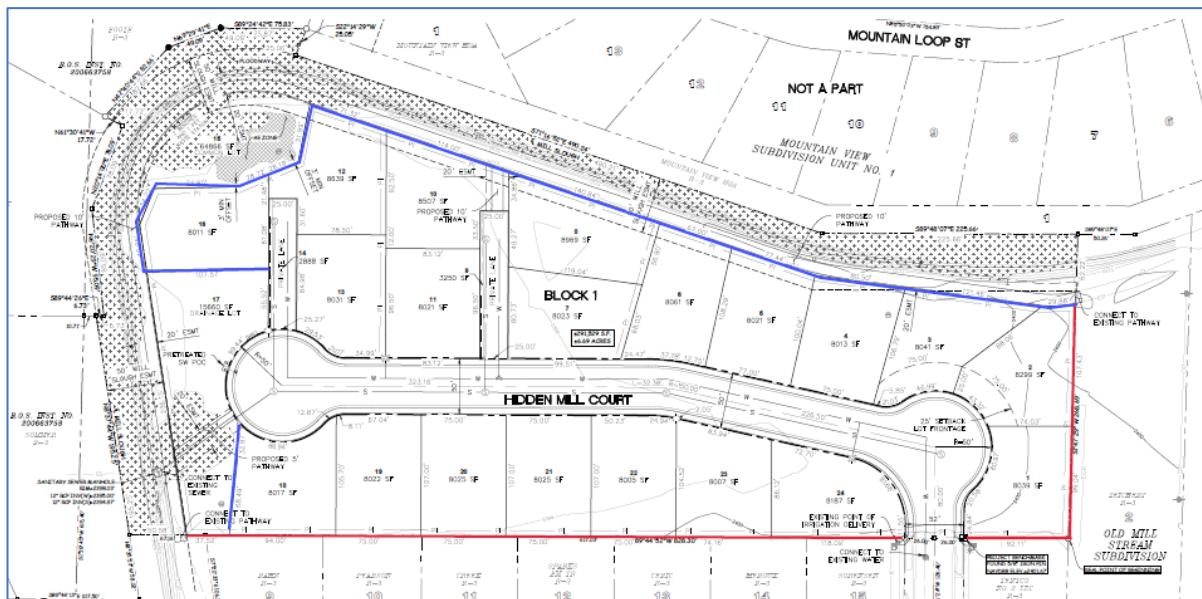
1-15-2: EXCEPTIONS OR WAIVERS OF STANDARDS:

A. Exceptions or waivers of standards, other than land uses according to [Title 5, Chapter 4](#), Table 1 of this code, may be approved through one of the following public hearing processes:

1. Special use permit,
2. Development agreement accompanying a rezone application,
3. Variance,
4. Condition of approval as part of a land use application, or
5. Approval of a preliminary plat, with or without conditions.

(Ord. 609, 7-3-2018; amd. Ord. 619, 7-17-2019)

A good portion of the perimeter boundary is located in the middle of the slough so the fence cannot be placed on the outer boundary. It is physically impossible. Therefore, Applicant is requesting that the perimeter fence be placed on the rear boundary of individual home lots. This also helps to open up the pathway corridor and the spacious greenspace gathering area in the northwest corner of the project. The fence along the path will be “open vision” fencing such as wrought iron. (See blue highlight below.) The rest of the fencing will be 6’ privacy fence. (See red highlight below.)



Per City code, the **sole criteria** City Council should consider when deciding whether to approve or deny a pre-plat is:

1. Does the pre-plat comply with R-3 Zoning?
2. Does the pre-plat meet the technical standards of our City Code.

FINDINGS:

Planning Staff finds that the preliminary plat complies with all standards set forth in City and State codes except for the fencing which is part of the waiver request directly above.

Additionally, City Engineer, Amy Woodruff, has recommended approval of the preliminary Plat. (See Recommendation Letter attached as Exhibit "B".)

- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map. The intended use is Residential which is an allowable use in the Mixed-Use area (green) shown on the Land Use Map.



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

- a. *Goal 2: Preserve and protect private property rights as required by Idaho law.*
- b. *Goals 3: The project provides safe transportation services by creating on-site sidewalks and pathways as extensions or connections to public pathways or sidewalks.*
- c. *Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed.*
- d. *Goals 10, 22 and 23: the addition of pathways increases recreational activity and promotes walkability, social interaction, and health in the Community.*
- e. *Goal 11: The project will allow dwelling types that match residents' lifestyles by promoting in-fill housing improvements.*

- L. Comments from City Engineer and City Staff:** See attached as Exhibit "C".
Staff Comments dated 4/5/2022

- M. Comments from Agencies:** See comments from MSD #134, Drainage Ditch #2, ITD and Middleton Rural Fire attached as Exhibit "D".

Of note, when City Council denied Applicant's preliminary plat application at the September 21, 2022, hearing, City Council noted that Applicant may obtain approval

once they met with School District Staff to discuss a way to mitigate overcrowding in the Schools. Applicant met with School District Staff, and Middleton School District submitted a 2nd comment letter memorializing the meeting they had with Applicant. The District set forth mitigating measures that Applicant and School District agreed upon. The agreement is outside of City purview and will be a private agreement between only Applicant and MSD #134. (See 2nd letter attached as Exhibit “E”.)

N. Comments Received from Surrounding Landowners: See attached Exhibit “F”

O. Notices:	Dates:
Neighborhood Meeting	11/1/2021
Newspaper Notification	11/22/2022
Radius notification mailed to Landowners within 500’	11/21/2022
Circulation to Agencies	11/21/2022
Sign Posting property	11/21/2022

P. Applicant/Owner: Wade Thomas, IAG, LLC (successor in interest “IAG Hidden Mill, LLC”) 800 W. Main St., Suite 1460, Boise, Idaho 83702. Representative is Bob Unger of Unger Enterprises.

Q. Applicable Codes and Standards:
Idaho Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 50-1301 through 50-1329. Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction. Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4.

R. Planning & Zoning Recommendations & Approvals: The Planning & Zoning Commission heard the Hidden Mill application at the August 8, 2022, public hearing. The Commission recommended that City Council approve the application for Preliminary Plat subject to the conditions detailed in the Staff Report and subject to Applicant meeting with the School District to discuss possible ways to assist with school overcrowding. (Copy of P&Z Commission FCR attached as Exhibit “G”)

S. Conclusions and Recommended Conditions of Approval:

According to Idaho State Law and the Middleton City Code, any land use decision City Council makes must be based upon *Findings of Facts and Conclusions of Law*.

Findings of Facts: Planning Staff has set forth the *Findings of Facts* above. If the Council agrees with the findings of facts in the staff report and those presented at the hearing on this matter, then Council may affirm the findings of facts while making a motion on the application.

Conclusions of Law: Planning Staff finds that the City Council has the authority to hear this application and to approve or deny it, with or without conditions. Planning

Staff also finds that all public notice requirements were met, and Staff identified portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the application. If the public hearing is held and conducted in compliance with the Idaho State Code and Middleton City Code, then the Council may affirm these conclusions of law while making a motion on the application.

If the Council is inclined to approve the Hidden Mill Preliminary Plat application based upon the above *Findings of 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. All City Engineer review comments are to be completed and approved.
3. All City Planner comments to be completed and approved.
4. All comments from MRFD to be completed and approved.
5. All Floodplain Administrator comments are to be completed and approved.
6. Pathway along the slough is to be 10 ft wide with a public access easement. Developer/HOA to maintain and repair the public pathway.
7. All landscaping and amenities to be installed in compliance with the submitted landscape plan and preliminary plat.
8. Developer shall create a plan for operation, maintenance, and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
9. Sewer and water capacity to be reserved at the time the City approves the construction drawings for the project.

Lastly, if the Council denies the application, Council should state on the record what Applicant can do, if anything, to gain Council approval.

EXHIBIT "A"

Proposed Preliminary Plat

DEVELOPER
INVESTMENT ANALYTICS GROUP, LLC
800 W MAIN STREET, SUITE 1460
BOISE, IDAHO 83702
(208) 639-3262

PLANNER
BOB UNGER
UNGER ENTERPRISES, LLC
9662 W ARNOLD ROAD
BOISE, IDAHO 83714
(208) 861-5220

CIVIL ENGINEER
CORY SCHRACK, PE
NASLAND ENGINEERING
910 MAIN STREET, SUITE 314
BOISE, IDAHO 83702
(208) 918-4707

BENCHMARK
FOUND 5/8" IRON PIN
ELEV. (NAVD88) = 2401.67'

LAND SURVEYOR
JOHN GLETNE, PLS
VALLEY LAND SURVEYING, PLLC
5099 S VALLEY STREET,
BOISE, IDAHO 83709
(208) 261-2226

TOPOGRAPHY SOURCE
THE SOURCE OF TOPOGRAPHIC
INFORMATION IS A SURVEY COMPLETED
BY VALLEY LAND SURVEYING ON
11/4/2021.

SHEET INDEX
SHEET DESCRIPTION SHEET
COVER SHEET PP-01
PRELIMINARY PLAT PP-02

DEVELOPMENT FEATURES

TOTAL ACRES 6.69 AC
TOTAL LOTS 24
SINGLE-FAMILY LOTS 20
COMMON LOTS 4
TOTAL SINGLE FAMILY DENSITY 3.00 UNITS/AC
TOTAL OPEN SPACE 1.99 AC/29.7%
USABLE OPEN SPACE 1.14 AC/17.0%
EXISTING ZONING R-3
PROPOSED ZONING R-3

COMMON LOT CALCULATIONS

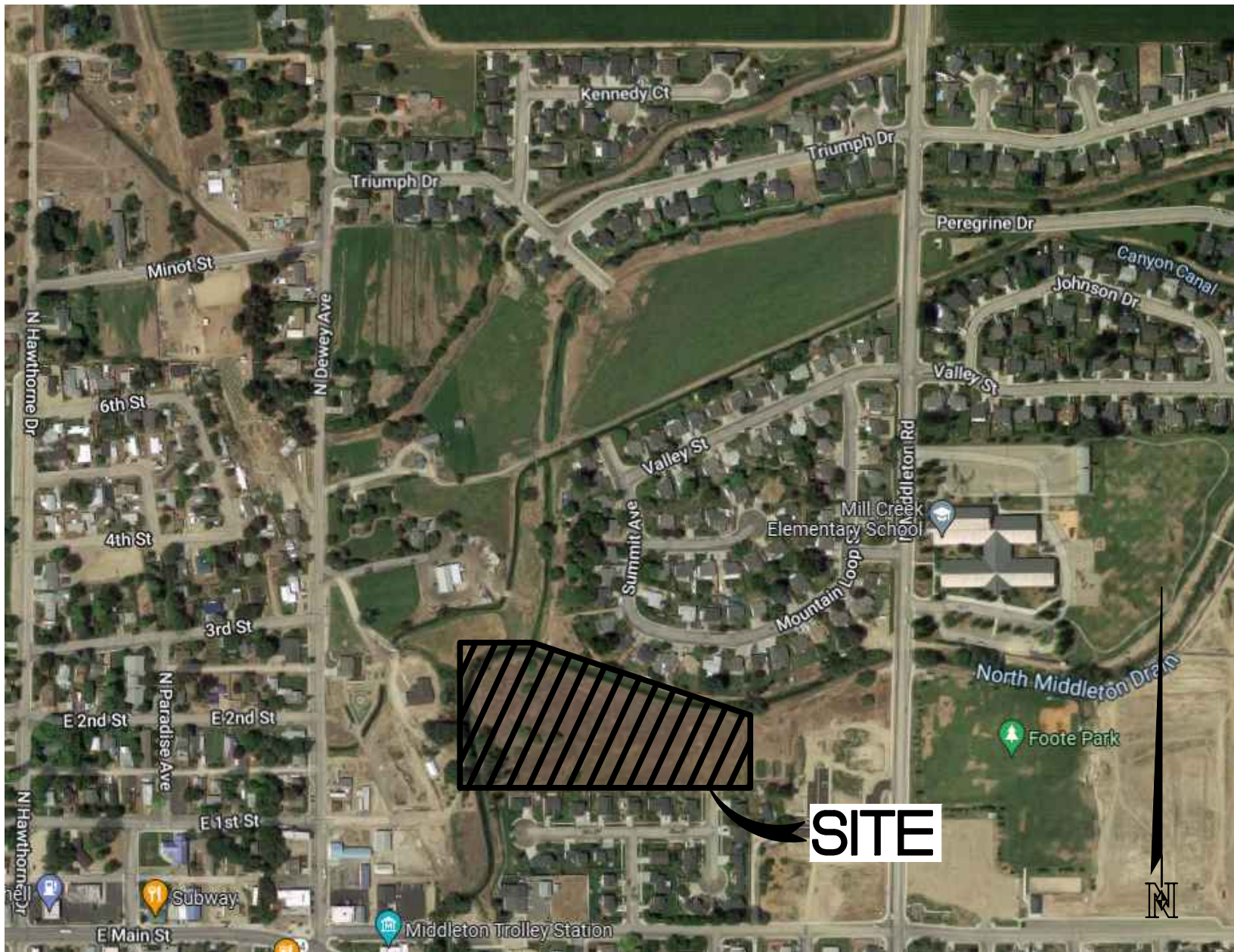
LOT	AREA	USEABLE AREA
LOT 9, BLK 1	3,250 SF	0 SF
LOT 14, BLK 1	2,888 SF	0 SF
LOT 15, BLK 1	64,866 SF	33,967 SF
LOT 17, BLK 1	15,660 SF	15,660 SF
TOTAL AREA:	1.99 AC	1.14 AC



CERTIFICATE OF SURVEYOR
I, JOHN GLETNE, DO HEREBY CERTIFY THAT I
AM A REGISTERED PROFESSIONAL LAND
SURVEYOR, LICENSED BY THE STATE OF IDAHO,
AND THAT THIS MAP HAS BEEN PREPARED
FROM AN ACTUAL SURVEY MADE ON THE
GROUND UNDER MY SUPERVISION, AND THAT
THIS MAP IS AN ACCURATE REPRESENTATION
OF SAID SURVEY.

PRELIMINARY PLAT FOR HIDDEN MILL SUBDIVISION

A PARCEL OF LAND BEING A PORTION OF THE SOUTHEAST QUARTER
OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 4 NORTH,
RANGE 2 WEST OF THE BOISE MERIDIAN, LOCATED IN THE CITY OF
MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO
SEPTEMBER 2022

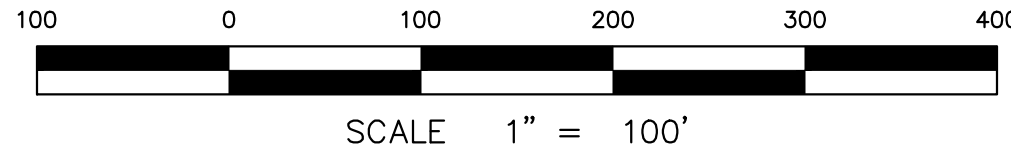
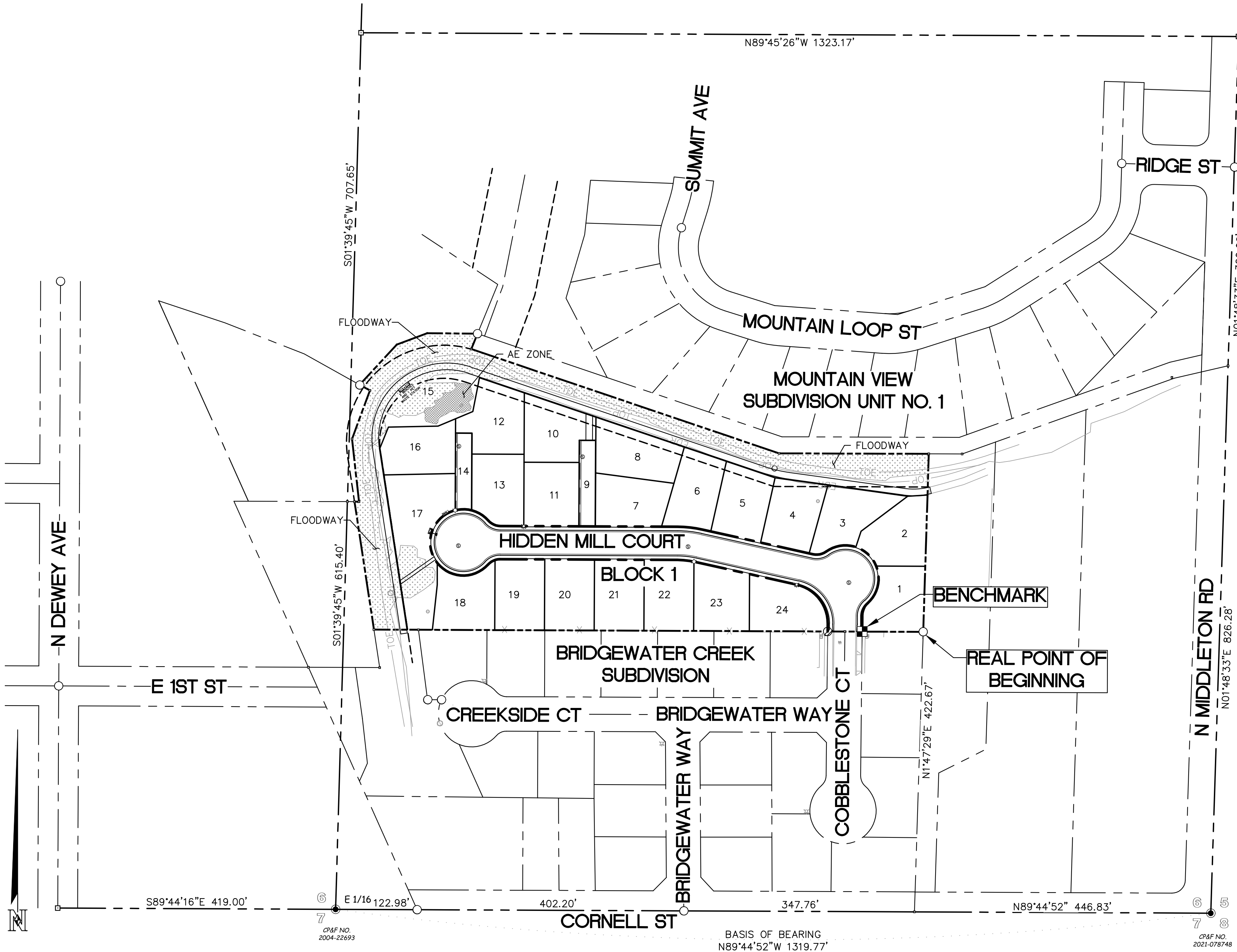


VICINITY MAP
NOT TO SCALE

LEGEND

EXISTING:	
POWER POLE	FOUND 5/8" IRON PIN
FOUND BRASS CAP MONUMENT	CALCULATED POSITION
PROJECT BENCHMARK	IRRIGATION VALVE
MONITORING WELL	SANITARY SEWER MANHOLE
TELEPHONE PEDESTAL	WATER VALVE
PROPERTY BOUNDARY LINE	SECTION LINE
RIGHT-OF-WAY LINE	FENCE
SEWER MAIN	WATER MAIN
OVERHEAD POWER LINE	EDGE OF PAVEMENT
EASEMENT LINE	FEMA AE ZONE
FEMA REGULATORY FLOODWAY	

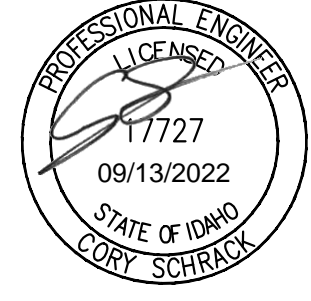
PROPOSED:	
RIGHT-OF-WAY LINE	LOT LINE
CENTERLINE	EASEMENT
3" ROLLED CURB & GUTTER	
SIDEWALK	
8" SEWER MAIN	8" WATER MAIN
PRESSURIZED IRRIGATION LINE	SEWER MANHOLE
WATER VALVE	FIRE HYDRANT
SAND AND GREASE TRAP	
STREET LIGHT	MAIL BOX CLUSTER



NOTES

- ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY HAVE A 10' GENERAL ACCESS AND UTILITY EASEMENT. ALL SIDE YARD LOT LINES HAVE A 5' PROPERTY DRAINAGE, UTILITY & IRRIGATION EASEMENT. UNLESS OTHERWISE SHOWN, ALL INTERIOR SIDE LOT LINES SHALL HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES OVER THE 10' ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
- ALL LOTS ARE SINGLE FAMILY RESIDENTIAL EXCEPT, LOT 15, BLOCK 1, WHICH IS A COMMON/OPEN SPACE LOT; LOT 9 AND 14, BLOCK 1, WHICH ARE PRIVATE LANES; AND LOT 17, BLOCK 1, WHICH IS A DRAINAGE LOT. ALL COMMON/OPEN SPACE LOTS, PRIVATE LANES AND DRAINAGE LOTS SHALL BE OWNED AND MAINTAINED, AS SPECIFIED IN THE CCRS, BY THE HOMEOWNERS ASSOCIATION AND SHALL HAVE A BLANKET EASEMENT COVERING THE ENTIRE LOT FOR DRAINAGE AND UTILITIES.
- DRAINAGE SHALL BE REMOVED VIA SURFACE FACILITIES AS APPROVED BY THE CITY OF MIDDLETON. NO STORMWATER IS DISCHARGED IN DRAINS OR OTHER. STORMDRAIN FACILITIES SHALL BE LOCATED OUTSIDE ANY AND ALL RIGHT-OF-WAY.
- THIS SUBDIVISION IS IN COMPLIANCE WITH THE IDAHO CODE SECTION 31-3805(b) CONCERNING IRRIGATION WATER. PRESSURIZED IRRIGATION SHALL BE PROVIDED TO ALL LOTS BY A PRESSURE SYSTEM WITH WATER SUPPLIED BY THE UPGRADED BRIDGEWATER CREEK PUMP STATION. ALL LOTS SHALL BE ASSESSED BY THE MIDDLETON MILL DITCH COMPANY.
- DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- ALL LOTS WITHIN THIS DEVELOPMENT WILL BE DEVELOPED IN ONE PHASE.
- ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RESUBDIVISION.
- THE 10' PATHWAYS LOCATED IN THE FLOODWAY WILL BE CONSTRUCTED AT CURRENT ELEVATIONS OR BFE AS APPROVED BY THE CITY OF MIDDLETON.
- THERE IS A PUBLIC ACCESS AND UTILITIES EASEMENT ON ALL PRIVATE LANES WHICH ARE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- ALL BUILDING SETBACK AND DIMENSIONAL STANDARDS SHALL BE IN COMPLIANCE WITH R-3 ZONING AT THE TIME OF BUILDING PERMIT ISSUANCE.
- FIBER OPTIC TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER THE CITY OF MIDDLETON SUPPLEMENT TO THE ISPW.
- MAILBOX CLUSTERS TO BE INSTALLED AS SHOWN ON THE PRELIMINARY PLAT.
- ALL ROADS (EXCEPT PRIVATE LANES) ARE PUBLIC.
- ALL 10' PATHWAYS SHOWN ON THE PRELIMINARY PLAT ARE CONSTRUCTED BY DEVELOPER/OWNER AND ARE ENCUMBERED WITH A PUBLIC ASSESS EASEMENT. HOWEVER, OWNER, OR ITS ASSIGNS, SUCCESSORS AND/OR THE HOMEOWNERS ASSOCIATION, SHALL BE RESPONSIBLE FOR REPAIRING AND MAINTAINING THE PATHWAYS ONCE CONSTRUCTED.
- ALL PRESSURIZED IRRIGATION AND/OR DRAINAGE FACILITIES ARE TO BE LOCATED OUTSIDE OF ANY RIGHT-OF-WAY.
- EXTERIOR BOUNDARY IS REQUIRED TO BE FENCED IN ACCORDANCE WITH THE APPROVED FENCING PLAN. ALL FENCING TO BE 6" VINYL OR APPROVED EQUAL. WAIVER TO ALLOW SUBDIVISION PERIMETER FENCING ALONG REAR BOUNDARY OF RESIDENTIAL LOTS ADJACENT TO OPEN SPACE RATHER THAN ON SUBDIVISION PERIMETER BOUNDARY (MCC 5-4-11-2) IS REQUESTED.
- ALL PRIVATE LANES SHALL BE MARKED WITH PERMANENT "NO PARKING - FIRE LANE" SIGNS COMPLYING WITH THE 2018 INTERNATIONAL FIRE CODE.
- ALL SINGLE FAMILY RESIDENTIAL LOTS SHALL HAVE AUTOMATIC SPRINKLER SYSTEMS COMPLYING WITH THE 2018 INTERNATIONAL FIRE CODE.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON. UP TO 3FT OF SITE FILL WILL BE REQUIRED FOR SEWER INSTALLATION.

Nasland
910 Main Street, Suite 314
Boise, ID 83702
T 208 918-4859
nasland.com
Civil Engineering Consulting Land Planning



HIDDEN MILL SUBDIVISION PRELIMINARY PLAT

REVISION	DATE	BY
ORIGINAL	09/13/2022	MN

NE JOB # 321-105.1
DATE: 09/13/2022
DRAWN BY: MN
CHECKED BY: CS

PRELIMINARY

COVER SHEET

PP-01

**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	09/13/2022	MM

NE JOB #: 321-105.1
DATE: 09/13/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

**PRELIMINARY
PLAT**

PP-02

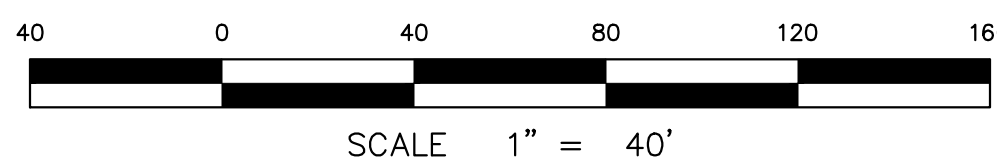
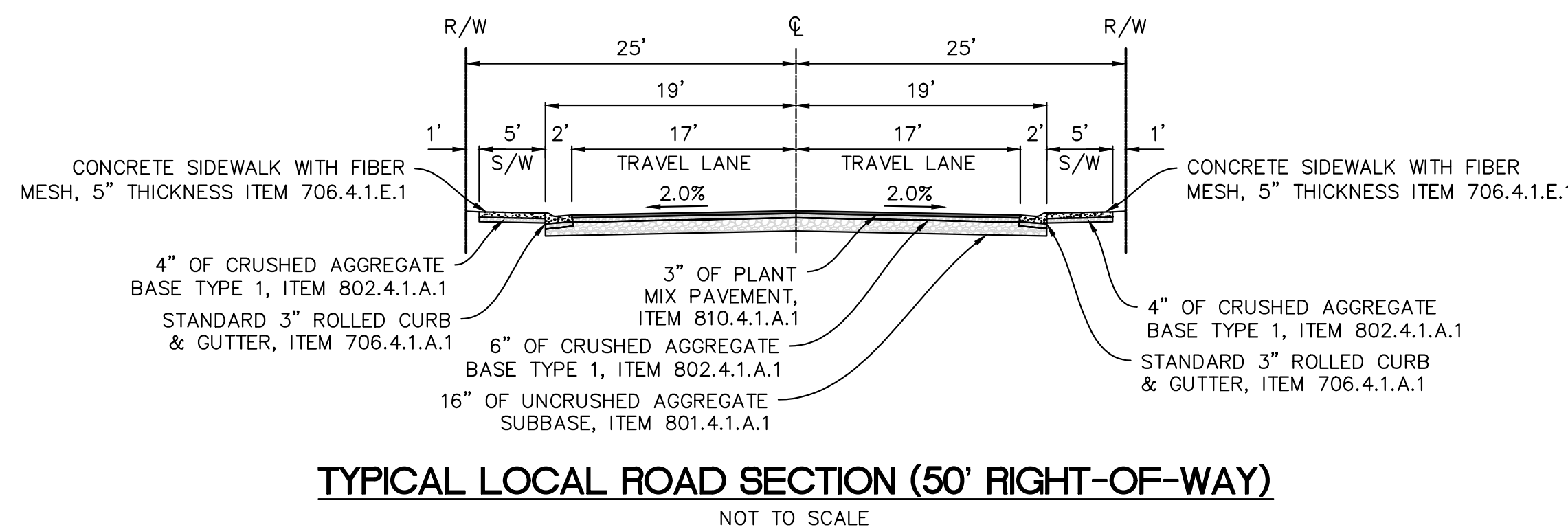
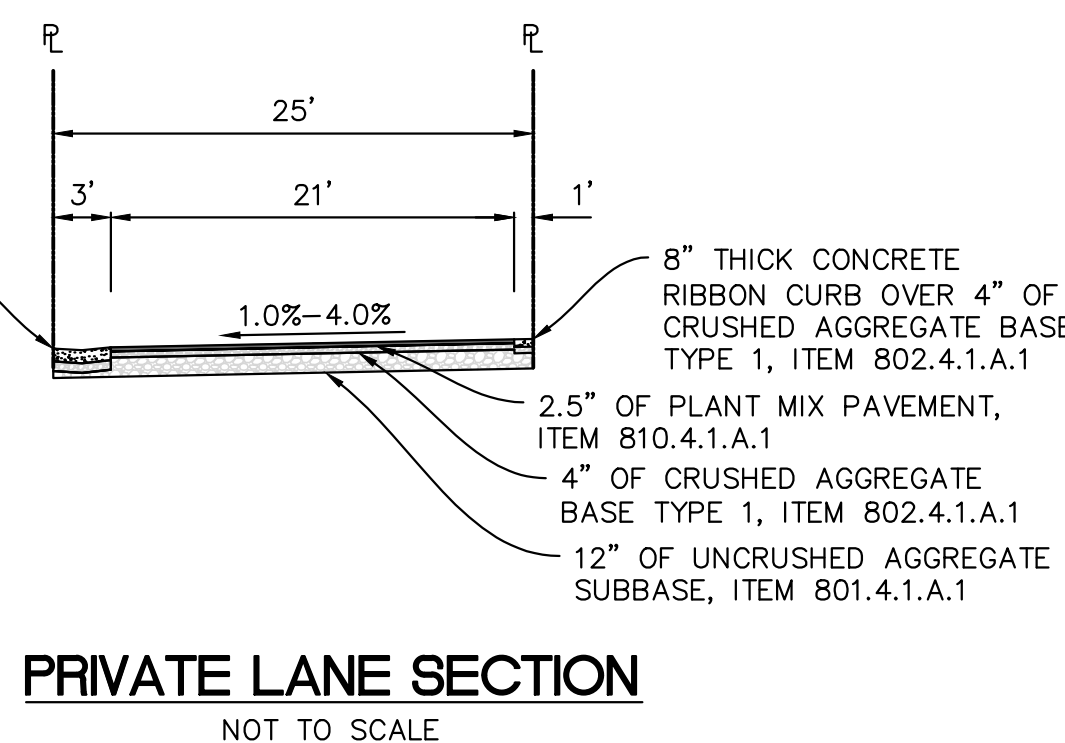
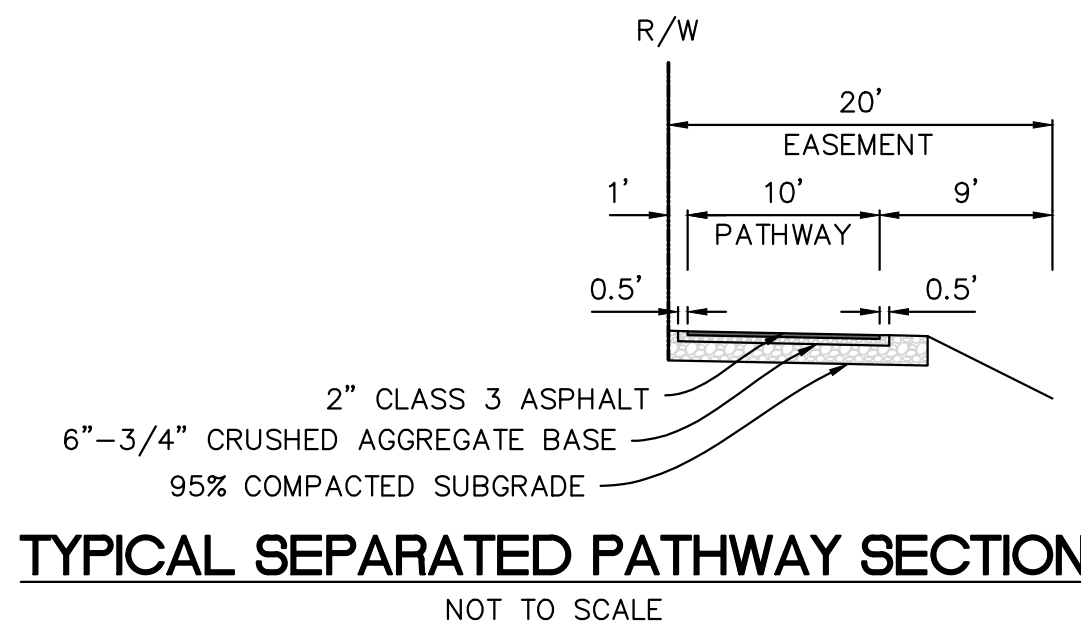
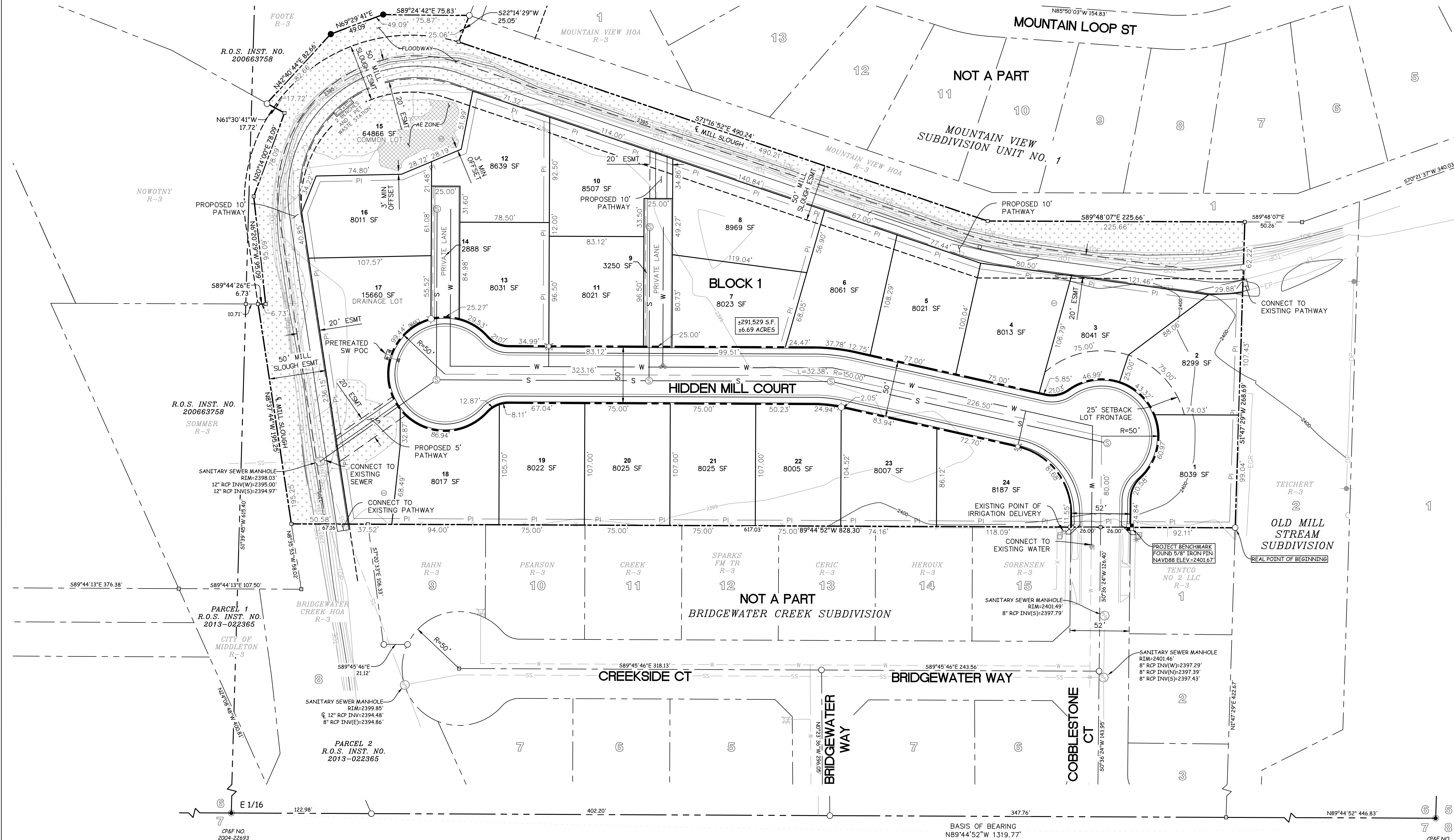


EXHIBIT "B"

City Engineer Recommendation of Approval



July 28, 2022

TO: Roberta Stewart, Planner

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

RE: Hidden Mill Subdivision - Preliminary Plat Recommendation of Approval

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

We recommend Mayor and City Council approve the preliminary plat.

EXHIBIT "C"

Engineering & Planning Comments



April 4, 2022

TO: Jennica Reynolds, Planner

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

RE: **Hidden Mill Subdivision –Preliminary Plat**

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

Reduce plat to one page.

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

MCC 5-4-4.2. b. Add title block to the upper center. Add location and date.

MCC 5-4-4.2. g. Show floodplain and floodway on the plat.

MCC 5-4-4.2. h.

1. Dimension rights of way.
2. Show existing easements for Mill Slough.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. Use the description you provided and verify the boundary can be retraced before you resubmit.

A MCC 5-4-10-2. o. Number lots sequentially. Is Mill Slough area going to be a separate lot?

MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. Add a note regarding site fill or otherwise address. Less than 3ft of cover is a concern for the City.

MCC 5-4-4.3.c

1. Add a note: Stormwater facilities are owned by HOA and the provisions for maintenance will be specified in CCRs. Specify lot 14 as used for stormwater management.

Note 6. Combine note 6 and note 12. Identify irrigation district and whether lots are subject to assessment.

Note 1. Put "and" between general access and utility.

Submit a variance application if the cul-de-sac length is greater than 600ft. Dimension it please – so the length may be verified.



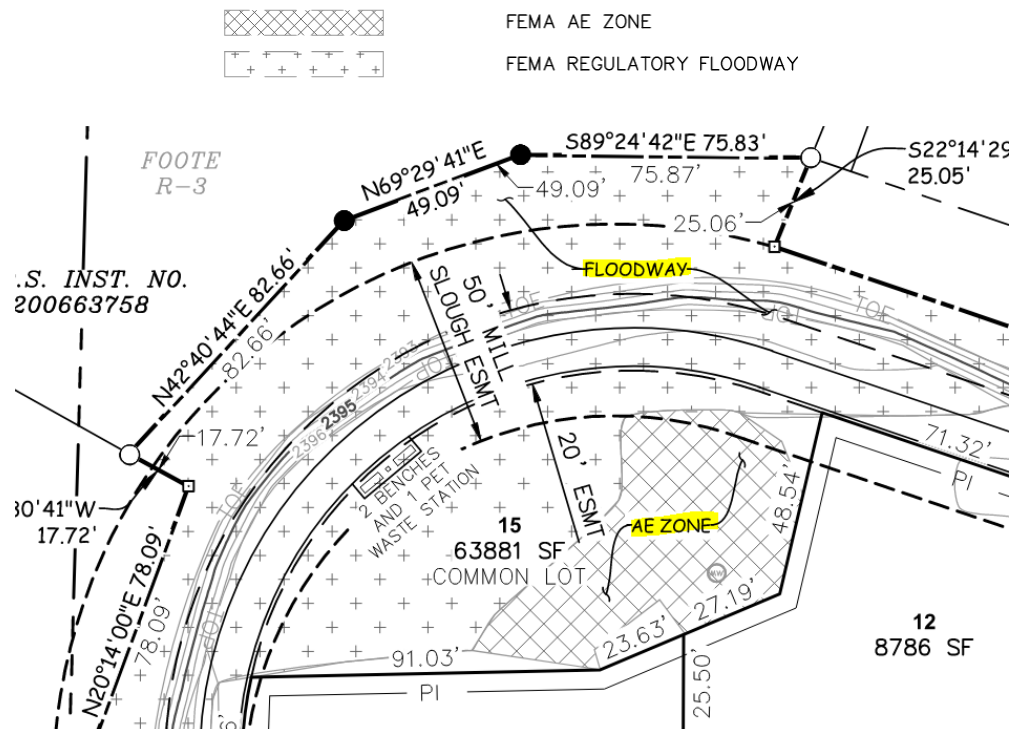
910 Main Street, Ste 314
Boise, ID 83702
nasland.com

June 03, 2022
NE No. 321-105.1

RE: Final Resubmittal Responses for the Hidden Mill Subdivision – Preliminary Plat

City Engineer Comments (4/5/2022)

MCC 5-4-4.2. g. Show floodplain and floodway on the plat. This information is not discernable. The FEMA AE Zone and Regulatory Floodway are shown on the Preliminary Plat, refer to the 'Legend' on PP-01 and hatches/callouts on sheet PP-02. The hatch for the AE Zone are 'small boxes' while the Floodway are 'small plus signs', see below for additional information.

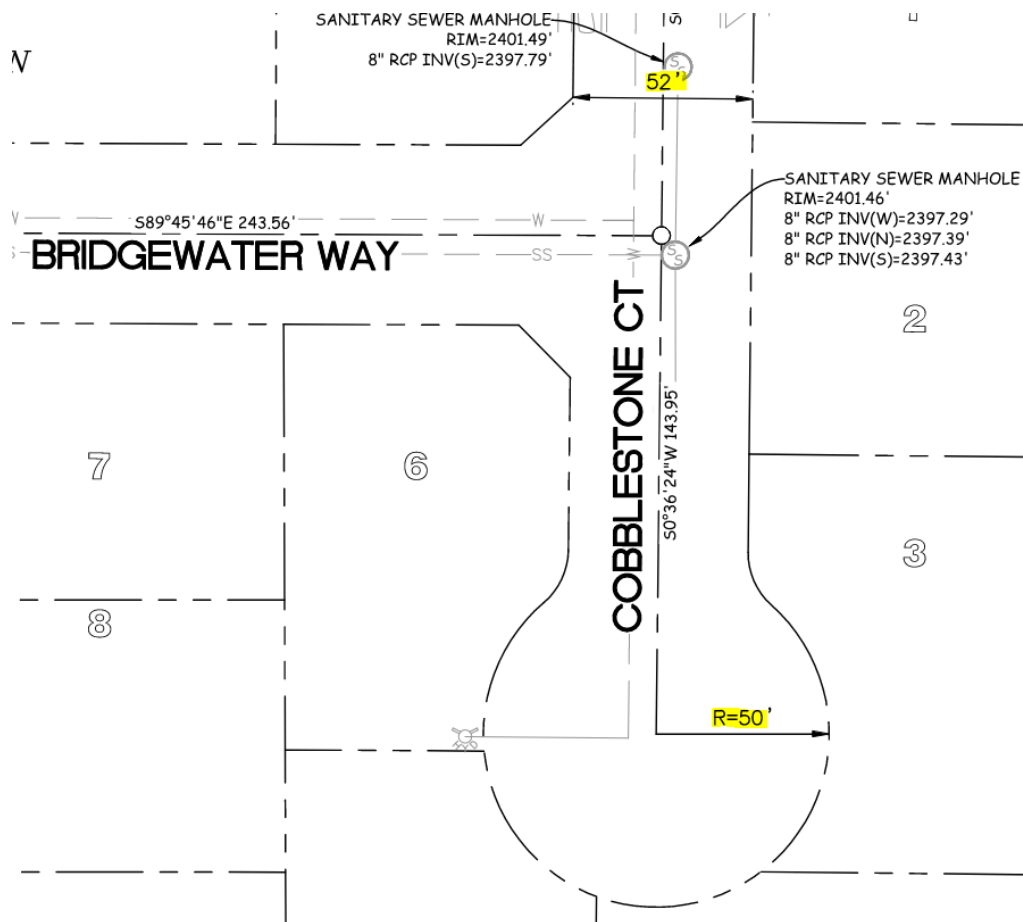


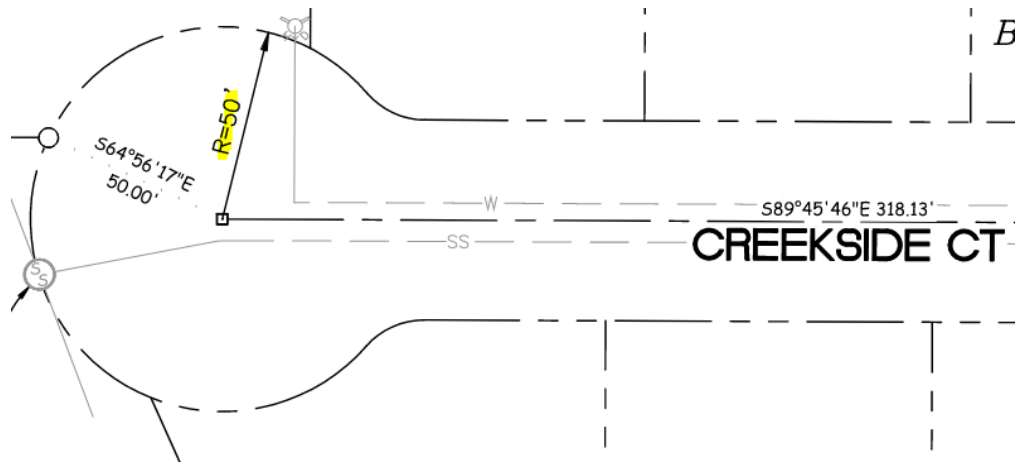


MCC 5-4-4.2. h.

1. Dimension rights of way. Keep the 52ft right of way for Cobblestone through the culdesac then transition to 50ft from Hidden Mill limits.

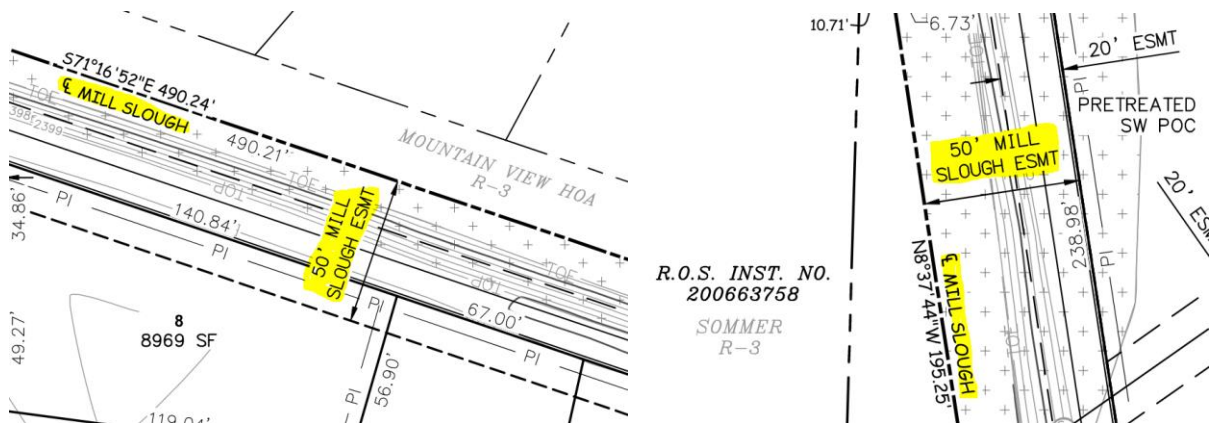
The right-of-way dimension at the entrance to the subdivision is 52', a dimension was added to illustrate this. The cul-de-sac radius remained at 50' (per section 5-4-10-2.E) which is the same radius for the existing Creekside Ct and Cobblestone Ct cul-de-sacs, see below for additional information. Hidden Mill Court remained at 50' and will be per the City of Middleton Typical Local Road Section shown on sheet PP-02.





2. Show existing easements for Mill Slough. If the Mill Slough easement is consistent through the limits then modify language to reflect 50ft from centerline of Mill Slough.

The Mill Slough easement is 50' wide from the centerline as shown on the Preliminary Plat, refer to the 'Legend' on sheet PP-01 and linework/callouts/dimensions on sheet PP-02. See below for additional information.



MCC 5-4-4.2 a and 1. The boundary has a bearing in error on west side. Add the section corner and ties to PP-02.

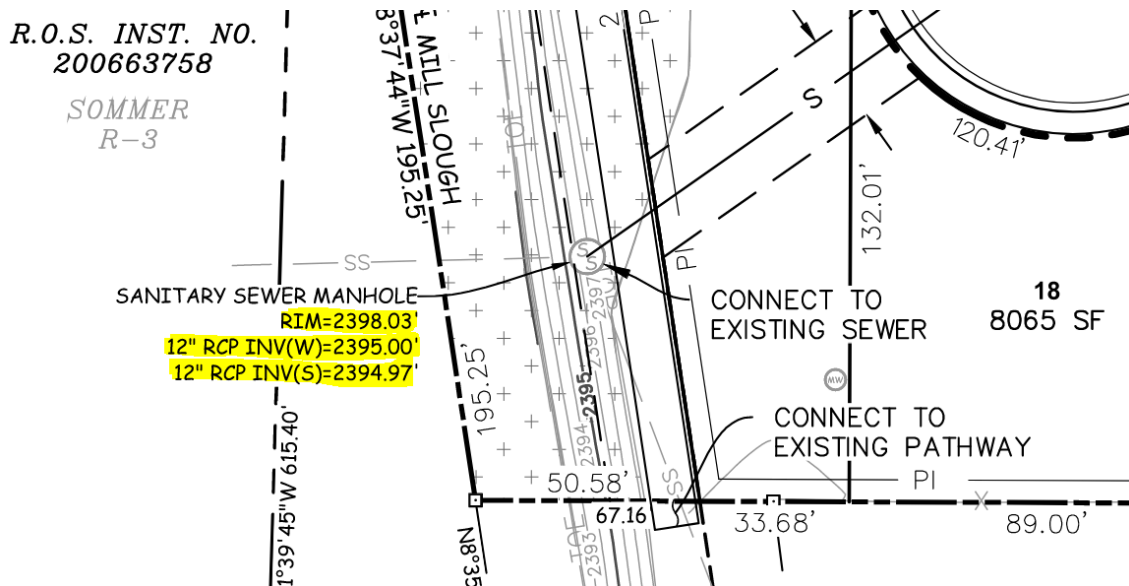
The boundary bearing typo was revised on the Preliminary Plat and the section corner and ties were added to sheet PP-02.



MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. Add a note regarding the sewer and site fill: Up to three feet of site fill will be required for sewer installation.

Based on topographic field survey, provided by Valley Land Surveying, the sewer point of connection at the southwest corner of the site has more than 1 foot of cover and is approximately 3' deep (2398.03RIM/2394.97IE), refer to sheet PP-02 and see below for additional information. Similar to Bridgewater Creek Subdivision, site fill is anticipated for this project in order to maintain a minimum of 3ft of cover over the proposed sewer mains. Note #20 on PP-01 was revised to include the following, "All sanitary sewer mains shall have a minimum of 3ft of cover per the City of Middleton Supplement to the ISPMC."





May 23, 2022

TO: Jennica Reynolds, Planner

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

RE: **Hidden Mill Subdivision –Preliminary Plat**

Thank you for the opportunity to review the above referenced preliminary plat follow up submittal.

MCC 5-4-4.2. g. Show floodplain and floodway on the plat. This information is not discernable.

MCC 5-4-4.2. h.

1. Dimension rights of way. Keep the 52ft right of way for Cobblestone through the culdesac then transition to 50ft for Hidden Mill limits.
2. Show existing easements for Mill Slough. If the Mill Slough easement is consistent through the limits then modify language to reflect 50ft from centerline of Mill Slough.

MCC 5-4-4.2 a and l. The boundary has a bearing in error on west side. Add the section corner and ties to PP-02.

MCC 5-4-4.3. a

1. There is not sufficient sewer depth as shown. There is less than one (1) foot of cover. **Add a note regarding the sewer and site fill: Up to three feet of site fill will be required for sewer installation.**



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 – HIDDEN MILL PRELIMINARY

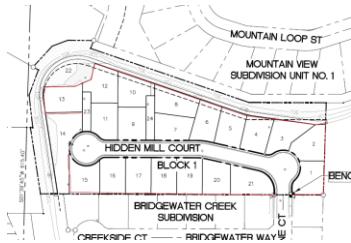
April 5, 2022

1. Add note that you will add a 10' wide asphalt pathway with a 20' public easement along the drain. The green path area on the Transportation, Schools and Recreation Map shows a pathway as part of the Comprehensive Plan. You are already planning on doing the path and it is shown on the plat. Please just make sure it matches the 10' wide asphalt paths it connects to on the east and south.

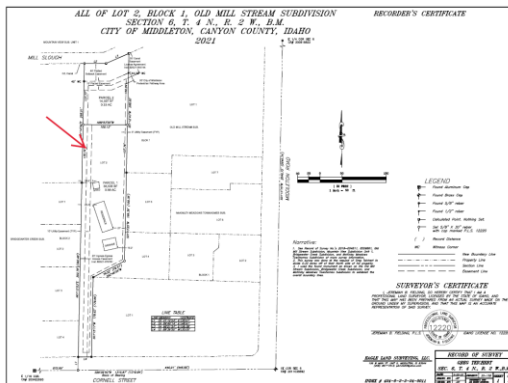


2. If possible reduce plat to no more than 3 pages.
3. Provide updated landscape plan.
4. Private Drives are not calculated in the open space. Please remove from calculation. I find 38,131 SF of open space or 13%. Please revise table.
5. Add note: All existing wells shall be abandoned per IDWR regulations. All Septic Systems shall be completely removed and the area recompacted per geotechnical report.
6. Change Note 15 to read: Fiber optic to be provided to each lot during joint trench construction per the City of Middleton supplement to the ISPWC.
7. Combine notes 1 and 17. Add "all *interior* side yard lot lines..."
8. Edit note 7 to read: Domestic and fire protection water shall be provided by the City of Middleton.
9. Add note: Sanitary sewer collection shall be provided by the City of Middleton.
10. Edit note 14 to read: All building setbacks and dimensional standards shall be in compliance with R-3 zoning at time of building permit issuance.
11. Show all public and private easements on preliminary plat.
12. Remove note 10
13. Remove notes 3 and 4.
14. Lot 6 does not have minimum of 75' wide
15. Please add at least 2 benches and 1 pet waste station to some location on either or both of your common area lots 22 or 14.

16. Perimeter fence. Please see the following. Red shows where fence should go. Please modify note 22 on the Preliminary Plat to describe the new fencing and state it will be a waiver from code. FYI, this waiver will also be a request at the public hearing.



17. You need to continue to work with the Fire Department and City to come up with a solution for a 2nd access. You may consider reaching out to the Tiechert's, the property owner to the east. They have a cross access easement and may be willing to discuss bollards and an emergency only access. Please discuss with Fire Deputy Chief Islas for options.



Sincerely,

Jennica Reynolds

Middleton City
Deputy Clerk, Planning

EXHIBIT "D"

Agency Comments



Middleton School District #134

Every Child Learning Every Day

City of Middleton--Public Hearing Notice Response

General Response for All 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 (94%) and middle school (85%). As it stands now there is a need for additional facilities in our school district, primarily at the elementary grades. 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 a demographic study performed for our school district boundaries and the data suggests for every new home we could expect between 0.5 and 0.7 (with an average of .559) students to come to our school. That is the factor/rate we use to make our projection of student impact for each development.

We encourage the city to be judicious in their approval process recognizing that each new development brings new students to our school and will increase the burden placed on taxpayers within the school district. New facilities, primarily an elementary school, are needed now, but additional students continue to increase that need.

Hidden Mill (Middleton)

Students living in the subdivision as planned would be in the attendance zones for Mill Creek Elementary, Middleton Middle School, and Middleton High School. With 20 total lots, we would anticipate, upon completion, an increase of 10-14 students between Mill Creek Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to less than 1 classroom of students (ave. 25 students).**

In addition to the increase in student population, based on the location, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. On September 15th, 2022, Bob Unger, representing the developers, met with district employees and addressed the safe routes to school, indicating that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to school.

Questions, clarifications, or comments should be directed to:

Marc Gee, Superintendent. (mgee@msd134.org)

Marc Gee

Superintendent

Lisa Pennington

Assistant Superintendent

5 South Viking Avenue
Middleton, ID 83644

(208) 585-3027
msd134.org



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.

Hidden Mill Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School. With 20 lots we anticipate the following breakdown of student increase in our schools:

Grade Range	Factor	# of students
Elementary (K-5)	0.219	4.38
Middle (6-8)	0.139	2.78
High (9-12)	0.211	4.22
Total	0.569	11.38

Representatives of Hidden Mill 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 areas where the developers of the Hidden Mill Subdivision could assist in the mitigation of growth in the school system.

First, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. The developers have indicated that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to Mill Creek Elementary School.

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

lpennington@msd134.org

akrantz@msd134.org



Middleton School District #134

Every Child Learning Every Day

Second, the developers and school district officials are in the process of developing a Memorandum of Understanding regarding the expected financial impact resulting from these additional elementary students. With the addition of elementary students into a school that is over capacity, our analysis indicates that \$1,114.60 per lot, or \$5,089.52 per elementary student, is the amount necessary to account for the elementary growth due to this development. The developer has indicated that they are willing to voluntarily address this financial impact as part of the City of Middleton's subdivision approval process.

For questions or comments, please contact Marc Gee, Superintendent (contact information in footer).

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

Marc Gee, Superintendent

October 14, 2022

Date

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022
Date: Monday, November 21, 2022 5:18:27 PM
Attachments: [image001.png](#)
[image003.png](#)

ITD Response Below.

Jennica Reynolds

City of Middleton
Deputy Clerk, Planning
208-585-3133
jreynolds@middletoncity.com



From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Monday, November 21, 2022 2:36 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Subject: RE: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022

Good Afternoon,

After careful review of the transmittal submitted to ITD on November 21, 2022 regarding Hidden Mill – Public Hearing, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Jennica Reynolds <jreynolds@middletoncity.com>

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

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

Twin Falls Office
213 Canyon Crest Drive
Suite 200
Twin Falls, Idaho 83301
Tel. (208) 969-9585

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW

OFFICES, PLLC

September 1, 2022



David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Brian A. Faria

Patxi Larrocea-Phillips

John A. Richards

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

Jennica Reynolds
Middleton Planning and Zoning Official
P.O. Box 487
Middleton, Idaho 83644

Re: **Hidden Mill Preliminary Plat**

Dear Ms. Reynolds:

Drainage District No. 2 has an easement that courses through or abuts this property. This easement is 100 feet, 50 feet each side of the centerline, for open drains and 50 feet, 25 feet each side of the centerline for piped or closed drains. The developer must contact the District's attorney's, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into the District's facilities occurs. The District must review drainage plans and construction plans prior to any approval.

The District generally requires a License Agreement prior to any approval for the following reasons:

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

Also, please be advised that the District does not approve of trees within the District's easement. Therefore, any existing trees within the District's easement will need to be removed. On occasion, the District may make exceptions on a case by case basis, which require the developers/owners obtain written permission from District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

SBF:krk

cc: DD#2 Board of Directors **www.sawtoothlaw.com**

Attorneys licensed in Idaho, Montana, Oregon and Washington

Sent: Monday, November 21, 2022 10:29 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung (<deann.gerthung@canyoncounty.id.gov>); Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Julie Collette <gmpdjulie@gmail.com>; Kerry.Schmidt@intgas.com; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; Middleton Mill Ditch Co <irrigation.mm.mi@gmail.com>; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>

Cc: Roberta Stewart <rstewart@middletoncity.com>

Subject: Agency Notice Middleton - Hidden Mill - Public Hearing 12.7.2022

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached Agency Notice for Middleton City Council public hearing 12/7/2022.

Jennica Reynolds

City of Middleton

Deputy Clerk, Planning

208-585-3133

jreynolds@middletoncity.com



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain Personal Information from a DMV file which is legally protected from disclosure under both state and Federal law. Be advised that Personal Information may only be disclosed to third parties under the provisions of Idaho Code section 49-203. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately delete this message and any attachments, and alert the sender.



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
Email: permits@starfirerescue.org

DATE: April 8, 2022

TO: Middleton City Planning and Zoning
Middleton City Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: The Hidden Mill Subdivision

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 0.7 miles with a travel time of 2 minutes under ideal driving conditions to the entrance of the Bridgewater Subdivision.
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. With this purposed development utilizing the Bridgewater Subdivision main entrance the entrance will now be used by over 30 homes. (Bridgewater = 21 single family lots, The Hidden Mill Subdivision = 20 Single family lots)
 - i. Option – Provide secondary access.
 - ii. Option – Provide secondary emergency access only.
 - iii. Option - Where there are more than 30 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with section 903.3.1.1, 903.1.2 or 903.3.1.3, access from two directions shall not be required.



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
Email: permits@starfirerescue.org

- e. The fire district requires that Autoturn models be submitted for review. Autoturn models should reflect the utilization of a 36' long fire engine and a 50' long ladder truck.
 - f. Traffic calming devices will require approval by the Fire District
 - g. An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.
 - h. 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.
 - i. Signs – Fire lane signs as specified in IFC section D103.6 shall be posted on one side of the fire apparatus access roads more than 26 feet wide and less than 32 feet wide starting at the entrance of Bridgewater Subdivision. (See attached picture)
 - 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 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.

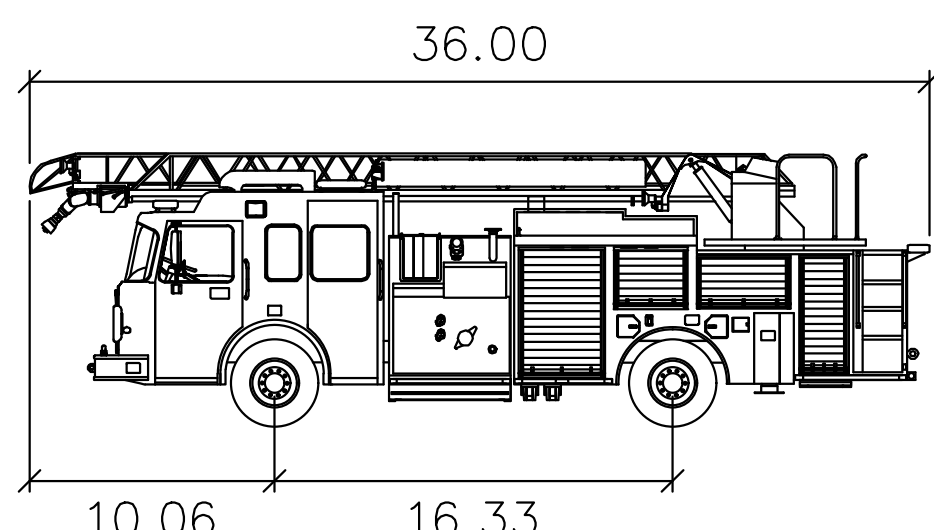
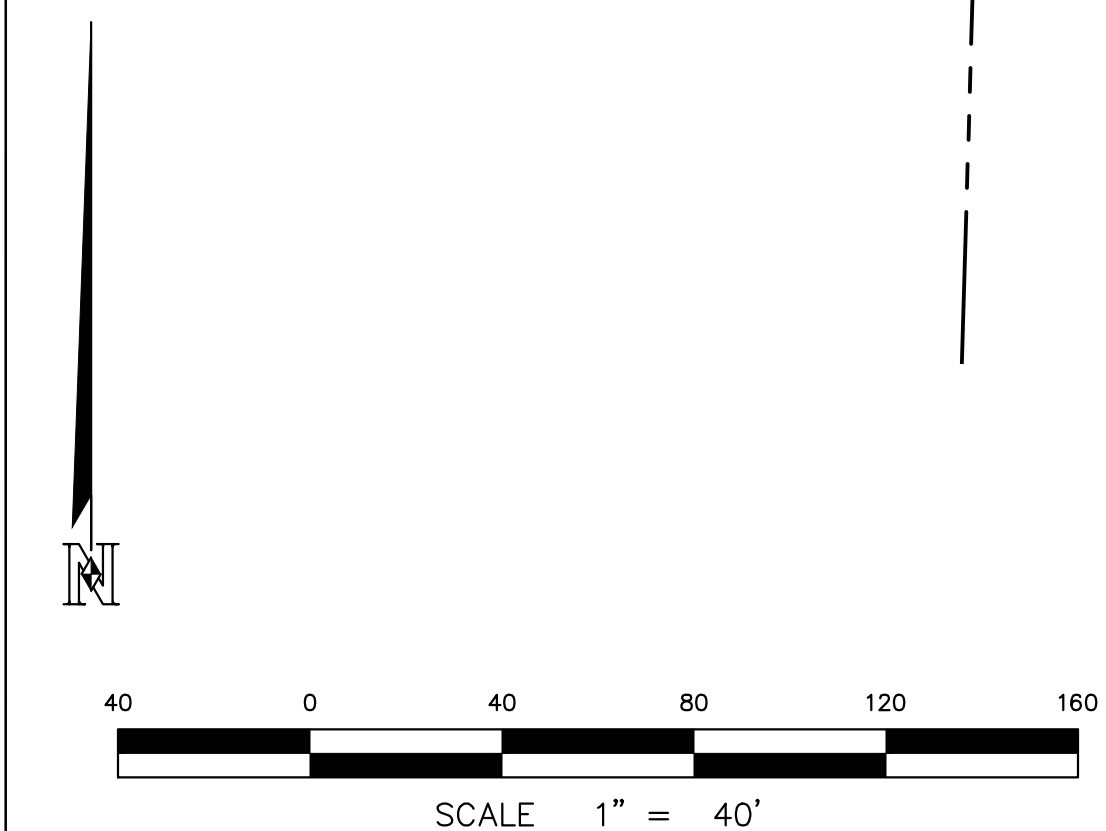
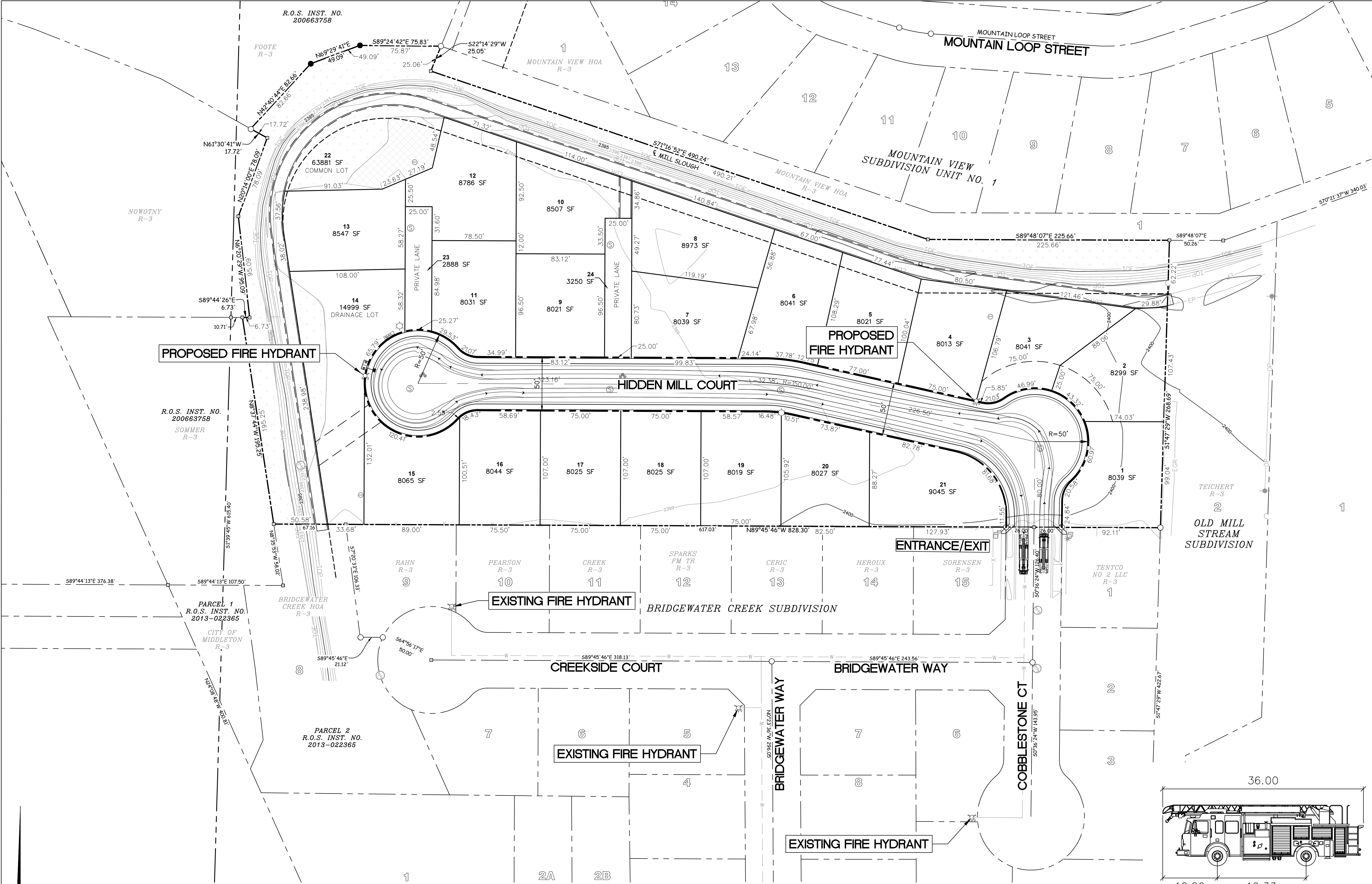


MIDDLETON STAR FIRE DISTRICTS

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

Tel. No.: (208) 286-7772
Web: www.midstarfire.org
Email: permits@starfirerescue.org

-
- b. Automatic Fire Sprinklers as option due to access. Will be in accordance with IFC and AHJ for review, approval and permitting.
 - c. 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.
 - d. 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. 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.
 - ii. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - iii. Fire hydrants shall be placed on corners when spacing permits.
 - iv. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
 - v. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
 - vi. Fire hydrants shall be provided to meet the requirements of the City of Middleton Water Standards.
 - vii. 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.



36' LONG FIRE ENGINE
NOT TO SCALE
WIDTH : 8.33
TRACK : 7.88
LOCK TO LOCK TIME: 6.0
STEERING ANGLE : 48.0

Nasland
90 Main Street, Ste. 314
Boise, ID 83702
Civil Engineering Consulting Land Planning
T 208 918-4899
nasland.com

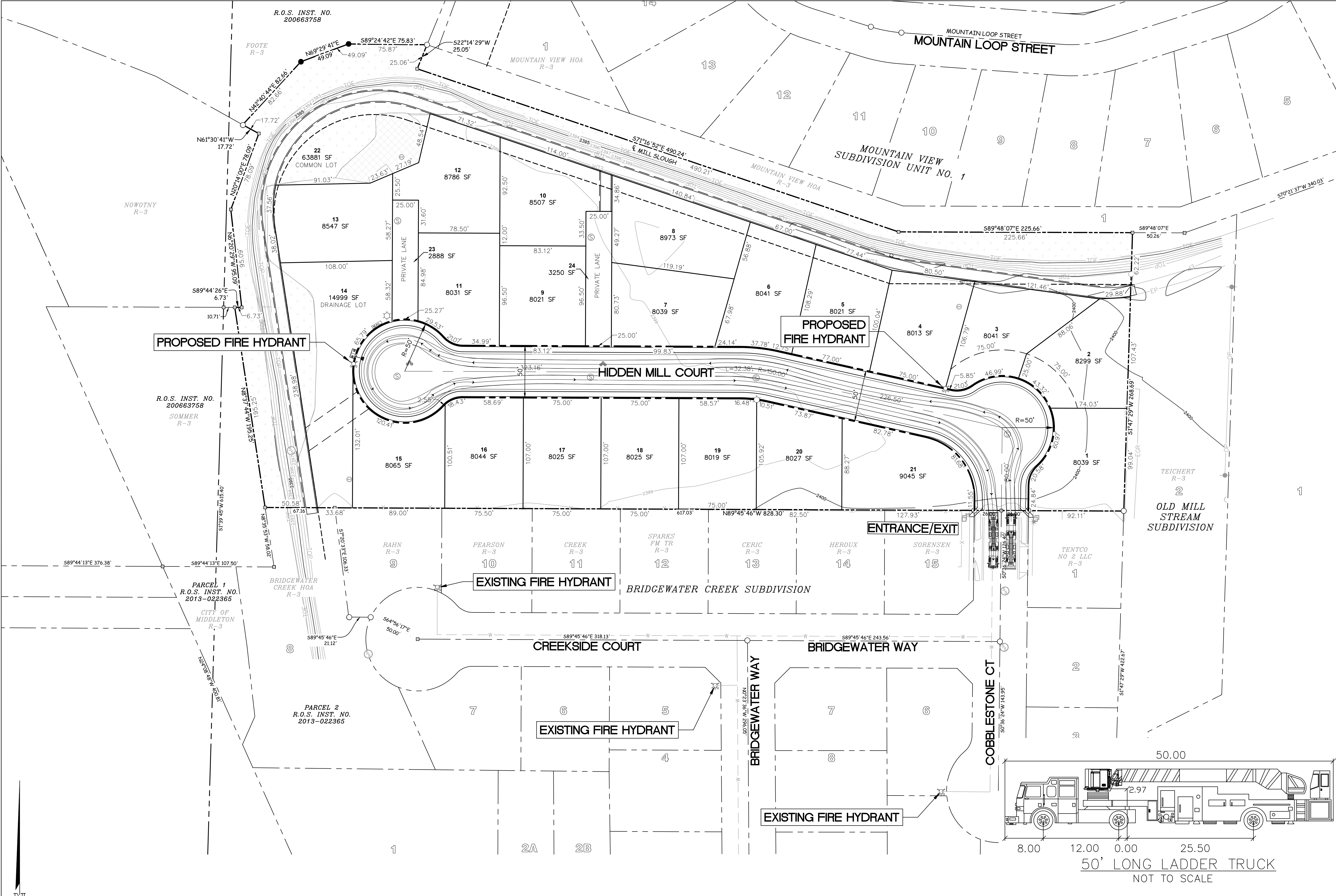
PROFESSIONAL ENGINEER
LICENSED
NOT FOR CONSTRUCTION
STATE OF IDAHO
CORY SCHRAUB

HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT

REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # : 321-105.1
DATE: 03/23/2022
DRAWN BY: MM
CHECKED BY: CS
PRELIMINARY

FIRE ACCESS
EXHIBIT - 36'
LONG FIRE
ENGINE
C1.0



Nasland
90 Main Street, Ste. 314
Boise, ID 83702
Civil Engineering Consulting Land Planning
T 208 918-4899
nasland.com

PROFESSIONAL ENGINEER
LICENSED
NOT FOR CONSTRUCTION
STATE OF IDAHO
CORY SCHRAUB

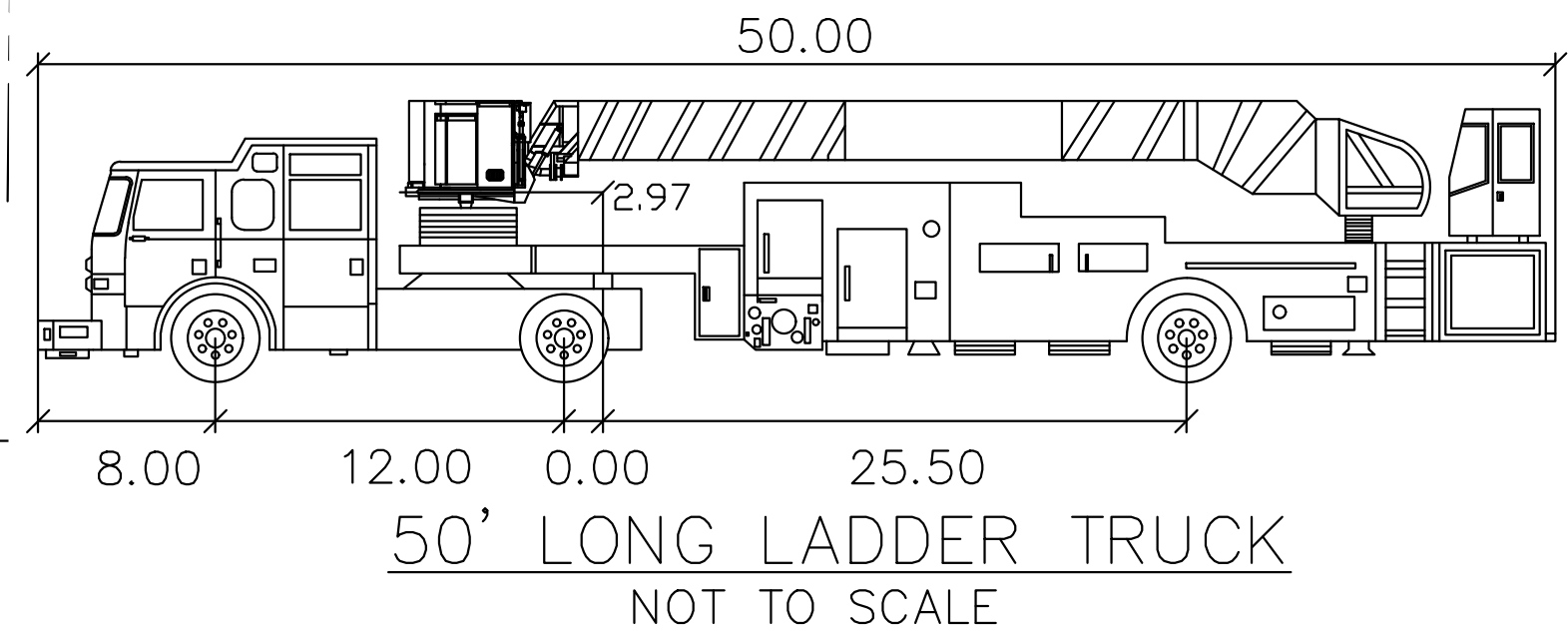
**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # : 321-105.1
DATE : 03/23/2022
DRAWN BY : MM
CHECKED BY : CS

PRELIMINARY

**FIRE ACCESS
EXHIBIT - 50'
LONG FIRE
ENGINE**
C1.1



FIRST UNIT WIDTH : 9.50
TRAILER WIDTH : 9.50
FIRST UNIT TRACK : 8.25
TRAILER TRACK : 8.25

LOCK TO LOCK TIME : 6.0
STEERING ANGLE : 30.0
ARTICULATING ANGLE : 70.0



**HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT**

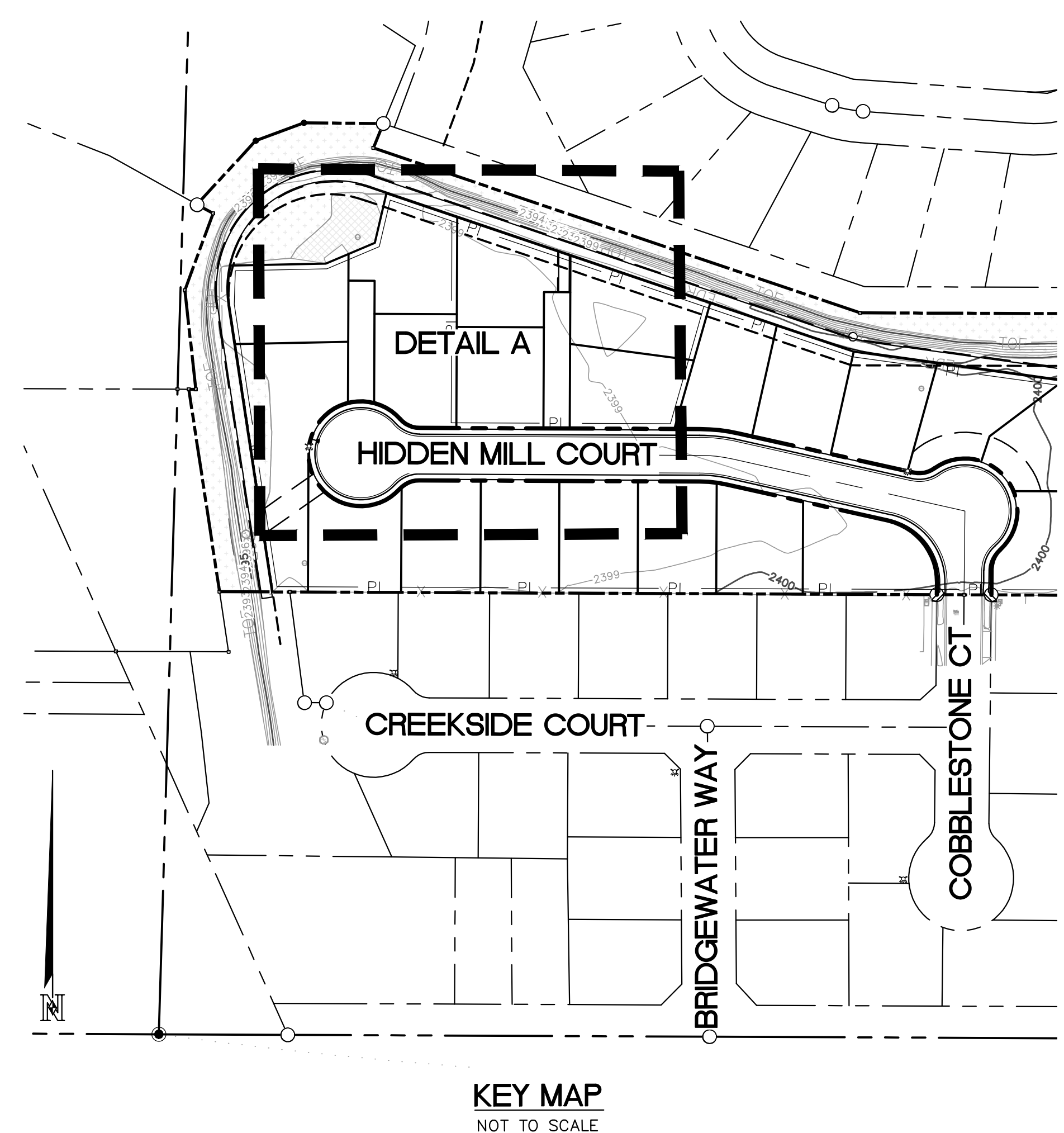
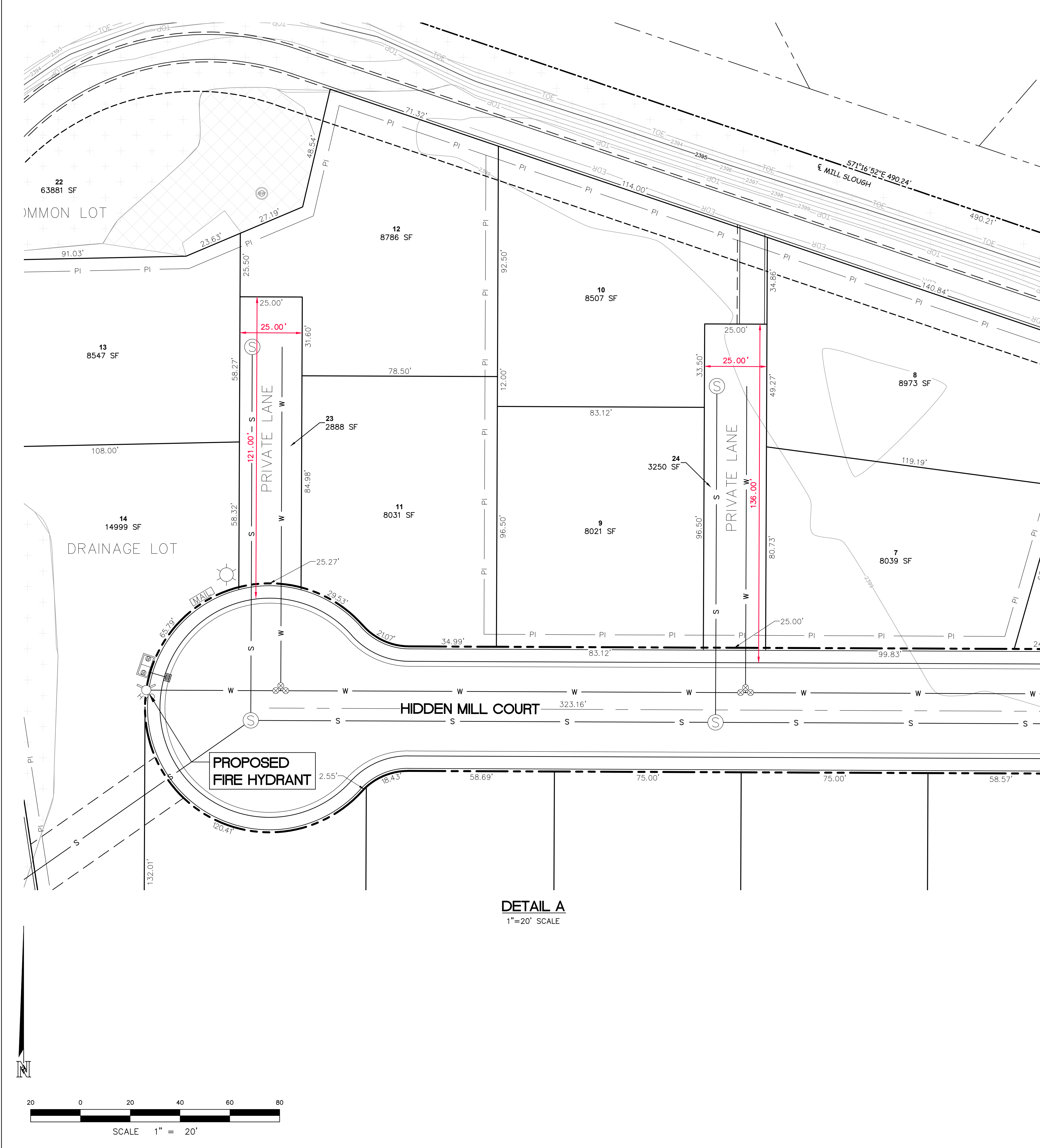
REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # 321-105.1
DATE: 03/23/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

**FIRE ACCESS
EXHIBIT - FIRE
SPRINKLER
LOTS
C0.0**

SHEET INDEX	
SHEET DESCRIPTION	SHEET
FIRE SPRINKLER LOTS	C0.0
36' LONG FIRE ENGINE	C1.0
50' LONG FIRE ENGINE	C1.1
PRIVATE DRIVE	C1.2



Nasland
90 Main Street, Ste. 314
Boise, ID 83702
Civil Engineering Consulting Land Planning
T 208 918-4859
nasland.com

PROFESSIONAL ENGINEER
LICENSED
NOT FOR CONSTRUCTION
STATE OF IDAHO
CORY SCHRACK

HIDDEN MILL SUBDIVISION
PRELIMINARY PLAT

REVISION	DATE	BY
ORIGINAL	03/23/2022	MM

NE JOB # 321-105.1
DATE: 03/23/2022
DRAWN BY: MM
CHECKED BY: CS

PRELIMINARY

FIRE ACCESS
EXHIBIT -
PRIVATE DRIVE

C1.2

EXHIBIT "E"

2nd letter submitted by MSD #134



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.

Hidden Mill Subdivision

Elementary students living in the subdivision as planned would be in the attendance zone for Mill Creek Elementary School. With 20 lots we anticipate the following breakdown of student increase in our schools:

Grade Range	Factor	# of students
Elementary (K-5)	0.219	4.38
Middle (6-8)	0.139	2.78
High (9-12)	0.211	4.22
Total	0.569	11.38

Representatives of Hidden Mill 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 areas where the developers of the Hidden Mill Subdivision could assist in the mitigation of growth in the school system.

First, bussing would be provided for school students attending Middleton Middle School and Middleton High School. Bussing would not be provided for Mill Creek Elementary students. The developers have indicated that there would be a sidewalk/path included that would connect to the existing sidewalk network allowing for safe routes to Mill Creek Elementary School.

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

lpennington@msd134.org

akrantz@msd134.org



Middleton School District #134

Every Child Learning Every Day

Second, the developers and school district officials are in the process of developing a Memorandum of Understanding regarding the expected financial impact resulting from these additional elementary students. With the addition of elementary students into a school that is over capacity, our analysis indicates that \$1,114.60 per lot, or \$5,089.52 per elementary student, is the amount necessary to account for the elementary growth due to this development. The developer has indicated that they are willing to voluntarily address this financial impact as part of the City of Middleton's subdivision approval process.

For questions or comments, please contact Marc Gee, Superintendent (contact information in footer).

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

Marc Gee, Superintendent

October 14, 2022

Date

EXHIBIT "F"

Landowner comments

June 4, 2022

Planning and Zoning Department
City of Middleton
P.O. Box 487
Middleton, ID 83644

To whom it may concern:

I am writing you concerning the public hearing notice sent via mail regarding Hidden Mill Preliminary Plat. It is my understanding that there is a public hearing to be held in regard to a proposed development of twenty residential lots and four common lots in the Hidden Mill Subdivision. I wish to express my comments and concerns prior to the public hearing concerning this matter.

I own the lot next to the designated area of this proposed development. I would support this development if the following terms were considered and met. First, I would ask the developer if we could tap into the existing utilities for our use, particularly the water and sewer utilities. Second, I would respectfully request that the developer build a privacy fence between the entire length of my lot and the proposed development at his or her sole expense on or before October 30, 2022. Third, should the developer want to extend the existing paved trail behind his or her development, that would be acceptable at the expense of the developer, even if it is built on or near my property. Finally, there is a private drive to my lot, and I would request that access to the new development does not utilize the private road to my building lot.

It has been a pleasure to have the opportunity to discuss this matter with your department. I am appreciative of the time and effort that is being put into making this project worthwhile, both for the developer as well as the current residents and landowners in the area. Also attached is an image that depicts the location of my lot (circled in yellow) in relation to the proposed development site. Please let me know if you have any additional questions regarding my comments, requests, or property.

Thank you,

Brent Schwab
505-695-3792
brentschwab@gmail.com



Public
Comment
Submitted
6/7/22
RLB

Sam Sommer


407 E. 1st St

Middleton Id, 83644

I own 260' across
the drain from your
project

I am concerned about
people accessing the
sewer pipe to my
property.

The Right of way
I hope you maintain
the R.W. for equip
to maintain the drain



I am concerned
with the car lights
turning around in the
cold sac's

About the new
crime rate,
who will police
the bike path

Thank you

Sam & Shannon
Sommer

EXHIBIT "G"

P&Z Commission FCR



Middleton Planning & Zoning Commission

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

In the Matter of the Request of IAG, LLC (successor in interest, “IAG Hidden Mill, LLC”) and Unger Enterprises, LLC for Preliminary Plat with respect the Hidden Mill Subdivision (Tax Parcel 33891010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of August 8, 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 August 8, 2022, Exhibit “1”.
3. Application and Property Facts: See Staff Report for the hearing date of August 8, 2022, Exhibit “1”.
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, and Title 50, Chapter 13; Idaho Standards for Public Works Construction and Middleton Supplement thereto; and Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of August 8, 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, 5-3, and 5-4 and Idaho State Code Secs., 67-6503, 67-6509, 67-6511, 67-6513, 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 August 8, 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 approve the application of IAG, LLC (successor in interest, "IAG Hidden Mill, LLC") and Unger Enterprises, LLC for Preliminary Plat with respect to the Hidden Mill Subdivision subject to the conditions of approval set forth Staff Report for the August 8, 2022, public hearing on the matter (Exhibit "1") and subject to the condition that the applicant meet with the School District to discuss possible ways to assist with the impact of the subdivision.

WRITTEN RECOMMENDATION APPROVED ON: September 14, 2022.



Heidal Summers, Vice Chairman
Planning and Zoning Commission

Attest:



Jennica Reynolds
Planning and Zoning Department

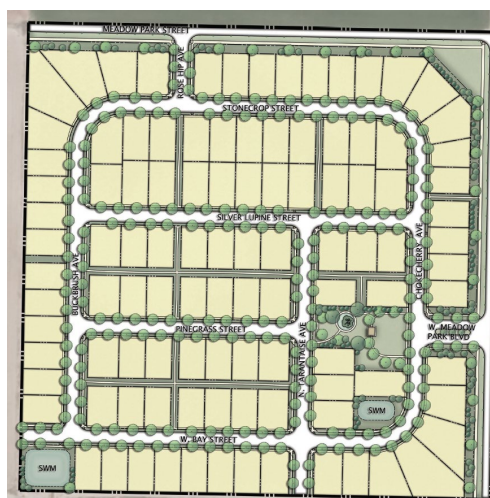
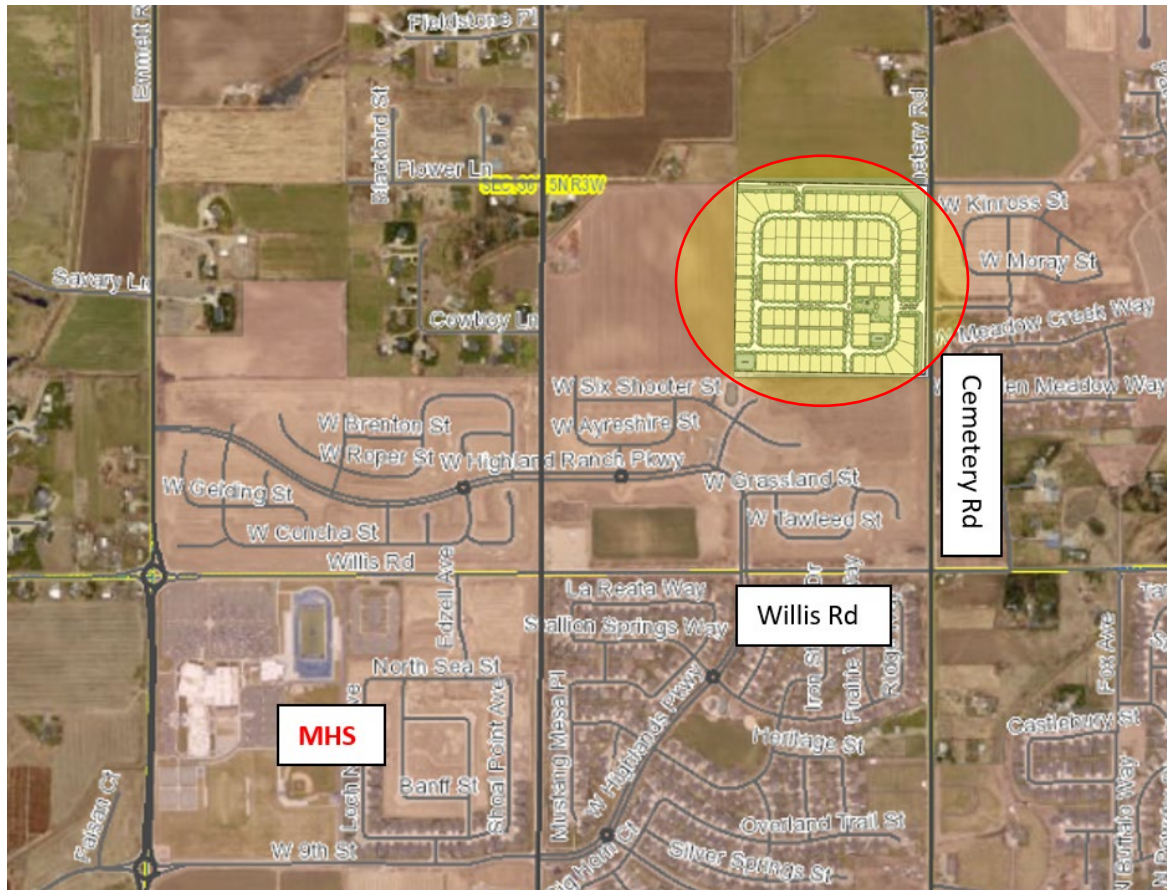
Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent 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. Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).



STAFF REVIEW AND REPORT

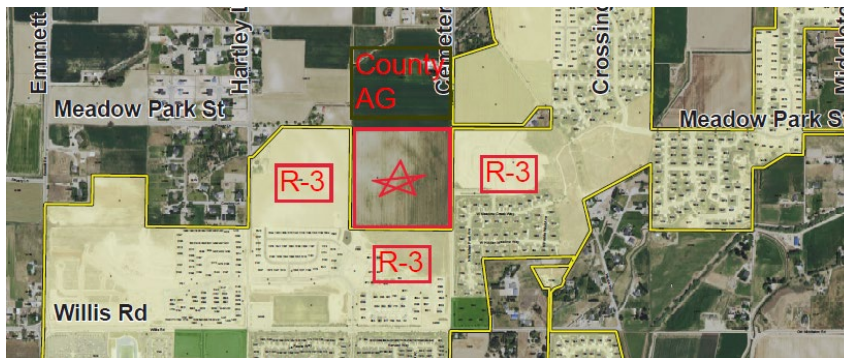
Middleton City Council

Black Powder Subdivision Snapshot Summary

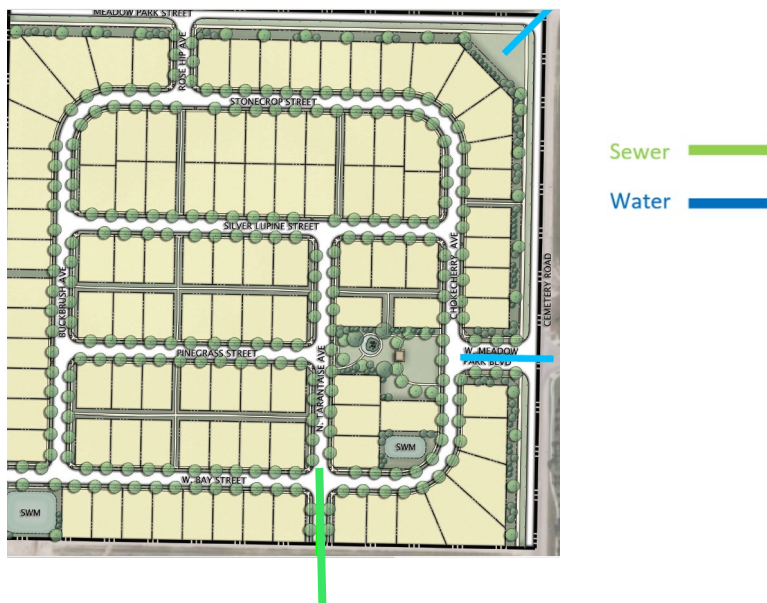


DESCRIPTION	DETAILS
Acreage	40.28 acres
Current Zoning	Canyon County "Agricultural"
Proposed Zoning	R-3 (Single Family Residential)
Current Land Use	Agriculture
Proposed Land Use	Residential
Lots	105 single family homesites and 17 common lots.
Density	2.61 (Max allowed is 3.0)
Open Space	6%
Amenities	Large Park with playstructure, shade ramada, benches and pathways.

- A. City Council Public Hearing Date:** December 7, 2022 (Continued from November 16, 2022.)
- B. Project Description:** Single Family residential subdivision located at 0 Cemetery Road, Middleton (tax parcel no., R38207). Project contains 105 single family home lots and 17 common lots on 40.28 acres of vacant land. Amenities include park with play structure, lawn, benches and shade structure with picnic tables.
- C. Application Requests:** Applications include (1) annexation and rezone to R-3 (Single Family Residential), (2) Preliminary Plat, and (3) Development Agreement.
- D. Current Zoning & Property Condition:** The property is currently vacant land in Canyon County zoned "Agricultural." It is contiguous to Middleton City limits and is surrounded on three sides by City property zoned R-3. To the north is County property zoned Agricultural.

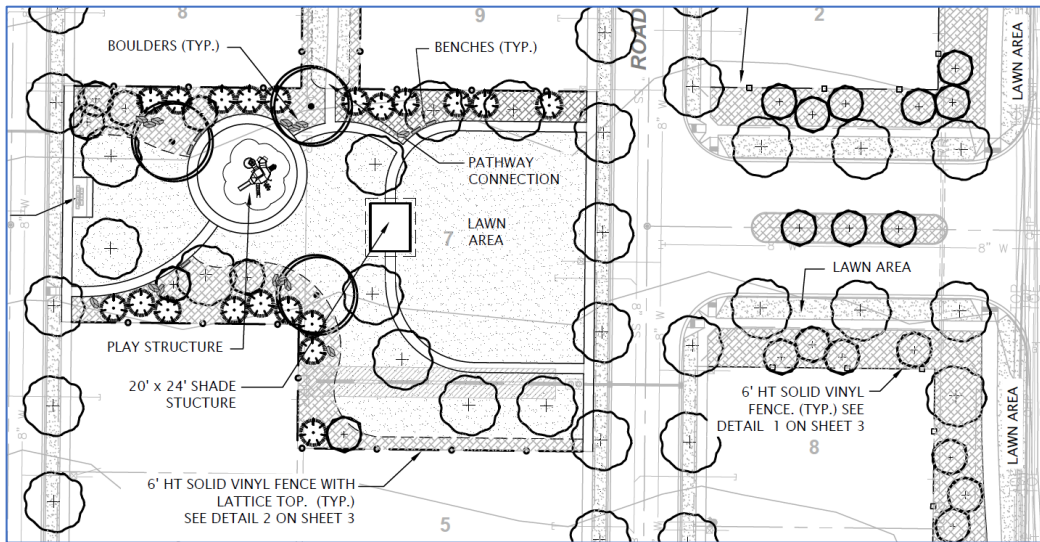


- E. City Services:** Water and sewer are immediately adjacent to the project site. Sewer will connect through the sewer line installed in W. Highlands Phase 17. Water will connect to a large water main located in Cemetery Road.

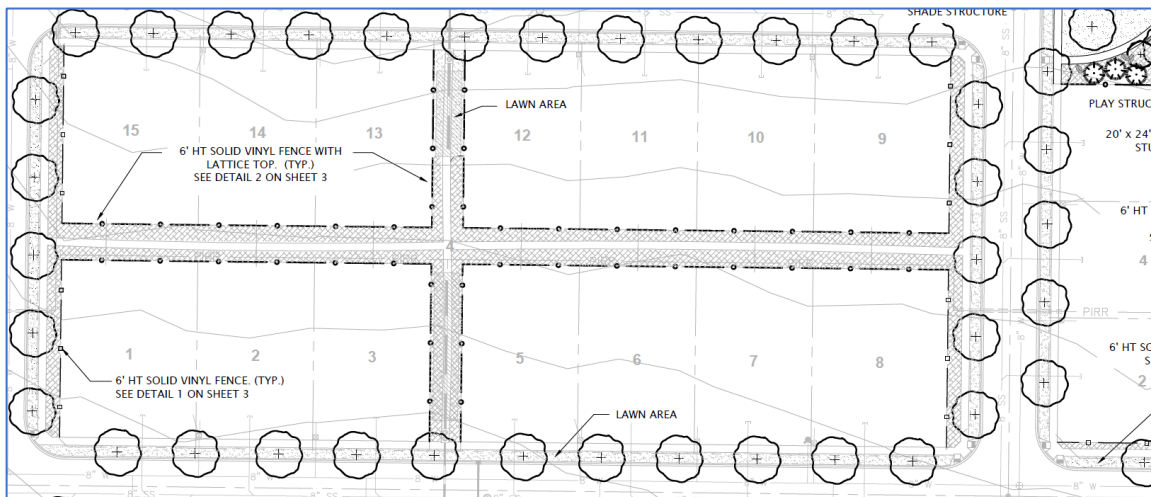


Sewer and water capacity are already included in the City's current capacity analyses. Capacity will not be formally reserved until the construction drawings are approved by City Engineer.

- F. Pathway, Open Space & Amenities:** Developer has provided open space in the form of a large landscaped common lot with play structure, benches, pathways, and shade structure with picnic tables.



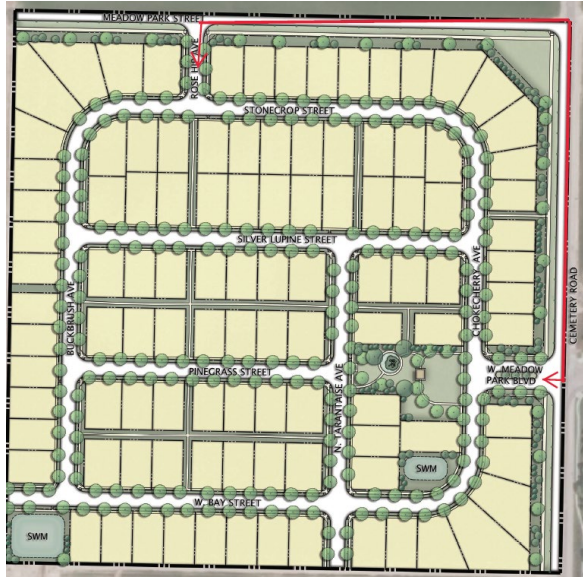
There are also wide landscaped areas with pathways that separate the rear yards of the interior homes. The common lots create a spacious landscaped buffer between homes while serving as connecting pathways.



These landscape pathways combined with the landscaped park area equal 6% open space. The City Code requires only a minimum of 5% open space.

G. Traffic, Access & Streets:

The primary access for the subdivision will be off of Cemetery Road and the future half road portion of Meadow Park Street. Stub roads to the east and south will connect into Phases 17 and 19 of the W. Highlands Subdivision.



City streets are primarily built by Developers. The Black Powder Developer, at its own cost, will be required to construct the frontage improvements along Cemetery Road and construct the brand new ½ road section of future Meadow Park Street.

The intersection of Cemetery Road and State Hwy 44 is of concern to City Engineer and City Staff. Additionally, A review of Black Powder's Traffic Study reveals that in 2023 the Cemetery Road/Hwy 44 intersection will operate at a Level of Service "D" ("LOS" D) at peak hours due to a difficult left turn lane. (TIS page 8 & 27, attached hereto as Exhibit "A".) City Code requires intersections in Middleton to operate at a LOS "C", so this intersection will shortly be below minimum standards. To fix the "deficiency" at Cemetery Road and SH44, the Traffic Study recommended a traffic signal.

It should be noted that the Traffic Study also states that all other intersections studied operate at acceptable standards in 2023 and will require no mitigation.

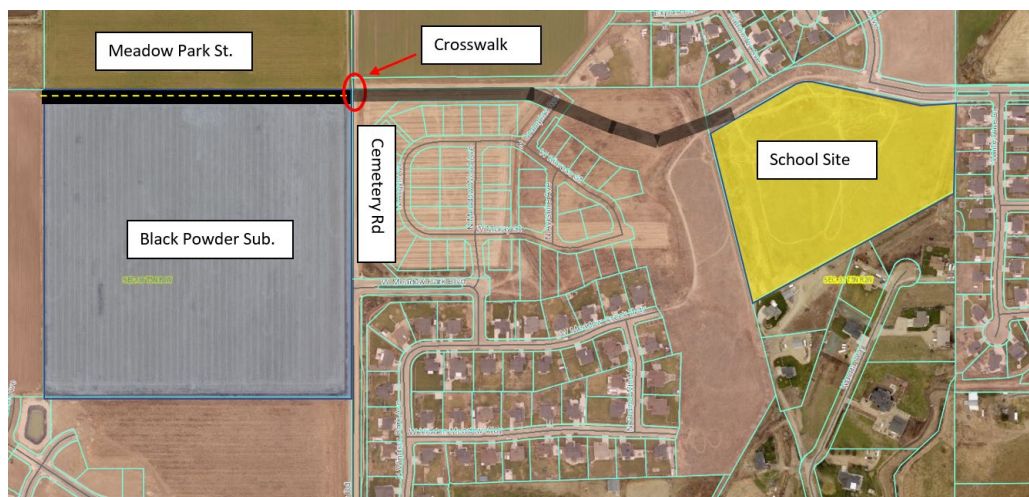
Developer will be contributing, in part, to the improvements of the Cemetery & SH44 intersection via its Mid-Star Transportation Impact Fee payments. The fees to be collected will total approximately \$530,250.00, and the fees will be used for improvements at Cemetery Road and other surrounding intersections and roadways.

However, recognizing that SH44 & Cemetery Road pose a particular problem, Developer has agreed to pay an additional \$150,000.00 as a “Voluntary Payment” over and above Mid-Star fees. Although the transportation money can be used for any transportation project the City chooses, the monies will be justified by, and intended for, improvements to the intersection of SH44 & Cemetery Road. (See Proposed Development Agreement provision 3.4.)

City Council has recently commissioned a traffic study to consider the intersections along the SH44 corridor. The Traffic Study project is a collaboration between Middleton and ITD to determine if interim traffic signals are warranted at various SH44 intersections. The Report should be completed in January or February 2023. If it reveals that the Cemetery Road and SH44 intersection requires an “interim traffic signal”, Developer’s \$150,000 payment will assist in getting that signal constructed.

To further help with road improvements, Developer has also agreed to pay all Mid-Star impact fees “up front” at each Phase’s final plat rather than piecemeal at building permit. The goal is to accelerate the funding of the Mid-Star program. Paragraph 3.5 of the proposed Development Agreement provides that City has the option to request the fees be paid up front at each phase, but the City does not have to require the accelerated payments. (City may not want an up-front payment if Mid-Star fees will increase at a subsequent point in time.)

Finally, the portion of Meadow Park Street to be constructed by Developer will lead to the future Meadow Park School Site. As a condition of approval, Developer should be required to stripe a crosswalk across Cemetery Road to ensure safe pedestrian access for kids walking to school.



- H. Schools:** The Black Powder Subdivision is in the Middleton School District #134. Elementary school children will attend the Heights Elementary School. Superintendent Marc Gee reported recently that Heights Elementary is at 134% capacity. However, he also noted that the school district is working on some solutions, including year round

school, revisions of elementary school boundaries, use of portables, and requesting new bonds.

The City has no jurisdiction or control over the School system. Instead, the City can only support and collaborate with the School officials to try to address the over-crowding problem experienced by the schools. State law does not allow impact fees to fund new schools. In Idaho, new schools are generally built with bonds passed by the residents. In effect, the residents decide whether new schools will be built or not be built. Residents in Middleton and the surrounding County have not approved bonds for new schools for a number of years.

- I. **Annexation and Rezone:** Applicants are requesting that the 40 acre project parcel be annexed into the City of Middleton with a zone change from County "Agricultural" to City R-3 (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, schools and roadway system. (Idaho Code 50-222.)

An application for rezone requires two findings before City Council can approve the applications: (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)

FINDINGS:

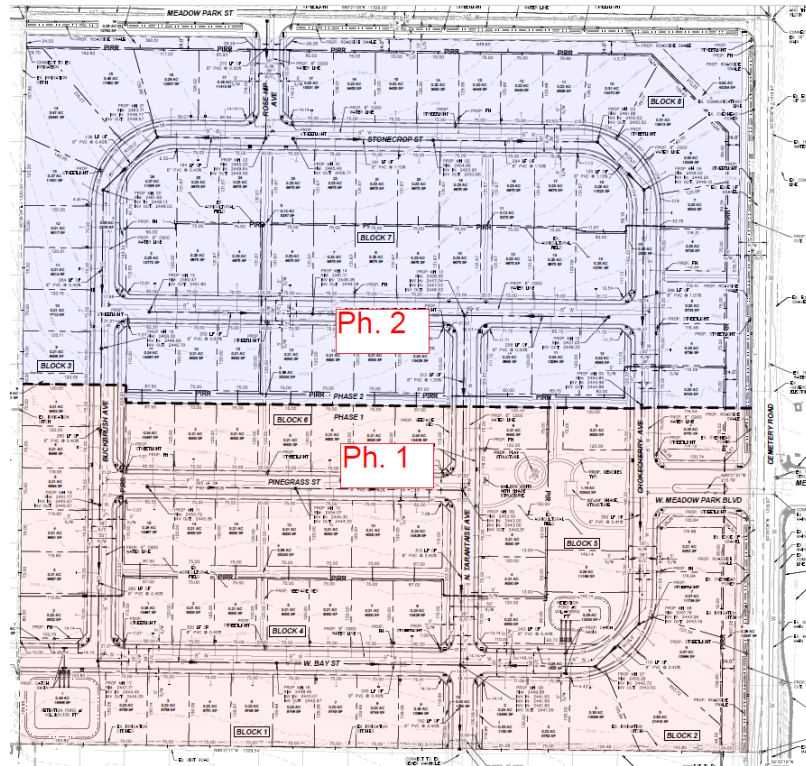
With respect to annexation, Planning Staff finds that Applicant's project meets the criteria of contiguity and requirement that city sewer and water be adjacent and readily available. Middleton Rural Fire Department has not submitted comments or otherwise noted a problem with the subdivision. Heights Elementary is at 134% capacity, but the school district is actively working on solutions to relieve the overcrowding.

As to traffic, the Traffic Study for the project noted that all intersections operate at acceptable levels except Cemetery & Hwy 44 at peak hours. An interim traffic signal would rectify the deficiency, and Developer has agreed to pay an additional \$150,000 towards the construction of that signal.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver sewer and water. Traffic and schools are impacted, however, as noted above.

Finally, as will be shown below, Applicant's project both complies with and conflicts with the City's Comprehensive Plan.

- J. Preliminary Plat Application:** The preliminary plat shows two phases of development. It also complies with all the standards and dimensions set forth in City Code for the R-3 Zone. Applicant is not requesting any variances from Codes and Standards. Finally, the preliminary plat provides less density than permitted in City Code. Black Powder's density is 2.61 homes per gross acre, which is less than the 3 homes per gross acre allowed by code. (MCC 5-4-1, Table 2).



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

Findings:

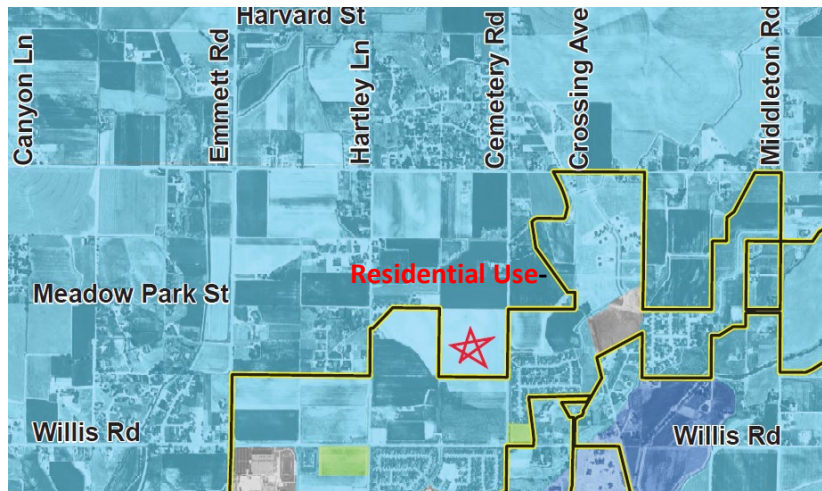
Planning Staff finds that the preliminary plat complies with all dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code.

- K. Development Agreement:** Applications for annexation/rezone are generally accompanied by an application for Development Agreement ("DA"). Attached as Exhibit "C" is the proposed Development Agreement. The Developer has used the City's DA form, and only Article III regarding conditions of development has been altered to add the following conditions:

1. Developer will develop the community generally consistent with the concept plans attached to the DA. (Para. 3.3)
2. Developer to stripe a crosswalk at the intersection of Cemetery Road and Meadow Park Street to provide safe access across Cemetery Road for pedestrians walking to the future Meadow Park School site to the east. (Para. 3.2)
3. Developer to provide the following amenities: playground structure, benches, and shade structure with at least two picnic tables.(Para. 3.7)
4. Developer shall improve the half road sections of Cemetery Road and Meadow Park Street at its own cost. (Para. 3.1)
5. Developer to make a voluntary payment of \$150,000 to City in light of the fact that the intersection of Cemetery Road & Hwy 44 will operate at a Level of Service "D" which is below City's minimum standard of LOS "C". Although City has the right to use the monies on other transportation projects, the payment is justified by the "deficiency" at Cemetery Road & Hwy 44 and is intended to assist in the construction of an interim traffic signal at that intersection. (Para. 3.4)
6. Developers will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to bring Phase 1 to final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat approval for Phase 2. This time period may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat. (Para. 3.6)
7. Developer to construct interior local roads in conformance with the road section shown on the preliminary plat. City local section contains 5' wide attached sidewalk. Developer will construct roadway with a 5' wide detached sidewalk with 7' mow strip in between curb and sidewalk. Developer, HOA, or individual lot owners to maintain mow strip even though it will be located in the City's right of way. (Para. 3.8)

[A full copy of the proposed Development Agreement is attached to this Staff Report as Exhibit "C".]

- L. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed R-3 zone correlates with the "Residential Use" shown on the Future Land Use Map.



Applicant's project also complies with the following *Goals, Objectives, and Strategies* of the *2019 Middleton Comprehensive Plan*:

- a. *Goal 4*: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole.
- b. *Goal 6*: Water, sewer, and adjacent road systems have been expanded in an orderly manner consistent with population growth.
- c. *Goal 10*: Project provides playgrounds, pathways and outdoor recreational activities.
- d. *Goal 11*: The housing type matches the residents' lifestyle in the area the project is located.

Applicant's project, however, is in conflict with Goals #1 and 3 to provide safe roads and adequate delivery of services, including adequate schools. However, contributing additional monies for the improvements to Cemetery Road & Hwy 44 mitigate this conflict to some degree.

- M. Comments Received from Surrounding Landowners:** City has received comments from the public. See comments attached as Exhibit "D".
- N. Comments from Agencies:** City received comments from COMPASS, ITD and Middleton School District #134. (Copies of Agency comments are attached as Exhibit "E".)
- O. Comments from City Engineer and Planning Staff:** Copies of engineering and planning staff comments are attached as Exhibit "F".

P. Application Information: Applicants are Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn Engineering (3103 W. Sheryl Dr. #100, Meridian 83642 / 950 W. Bannock Street, #1100, Boise, 83702). Application was accepted on 1/25/2022.

Q. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	11/1/2022
Radius notice to adjacent landowners	11/1/2022
Circulation to Agencies	10/31/2022
Sign Posting property	10/31/2022
Neighborhood Meeting	1/10/2022

R. Applicable Codes and Standards:

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

S. P&Z Recommendation:

The Black Powder applications were considered by the P&Z Commission in a public hearing held on September 12, 2022. The Commission recommended denial of all three applications based upon the fact that the governing bodies will not have sufficient information to make a decision on denial or approval until after the City's traffic study of Hwy 44 is completed in early 2023. A copy of the Findings of Facts, Conclusions of Law & Recommendation is attached as Exhibit "G".

T. Conclusions and Recommended Conditions of Approval:

City Council is tasked with denying or approving Developer's applications for annexation/rezone, development agreement, and preliminary plat, with or without conditions of approval.

Per State law and the Middleton City Code, any decision and final order must be based upon findings of facts and conclusions of law.

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses.

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 City Code to be considered in making a decision and order on the applications.

Annexation/Rezone, Preliminary Plat, and Development Agreement Applications:

If the Council is inclined to recommend approval of the annexation/rezone, preliminary plat, and development agreement applications, then Planning Staff recommends that any approval be subject to the following conditions:

1. Developer to stripe a crosswalk at the intersection of Meadow Park Street and Cemetery Road to ensure a safe route for children to walk east to the future Meadow Park School site.
2. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
3. Developer to comply with all terms of the Development Agreement approved for the project.
4. Developer to install landscaping and all amenities in compliance with the Landscape Plan and preliminary plat submitted with the application.
5. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
6. Developer to construct, at its own cost, all frontage improvements on Cemetery Road and Meadow Park Street adjacent to the project parcel.
7. Owner/Developer to pay all City required pro-rata share traffic fees as required by MCC 5-4-3 prior to approval of final plat for Phase 1.
8. All City Engineer review comments are to be completed and approved.
9. All Planner comments are to be completed and approved.
10. All requirements of the Middleton Rural Fire District are to be completed and approved.
11. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Council denies the applications, then the Council should state what the applicant could do, if anything, to obtain approval. (Middleton City Code 1-14(E)(8)).

Prepared by Roberta Stewart
Planning & Zoning Director

Dated: 12/2/2022

EXHIBIT "A"

Pages 8 & 27, Black Powder Traffic Study

EXECUTIVE SUMMARY

Kittelson & Associates, Inc. (Kittelson) has prepared a Transportation Impact Study (TIS) for the Black Powder Subdivision in Middleton, Idaho. The Black Powder Subdivision project is located to the west of Cemetery Road between Willis Road and Purple Sage Road within the City of Middleton area of influence. The proposed site is currently vacant farmland and consists of approximately 37.3 acres. The development plan proposes to build approximately 108 single-family homes. The anticipated buildout year is 2023.

The TIS resulted in the following findings and recommendations.

FINDINGS

Existing Conditions

- All study intersections were found to operate at acceptable operating standards during the existing weekday AM and PM.

Year 2023 Background Traffic Conditions

- Year 2023 background traffic volumes were forecast using a 4% compounded annual growth rate on Cemetery Road and an 8% compounded annual growth rate on all other roadways.
- All study intersections were found to operate at acceptable operating standards during the 2023 background weekday AM and PM except for:
 - **SH 44 / Cemetery Road**
 - The southbound left-turn is projected to operate at LOS D during the AM and PM peak hours, but under capacity.
- Mitigations required for intersections to meet operational standards under 2023 background traffic conditions are required for:
 - **SH 44 / Cemetery Road (AM & PM peak hours)**
 - No mitigation is recommended since all movements are under capacity and meet ITD operational standards. However, the LOS can be mitigated to within the City of Middleton standards of LOS C through signaling the intersection.

Table 4. Year 2023 Background Intersection Operations - Weekday AM and PM Peak Hour

No.	Intersection	Intersection Control	Intersection AM/PM			Lane Group	AM Peak Hour			PM Peak Hour		
			V/C	LOS	Delay		V/C	LOS	Delay	V/C	LOS	Delay
1	Purple Sage Rd / Duff Ln	TWSC	-	-	-	EBLTR	0.01	A	7.5	0.02	A	7.4
						WBLTR	0.02	A	7.6	0.01	A	7.7
						NBLTR	0.11	B	11.6	0.20	B	12.3
						SBLTR	0.08	B	10.8	0.07	B	11.7
2	SH 44 / Cemetery Rd	TWSC	-	-	-	EBL	0.06	A	9.6	0.12	B	10.5
						SBL	0.40	D	26.1	0.35	D	28.5
						SBR	0.39	C	18.1	0.18	C	16.6

V/C ratio is defined as vehicle-to-capacity ratio, which calculates the number of vehicles divided by the capacity of the roadway/intersection during the peak 15 minutes of the peak hour. LOS stand for Level of Service. Delay is reported in seconds per vehicle. Cells in the table above that are **bolded**, *italicized*, and **highlighted** indicate an intersection and/or lane group operating below the jurisdictional standards.

As shown in Table 4, all study intersections are projected to operate at acceptable operating standards during the year 2023 background weekday AM and PM peak hours, except for:

- **SH 44 / Cemetery Road (AM & PM peak hour):** The southbound left-turn lane group is projected to operate at LOS D in both the AM and PM peak hours.

EXHIBIT "B"

Proposed Preliminary Plat

BLACK POWDER
PRELIMINARY PLAT

A PORTION OF THE SE 1/4 OF SECTION 36,
TOWNSHIP 5 NORTH, RANGE 3 WEST
CANYON COUNTY, IDAHO

OWNER/DEVELOPER

TOLL BROTHERS
3103 W. SHERYL DR., SUITE 100
MERIDIAN, ID 83642
TELEPHONE: (208) 424-0020
CONTACT: ADAM CAPELL

CIVIL ENGINEER/
LAND PLANNER

KIMLEY-HORN AND ASSOCIATES, INC.
950 BANNOCK STREET
SUITE 1100
BOISE, IDAHO 83702
PHONE: (208) 297-2885
CONTACT: BRANDON MCDUGALD, PE

LAND SURVEYOR

LAND SOLUTIONS
231 E. 5TH ST. SUITE A
MERIDIAN, ID 83642
PHONE: (208) 288-2040
CONTACT: CLINT HANSEN, PLS

LEGEND

- PROPOSED CL/SECTION LINE
- PROPERTY BOUNDARY
- ROAD RIGHT OF WAY
- PROPOSED LOT LINES
- EASEMENT
- PROPOSED SURVEY MARKER
- EXISTING CONTOURS
- PROPOSED 8" SEWER
- PROPOSED 8" WATER (4' COVER)
- PROPOSED 16" WATER (4' COVER)
- PROPOSED CURB AND GUTTER
- PROPOSED STORM DRAIN MANHOLE
- PROPOSED CATCH BASIN
- PROPOSED SAND & GREASE TRAP
- PROPOSED SEWER MANHOLE
- PROPOSED FIRE HYDRANT
- PROPOSED GATE VALVE
- PROPOSED PEDESTRIAN RAMP
- PROP. STORM DRAIN
- EXISTING LOT LINE
- EXISTING IRRIGATION
- EXISTING WATER MAIN
- EXISTING EDGE OF PAVEMENT
- EXISTING EDGE OF GRAVEL
- EXISTING OVERHEAD POWER
- EXISTING GAS LINE
- EXISTING TELECOM
- EXISTING CURB AND GUTTER
- EXISTING STREET LIGHT
- EXISTING FIRE HYDRANT
- EXISTING GATE VALVE
- EXISTING POWER POLE
- EXISTING SIGN
- EXISTING IRRIGATION STRUCTURE
- EXISTING CONCRETE DITCH
- EXISTING DITCH FLOW LINE

PRELIMINARY PLAT DATA

PROPOSED ZONING: R-3

GROSS ACREAGE: 40.28 AC
NET ACREAGE: 36.95 AC
COMMON AREA: 4.83 AC. (12.0%)

TOTAL NUMBER OF LOTS: 122
RESIDENTIAL LOTS: 105
COMMON AREA LOTS: 17
RESIDENTIAL GROSS DENSITY (DU/AC): 2.61 DU/AC
PHASE 1 TOTAL LOTS: 58
PHASE 2 TOTAL LOTS: 64
PHASE 2 RESIDENTIAL LOTS: 56
MINIMUM BUILDABLE LOT AREA: 8,881 SF
MAXIMUM BUILDABLE LOT AREA: 21,802 SF
AVERAGE BUILDABLE LOT AREA: 10,243 SF

PRELIMINARY PLAT NOTES

- BUILDING SETBACKS AND DIMENSIONAL STANDARDS IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF THE CITY OF MIDDLETON.
- DEVELOPMENT IN THIS SUBDIVISION SHALL BE IN COMPLIANCE WITH THE APPLICABLE ZONING REGULATIONS OF MIDDLETON IN EFFECT AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
- ALL LOT LINES COMMON TO PUBLIC STREETS ARE HEREBY DESIGNATED TO HAVE A TEN (10) FOOT PERMANENT EASEMENT FOR PUBLIC UTILITIES AND PRIVATE UTILITIES. PUBLIC UTILITIES MAY ONLY BE IN FRONT LOT EASEMENT. UNLESS OTHERWISE SHOWN AND DIMENSIONED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC/PRIVATE UTILITIES, DRAINAGE, AND IRRIGATION OVER THE 5-FOOT ADJACENT TO ANY INTERIOR LOT LINE AND OVER 10-FOOT ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
- ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
- SANITARY SEWER & WATER SYSTEMS SHALL BE PROVIDED IN ACCORDANCE WITH THE CITY OF MIDDLETON'S SUPPLEMENT TO THE ISPCW.
- FIBER CONDUIT SHALL BE INSTALLED PER CITY OF MIDDLETON'S REQUIREMENTS.
- STORMWATER INFRASTRUCTURE WILL BE CONSTRUCTED PER CITY OF MIDDLETON POLICY AND ALL STORMWATER IS MANAGED USING RETENTION FACILITIES WITH PRETREATMENT.
- THE HOMEOWNERS' ASSOCIATION (HOA) OWNS AND MANAGES THE COMMON AREAS, WHICH INCLUDE STORMWATER FACILITIES. A PLAN FOR OPERATION, MAINTENANCE, AND REPAIR OF STORMWATER FACILITIES (O&M PLAN) HAS BEEN PREPARED FOR ALL STORMWATER FACILITIES MAINTAINED BY THE HOA. THE O&M PLAN SHALL BE RECORDED WITH THE CC&RS. THE O&M PLAN SHALL BE USED FOR MAINTENANCE AND OPERATION OF THE STORMWATER FACILITIES.
- LOT 1 BLOCK 1 AND LOT 3 BLOCK 5 ARE STORM WATER MANAGEMENT AREAS OWNED AND MAINTAINED BY BLACK POWDER HOA. LOTS ARE SUBJECT TO A BLANKET STORMWATER MANAGEMENT AND CITY UTILITY EASEMENT.
- PROJECT DATUM: NAVD 88.
- THE SUBDIVISION WILL RECEIVE PRESSURE IRRIGATION FROM CE 18.1 OWNED AND MAINTAINED BY BLACK CANYON IRRIGATION DISTRICT THROUGH EXISTING WEST HIGHLANDS RANCH SUBDIVISION WHICH IS OWNED AND OPERATED BY TOLL BROTHERS INC. OR BY THE APPLICABLE HOME OWNERS ASSOCIATION FOR WEST HIGHLANDS RANCH. THE SYSTEM SHALL BE PROVIDED PER IDAHO CODE, SECTION 31-3805 AND THE OWNER SHALL COMPLY WITH THE IDAHO CODE 31-3805(b) AND ALL PROVISIONS THAT MAY APPLY TO IRRIGATION RIGHTS. LOTS WILL NOT BE SUBJECT TO THE ASSESSMENT AS FOUND IN IDAHO CODE 31-3805(b). PIPING SHALL BE PLACED ALONG REAR LOT LINES (TYPICAL) AND IRRIGATION SERVICES PROVIDED TO EACH LOT. THE PRESSURE IRRIGATION SYSTEM SHALL BE MAINTAINED AND OPERATED BY THE HOME OWNERS ASSOCIATION. UPDATED PUMP STATION CAPACITY CALCULATIONS WILL BE REQUIRED AS A CONDITION OF CONSTRUCTION PLAN SUBMITTAL.
- LANDSCAPED COMMON LOTS ARE LOCATED THROUGHOUT THE PROJECT. THESE COMMON LOTS ARE IDENTIFIED AS LOT 1, LOT 10, BLOCK 1, LOT 1, 9, BLOCK 2, LOTS 1, 8, 18, BLOCK 3, LOT 4, BLOCK 4, LOTS 1, 3, 7, BLOCK 5, LOT 4, BLOCK 6, LOTS 1, 5, 11, 15, BLOCK 7, AND LOT 1, BLOCK 8. THESE LOTS SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.
- ALL EXISTING WELLS SHALL BE ABANDONED PER IDWR REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
- THIS PROPERTY IS IN ZONE X OF THE FLOOD INSURANCE RATE MAP NO. 16027C0235F, COMMUNITY PANEL NO. 0235 WHICH BEARS AN EFFECTIVE DATE OF MAY 24, 2011 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
- DEVELOPER TO STRIPE CROSSWALK AT INTERSECTION OF CEMETERY ROAD AND MEADOW PARK ST., TO PROVIDE SAFE ACCESS ACROSS CEMETERY ROAD TO THE FUTURE MEADOW PARK SCHOOL TO THE EAST.
- DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- SANITARY SEWER COLLECTION SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
- IRRIGATION DITCHES THROUGH THE PROJECT SHALL BE PIPED WHERE THEY CROSS ROADWAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY. ALL IRRIGATION AND DRAINAGE FACILITIES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY.
- ALL POWER AND JOINT UTILITIES SHALL BE RELOCATED OUT OF THE RIGHT-OF-WAY.
- SEWER AND WATER CAPACITY SHALL BE RESERVED WHEN CITY APPROVES CONSTRUCTION DRAWINGS AND SUBJECT TO MUNICIPAL SYSTEM CAPACITY.
- THIS SUBDIVISION IS SUBJECT TO THE PROVISIONS OF DEVELOPMENT AGREEMENT RECORDED IN THE RECORDS OF CANYON COUNTY AS INSTRUMENT # _____.

BENCHMARK & BOUNDARY CERTIFICATION

TBM=5" REBAR WITH CONTROL CAP.
N=751411.66
E=2391698.67
ELEVATION=2454.76'

SHEET INDEX

Sheet Number	Sheet Title
01	PRELIMINARY PLAT
02	PRELIMINARY PLAT DETAILS

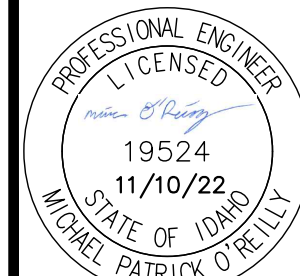


NOTE: THIS SEAL CERTIFIES
THE PROJECT BOUNDARY AND
BENCHMARK.

Kimley»Horn

SCALE (H) = 1" = 400'
SCALE (V) = NONE
DESIGNED BY: EGB
DRAWN BY: SH
CHECKED BY: MO
DATE: 11/10/2022

BLACK POWDER
PRELIMINARY PLAT
MIDDLETON, IDAHO



PROJECT NO.
093685005

DRAWING NAME
5005-PP

01 OF 02

K:_BOL_Civil\093685005 Black Powder\CAD\Plan Sheets\Preliminary\Plat\5005-PP.dwg Nov 10, 2022 Bridger Gurnell
XREFS: X5005-TB-PP X5005-BM-PA X5005-VP X5000-BW-20 X5000-BW-19 X5005-TP X5005-PI X5005-SD X5005-UT X5005-JT X5005-PI-17 X5000-PI-19 X5000-PIRR-20
OF AND UNLESS OTHERWISE NOTED, THIS DRAWING IS THE PROPERTY OF KIMLEY-HORN AND ASSOCIATES, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 1	19,998	0.46
2	BLOCK 1	9,758	0.22
3	BLOCK 1	9,758	0.22
4	BLOCK 1	9,751	0.22
5	BLOCK 1	9,748	0.22
6	BLOCK 1	9,748	0.22
7	BLOCK 1	9,749	0.22
8	BLOCK 1	9,749	0.22
9	BLOCK 1	10,396	0.24
10	BLOCK 1	1,150	0.03

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 2	1,150	0.03
2	BLOCK 2	10,490	0.24
3	BLOCK 2	9,750	0.22
4	BLOCK 2	13,006	0.30
5	BLOCK 2	21,802	0.50
6	BLOCK 2	16,619	0.38
7	BLOCK 2	12,204	0.28
8	BLOCK 2	9,672	0.22
9	BLOCK 2	10,442	0.24

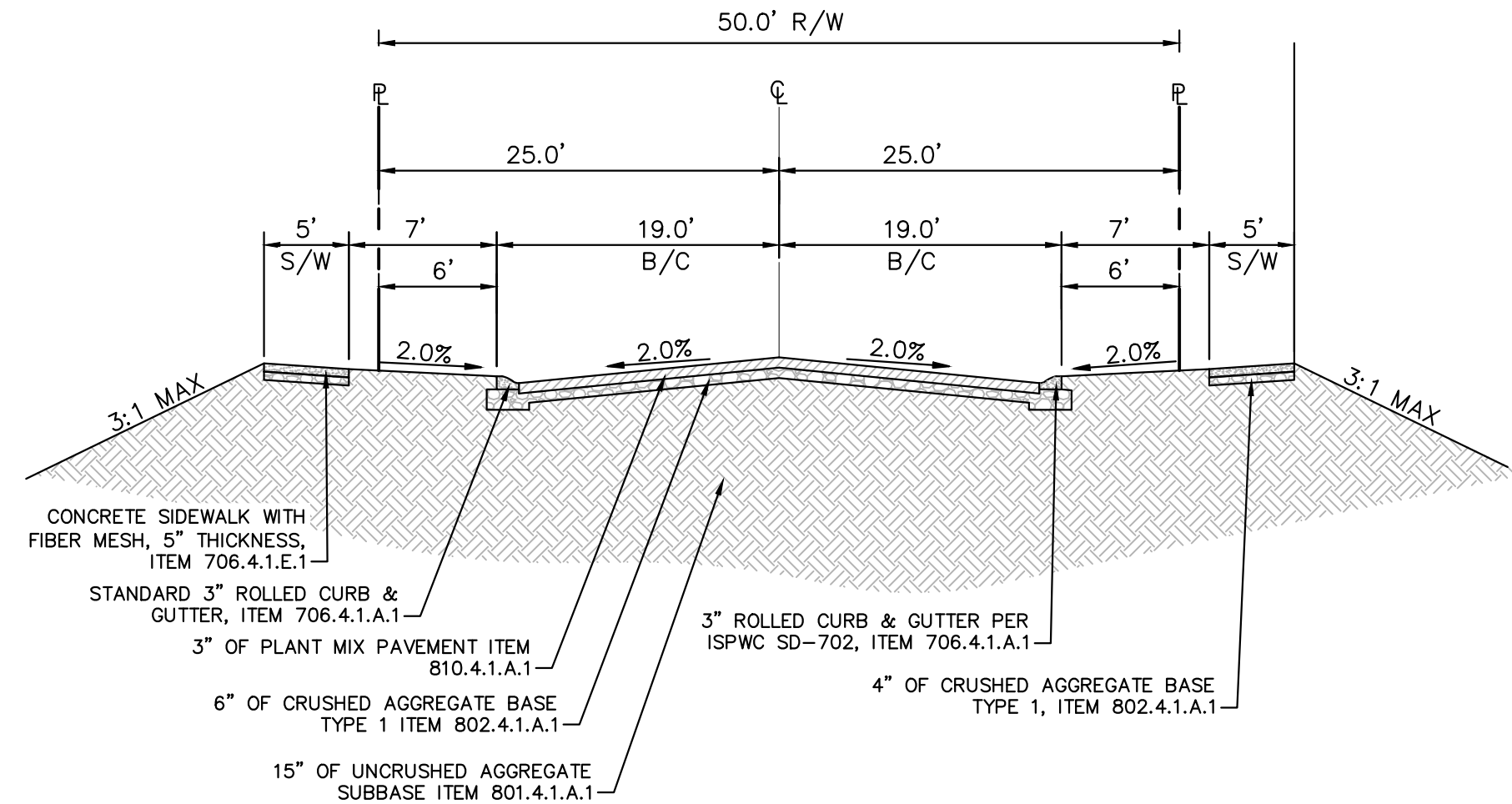
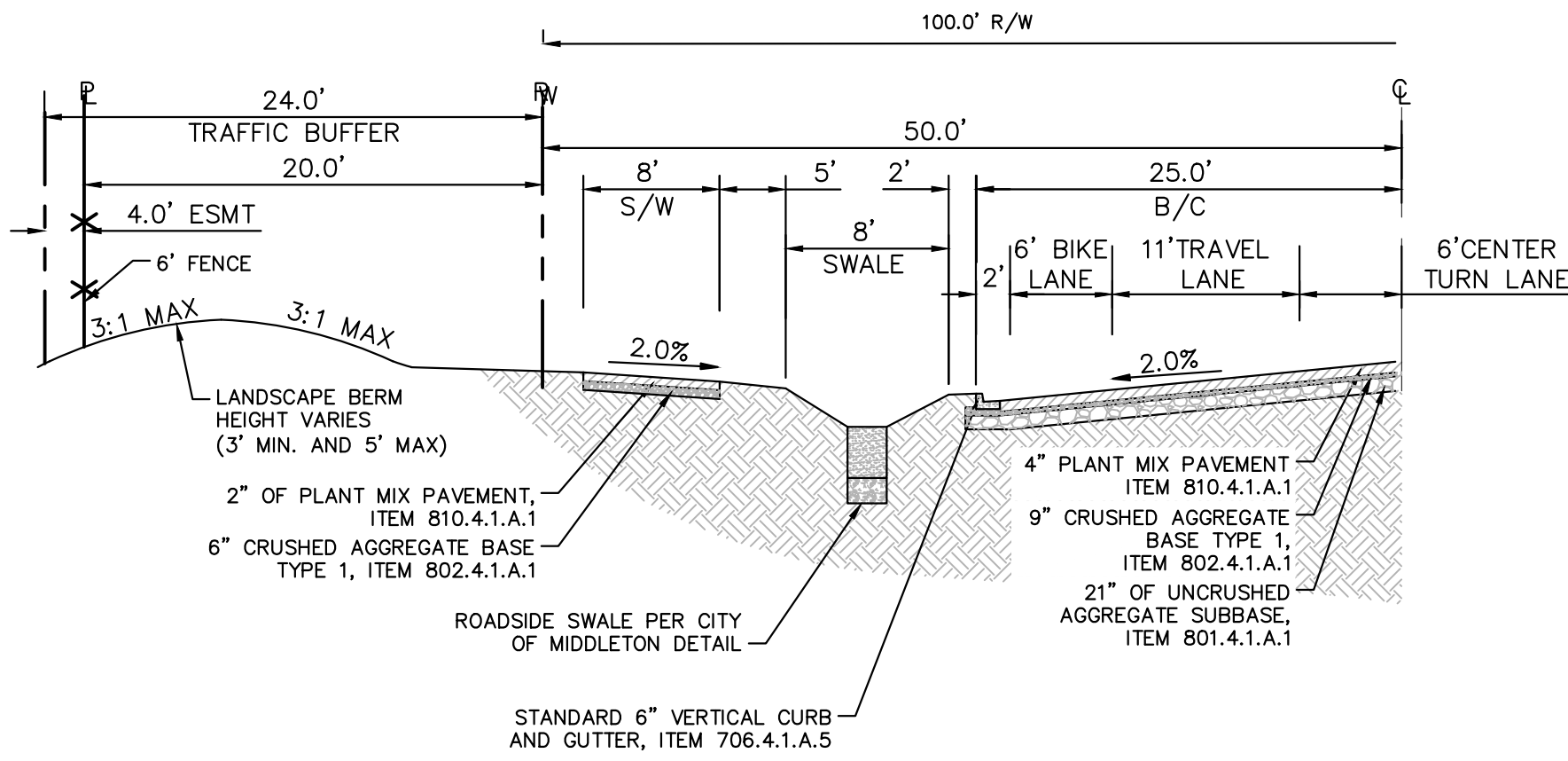
LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 3	1,047	0.02
2	BLOCK 3	9,532	0.22
3	BLOCK 3	8,987	0.21
4	BLOCK 3	8,991	0.21
5	BLOCK 3	8,994	0.21
6	BLOCK 3	8,998	0.21
7	BLOCK 3	9,002	0.21
8	BLOCK 3	2,401	0.06
9	BLOCK 3	9,006	0.21
10	BLOCK 3	9,010	0.21
11	BLOCK 3	9,014	0.21
12	BLOCK 3	9,017	0.21
13	BLOCK 3	11,931	0.27
14	BLOCK 3	20,573	0.47
15	BLOCK 3	18,137	0.42
16	BLOCK 3	13,079	0.30
17	BLOCK 3	11,774	0.27
18	BLOCK 3	9,160	0.21

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 4	10,487	0.24
2	BLOCK 4	9,000	0.21
3	BLOCK 4	9,000	0.21
4	BLOCK 4	25,240	0.58
5	BLOCK 4	9,000	0.21
6	BLOCK 4	9,000	0.21
7	BLOCK 4	9,000	0.21
8	BLOCK 4	10,428	0.24
9	BLOCK 4	10,428	0.24
10	BLOCK 4	9,000	0.21
11	BLOCK 4	9,000	0.21
12	BLOCK 4	9,000	0.21
13	BLOCK 4	9,000	0.21
14	BLOCK 4	9,000	0.21
15	BLOCK 4	10,487	0.24

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 5	1,835	0.04
2	BLOCK 5	9,550	0.22
3	BLOCK 5	12,430	0.29
4	BLOCK 5	9,000	0.21
5	BLOCK 5	11,186	0.26
6	BLOCK 5	9,000	0.21
7	BLOCK 5	52,042	1.19
8	BLOCK 5	9,000	0.21
9	BLOCK 5	9,000	0.21
10	BLOCK 5	9,566	0.22
11	BLOCK 5	10,284	0.24
12	BLOCK 5	9,566	0.22

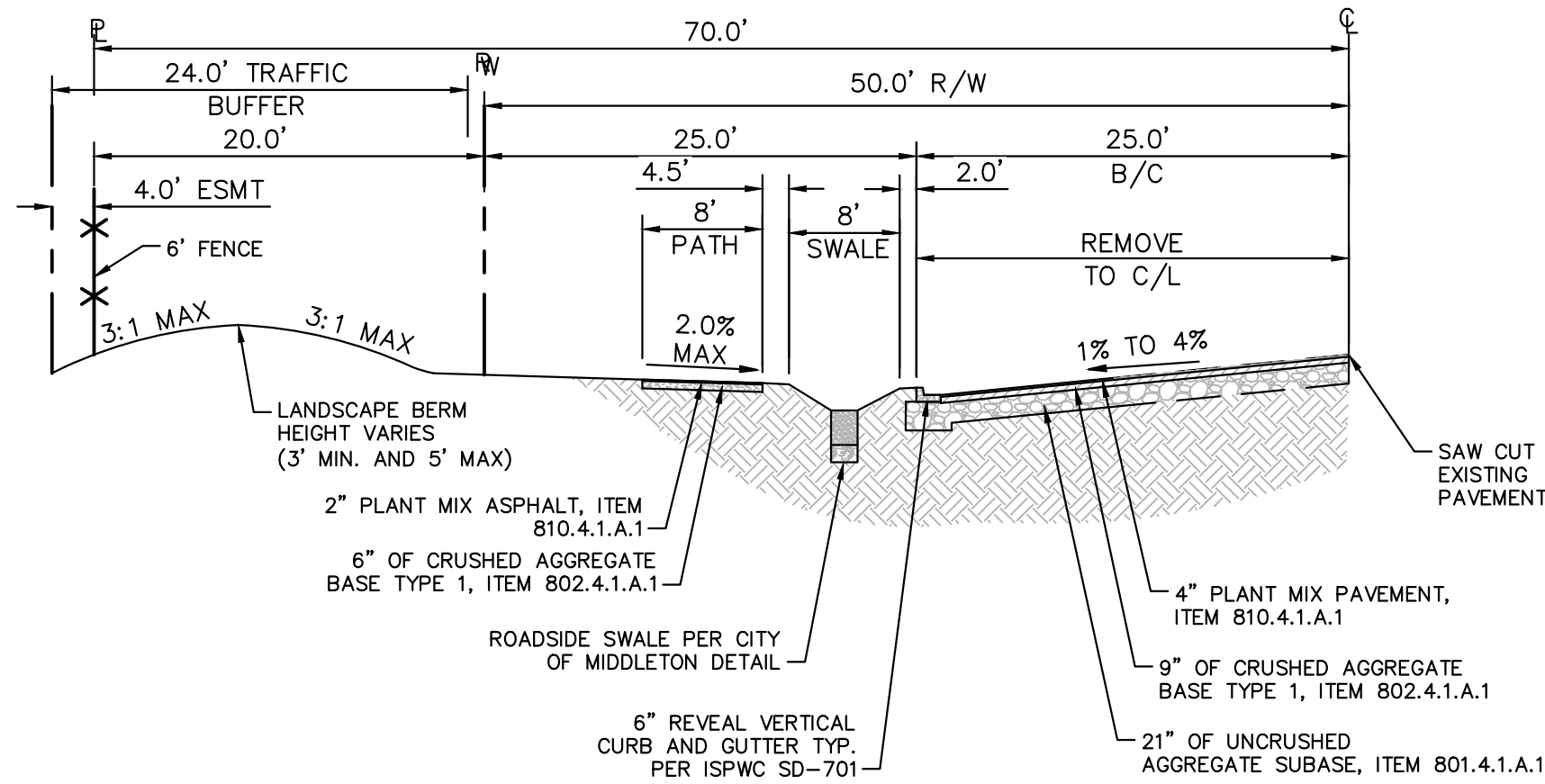
LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 6	10,487	0.24
2	BLOCK 6	9,000	0.21
3	BLOCK 6	9,000	0.21
4	BLOCK 6	25,240	0.58
5	BLOCK 6	9,000	0.21
6	BLOCK 6	9,000	0.21
7	BLOCK 6	9,000	0.21
8	BLOCK 6	10,428	0.24
9	BLOCK 6	10,428	0.24
10	BLOCK 6	9,000	0.21
11	BLOCK 6	9,000	0.21
12	BLOCK 6	9,000	0.21
13	BLOCK 6	9,000	0.21
14	BLOCK 6	9,000	0.21
15	BLOCK 6	10,487	0.24

LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 8	34,632	0.80
2	BLOCK 8	9,052	0.21
3	BLOCK 8	9,045	0.21
4	BLOCK 8	9,039	0.21
5	BLOCK 8	9,033	0.21
6	BLOCK 8	9,026	0.21
7	BLOCK 8	8,881	0.20
8	BLOCK 8	13,785	0.32
9	BLOCK 8	14,135	0.32
10	BLOCK 8	14,005	0.32
11	BLOCK 8	9,918	0.23
12	BLOCK 8	9,749	0.22
13	BLOCK 8	9,749	0.22
14	BLOCK 8	9,750	0.22
15	BLOCK 8	9,750	0.22
16	BLOCK 8	9,750	0.22
17	BLOCK 8	10,351	0.24



LOT AREA TABLE			
LOT NUMBER	BLOCK NUMBER	LOT AREA (SF)	LOT AREA (AC)
1	BLOCK 7	2,279	0.05
2	BLOCK 7	10,772	0.25
3	BLOCK 7	9,875	0.23
4	BLOCK 7	9,875	0.23
5	BLOCK 7	5,267	0.12
6	BLOCK 7	9,875	0.23
7	BLOCK 7	9,875	0.23
8	BLOCK 7	9,875	0.23
9	BLOCK 7	9,875	0.23
10	BLOCK 7	9,875	0.23
11	BLOCK 7	5,270	0.12
12	BLOCK 7	9,875	0.23
13	BLOCK 7	9,875	0.23
14	BLOCK 7	10,761	0.25
15	BLOCK 7	2,002	0.05
16	BLOCK 7	11,523	0.26
17	BLOCK 7	9,875	0.23
18	BLOCK 7	9,875	0.23
19	BLOCK 7	9,875	0.23
20	BLOCK 7	9,875	0.23
21	BLOCK 7	9,875	0.23
22	BLOCK 7	9,875	0.23
23	BLOCK 7	9,875	0.23
24	BLOCK 7	9,875	0.23
25	BLOCK 7	9,875	0.23
26	BLOCK 7	11,595	0.27

CURVE TABLE				
CURVE	RADIUS	LENGTH	DELTA	TANGENT
C1	150.00'	60.91'	23°15'57"	30.88'
C2	150.00'	66.18'	25°16'42"	33.64'
C3	150.00'	66.20'	25°17'12"	33.65'
C4	150.00'	40.97'	15°38'59"	20.61'
C5	150.00'	61.93'	23°39'20"	31.41'
C6	150.00'	132.47'	50°35'59"	70.90'
C7	150.00'	132.47'	50°35'59"	70.90'
C8	150.00'	41.41'	15°48'56"	20.84'
C9	100.00'	157.08'	90°00'00"	100.00'
C10	100.00'	157.08'	90°00'00"	100.00'
C11	100.00'	157.08'	90°00'00"	100.00'
C12	100.00'	157.08'	90°00'00"	100.00'
C13	100.00'	157.08'	90°00'00"	100.00'
C14	100.00'	157.08'	90°00'00"	100.00'
C15	150.00'	8.83'	3°22'26"	4.42'
C16	150.00'	66.25'	25°18'27"	33.68'
C17	150.00'	66.24'	25°18'07"	33.67'
C18	150.00'	66.21'	25°17'28"	33.65'
C19	150.00'	28.08'	10°43'31"	14.08'



Kimley»Horn

© 2022 KIMLEY-HORN AND ASSOCIATES, INC.
950 Barnack Street, Suite 1100
Boise, Idaho 83702 (208) 297-2885

SCALE (H):1"=10'
SCALE (V): NONE
DESIGNED BY:EG
DRAWN BY:SH
CHECKED BY:MO
DATE: 11/10/2022

BLACK POWDER
PRELIMINARY PLAT DETAILS
MIDDLETON, IDAHO

PROFESSIONAL ENGINEER
LICENSED
19524
11/10/22
MICHAEL PATRICK O'REILLY

PROJECT NO.
093685005
DRAWING NAME
5005-PP

EXHIBIT “C”

Proposed Development Agreement

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

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 Toll Southwest LLC, a Delaware limited liability company, ("**Developer**").

RECITALS

WHEREAS, Developer owns approximately forty (40) acres of real property located at 0 Cemetery Road (Tax Parcel No. R382070), 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 with a multi-phase single-family residential development commonly known as the Black Powder 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 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 Agricultural 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 section of the west half of Cemetery Road, a collector roadway, abutting the Property and dedicate the full fifty foot (50') right of way from centerline and improve the fifty foot (50') half-road section of the south half of Meadow Park Street, a collector roadway, and dedicate the full fifty foot (50') right of way from centerline all per City standards and codes.

3.2 Cross-Walk. Developer to stripe a crosswalk at the intersection of Cemetery Road and Meadow Park Street to provide safe access across Cemetery Road to the future Meadow Park School to the east of the Property.

3.3 Concept Plan: The conceptual site plan for the Project is attached hereto and incorporated herein as Exhibit B ("**Concept Plan**"). The Property shall be developed substantially consistent with the Concept Plan.

3.4 Voluntary Roadway Payment: Developer agrees to voluntarily pay to the City \$150,000.00 (the "**Voluntary Payment**") as a condition precedent to recording the first final plat for the Project. The Voluntary Payment may be used by the City for any transportation infrastructure project within the City at the City's sole discretion, but the expectation of the parties is that the Voluntary Payment will be used at the State Highway 44 and Cemetery Road intersection. Payment of the Voluntary Fee is in addition to fees that will be assessed against the Project under City Ordinance Number 591 (transportation impact fee), as may be amended.

3.5 Prepayment of Transportation Impact Fees. City may elect to have Developer prepay, as a condition to record a final plat within the Project, the City's then-current Idaho Development Impact Fee Act (I.C. § 67-8201-16) compliant transportation impact fee for the number of residential units in such final plat. If City does not make such election, Developer shall pay transportation impact fees at the time required by the City's then-current Idaho Development Impact Fee Act (I.C. § 67-8201-16) compliant transportation impact fee ordinance.

3.6 Final Plat Requirements: Notwithstanding the provisions in Article IV of this Agreement, Developer shall obtain City Engineer's signature on the Phase 1 final plat within two (2) years of the preliminary plat approval for the Project. 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 ISPMC and final plat application. The six (6) month period will not be triggered if any information required by the Supplement is missing.

3.6.1 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.

3.6.2 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 this 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 Agreement at any time after the noted time periods expire, and City's delay in terminating this Agreement shall not constitute a waiver of its right to terminate.

3.6.3 After final plat approval for the first phase of the Project, Developer shall obtain City Engineer's signature on the final plat for each subsequent 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 3.5.1. 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.

3.7 Amenities: Developer shall provide the following amenities for the Project: Playground structures, benches, and shade structure with at least two (2) picnic tables.

3.8 Project Local Street Design: City's Local Roadway Typical Section per the City's Supplement to ISPMC generally requires a fifty foot (50') right of way that contains five foot (5') attached sidewalks. Developer, however, shall construct local roadways within the Project and dedicate right-of-way pursuant to the street section shown in the approved preliminary plat, and as depicted on Exhibit C, attached hereto and incorporated herein, which street section contains a detached five foot (5') sidewalk with seven foot (7') shoulder or mow strip. Developer, or its assigns shall be responsible for maintaining and repairing the

seven foot (7') mow strip. The City shall not be responsible for the installation, repair, or maintenance of said mow strip, but City shall cooperate with Developer in all respects to permit access to and allow work for maintenance and repair within the mow strip.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 Subject to the notice and opportunity to cure provisions herein, 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 or is required to give to another party must be in writing and shall be given by one of the following: personal delivery, by mailing the same registered or certified mail with a return receipt requested. Notice shall be deemed given upon delivery if by personal delivery, upon receipt in the United States mail if sent by mail. 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 in writing after giving notice:

Middleton: City Clerk
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Developer: Toll Southwest LLC
3103 West Sheryl Drive, Suite 100
Meridian, ID 83642
Attn: Adam Capell

With Copy to: Toll Brothers
725 W. Town and Country Road
Orange, California 92868
Attn: Legal Department

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 nonprevailing 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 This Agreement shall be effective after being fully executed and recorded in the real property records of Canyon County. This Agreement shall be executed only upon its approval by the City Council. 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.

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 respective portion of the Property.

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 portion of the Property.

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.

[Signatures on following pages]

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

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 _____)

DEVELOPER

By: _____
Its: _____

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 Toll Southwest, LLC.

Notary Public
My Commission Expires: _____

EXHIBIT "A"

Legal Description of Property

[see following two (2) pages]

Legal Description
Black Powder Subdivision – Preliminary Plat

A parcel being the NE ¼ of the SE ¼ of Section 36, Township 5 North, Range 3 West, Boise Meridian, City of Middleton, Canyon County, Idaho, and more particularly described as follows:

BEGINNING at a Brass Cap monument marking the northeast corner of said NE ¼ of the SE ¼, Section 36;

Thence along the easterly boundary of said NE ¼ of the SE ¼ S 0°35'08" W a distance of 1319.97 feet to an Aluminum Cap monument marking the southeast corner of said NE ¼ of the SE ¼;

Thence along the southerly boundary of said NE ¼ of the SE ¼ N 89°21'11" W a distance of 1329.54 feet to an Aluminum Cap monument marking the southwest corner of said NE ¼ of the SE ¼;

Thence along the westerly boundary of said NE ¼ of the SE ¼ N 0°36'24" E a distance of 1320.00 feet to a Brass Cap monument marking the northwest corner of said NE ¼ of the SE ¼;

Thence along the northerly boundary of said NE ¼ of the SE ¼ S 89°21'06" E a distance of 1329.05 feet to the **POINT OF BEGINNING**.

This parcel contains 40.28 acres and is subject to any easements existing or in use.

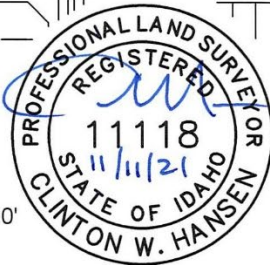
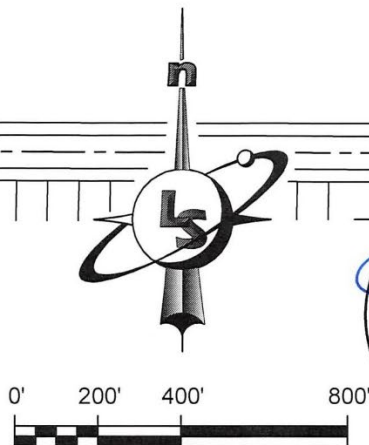
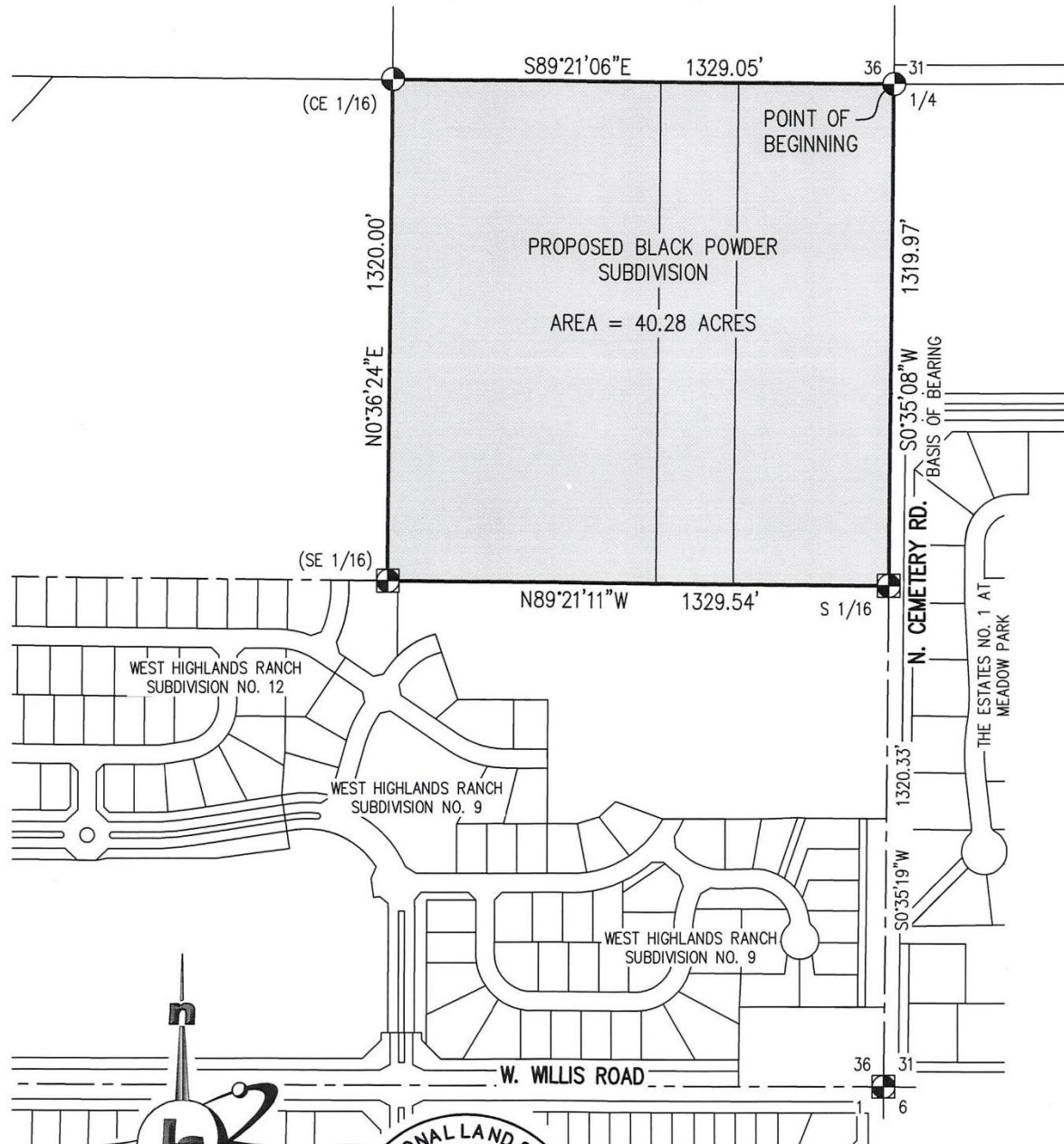
Clinton W. Hansen, PLS
Land Solutions, PC
November 3, 2021



Black Powder Subdivision
Job No. 21-62
Page 1 of 1

BLACK POWDER SUBDIVISION - PRELIMINARY PLAT EXHIBIT

THE NE 1/4 OF THE SE 1/4 OF SECTION 36, T5N, R3W, BM, CITY OF
MIDDLETON, CANYON COUNTY, IDAHO



LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

JOB NO. 21-62

EXHIBIT “B”

Concept Plan

[see following one (1) page]

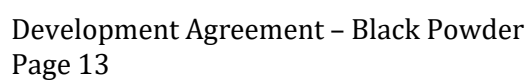


EXHIBIT “C”

Project Local Street Design

[see following one (1) page]

CITY OF MIDDLETON LOCAL ROADWAY TYPICAL SECTION – 25 HALF WIDTH ROW MODIFIED FOR DETACHED SIDEWALK

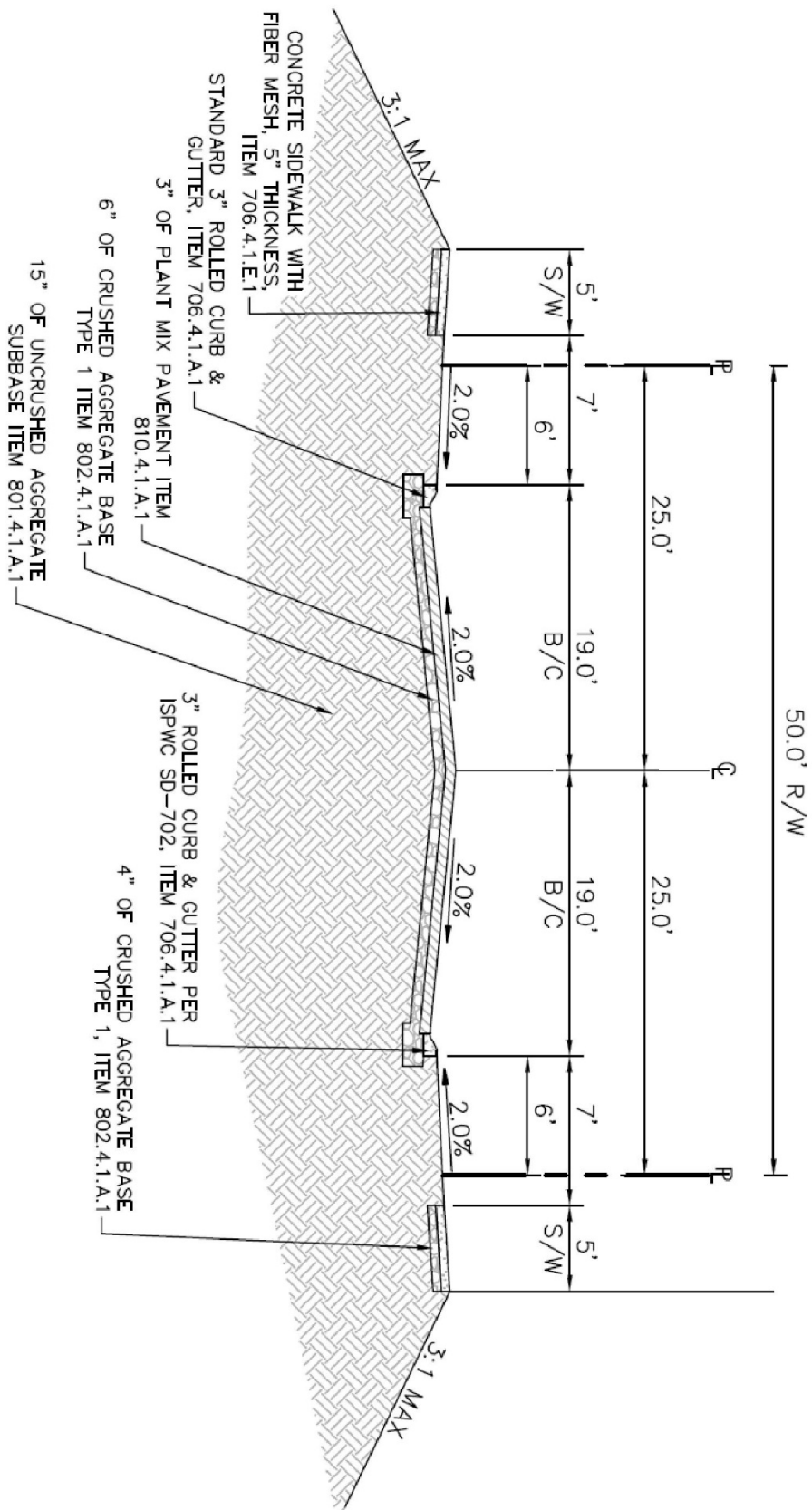


EXHIBIT "D"

Comments from Public

From: [Derek Towery](#)
To: [Roberta Stewart](#)
Subject: R38207 development
Date: Saturday, November 5, 2022 5:25:54 PM

Good afternoon. I urge you to decline the proposal of 105 homes being built on this 40.28 acres. With the recent influx of residents to the community and the lack of infrastructure development, the acceptance of this would only hinder the current residents more. The schools are already overflowing, the roads are next to impossible to travel at points and we do not have the quantity of grocery stores available to support more residents.

Thank you!
Derek Towery
(702)336-7929

EXHIBIT “E”

Comments from Agencies

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
Email: info@compassidaho.org



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.

Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

City

County

Highway District

School District

Break Even:

From: [Jennica Reynolds](#)
To: [Roberta Stewart](#)
Subject: FW: Notice - Black Powder PZ
Date: Wednesday, August 24, 2022 8:47:56 AM
Attachments: [image001.png](#)
[image004.png](#)
[image002.png](#)

Thanks so much,

Jennica Reynolds

City of Middleton
Deputy Clerk, Planning
208-585-3133
jreynolds@middletoncity.com



From: Vincent Trimboli <Vincent.Trimboli@itd.idaho.gov>
Sent: Tuesday, August 23, 2022 8:48 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Subject: RE: Notice - Black Powder PZ

ITD does not anticipate any significant traffic impacts to the State Highway system from this development and has no objections to the proposal development.

Vincent Trimboli
District 3, Planning and Development Services Manager
Office: 208.334.8817
Cell: 208.949.3712



From: Jennica Reynolds <jreynolds@middletoncity.com>
Sent: Tuesday, August 23, 2022 11:24 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung (deann.gerthung@canyoncounty.id.gov) <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Julie Collette <gmpredjulia@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gas <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; carl@blackcanyonirrigation.com; Don Popoff- BCID <dpopoff@rh2.com>; Chris Hopper <chopper@canyonhd4.org>; Lenny Riccio <lrccio@canyonhd4.org>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: Notice - Black Powder PZ

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Please see the attached notice for Public Hearing.

Thanks so much,
Jennica Reynolds

City of Middleton
Deputy Clerk, Planning
208-585-3133
jreynolds@middletoncity.com



From: [Niki Benyakhlef](#)
To: [Roberta Stewart](#)
Subject: RE: Notice - Black Powder Subdivision - Middleton City Council
Date: Monday, November 14, 2022 12:10:45 PM
Attachments: [image003.png](#)
[image005.png](#)

Good Afternoon, Roberta –

ITD has no comments or concerns to make at this time. This may change once development and site plans are finalized and disbursed.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337
C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Monday, October 31, 2022 3:43 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>; Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung <deann.gerthung@canyoncounty.id.gov> <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; D3 Development Services <D3Development.Services@itd.idaho.gov>; Julie Collette <gmpdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; carl@blackcanyonirrigation.com; Don Popoff- BCID <dpopoff@rh2.com>; Chris Hopper <chopper@canyonhd4.org>; Lenny Riccio <Iriccio@canyonhd4.org>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>
Subject: RE: Notice - Black Powder Subdivision - Middleton City Council

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Hello all: please find attached the notice for the Black Powder Subdivision public hearing. Thanks,

Roberta L. Stewart

PLANNING & ZONING OFFICIAL

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov



From: Jennica Reynolds <jreynolds@middletoncity.com>

Sent: Tuesday, August 23, 2022 11:24 AM

To: Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Chris Grooms <cgrooms@middletoncity.com>; COMPASS <gis@compassidaho.org>; Deann Gerthung (deann.gerthung@canyoncounty.id.gov) <deann.gerthung@canyoncounty.id.gov>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development <D3Development.services@ITD.idaho.gov>; Julie Collette <gmpirdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; Marc Gee - MSD <mgee@msd134.org>; Middleton/Star Fire <permits@starfirerescue.org>; Monica Taylor - Intermountain Gass <monica.taylor@intgas.com>; Southwest District Health - Mitch Kiester <Mitch.Kiester@phd3.idaho.gov>; vislas@starfirerescue.org; westerninfo@idwr.idaho.gov; zoninginfo@canyoncounty.id.gov; carl@blackcanyonirrigation.com; Don Popoff- BCID <dpopoff@rh2.com>; Chris Hopper <chopper@canyonhd4.org>; Lenny Riccio <lriccio@canyonhd4.org>; Sparklight - Franchise <cheryl.goettsche@sparklight.biz>

Cc: Roberta Stewart <rstewart@middletoncity.com>

Subject: Notice - Black Powder PZ

Please see the attached notice for Public Hearing.

Thanks so much,
Jennica Reynolds
City of Middleton
Deputy Clerk, Planning

208-585-3133

jreynolds@middletoncity.com



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain Personal Information from a DMV file which is legally protected from disclosure under both state and Federal law. Be advised that Personal Information may only be disclosed to third parties under the provisions of Idaho Code section 49-203. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately delete this message and any attachments, and alert the sender.



Marc Gee
Superintendent

Lisa Pennington
Assistant Superintendent

Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for All New Development

Middleton School District is currently experiencing significant growth in its student population. **As it is now, we have 2 of our 3 elementary schools over capacity. Heights Elementary is 134% of capacity with three portable units. Mill Creek Elementary is 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 (94%) 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 a demographic study performed for our school district boundaries and the data suggests that for every new home we could expect between 0.5 and 0.7 (with an average of .559)** students to come to our school. That is the factor/rate we use to make our projection of student impact for each development.

We encourage the city to be judicious in their approval process recognizing that each new development brings new students to our school and will increase the burden placed on taxpayers within the school district. New facilities, primarily an elementary school, are needed now, but additional students continue to increase that need.

***Please note a change in this rate from previous correspondence*

Black Powder Subdivision

Students living in the subdivision as planned would be in the attendance zones for Middleton Heights Elementary school, our most overcrowded school (though borders may change in order to equalize student loads at all elementary schools) . With 105 total lots, we would anticipate, upon completion, an increase of 53-74 students between Heights Elementary, Middleton Middle School, and Middleton High School. **To put this in perspective, that equates to approximately 2-3 classrooms of students (ave. 25 students).** Every classroom at Heights Elementary right now has an initial cost of \$125,000 just for the portable unit that would be required to house the students. That does not include the costs of other materials required (ie desks, chairs, curricular materials, etc).

In addition to the increase in student population, based on the location, bussing would be provided for middle school students, though that may change based on the design of the plat and its connection to a safe walking route to the other schools. Having not seen the design of the subdivision we would recommend the developers meet with the school district officials and transportation officials to ensure adequate access for bussing to the area.

5 South Viking Avenue
Middleton, ID 83644
(208) 585-3027
msd134.org

EXHIBIT "F"

Comments from City Engineer & Planner



June 29, 2022

TO: Roberta Stewart, Planning and Zoning Official

Cc: Brandon McDougald

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

RE: Black Powder Subdivision

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

1. Update topography and include the existing utilities in Cemetery Road.
2. Boundary needs stamped by PLS.
3. MCC 5-4-4.2.f. Add benchmark information.
4. MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels.
5. MCC 5-4-4.2.k. Please add the lot count table, per phase, to 01.
6. MCC 5-4-10-2.J Correct street names.
7. Reduce the plat to no more than two (2) sheets.
 - a. The engineering and topography need transferred to preliminary plat. Do not submit separately.
 - b. A 70 scale is not approvable. 80 isn't desired but can work if no other options.
8. Note 2 - Identify easements required by code. Public utilities only in front lot easement.
9. Note 6. All stormwater is managed using retention facilities with pretreatment. Subsurface is not approvable. Submit preliminary stormwater management report per code.
 - a. Use $C = 0.60$ for front half of lots. $C = 0.95$ for rights of way.
 - b. Size facilities for 100yr/1 hour event.
10. Note 8. Include IC 313805(b). Identify irrigation district and whether lots will be subject to assessment.
11. Note 13. Delete.
12. Add note: Power and utilities to be relocated out of right of way.
13. Add note: All irrigation to be relocated out of rights of way.
14. MCC 5-4-4.3.a.b.c. Please plan to connect to the existing water main at the intersection of Cemetery and Meadow Park and extend a new 12" main in Meadow Park to the west boundary.



15. Extend sewer north in Road D using minimum grade from the connecting manhole in W Highlands 17. Sewer in Meadow Park is not required at this time. We are continuing to analyze sewer in the area.
16. What is happening with irrigation? Identify point of diversion and pump station location. If connecting to W Highlands, add note clarifying and add "updated pump station capacity calculations will be required as a condition of construction plan submittal".
17. Show streetlight location including Cemetery and Meadow Park.
18. Label centerline radii.
19. The single ADA ramps are not approvable at primary intersections.
20. The City of Middleton Supplemental Specification has guidance for required rights of way dedication at section line/quarter section line road intersections. Please review the proposed right of way dedication for Meadow Park and Cemetery intersection and revise.
21. Typical street sections:
 - a. Revisit Meadow Park dimensioning.
 - b. Please add structural section components per Middleton Supplemental. The City does not use alternative structural sections.
22. Show traffic buffer on Meadow Park typical section.
23. Show traffic buffer, per code, on Cemetery typical section.
24. Identify stormwater management for both Meadow Park and Cemetery.
25. Dimension rights of way sheet 01.
26. Add pedestrian connection to W Highlands Subdivision near the common lot at southwest corner of the project in the form of a pathway along the west lot line of Lot 1. Even if code required width cannot be met, a 5ft pedestrian connection can suffice.



November 2, 2022

TO: Roberta Stewart, Planning and Zoning Official

Cc: Brandon McDougald

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

RE: Black Powder Subdivision

Thank you for the opportunity to review the above referenced preliminary plat re-submittal. Follow up comments are summarized below:

1. MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcel to the north.
2. Note 8. Include IC 313805(b). **Identify whether lots will be subject to assessment.** Please add to the note.
3. Show traffic buffer on Meadow Park typical section. The buffer – berm and fence.
4. Show traffic buffer, per code, on Cemetery typical section or seek a variance.
5. Show Cemetery pavement replaced to centerline.
6. Please change W Meadow Park Boulevard to Hidden Estates Street. The City changed the street name on the east side of Cemetery.
7. Please add note: Lot 1 Block 1 and Lot 3 Block 5 are storm water management areas owned and maintained by Black Powder HOA. Lots are subject to a blanket stormwater management and City utility easement.
8. Note 19. Add to end of sentence: and subject to municipal system capacity.
9. Identify location of Black Canyon Irrigation Easement.



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

Black Powder Subdivision – Planner Comments (Review of Preliminary Plat dated 1/24/2022)

need to get traffic berm shown correctly for meadow park too

June 1, 2022

1. We need 2 sets of updated labels. On January 19, 2022, the City Council approved Ordinance 659, which expanded the area for “landowner notice”. Prior to 1/19/2022 it was 300’ from perimeter boundary. As of 1/19/2022, it is 500’ from perimeter boundary. Your application submittal date of 1/25/2022 is after the effective 1/19/2022 date.
2. Confirm that Road “H” will tie into revised W. Highlands #19 (W. Bay Street). Does not match the W. Highland’s pre-plat.
3. Add proper names to the streets and reserve them with Tony Almeida at Canyon County. Looks like Road H should be W. Bay Street to tie into W. Highlands #19. Road “I” should be N. Tarantaise Ave., to tie into W. Highlands Phase 17. Road “A” should be W. Meadow Park Blvd., to match the existing street across Cemetery Road. Create names for all the other alphabet streets.
4. Change W. Meadow Park Street on the northern boundary to just “Meadow Park Street”, not “W. Meadow Park Street”.
5. Reserve Subdivision name with Tony Almeida at Canyon County.
6. Add to Lot 7, Block 5 descriptive notes and/or icons showing the play structure, lawn area, and shade structure. Show benches too, please. Just transfer over what you show on landscape plan.
7. Remove your “Typical residential street section” and add in the Middleton local residential street section found in Appendix B to Middleton’s Supplement to ISPMC.
8. Remove your Meadow Park Street Section and ask City Engineer Amy Woodruff which section from the Middleton Supplement to ISPMC Appendix B should be inserted in its place. I suspect it will be the 3-lane urban roadway, but she may inform you that it is the 5 lane urban roadway.
9. Remove Page 2 Lot Area tables and add the square footage to each individual lot on page 1.
10. You can probably contain your existing conditions page 4 with the engineering pages 5 and 6 to condense the pre-plat a little more. Amy Woodruff may require even more condensing.
11. Add dimension to traffic buffer lots L9/B2, L1/B8 and L18/B3. Per 5-4-10-2, the common lot/traffic buffer must be 24’ wide. It does not look like these common lots are more than 21’ wide.
12. Add number of lots by phase to “Preliminary Plat Data” on page 1.
13. Show mailbox clusters on pre-plat. Currently only shown on landscape plan.
14. Blend Note 9 about common lots with Note 12. Identify all common lots by lot and block, then note that they are actually “common lots”, then state that they are owned by HOA. If some of the lots you identify in Note 12 are not common lots (like a ditch lot...etc) then identify the nature of the lot. Also, on Note 12, correct mis-numbered common lot, Lot 17/Block 3. It should be Lot 18, Block 3, not Lot 17, Block 3.
15. Add note: *“Developer to stripe crosswalk at intersection of Cemetery Road and Meadow Park St., to provide safe access across Cemetery Road to the future Meadow Park School to the east.”*

16. Change Note 1 to state: *"Building setbacks and dimensional standards in this subdivision shall be in compliance with the City of Middleton standards at time of building permit issuance."*
17. Remove Note 13 right to farm. Does not apply in City limits.
18. Add note: *"Domestic and fire protection water shall be provided by the City of Middleton."*
19. Add Note: *"Sanitary sewer collection shall be provided by the City of Middleton"*
20. Add note: *"Irrigation ditches through the project shall be piped where they cross roadways with all structures located beyond any public right-of-way. All irrigation and drainage facilities shall be located outside of the right-of-way."*
21. Add note: *"Sewer and water capacity shall be reserved when City approves Construction Drawings."*
22. Delete Note 2 about Middleton generic easements and state instead the easement language directly below in items 23 and 24.
23. Add note: *"All lots have a permanent easement for public/private utilities and pedestrian walkways over the 10 feet adjacent to any public right-of-way. The easement shall not preclude the construction of hard-surfaced driveways and walkways to the lot."*
24. Add note: *"Unless otherwise shown and dimensioned, all lots are hereby designated as having a permanent easement for public/private utilities, drainage, and irrigation over the 5-foot adjacent to any interior lot line and over 10-feet adjacent to any rear lot line or subdivision boundary."*
25. Add note: *"This subdivision is subject to the provisions of Development Agreement recorded in the records of Canyon County as Instrument #_____."*
26. Update Traffic Study with pro-rata/proportionate share calculations as indicated in my additional email dated 6/1/2022.

Roberta L. Stewart

Middleton Planning & Zoning Director



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

Black Powder Subdivision – Planner Comments (Review of Revised Preliminary Plat received 8/22/2022)

August 30, 2022

1. The roadway section for Meadow Park Street should match the road section shown on page 2 for Cemetery Road. Both, per code, must include the 24' wide traffic buffer with 3' berm and 6' fence. Please swap out the erroneous section shown for Meadow Park.
2. Reserve all street names and subdivision names with Tony Almeida at Canyon County.
3. Change Note 1 to state: *"Building setbacks and dimensional standards in this subdivision shall be in compliance with the City of Middleton standards at time of building permit issuance."* (You are missing the last 6 words: "at time of building permit issuance")
4. Add note: *"The Homeowners' Association (HOA) owns and manages the common areas, which include stormwater facilities. A plan for operation, maintenance, and repair of stormwater facilities (O&M Plan) has been prepared for all stormwater facilities maintained by the HOA. The O&M Plan shall be recorded with the CC&Rs. The O&M Plan shall be used for maintenance and operation of the stormwater facilities."*

Roberta L. Stewart

Middleton Planning & Zoning Director

EXHIBIT “G”

P&Z Commission Recommendation

EXHIBIT “B”



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law & Recommendation

In the Matter of the applications of Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn Engineering for annexation/rezone, development agreement, and preliminary plat with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (Tax Parcel No. R382070):

A. Findings of Fact:

1. Hearing Facts:

- i. Applicants' Traffic Study determined that the intersection of Cemetery Road and Hwy 44 is rated at a Level of Service "D" at peak hours, which is below the City's minimum standard of LOS "C".
- ii. Middleton City Council recently approved a scope of work for Precision Engineering to complete a traffic study of the Hwy 44 corridor through the City of Middleton.
- iii. The Traffic Study will be completed in early 2023 and will set forth potential interim traffic controls at various Hwy 44 intersections, including the intersection with Cemetery Road, that should improve traffic congestion along the highway corridor.
- iv. Additional hearing facts: See Staff Report for the hearing date of September 12, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

2. Process Facts: See Staff Report for the hearing date of September 12, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of September 12, 2022, Exhibit "A".
4. Required Findings per Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3 & 5-4 and Title 50, Chapters 2 and 13: See Staff Report for the hearing date of September 12, 2022, Exhibit "A".

B. Conclusions of Law:

1. Once the Precision Engineering Traffic Study is completed in early 2023, the governing bodies will be in a better position to consider traffic issues involving Applicants' applications and will be in a better position to make decisions on approval or denial of Applicants' applications.
2. That the City of Middleton has 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).


3. 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.
4. That notice of the application and public hearing was given according to law.
5. That the 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.
6. That codes and standards pertinent to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-15, 5-1, 5-2, 5-3, and 5-4 and Idaho Code Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

C. Decision & 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 the application of Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn for annexation/rezone based upon the fact that City Council is lacking necessary information that will be provided by the Precision Engineering Traffic Study to be completed in early 2023.
2. City Council deny the application of Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn for development agreement based upon the fact that City Council is lacking necessary information that will be provided by the Precision Engineering Traffic Study to be completed in early 2023.
3. City Council deny the application of Adam Capell/Toll Brothers and Nicolette Womack/Kimley-Horn for preliminary plat based upon the fact that City Council is lacking necessary information that will be provided by the Precision Engineering Traffic Study to be completed in early 2023.

WRITTEN RECOMMENDATION APPROVED ON: 19 Oct., 2022.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

A handwritten signature in dark ink, appearing to read 'R. Stewart', written over a horizontal line.

Roberta Stewart
Planning and Zoning Official

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.

Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section 67-8003.



STAFF REVIEW AND REPORT Middleton City Council

Proposed Amendments to Middleton City Code



A. City Council Public Hearing Date: December 7, 2022

B. Application Request: Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-14-1; (b) 4-5-7; (c) MCC 4-5-11; (d) MCC 5-4-1, Table 1; (e) MCC 5-4-4; (f) 5-4-7; (g) 5-4-10-2; (h) 5-4-10-6; and (i) 5-4-10-7.

C. Requested Code Changes:

1. Flex Spaces (MCC 1-3-1, 5-4-1, Table 1, & 4-5-11):

Because of the changing nature of commercial goods and services, many Cities are adding to their code a “hybrid” land use generally known as “flex space” or “flex building.” A flex space is a building or project that combines a light industrial use with a commercial, office, and/or retail use. The front of a flex space building should be attractive and appear commercial or retail, while the back may include industrial roll up doors and a space for warehousing and light manufacturing.

Basically, “Pretty on the front. Ugly in the rear.”

A typical flex space user would be a flooring company with a customer showroom up front but a distribution warehouse in the rear. It is made for someone who experiences

consumer traffic but still needs space for light processing, warehousing, or manufacturing.

A flex space project will also allow a unique mix of businesses to exist next to one another. A flex space project may have a custom cabinet shop next to a crossfit gym next to an indoor/outdoor restaurant. Any mixture of commercial and light industrial uses will work. It is a “twilight zone” that neither an “Industrial Zone” nor “Commercial Zone” can completely address on its own. Some visual examples are below:





Before “Flex Space” can be added to City Code as a land use, it must be defined in the “Definition” Section of the Code (MCC 1-3-1). After that, the defined term must be added to the Land Use Table (MCC 5-4-1, Table 1), where the use is deemed either “Allowed”, “Special Use Permit”, or “Prohibited.”

City Staff proposes the following definition for “Flex Space” (MCC 1-3-1):

FLEX SPACE: a building or buildings used for small-scale warehousing and light industrial activity which may be combined with office, retail, and/or other commercial uses. Individual units or buildings may be used entirely for a commercial, retail, or office use, but any warehousing and/or light industrial use cannot exceed 70% of the total square footage of the building or individual unit. Flex Space does not include mini-warehouse storage, individual storage space for rent, or a use that involves a high level of truck and loading activity.

Front and street-side elevations are enhanced with more architectural detail, including variations in roof form, building height, and building materials in addition to an increased use of glass and architectural features involving wood, faux wood, and/or metal. Entries are easily identifiable with projecting or recessed forms and additional architectural detail.

Loading docks and industrial roll-up/garage doors are located on only the rear and non-street sides of the flex space. However, glass sliding doors and architectural garage doors enhanced with significant amounts of glass, metal and/or faux wood can be located on the front elevation if they enhance the aesthetic of the front elevation.

Planning Staff proposes that “Flex Space” be deemed in the Land Use Table as an “Allowable” use in the more intensive commercial and industrial zones. However, it should be deemed a “Special Use” in the Mixed-Use zone because a Mixed-Use zone combines residential homes with commercial businesses. A special use permit process will ensure that the proposed Flex Space use will not be overly intrusive to any residential uses within the same zone.

Proposed Change to MCC 5-4-1, Table 1 – Land Use Table

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Equipment rental; equipment sales yard		S	A	A	A	A					S
Espresso/pastry shop		A	A	A	A	A					A
Farm equipment sales and service			A	A	A	A					
Feed supply store		S	A	A	A	A					S
Fitness center (indoor)		A	A	A	A	A					A
Flea market				S	S	S					
Flex Space			A	A	A	A					S
Furniture manufacturer				A	A	A					
Gas station/convenience store		S	A	A	A	A					S
Golf course/driving range	A	A	A	A	A	A	A	A	A	A	A

A new land use will also require a City to consider parking requirements for the new use. In light of that, Staff is proposing a change to the “Parking” code found at MCC 4-5-11(B). Staff proposes that for Flex Space, Owner should provide one parking stall per 350 s.f. of gross floor space. This parking requirement is a combination of the low number of parking stalls needed for an industrial use and the high number of stalls needed for a retail/commercial use. One stall per 350 s.f., hits that “middle ground” between the two types of uses.

To achieve this, Staff is proposing the following revision to MCC 4-5-11(B):

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

PARKING SPACES

Manufacturing businesses	1 parking space for each employee, based on the greatest number of employees at any one <u>time</u> ; 1 parking space for each 3 visitors
Flex Space/Building	1 stall per 350 square feet of gross floor space.
Swimming pools	1 parking space for each 4 swimmers/observers

2. Mobile Food Truck Service (MCC 1-3-1 & 5-4-1, Table 1):

Mobile Food Truck Service is not a land use that is defined in City Code, and it is not a “use” that is noted in the Land Use Table with respect to any particular zone. In order to add the use to City Code, we will need to define the use and then add it to the Land Use Table found at MCC 5-4-1, Table 1.

City Staff proposes defining “*Mobile Food Truck Service*” in the Definitions section (MCC 1-3-1) as follows:

MOBILE FOOD TRUCK SERVICE: A vehicle or a readily portable structure used solely for the purpose of preparing and selling food and beverages to the public at large. Food trucks used for catering a single event for pay is not included in this definition.

City Staff proposes that Mobile Food Truck Service be “allowed” in any commercial or industrial zone; however, it should not be allowed in residential zones where it could disturb the peacefulness of a residential neighborhood. In light of this, the proposed changes to the Land Use Table (MCC 5-4-1, Table 1) would look like this:

Proposed Changes:

Use ^{1,2}	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	M-F	M-U
Mini-warehouse storage						S					S
Mining/mineral extraction	S	S	S	S	S	S	S	S	S	S	S
<u>Mobile Food Truck Service⁹</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>					<u>A</u>
Monument works				S	A	A					
Mortuary			A	A	A						S

In order to ensure that Food Truck Service would not be intrusive to residential neighborhoods found in the “Mixed-Use” Zone, Staff recommends a new “Footnote 9” to the Land Use Table as follows:

9. A Mobile Food Truck in the Mixed-Use (M-U) Zone cannot be parked closer than 250’ to the nearest residential unit. Mobile Food Truck Service is an allowed use at any school or public park located within any Residential Zone when tied to a specific event at the school or park.

This Footnote 9 will also address special events at parks or schools located in a residential zone. Mobile Food Truck Service would be allowed at the park or school IF there is a special event at the park or school where food truck service is appropriate.

This would apply to such things as a special outdoor market in a City park or end of school celebration in the school yard.

One last consideration, the Land Use Table as proposed will ensure that pizza trucks, taco trucks, and coffee trucks cannot “troll” around residential neighborhoods looking for customers, but this will also affect the summertime tradition of an ice cream truck driving around neighborhoods.

3. **MCC 1-14-1 Neighborhood Meeting Procedures:** MCC 1-14-1 sets forth the procedures and timing to complete a Neighborhood Meeting prior to submitting a land use application. During a public hearing in late 2021, Planning Staff proposed a code revision to limit Neighborhood Meetings to Monday through Thursday, with a starting time between 6 p.m. and 8 p.m. The proposed revision stated that applicants “*may*” conduct the Neighborhood Meeting during this time period. During the public hearing, Council Member Huggins rightly pointed out that it should state “*shall*” conduct the Neighborhood Meeting during this time period. Staff agrees and is bringing this current proposed revision to fix the problem by replacing the word “*may*” with the word “*shall*”.

Proposed Change:

1-14-1 NEIGHBORHOOD MEETING:

C. Meeting Standards:

1. Neighborhood meetings ~~may~~ **shall** be conducted Monday through Thursday only, except meetings may not be held on a holiday or on the day before a holiday. All neighborhood meetings must start between 6 p.m. and 8 p.m.

4. **Landowner Notice (MCC 5-4-4(A):**

Middleton City Code requires all Developers to give notice and hold a neighborhood meeting prior to submitting a development application to the City. For a number of years, the Developer was required to give such notice to only those owners/residents living within 300' of the project boundary. In 2021, City Council approved an amendment to the Code to require Developers to give notice to landowners/residents within 500' feet of a project boundary.

At the time this change was made to the Code, City Staff failed to make the corresponding change to the Preliminary Plat code that requires City Staff to give landowner notice. Currently, MCC 5-4-4(A) requires City Staff to notify landowners within 300' of the project boundary of a new preliminary plat project. Staff is proposing that the distance be increased to 500' to match the increase that was made to the Neighborhood Notice code. The proposed change is as follows:

A. Application: ...The City, at least fifteen (15) calendar days before the initial public hearing, shall mail to landowners within ~~five~~ ~~three~~ hundred feet (~~53~~00') of the external boundaries of the lands to be subdivided a notice that the City received an application, the number of acres and proposed number of residential, non-residential, and total lots, proposed land uses, and the dates and times that the application can be reviewed at City offices....

- 5. MCC 4-5-7 Commercial Lot Paving & Stormdrain Requirements:** Section 4-5-7 mandates that all parking lot areas on a commercial/industrial lot be “concrete” or “asphalt.” Recently multiple builders have attempted to use recycled asphalt as a “hard surface,” which is not the “hard surface” contemplated by the City Code. Therefore, Planning Staff is clarifying that the hard surface of concrete and/or asphalt must be actual “paving”.

The proposed revision further “shored up” language regarding stormwater treatment facilities by stating specifically that stormwater facilities must be designed per City policy and ordinances.

Proposed Change:

4-5-7: HARD SURFACING:

Off street parking areas, driveways and private roads shall be hard surfaced with concrete or asphalt paving and shall have on site stormwater treatment facilities designed per the City's stormwater management policy and ordinance.

- 6. MCC 5-4-7 Surety and Bonding Requirements:** City Attorney recently pointed out that our current code for bonding did not have a default time limit to ensure that bonded improvements were completed in a timely fashion. City attorney drafted a proposed code revision that requires all bonded improvements to be completed within 12 months of bond issuance. The proposed revision also provides that City Council may approve an extension of the 12 month period if unavoidable delays impact the developer and the developer timely applies for an extension.

Proposed Change

5-4-7: FINAL PLAT:

A. ...

3. The City Council may accept an irrevocable letter of credit, cashier's check or other bond guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping, ~~and~~ irrigation system, and fencing improvements in the event that inclement weather precludes the successful installation of said improvements. ~~landscaping and irrigation.~~ A bonded improvement must be completed within twelve (12) months of the approval of the final plat, and the bond will not be released until the improvement is completed and approved by the City. Failure to complete the improvement within said time frame shall give the City the authority, at its sole discretion, to exercise the bond and complete the improvement with funds derived therefrom. The City Council may grant an extension to a developer to accommodate unavoidable delays impacting the developer, but only if the developer requests such an extension at least sixty (60) days prior to the date on which the improvement is required to be completed.

7. MCC 5-4-10-2 Road Standards: City Staff and Engineer desired to “shore up” or clarify language in City Code requiring Developers to complete all frontage improvements on roadways adjacent to subdivision projects. The revisions also clarify the standards required for the improvements. In general, City Engineer and Staff propose the following revisions:

- a. Clarification that all costs for moving the utilities will be borne by Developer.
- b. Firm statement that Developer shall dedicated all improved right of way to the City without compensation.
- c. Frontage improvement will occur on a phase-by-phase basis up to Phase 3. For phases 4 and above, all frontage work must be completed by Phase 3. Council can, in its sole discretion, mandate that all frontage work be completed by phase 1 despite the existence of future phases. *(City Code was vague on when frontage improvements were due. City engineer has been requiring frontage improvements and dedication on a phase-by-phase basis. This language codifies City’s current practice and accelerates all frontage to be completed by Phase 3.)*
- d. Revisions add “clear cut” technical requirements regarding the extent of the ½ road improvements.
- e. Clarified technical street requirements for a new road extended to a landlocked parcel.
- f. Added additional roads and description to the Right of Way matrix.

[See extensive proposed changes on road standards attached as Exhibit "A"]

- 8. MCC 5-4-10-6: Traffic Buffers:** When a subdivision is located along a collector or arterial road, the City requires a 24' wide landscaped buffer between the busy street and the residential lots. Under the current code, that buffer can be contained in a simple easement owned by the HOA or contained in a separate common lot owned by the HOA. When the buffer is contained within an HOA easement, the easement is often placed on a private homeowner's lot, resulting in a problematic inter-mixing of the homeowner's and HOA's irrigation and landscaping. It can also increase liability to a private owner for injuries that occur in the HOA easement on the owner's private lot, and it will also affect the setback analysis and fence placement.

Staff's proposed revision will remove the easement option and require that the buffer be contained in only a common lot. This will fix the issues described above.

Engineer and Staff have also proposed language to define the dimensions of the required berm inside the buffer to ensure City streetscapes have a more uniform look in the future.

Proposed Change:

5-4-10-6: TRAFFIC BUFFER REQUIREMENTS:

The purpose of a traffic buffer is to reduce the visual impact of collector and arterial roadways on a residential area. A combination of the following shall be used: a) solid fence or wall; b) berm; and c) landscaping.

- A. Buffer Dimensions: Traffic buffers shall be accomplished by a combination of berm (varying height: minimum 3 feet, maximum 5 feet; 2.5:1 side slopes measured from adjacent street top back of curb) and fence (varying height) to a total height of not less than nine feet (9') or greater than eleven feet (11') in a twenty four foot (24') (minimum) ~~easement~~ common lot dedicated for traffic buffer area. Traffic buffers shall be harmonious with adjacent screening techniques, materials, and colors.

- 9. MCC 5-4-10-7 Landscape Buffers:** This section on landscape buffers requires that there be a 20' wide landscape buffer between a residential zone and a C-1 zone ("Neighborhood Commercial"). When the residential zone abuts the heavier commercial zones (C-2 and C-3) or an industrial zone, then the landscape buffer is widened to 25'.

The current code language, however, does not describe any buffer between a residential zone and the Mixed Use (M-U) zone, which can contain both residential and commercial uses. Therefore, Staff proposes a revision to MCC 5-4-10-7 to base

the trigger for a buffer on “uses” rather than “zones”. This will automatically incorporate the uses in the M-U Zone.

The proposed revisions do not change the buffers. The result is still the same. This revision merely closes a loophole for commercial uses in the M-U zone.

Proposed Change:

5-4-10-7 LANDSCAPE BUFFERS:

- A. When a commercial land use that is listed as an allowed use or special use in the C-1 Zone ~~zoned C-1~~ (Neighborhood Commercial) of the Land Use Schedule (5-4-1, Table 1) directly abuts a residential use, a twenty foot (20') wide landscaped buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.
- B. When a commercial land use that is listed as an allowed or special use in the ~~zoned C-2 or C-3~~ zones or when any industrial use directly abuts a residential use, a twenty five foot (25') landscape buffer shall be installed between the uses. If deemed necessary, the City may require the commercial parcel to include a privacy fence and/or berm.

- D. Comprehensive Plan:** Any changes to the City’s Zoning Ordinance or Subdivision Ordinance should be in compliance with the City’s Comprehensive Plan. (Idaho State Statute 67-6511 & MCC 1-14-3.)

Planning Staff finds that all proposed changes are in compliance with the Comprehensive Plan because nothing proposed is in conflict with requirements shown on any Comprehensive Plan Map. Additionally, none of the proposed changes conflict with any “Goals, Objectives or Strategies” set forth in the Comprehensive Plan. Finally, none of the proposed changes conflict with the requirements of LLUPA (the “Local Land Use Planning Act found at Idaho State Code, Title 67, Chapter 65). Finally, the proposed changes comply with the following Goals, Objectives, and Strategies of the 2019 Middleton Comprehensive Plan:

- a. Goal 3: The proposed changes help provide safe vehicle and pedestrian facilities with ample pathways and safe roadway designs.*
- b. Goal 4: Proposed changes enhance the quality of life with open space and appropriate buffers between residential uses and more intensive uses.*

- E. Comments Received from Public:** None.

- F. Comments from Agencies:** Comments were received from Canyon Highway District 4 and City of Caldwell. See attached as Exhibit “B”.

G. Notices

Newspaper Notification
Circulation to Agencies
Posted on Website "Public Hearing Tab"

Dates:

11/22/2022
11/21/2022
11/21/2022

H. Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65. Idaho Standards for Public Works Construction and Middleton's Supplement thereto. Middleton City Code 1-3, 1-14, 4-5, 5-1 and 5-4.

I. Planning & Zoning Commission Recommendations:

The Planning & Zoning Commission considered these proposed code amendments in two separate public hearings on June 13 & October 17, 2022. The Commission recommended approval of all proposed code amendments with the following additional recommendations:

1. The definition for "Flex Space" in section 1-3-1 should be "tightened up" and revised to better define the type of industrial uses versus other uses to be contained in the "Flex Space."
2. City Council should consider the advisability of allowing "Flex Space" uses in the Mixed-Use Zone where residential units are located.
3. Add the word "*paved*" before the words "pedestrian facility" in Section 5-4-10-2(C)(5)(b).

(See Findings of Facts, Conclusions of Law & Recommendations attached as Exhibit "B".)

J. Conclusions and Recommended Conditions of Approval:

Per State law, City Council should base any decision on general facts and conclusions of law.

Planning Staff has set forth above findings that the proposed code changes do not conflict with the City's Comprehensive Plan.

As to conclusions of law, Planning Staff finds that City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff finds that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a decision on the application.

If the Council is inclined to approve the proposed code changes, Planning Staff does not recommend any conditions of approval.

Prepared by Middleton P&Z Official, Roberta Stewart

Dated: 12/1/2022

EXHIBIT “A”

Proposed Changes to MCC 5-4-10-2 – Road Standards

PROPOSED CHANGES:

5-4-10-2: ROADS:

A. Road Design Requirements: Roads, including collectors as designated by the City of Middleton, shall be designed incorporating the principles of balanced blocks, curvilinear layout, City approved access points, minimization of cul-de-sacs, and connectivity throughout the development and to adjacent properties.

B. Frontage Roads: Where a subdivision/development abuts or contains an existing or proposed arterial road, railroad or limited access highway, the City may require frontage roads, or such other treatment for the appropriate use of the lot.

C. Adjacent Streets ~~Half Road Dedication~~:

1. The developer is responsible for improving all street frontages adjacent to the development site or internal to the development as required below, regardless of whether access is taken to all of the adjacent streets.
2. All utility relocation costs, including irrigation relocation costs, associated with improving street frontages adjacent to the site shall be borne by the developer.
3. Developer/Owner shall dedicate, without compensation, additional right-of-way to provide the right-of-way width required by City code and standards.
4. In a phased project, adjacent streets shall be improved and dedicated on a phase-by-phase basis up to phase three (3). Any adjacent street improvements for phases four (4) and above shall be constructed and dedicated no later than phase three (3) final plat approval unless otherwise approved by City Council. City Council may, at its discretion, require improvement and dedication of all adjacent streets by Phase one (1) final plat approval.
5. Required Improvements:
 - a. Adjacent Streets (Existing or New):
 - i. Required improvements to an adjacent street shall consist of pavement widening to one-half the required width, including curb, gutter and sidewalk (minimum eight (8') foot detached or five (5') foot attached), plus twelve (12') feet of additional pavement widening beyond the centerline established for the street to provide an adequate roadway surface. City Council may approve an amount less than twelve (12) foot for pavement widening past centerline if the one-half road design does not require all of the twelve (12) foot pavement allotment to create an adequate roadway surface, but the roadway travel surface may not be less than twenty (20') feet of pavement. Pavement shall be crowned at the ultimate centerline. A three (3') foot wide gravel shoulder and a borrow ditch sized to accommodate the roadway storm runoff shall be constructed on the unimproved side. The shoulder and borrow on the unimproved side may be eliminated if ownership or site conditions prevent or unreasonably impede construction of the same.

- ii. Minor improvements to existing streets adjacent to a proposed development project may be required. These improvements are to correct deficiencies or replace deteriorated facilities. Included are sidewalk construction or replacement; curb and gutter construction or replacement; replacement of unused driveways with curb, gutter and sidewalk; installation or reconstruction of pedestrian ramps; pavement repairs; signs; traffic control devices; and other similar items.

- b. Off-Site Streets: If the proposed development is not served by a public street that is fully improved to City standards (curb, gutter, sidewalk) or with a minimum of thirty (30) feet of pavement, then prior to final plat of phase one (1), the developer shall provide thirty (30) feet of pavement with three (3) foot gravel shoulders from the site to a public street specified by the City; or the developer shall provide twenty four (24) feet of pavement with three (3) foot gravel shoulders and a minimum six (6) foot wide detached asphalt/concrete paved pedestrian facility, from the site to a public street specified by the City.

1. ~~Half road dedications shall be discouraged; provided, however, the City may accept a partial road dedication when such road forms the boundary of the proposed subdivision and is deemed to be necessary for the orderly development of the neighborhood, and provided the City finds it will be appropriate to require the dedication of the remainder of the right-of-way when the adjoining property is developed. When a partial road exists adjoining a proposed subdivision, the required right-of-way shall be dedicated and the half road shall be treated in the same manner as a full road.~~

~~2. Whenever there is an existing half road right-of-way adjacent to a lot to be subdivided, the developer shall be required to improve, as a minimum, a half road section plus twelve feet (12').~~

D. Rights-Of-Way Width:

1. Road right-of-way width is to be measured from property line to property line (total road right-of-way) and property line to centerline (half road right-of-way). The minimum rights-of-way for the following roads shall be:

Arterials And Collectors	Half Road Right-Of-Way	Total Road Right-Of-Way
Blessinger Road	50 feet	100 feet
Can-Ada Road	50 feet	100 feet
Canyon Lane	50 feet	100 feet
Cemetery Road	50 feet	100 feet
Concord Street <u>east of Hartley Ln.</u>	50 30 feet	100 60 feet
<u>Concord Street west of Hartley Lane</u>	40 feet	80 feet
Cornell Street	50 feet	100 feet
Douglas Avenue	50 feet	100 feet

Duff Lane	50 feet	100 feet
El Paso Road	50 feet	100 feet
Ember Road	50 feet	100 feet
Emmett Road	50 feet	100 feet
Foothills Road	50 feet	100 feet
Freezeout Road	50 feet	100 feet
Hall Avenue	50 feet	100 feet
Hartley Lane	50 feet	100 feet
Harvard Street	50 feet	100 feet
Kingsbury Road	50 feet	100 feet
Landruff Lane	50 feet	100 feet
Lansing Lane	50 feet	100 feet
Lee Avenue	50 feet	100 feet
Meadow Park Street	50 feet	100 feet
Middleton Road	50 feet	100 feet
Peel Street	50 feet	100 feet
Purple Sage Road	50 feet	100 feet
River Street Sawtooth Lake Street	50 feet	100 feet
Willis Road	50 feet	100 feet
Wood Avenue	50 feet	100 feet
9th Street	50 feet	100 feet

EXHIBIT "B"

P&Z Commission FCRs

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation



In the Matter of the Request of the City of Middleton for amendment to the following City Codes: (a) 1-14-1, (b) 4-5-7 (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, and (f) 5-4-10-7:

A. Findings of Fact:

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

B. Conclusions of Law:

1. That the Planning & Zoning Commission and 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 pertinent to the application are Idaho State Statue Title 67, Chapter 65 and Title 50, Chapters 2 and 13; Idaho Standards for Public Works Construction; Middleton Supplement to the ISPWC; and Middleton City Code Sections 1-5, 1-14, 5-1 and 5-4.

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 City Council approve the request of the City of Middleton to amend City Code sections (a) 1-14-1, (b) 4-5-7 (c) 5-4-7, (d) 5-4-10-2, (e) 5-4-10-6, and (f) 5-4-10-7 with the following condition of approval:

1. Section 5-4-10-2(C)(5)(b) to be revised to add the word "paved" before the words "pedestrian facility."

WRITTEN RECOMMENDATION APPROVED ON: July 11, 2022.


Ray Waltemate, Chairman
Planning and Zoning Commission


Heidi Summers
Vice Chairman

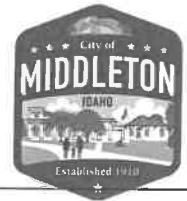
Attest:


Roberta Stewart
Planning and Zoning Official

7/12/2022

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, and Recommendation



**In the Matter of the Request of the City of Middleton for amendment to the following City Codes:
(a) 1-3-1, (b) 4-5-11 (c) 5-4-1, Table 1 and (d) 5-4-4:**

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 17, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process and Application Facts: See Staff Report for the hearing date of October 17, 2022 (Exhibit "A").
3. Required Findings per Middleton City Code 1-14-2(E)(7); Idaho State Statute Title 67, Chapter 65 and Title 50, Chapters 2 and 13; Idaho Standards for Public Works Construction; Middleton Supplement to the ISPWC; and Middleton City Code Sections 1-5, 1-14, 5-1 and 5-4: See Staff Report for the hearing date of October 17, 2022 (Exhibit "A").

B. Conclusions of Law:

1. That the Planning & Zoning Commission and 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.
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 pertinent to the application are Idaho State Statute Title 67, Chapter 65 and Middleton City Code Sections 1-3, 4-5, and 5-4.

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 City Council approve the request of the City of Middleton to amend City Code sections (a) 1-3-1, (b) 4-5-11 (c) 5-4-1, Table 1, (d) 5-4-4 with the following condition of approval:

1. The definition for "Flex Space" in section 1-3-1 should be "tightened up" and revised to better define the type of industrial uses versus other uses to be contained in the "Flex Space".
2. City Council should also consider the advisability of allowing "Flex Space" uses in the Mixed-Use Zone where residential units are located.

WRITTEN RECOMMENDATION APPROVED ON: November 14, 2022.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:


Roberta Stewart
Planning and Zoning Official