

### AMENDED AGENDA City Council Meeting City of Middleton, Idaho

Date: Wednesday January 19, 2022, Time: 5:30 p.m.

Location: City Hall Council Chambers – 1103 W Main Street

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

### Action Item:

A. Approve Agenda

### Information Item:

### **Action Items:**

- 1. Consent Agenda (items of routine administrative business) (Action Items)
  - a. Consider approving minutes for City Council January 5, 2022, regular meeting.
  - b. Consider ratifying payroll for January 14, 2022, in the amount of \$94,998.34.
  - Consider approving accounts payable thru January 14, 2022, in the amount of \$187,577.69.
  - d. Consider approving the Findings of Facts, Conclusions of Law & Order (FCO) for the Carter John Mixed-Use Subdivision.
- Consider the un-appointment of Rachel Sontag from the City of Middleton Library Board.
   Mayor Rule
- Consider the appointment of Logan Green to the City of Middleton Library Board. Mayor Rule
- 4. Consider approving a beer and wine license for Co-Op 21, LLC doing business as Chaparral Tavern until May 32, 2022.
- 5. **Public Hearing (continued):** Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. Roberta Stewart.
- Consider adopting Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. Roberta Stewart
- 7. Consider approving the Findings of Facts, Conclusions of Law & Order (FCO) for the City's request to amend the following Middleton City Code Sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. Roberta Stewart
- Consider approving the Summary of Ordinance 659 regarding the City's request to amend the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-

14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. (For newspaper publication purposes.) -Roberta Stewart

- 9. Consider approving the Consent to Annexation and Utility Corridor Agreement for the County Subdivision known as "Quail Haven" Roberta Stewart
- Consider approving T-O Engineers, Keller Associates, and Civil Survey Consultants as the City of Middleton QLPE plan reviewers. – Becky Crofts

Public Comments, Mayor and Council Comments, Adjourn

Posted by:

Dawn M. Goodwin, Deputy Clerk

Date: January 18, 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 JANUARY 5, 2022

The Middleton City Council meeting on January 5, 2022, was called-to-order at 5:32 p.m. by Mayor Rule.

**Roll Call**: Mayor Rule, Council President Kiser, Council Members O'Meara and Huggins were present. Council Member Garner was absent as Mayor Rule explained that he had expressed his gratitude for being able to serve on the Council but felt it easier to not attend for the few short minutes that were left of his term. City Attorney Douglas Waterman, City Administrator Becky Crofts and City Planner Roberta Stewart were present.

Pledge of Allegiance, Invocation: Jennica Reynolds

### **Action Items**

### A. Approve Agenda

**Motion:** Motion by Council President Kiser to approve the agenda as posted January 3, 2022, at 4:30 p.m. Motion seconded by Council Member O'Meara and approved unanimously.

### Information Items:

Discussion regarding City logo and the Middleton Police Badge and Police Patch.
 Becky Crofts presented Exhibit A.

### **Action Items:**

- 1. Consent Agenda (items of routine administrative business)
  - a. Consider approving minutes for City Council December 15, 2021, regular meeting.
  - b. Consider ratifying payroll for December 17,2021 in the amount of \$107,470.96 and December 31, 2021, in the amount of \$92,993.31.
  - c. Consider approving accounts payable thru December 30, 2021, in the amount of \$577,115.83.

Mayor Rule called the items. Council President Kiser stated he had gone through the accounts payable, and nothing had changed since the check registers had been uploaded to the council drobox. There were no concerns.

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

2. Swearing in of City Council Members.

Mayor Rule called the item and Becky Crofts swore in newly elected Council Member David Murray and re-elected Council Member Rob Kiser.

3. Election of Council President.

Mayor Rule called the item and City Attorney Douglas Waterman explained the need of an election of a Council President and what his or her main role is upon election. Mayor Rule then asked if there were any nominations. Council Member Huggins nominated Council Member Kiser.

**Motion:** Motion by Council Member O'Meara to close the nominations. Motion was seconded by Council Member Huggins. Nominations were closed.

**Motion:** Motion by Council Member O'Meara to elect Council Member Kiser as City of Middleton Council President. Motion seconded by Council Member Huggins and approved unanimously by roll call vote.

4. Consider the appointment of Rachel Sontag to the City of Middleton Library Board.

Mayor Rule called the item. Mayor Rule explained that the pervious board member Don Watt had served the Library Board well for a number of years and that his service is greatly appreciated and will be missed. Mayor Rule then introduced his request for appointment Rachel Sontag and allowed her to address and introduce herself to the Council and those in attendance.

**Motion:** Motion by Council President Kiser to approve the appointment of Rachel Sontag to the City of Middleton Library Board. Motion was seconded by Council Member O'Meara and approved unanimously.

**5.** Consider the purchase of City of Middleton Police Badges in the amount of \$1,502.75. **Exhibit B** 

Mayor Rule called the item, and Police Chief Alan Takeuchi presented the new design of the badge to the Council and explained that the purchase price included 12 new badges. Council Member Murray asked why this routine purchase was being brought before the Council for approval? Mayor Rule explained that anything greater than \$100 was to be run before they city administration and or the City Council. Council President Kiser in turn asked why every purchase over \$100 wasn't being brought before the council if that was expected of the police department. City Administrator Becky Crofts clarified that this item was largely brought before the council because of the new badge design and because it wasn't part of the original budget discussion.

**Motion:** Motion by Council President Kiser to approve the purchase of City of Middleton Police Badges in an amount not to exceed \$1,502.75. Motion was seconded by Council Member Huggins and approved unanimously.

**6.** Consider bid from DIRTPRO LLC in the amount of \$13,792.63 for repair/replacement of damaged fire hydrant at N. Middleton Rd/Meadow Park. **Exhibit C** 

Mayor Rule called the item City Administrator, Becky Crofts explained that the hydrant had been run over by a contractor doing work off N. Middleton Road and Meadow Park. She went on to further explain that the offsetting revenue had already been received at the city.

**Motion:** Motion by Council President Kiser to approve a bid from DIRTPRO LLC in the amount of \$13,792.63 for the repair/replacement of a damaged fire hydrant at N. Middleton Rd and Meadow Park. Moton seconded by Council Member Huggins and approved unanimously.

7. Consider awarding Boise River Lift Station Generator Project to Challenger in an amount not to exceed \$88,000.00. **Exhibit D** 

Mayor Rule called the item City Administrator, Becky Crofts explained that this system would run through the city SCADA system that is already in place and that the generator would automatically kick on with loss of power.

**Motion:** Motion by Council President Kiser to award the Boise River Lift Station Generator Project to Challenger in an amount not to exceed \$88,000.00. Motion was seconded by Council Member Huggins and approved unanimously.

8. Consider approving West Highlands No. 13 Final Plat. Exhibit E

Mayor Rule called the item. Exhibit E was presented to council by City Planner Robert Stewart. Council Member O'Meara asked if the lot sizes shown on the plat, were the standard. Mrs. Stewart explained that this plat fell under a 2009 development agreement that they city had entered with the developer and that all standards had been meet per the agreement.

**Motion:** Motion by Council President Kiser to approve West Highlands No. 13 final plat. Motion was seconded by Council Member Huggins and approved unanimously by roll call vote.

9. Public Hearing: An application by David Buich/ Hartley Lane LLC and James L. Escobar, AIA for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901). The proposed preliminary plat consists of 53 townhome sites, 4-8 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). Exhibit F

Mayor Rule called the item at 6:30 p.m. City Planner Robert Stewart presented exhibit F.

### Council Questions for City Planner:

Council Member Murray asked what steps were being taken to mitigate traffic issues at the intersection of Highway 44 and Hartley. It was explained that there will be a four-way light being installed at the intersection to help with the congestion and traffic pattern. Council Member Huggins asked if the impact fees in relation to the Mid/Star fire district would also include the city. It was explained that the city would be part of those impact fees. Mayor Rule asked for clarification regarding the commercial lot and the parking area as shown on the plat. Clarification was explained that there is one commercial lot on the front of the property and that the parking area would be used by residents of the development.

Applicant Remarks by Thomas Hawksworth – Blue Peak Engineering Mr. Hawksworth elaborated that each unit would have its own on-site parking and since there was no defined easement for the dich a designated lot would be reserved for the ditch itself.

Mayor/Council Questions: Council Member O'Meara asked if the development was planning on maintaining the ditch space, if the top lot was going to be a playground, and if it would be easier to have the street name all be the same. The developer stated that the development was going to maintain the ditch space, that there will be a small playground on the top lot and the City Planner stated that the street names and addressing was being clarified. Council Member Murray asked if there were any plans for the

commercial lot. It was explained that at this time the lot was open without any plans. Mayor Rule asked for an explanation of the pan of pedestrian foot traffic. The representative expressed that both sides of the street will have sidewalks and that lot 18 will have a pedestrian path that connects to 3rd along with 8-foot sidewalks along Hartley.

### Public Comment:

Sargent Hilkey – 6 N. Dewey, Middleton – Sargent commented that making the street a loop would make for easier navigation.

Janet Bartianns – 945 Harvest, Middleton – Opposed the development as West Highlands and Stonehaven are already placing a burden on a two-lane road that is struggling to handle the traffic flow as is.

Mike Graffe – 1889 Ridge Way – Middleton - Opposed the development and stated that the city needs to be looking at fire safety with the setbacks as small as they are and with the number of units that are attached to each other.

Todd Ognibene – 1973 Scotch Pine Dr – Middleton – Mr. Ognibene stated that he was not opposed to the development, nut that there needed to be accountability held with the developers regarding further overcrowding of schools and the stress that expansion places on services such as fire and EMS.

Applicant Rebuttal: Thomas Hawksworth – Blue Peak Engineering and Steve Martinez – Trade Winds Construction: Mr. Hawksworth stated that there was a traffic study completed for the project and that the development was contributing its fair share of fees. Mr. Martinez elaborated more that the impact fees that are paid to the city cover the costs of roads, fire, and police but that funds for schools and EMS come from state taxes. Council Member Huggins asked for clarification that each townhome is its own home and pays its own impact fee and gets taxed separately. Mr. Martinize responded that Council Member Huggins was correct. Council Member O'Meara sated that some developments in the past had donated land for future schools and wanted to know if this was something this development could or would be willing to do. Mr. Hawksworth stated that the property itself was so small of a parcel that would not be able to accommodate that. Mayor Rule closed the public hearing at 7:17 p.m.

**Motion:** Motion by Council President Kiser to accept the General Facts and Conclusions of Law as presented in the staff report regarding Carter John Mixed-Use Subdivision. Motion seconded by Council Member Huggins and approved unanimously.

**Motion:** Motion by Council President Kiser to approve the preliminary plat for Carter John Mixed-Use Subdivision as presented with the conditions of approval set forth in the staff report and with the proposed street name corrections. Motion was seconded by Council member O'Meara and approved unanimously by roll call vote.

Mayor Rule called for a break at 7:18 p.m. and called the session back in at 7:25 p.m.

**10. Public Hearing:** Request from City of Middleton for amendment and revision to the following Middleton City Code sections: (a) 1-5-5, (b) 1-14-1 (c) 1-14-2, (d) 1-14-4, (e) 1-14-5, (f) 5-1-4, (g) 5-1-5, (h) 5-4-1 Table 1, (i) 5-4-1 Table 2, (j) 5-4-3, (k) 5-4-4, (l) 5-4-10-2, (m) 5-4-10-7, (n) 5-4-10-8, (o) 5-4-10-10, and (p) 5-4-11-2. **Exhibit G** 

Mayor Rule called the agenda item at 7:19 p.m. City Planner, Roberta Stewart presented exhibit G.

Public Comment: Mike Graffe – 1889 Ridge Way – Middleton – Mr. Graffe stated that giving footnotes in the code gives the developers a work around to city codes.

**Motion:** Motion by Council President Kiser to continue the public hearing to the regular city council meeting on January 19, 2022, at 5:30 p.m. Motion was seconded by Council Member Huggins and approved unanimously.

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

- Mike Graffe—1889 Ridgeway- expressed his desire for less dense housing and increasing the minimum lot size. Exhibit H
- Todd Ognibene—1973 Scotch Pine Mr. Ognibene He stated that he is in favor of responsible growth but that he would like to see developers have to take more responsibility in being preemptive towards the growth in regard to planning for schools, roadways, fire, police and medical services.
- City Administrator Becky Crofts informed the council that a written application had been submitted to COMPASS for additional funds for a future traffic light at Middleton Road after the alignment has been completed. The application at this time has been denied so she is asking the council and the community to write letters of support so that the application may be resubmitted. She went on to state that projects are going slower than anticipated as The Idaho Transportation Department is becoming harder and harder to work with. Mrs. Crofts went on to outline the properties of city staff regarding snow plowing on city streets and she let those in attendance know that they information can now be found on the city website.
- Council Member O'Meara—asked that the city special events permit be brought before council for further review and consideration. He also stated that with the loss of the Coleman Homes soccer fields Middleton Greater Parks and Recreation is going to have a hard time accommodating the need for green space for the local soccer clubs this spring and fall.

Adjourn: Mayor Rule adjourned the city cour	ncil meeting at 8:35 PM.
ATTEST:	Steven J. Rule, Mayor
Dawn Goodwin, Deputy Clerk Minutes Approved: January 19, 2022	

### **EXHIBIT "A"**







FULL COLOR LOGO w/ TEXT ONLY LOGO VERSIONS

### **EXHIBIT "B"**

SymbolArts 6083 South 1550 East Ogden, UT 84405



(801) 475-6000 Phone (801) 475-5500 Fax www.symbolarts.com

### QUOTE/CONFIRMATION FORM

If you have any questions please contact me at 801-475-6000 Ext.

**Quote Date:** 

8/12/21

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or email me at:

chris@symbolarts.com

### EXHIBIT "C"



### **ESTIMATE**

DATE 9/8/2021

P.O. Box 1361 Nampa, ID 83653 208-412-7200 mo.dirtpro@gmail.com

### TERMS:

ESTIMATE VALID FOR 10 DAYS PAYMENT DUE & PAYABLE UPON COMPLETION

PROJECT:

### CUSTOMER:

City of Middleton

Damaged Fire Hydrant Replacement N Middleton Rd / Meadow Park

tmendive@middletoncity.com

DESCRIPTION		TOTAL
Sawcutting		
Labor / Equipment	\$	400.0
Materials / Pipe	\$	2,650.00
Gravel / Sand	\$	6,636.0
A/C Patch	\$	300.00
Traffic Control	\$	800.00
Highway District Permit	\$	1,352.75
Bond	\$	50.00
2&0	\$	350.00
	\$	1,253.88
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GROUND WATER, TREE REMOVAL, CONFLICTING SCHEDULES, OR ANY OTHER ISSUES NOT DISCUSSED HERIN.		
ID CON NUMBER: RCE-36031 ID PWC: 013644-D-1-4		

ID PWC: 013644-D-1-4

Thank you for your business!!

Bid Acceptance & Agreement to Terms of Payment		
Printed Name & Title	(Signature)	



### ESTIMATE

DATE 9/8/2021

P O. Box 1361 Nampa, ID 83853 208-412-7200 Ins.dirtoro@email.com

ESTIMATE VALID FOR 10 DAYS
PAYMENT DUE & PAYABLE UPON COMPLETION

### CUSTOMER:

City of Middleton

PROJECT:

Damaged Fire Hydrant Replacement N Middleton Rd / Meadow Park

tinend ve@middletoncity.com

DESCRIPTION		TOTAL
Sawcutting		
abor / Equipment	\$	400,00
Viaterials / Pipe	5	2,650.00
Gravel / Sand	\$	6,636.00
VC Patch	\$	300.00
	3	800.00
Fraffic Control	\$	1,352.79
Highway District Permit	5	50.00
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GROUND WATER, TREE REMOVAL CONFLICTING SCHEDULES, OR ANY OTHER ISSUES NOT DISCUSSED HERIN.		

ID CON NUMBER: RCE-36031

ID PWC: 013644-D-1-4

Thank you for your business!!

Bid Acceptance & Agreement to Terms	of Payment
Printed Name & Title	(Signature)
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### **EXHIBIT "D"**



December 20, 2021

Mayor Steve Rule and City Council Members 1103 W Main Street PO Box 487 Middleton ID 83644

RE: CITY OF MIDDLETON - BOISE RIVER LIFT STATION GENERATOR PROJECT

Dear Mayor Rule and City Council,

The City of Middleton received two (2) bids at the bid opening held on December 8th, 2021 for the above captioned project. As City Engineer, I recommend the contract for the CITY OF MIDDLETON – BOISE RIVER LIFT STATION GENERATOR PROJECT be awarded to Challenger Companies, Inc. for the contract bid amount of \$72,000.00.

If you have any questions, or need additional information, I can be reached at 208.453.2028.

Respectfully submitted, Civil Dynamics, PC

By: Kirby Cook, PE City Engineer

City of Middleton - Boise River Lift Station Generator Project

	\$21,000	\$16,000	
Backlin	\$88,000	\$72,000	
PALEST WORKS	Yes	Yes	
Contractor	Custom Electric	Challenger Companies, Inc	

### **Notice of Award**

Project: Boise River Lift Station Generator Project	t
Owner: City Middleton, Idaho	
Contract:	Owner's Contract No.:
Bidder: Challenger Companies, Inc.	Engineer's Project No.:
Bidder's Address: 1415 Madison Ave.	
<del></del>	
Nampa, ID 83687	
You are notified that your Bid dated <u>December</u> are the Successful Bidder and are awarded a Contra	er 8, 2021 for the above Contract has been considered. You act for Boise River Lift Station Generator Project.
The Contract Price of your Contract is seventy	two thousand dollars (\$72,000)
	s (except Drawings) will be forwarded within 5 days.
	s precedent within 20 days of the date you receive this Notice
1. Deliver to the Owner 2 fully executed of	counterparts of the Contract Documents.
2. Deliver with the executed Contract I	Occuments the Contract security Bonds as specified in the General Conditions (Paragraph 5.01), and Supplementary
3. Other conditions precedent: <u>Insurance Certificates</u>	
Failure to comply with these conditions with default, annul this Notice of Award, and declare you	in twenty (20) days will entitle Owner to consider you in ur Bid security forfeited.
Within ten days after you comply with the abocounterpart of the Contract Documents.	ove conditions, Owner will return to you one fully executed
	City of Middleton, Idaho
Owner	
By: Authorized	Signature
Steve Rule Title	e, Mayor

### **EXHIBIT "E"**



5605 South 10th Ave. • Caldwell, Idaho 83607 • 208.453.2028

Julookaft

DATE:

January 4, 2022

TO:

Roberta Stewart, Planner

Cc:

Clint Hansen, PLS

FROM:

Civil Dynamics PC, City Engineer,

Amy Woodruff, PE

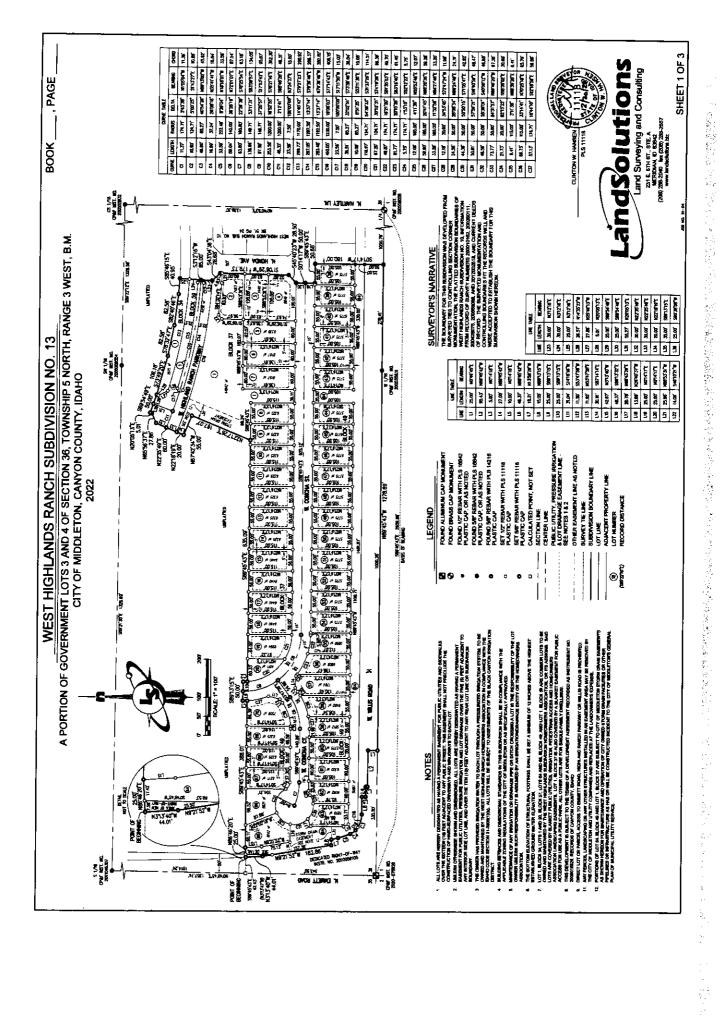
RE:

West Highlands Ranch No. 13

FINAL PLAT RECOMMENDATION OF APPROVAL

Thank you for the opportunity to review the above captioned final plat. The review is complete and the plat appears to generally meet the requirements of Middleton City Code and common platting practices. All infrastructure is complete and substantially in conformance with the ISPWC. Power service to the street lights will be noted on the certificate of completion.

It is recommended the City of Middleton approve the West Highlands Ranch No. 13 final plat.



### CERTIFICATE OF OWNERS

KNOW ALI WEN BY THESE PRESENTS. THAT WE, THE UNDERSTONED, ANE THE OMNEDIS OF THE REAL PROPERTY DESCRIBED BELOW IN CANTOO COUNTY, DANCE, AND THAT WE WITBUT TO INCLIDE THE FOLLOWING DESCRIBED PROPERTY IN THIS PLAT OF WEST INCREMES FANCE. SIBERTREADEN DO 13.

A PARCEL BEING A PORTION OF GOVERNMENT 1019 3 AND 4 OF SECTION 35, TOWARINE'S MORTH, FANCE 3 WEST, BOISE MERIDAN, CITY OF MICOLETIC CANYON COLNITY, IDANO, AND MORE PARTICULARLY DESCRIPED AS POLLOMS:

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THENCE A DISTANCE OF 10:00 PEET ALCHO THE ARC OF A 12471 FOOT RADIUS NOWTANGERT CARVE LEFT, SAID CLRIVE HAVING A CENTRAL. ANGLE OF SYDTSF AND A LONG CHORD BEANING S 11477T E A DISTANCE OF 10:18 FEET TO A POINT. THENCE SIGNISHS EADISTANCE OF 50.00 FEET TO A POART ON A CURVE;

THENCE S 69" 45/G" E' A DISTANCE OF 428.09 FEET TO A POWIT,

THENCE M.22\*1728" E.A. DISTANCE OF 167.07 FEET TO A POINT;

THENCE N 67"42"34" W A DISTANCE OF 56.00 FEET TO A POMIT;

THENCE N 22"18"18" E.A. DISTANCE OF 20,00 FEET TO A PORIT; THENCE N 22"35"40" E A DIBITANCE OF 60:00 FEET TO A POINT,

THENCE N 65'98'37" E A DISTANCE OF 27,88 PEET TO A POHIT,

THENCE S 88°54'49" E A DISTANCE OF 60,00 FEET TO A POHIT;

THENCE N 2010/13" E A DISTANCE OF 5.01 FEET TO A POINT;

THENCE S 73"48720" E A DISTANCE OF 105,18 PEET TO A POINT;

THENCE 8 78"32" F. F. DISTANCE OF 82.59 FEET TO A PORIT,

THENCE S 82" 40'46" E A DISTANCE OF 82.58 PEET TO A PORT.

THENCE IS INVALIDE A DISTANCE OF AS ISFEET TO THE MONTHWESTERLY CORNER OF WEST HIGHLANDS PANCH SUBDIVISION NO. 10, AS SHOWN IN BOOK SI OF PLATS ON PAGE 24, RECORDS OF CAMPON COLINTY, IDANO.

THENCE ALONG THE WESTERLY BOUNDARY OF SAID WEST HERHAADS RANCH SUBDIVISION NO. 16 THE FOLLOWING COURSES AND DISTANCER.

THENCE S \$1215 WA DISTANCE OF 85.00 FEET TO A POINT.

THENCE S 1'0978" WA DISTANCE OF 178,73 FEET TO A PORT; THENCE 8 4310430" E A DISTANCE OF 28,69 FEET TO A POINT

THENCE 8 45'40'Z3" W A DISTANCE OF 28.30 FEET TO A POINT;

THENCE S 0\*1417 WA DISTANCE OF 50.00 FEET TO A POINT,

THENCE S 68" 46"45" E A DISTANCE OF 50.09 FEET TO A POMIT,

THÉNCE IS GLIATE WIA DISTANCE OF 18000 FEET TO A POWER ON THE SOUTHERLY BOUNDARY OF SAID SECTION 36 BEING THE SOUTHWESTERLY CORNER OF SAID WEST HIGHLANDS RANCH SUBDIVISION NO. 10.

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THENCE ALONG SAID RIGHT-OF-WAY THE POLLOWING COURSES AND DISTANCES:

THENCE NOT 46'43" E A DISTANCE OF 25,00 FEET TO A PORT;

THENCE N 86"45"42" W A DISTANCE OF BS.45 FEET TO A POINT.

THENCE N BY 45'42" WA DISTANCE OF 27.00 FEET TO A POINT. THENCE NOT 1418" E A DISTANCE OF 8.00 FEET TO A POINT;

THENCE NOTIFIE EADISTANCE OF 10.00 FEET TO A POINT

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THENCE A DISTANCE OF 19 19 PEET ALONG THE ARD OF A 222-0F FOOT RADING CARME ROBHIT GAID CARME HAVING A CENTRAL ANGLE OF 81904" AND A LONG CHORD BEARING IN 181101" WA DISTANCE OF 30 BITEET TO A PORT OF TAMOBICS".

THENCE N 19'58729" WA DISTANCE OF 18.21 FEET TO A POINT.

THENCE N BE 13:15" W A DISTANCE OF 15.05 FEET TO A POINT,

THENCE N 872/152" WA DISTANCE OF 162.89 FEET TO A POINT.

THENCE N 3"1340" W.A. DIBTANCE OF 44.01 FEET TO THE POINT OF REGINATING

THIS PARCEL CONTAINS 13.88 ACRES MORE OR LESS.

ALL THE LOTS WITHSISEREMENDA WILL.
RECEIVE WATER SERVE FROM THE CITY OF MIDDLETON. THE CITY OF MIDDLETON.
WAS AGREED IN WRITHOL TO SERVE ALL THE LOTS IN THIS SUBTAYSION.

THE PLELLS TREETS BECOME ON THE PLATANGE FEDERY DEDICATED TO THE PUBLIC, PLELLD LITHLITY, RRIGATION AND DRAWAGE EASIBRENTS OF THE AT ARE WITCH EXCENSIONED THE PLATE SHEETEN RESERVED FOR WELLD LITHLINES, DOTAR WAS THE PLATE SHEETEN RESERVED FOR AND LYBE OF THE PLATE SHEETEN RESERVED FOR AND COMPANY OF THE RESERVED FEDERALD THILTIES, DOTARDAY OF THE THESE SHEETEN FEDERALD FEDERALD WITCH THE OFFICE SHEETEN FEDERALD WITCH THE SHEETEN FEDERALD WITCH THE

IN WITHERS WHEREOF WE HAVE HEREDATO SET OUR HAND THIS 18 10 DAY OF JULY.

TOLL BOUTHWEST LLC, AN EANO LIMITED LIMBLITY COMPANY

BY SUSAN STAN ET, DANSON PREBIDENT

ACKNOWLEDGMENT

STATE OF IDAHO S.B.

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IN MERCES INVERCOR, I HAVE HERBURTO BET UIT HAND AND AFTOED UIT OFFICIAL, SEAL THE DAY AND YEAR IN THIS CRETERIORE FRIST ABOVE WRITTEN.

WY COMMISSION EXPRES

### CERTIFICATE OF SURVEYOR

I, CLINTON W, MANBER, DO HENEDY CERTIFY THAT I AM LOCINESS TRESCROMM, LOCINESS THAN BRANCHES THE PROMOTIVE OF DAMP, AND THE RELATION OF THE PROMOTIVE OF DAMPERS WAS TRANSFER THE PROMOTIVE OF DAMPERS WAS TRANSFER THE PROMOTIVE OF DAMPERS WAS TRANSFER TO BE CARRESTED TO A SURVEY THAN DE CONTRACT OF THE PROMOTIVE THAN PROMOTIVE OF DAMPERS WAS TRANSFER TO A TRANSFER TO THE THAN THE STATE OF DAMP COTTOR.

REPRESENTED THE VALIDA AND SURPEYS.



andSolutions Land Surveying and Consulting 221 E. STH 6T., STE. A INSTRUMAN, TO 62642 (208) 289-2040 fax (208) 289-2957 www.jendenlaform.ldz

SHEET 2 OF 3

# WEST HIGHLANDS RANCH SUBDIVISION NO. 13

BOOK , PAGE

### HEALTH CERTIFICATE

Paigite Court Deal

CERTIFICATE OF THE COUNTY SURVEYOR

(THE UNDERSIGNED, PROFESSOWL, LAND SURVEYOR FOR CANYON COUNTY, IDAHO HEREBY CERTIFY THINNE OFFICEED THIS PLAT AND FIND THAT IT COMPLES WITH THE STATE OF IDAHO COOR FELATING TO PLATE AND SURVEYS.

CONTOCOUNT SUPPERCUENTS SO- TAS DATE
DAVID P. KINZER PEPPS 5659

# CERTIFICATE OF THE COUNTY TREASURER

I. THE UNDERSIGNED, COUNTY TREASUREIN IN AND FOR THE COUNTY OF CANTON, STATE OF TOAHO, PER PRESCUREMENTS OF COUNTY OF STATE, OF USERS OF CHEEFER CERTET THAT ARE ALL CURRENT AND OR DELIVACION COUNTY PROPERTY TAKES FOR THE PROPERTY INCLUDED IN THIS SUBDAYSION HAVE BEEN PAID IN FILE. THIS CERTIFICATION IS VALD FOR THE HEATT HIST RID DAYS ONLY.

COUNTY TREASURER

Q.

# APPROVAL OF MIDDLETON CITY COUNCIL

I THE UNDERBONED, CITY CLERK IN AND FOR THE CITY OF MIDDLETON CANYON COUNTY, DANG, DO HERBOY CERTIFY THAT AT A REGOLDRA MEETING OF THE CITY OD MICH. HELD ON THE \_\_\_\_\_ DAY OF 120 CHTED AND APPROVED.

7 MIDDLETON CITY MAYOR

## APPROVAL OF THE CITY ENGINEER

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

MIDDLETON CITY ENGINEER

ă

CLINTON W HANSEN

-andSolutions Land Surveying and Consulting 231 E. 5TH ST., STE. A MERICIAN, ID 82942 (200) 288-2040 fin (209) 289-2557 www.landerdufors.bz SHEET 3 OF 3

### **EXHIBIT "F"**



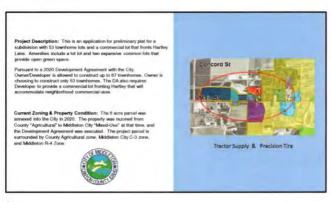
Traffic, Access & Streets:

The project provides new accesses off Hartley Lare. The streets are public and will be dedicated to the City of Middletion.

Developer will, at its cwar cost, improve the 50 half road portion of fartley Lare that flores the project.

Developer outpitled a traffic impact study (TST), and Developer outpitled a traffic impact files to import free to improve nearby inter-socions. Pursuant to the new Mid-State OF. Developer will also pay \$5.00 for each residential building permit, which immorates to \$207 600 peel towards improvement of Middlets in the 100 cold to 300 peel towards interested and Middlets interested to \$200 for socious for the Middlets interested to 4 Middlets interested to 500 peel towards to 100 peel towards towards to 100 peel towards to 100 peel towards towards to 100 peel towards towards to 100 peel towards to 100 peel towards towards towards towards to 100 peel towards towards towards towards towards to 100 peel towards towa

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Pathway, Bidewalta & Open Space: Applicant has surpassed the 5% open space regimenral by providing oner 8% open space in the form of a common lot with lot fol and green space, and 2 large gravery detention areas that will also same as open play areas or gathwing space.

Middleson Rural Firs District: Like many agencies, the Middleson Rural Fire District has a long quaue of Middleson, County and Star subdivision projects to rease. As a result, Deput Order false has no fined an opportunity to submit comments on this preliminary plat it.

City Council many still agreens the preliminary plat with a condition of approal that Developer comply with all Fire Department comments approved by the City. This will result in our City Engineer coalisationing with Middleson Fire sugns off on fire hydrants and other components of the construction diswings.

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Preliminary Plat: The preliminary plat does not show a pleasing plan, and the project will be brought to final plat in one phase.

The preliminary plat also complies with all dimensional standards and codes of the City of Middleton sacrept the waiver of density that is set forth in the Development Agreement. Additionally, the preliminary plat shows turning radius of 60' rather than the code required 25'. This has been approved by City Engineer and Middleton Rural Fire Department in the past. Firstly, there is a required for awaiver of odes requiring 20' frontage to final plats. Towerhome lofe regular frontage is 20' per Middleton City Code. The would necessarily require flag lot frontage is 50' per Middleton City Code. The would necessarily require flag lot frontage is 50' per Middleton City Code. The would necessarily require flag lot frontage is 50' which is resourced europed of the preliminary plat application per MiCC 1-15-2 if the City Council is to inclined a approve these weleves.

City Engineer has reserved the preliminary plat and requirementation letter efficiency plat is set in a harmony with the Middleton Comprehensity plat is a site in harmony with the Middleton Comprehensity plat is a first in harmony with the Middleton Comprehensity Plan as will be discussed in more defail feebre.

Comprehensive Plan & Land Use Map: Applicant's project compiles with the Comprehensive Plan's Future Land Use Map because the project percel is designated "Mixed Use" (green color) on the Land Use Map, which matches the Mased Use planned for the site.

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

- on the preference plat.

  Goal of The project will establish a good quality of life with development that pays through impact less and properly bases for the public services it recovers when intrestructure is installed. Additionally, quality foit for residential use increase the quality of life and general welfare of the City.

  Goal (1. The project provides diverse housing and in-fill housing. It also provides a housing type that matches the residential life.





If the Council is inclined to approve the preliminary plat application based upon the above <u>General Facts</u> and <u>Conclusions of Law.</u> then Planning Staff recommends that any approval be subject to the following conditions:

1. All loserforms footprints shown on the preliminary plat are desiried only conceptual and are not accurate. Applicant in subject to the settleds for the MAU Zime set both in the MAddesion City Code at the time of shating permit issuances.
2. All shreets shown on the preliminary plat are public streets.
3. All shreets shown on the preliminary plat are public streets.
3. City of MAddesion municipal contensities under, the flow and sensiny severe services are to be extended to serve the subdefinition municipal contensities under the flow on a service that the substitute of the substitute of the services are to be extended to serve the subdefinition.
6. Covernor Developer shall construct, at its own cost, all firedays improvements to Hatrley Lane and dedicate the sames to the City.
6. Owner-Ordendoper to pay the required pro-cate share furtilis fee in the emoust of \$54.01.00 prior to final plat approval.
7. All City Egraphere reviews commercia are to be completed and approved.
7. All City Egraphere reviews commercia are to be completed and approved.

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All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
 OvereirDeveloper shall obtain approval from the Develop Review Committee for each style of townfrome to be constructed.
 Severe and writer capacity to be reserved at the time City approver the construction drawings for the

project.

Ferning along the rear boundary of Lots 19-25, Block 1 is to be black wrought iron ferning. All other fencing may be ferning of Developer's choice.

Finally, if the Council derives the prelimitrary plat application, then pursuant to Middleton City Code 1-14(CKB), the Council should state on the record what Applicant can do, if anything, to gain approved of the confinition.

7

nts Received from Surrounding Landowners: None.

Comments from Agencias: COMPASS submitted a 6/8/21 befor indicating field a stub road to the north may be described. A 6/7/21 before from the District Company set from the typical comments on how to deal with the district easiered on the All agency comments were statished to the Self Report as Estable.

Comments from City Engineer and Planning Staff: Ware provided as Exhibit "D" to the Staff Report.

Applicant Information: Applicant Owner is David Buich Hartley Lane LLC. Representative is James Escobar, AIA. 125 E. 2 St. Meridian ID 83642 — Important Communication (Inc.) 208.864.224. Application was accepted on March 19, 2021

tices & Neighborhood Meeting:

Dates:

- Novepaper Notification
   Radius notification mailed to Adjacent landowners within 300'
   Circulation to Agencies
   Sign Posting property
   Neighborhood Meeting

Applicable Codes and Standards: Idaho State Statue Title 57, Chapter 65, Idaho Standards for Public Works.

Construction and Middleton Supplement thereto, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.



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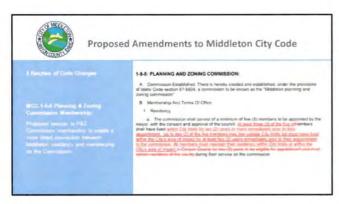
Planning & Zoning Recommendations: This application was considered in a public feating before the Planning & Zoning Commission on Ostokee 16, 2021. The Commission recommended approval of the preliminary glal application subject to the conditions of approval set forth in the Steff Report for that hearing. A copy of the FCR from the P&Z hearing was attached to the Steff Report or Establi \*E.\*

Conclusions and Recommended Conditions of Approval: The decision to approve or deny a preliminary plot application must be based upon general facts and conclusions of law formally accepted by the City Council.

- 2. As to Conclusions of Law, Planning Staff finds that the City Classical has the authority to hear this application and to approve or strent the application. Additionally, Planning Staff rotes that all public notice requirements were time. Planning Staff turther and infinit the positions of the labels State Code and Methodesin City Code to be considered in making a decision on this application. If the Lannary 5th public hearing in held in compliance with lately State Statuta and the Medition City Code, then the Courtil rings accept finese conclusions of the by passing a motion to accept the conclusioner of law set forth in the staff report and of the public hearing.



### **EXHIBIT "G"**

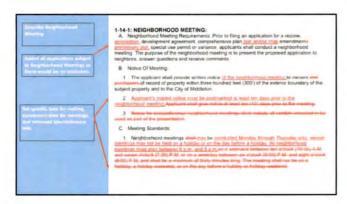


mandates. If an is-person neighborhood meeting is legally prohibited, a virtual meeting intay be held.

2. Applicant shall also make responsible accommodators to receive comments or specificane was small. U.S. Mail or visited conferencing either at the resplantment meeting or stims fine (%) business during from school and the resplantment of the properties and emails received shall be submitted to the City with the application materials.

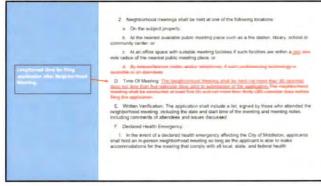
3. If applicant chooses video conferencing this receive comments and questions in addition to the representational conferencing the received shall be submitted to the City with the application that respectively shall be submitted to the City with the application materials to the representation of the received shall be submitted to the City with the application that respectively the state of the received shall be submitted to the City with the application that the respective of the received shall be submitted to the City with the application of the received shall be submitted to the City with the application and application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and the submitted to the City with the application and

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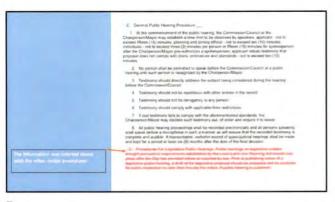
1.14.4. APPLICATIONS REQUIRING PUBLIC HEARINGS:
The following applications requires a pulsar having adoption or resistant of the pulsar graphical hardings for any action of the zone graph halippine or reviews of the zone graph and subdivisions requires. Adoption of a found any soften application that lates Cross requires to be considered at a public hearing (CHI. 609, T-3.2714).

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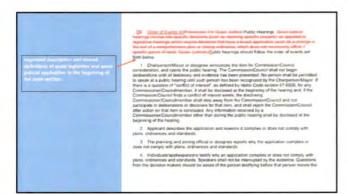
1-1-1-1 Land USE APPLICATION AND PURILEY MEASURE PROCESSIONS

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7. The Commission—Council pin continues the matter for additional efformation or makes a verbal section by majority with. Millioned by a algored author decision that it legally considered a "final decision—final can be apposed by a a signed author decision that it weight considered as "final decision—final can be apposed by an addition decision. The final decision—final can be apposed to a make a final pinal pi

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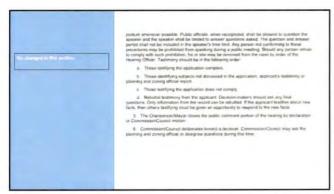


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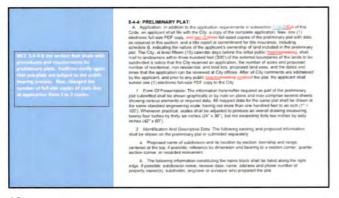
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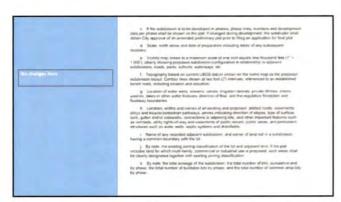


B Council Actors

1. All a public messing, not a public hearing, and upon receipt of the commission's recommendation, if issuing the Council shall consider the application and approve conditionally approve or dury 4. The decisions that approve in the receiver of the public form of the application and approve conditionally approve or dury 4. The decisions that submission the application on the application of t

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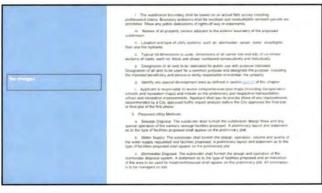




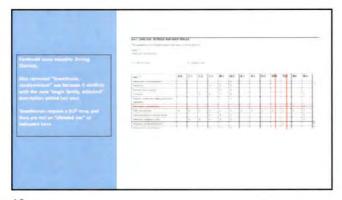
5-1-4 ZONING DISTRICTS ESTABLISHED B. Boundares Existence: The tomograms of the use districts shall be essiblented and change officiated upon the priming may abstract and amendment by the City Council.

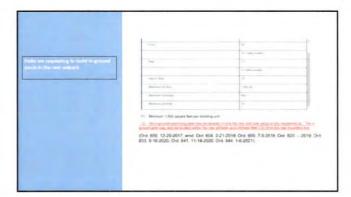
C. Shandlary integrated on Wittencers and constructive seeds as to the teconolists of any council above in the Justice just the Millioning John shall shall say the Seeds of th Where any such boundary line is indicated as following a cost, play or public way, it shall be executively as following the certaining fluence! Where a boundary line is indicated as approximately following a lot line, such list line read to constitued to be such operatory line. (Onc. 800, 12-20-2017) and Onc. 609, 7-3-2018;

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5-4.3: TRAFFIC IMPACT ANALYSIS.

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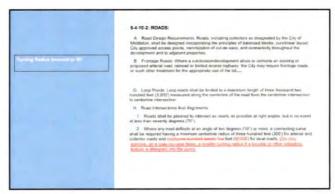
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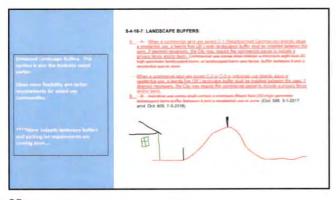
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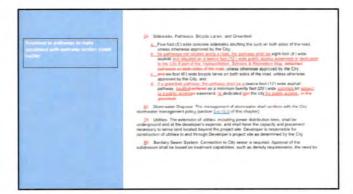
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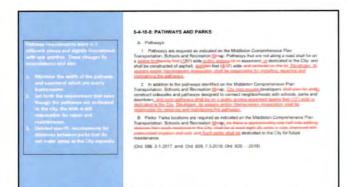
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S-4-10-10 OPEN BRACE AND AMENUTES

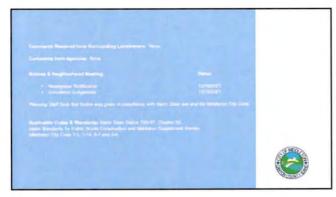
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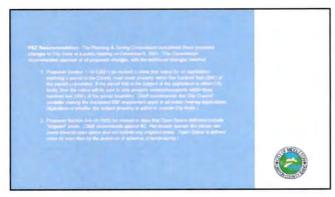
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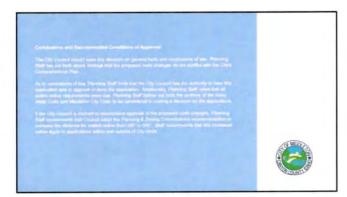
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### EXHIBIT "H"

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## **Middleton City Council**

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



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

#### A. Findings of Fact:

- 1. Hearing Facts: See Staff Report for the hearing date of January 5, 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 January 5, 2022, Exhibit "A".
- 3. Application and Property Facts: See Staff Report for the hearing date of January 5, 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 January 5, 2022, Exhibit "A".

#### 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 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, 50-1301 through 50-1329 and 50-222.
- 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 January 5, 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**:

That the application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision is approved subject to the following conditions of approval:

- 1. Applicant/Developer to comply with all conditions of approval set forth in the Staff Report for the January 5, 2022, public hearing.
- 2. The two street names for the project shall be changed to one single street name that will apply to the entire "loop" road.

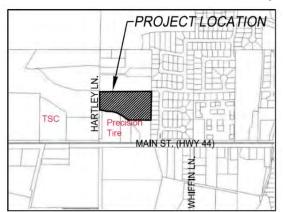
WRITTEN ORDER APPROVED ON: Ja	nuary, 2022.	
	Steven J. Rule	
Attest:	Mayor, City of Middleton	
Roberta Stewart Planning and Zoning Department		



# STAFF REVIEW AND REPORT Middleton City Council

## **Carter John Mixed Use Subdivision**

## **Snapshot Summary**





DESCRIPTION	DETAILS
Acreage	Approx. 6 acres
Current Zoning	M-U / Mixed Use
Proposed Zoning	to remain the same
Current Land Use	Mixed Use
Proposed Land Use	Mixed Use
	53 Townhome lots, 1 commercial lot, and 8
Lots	common lots
Density	18 units per acre allowed by DA
	Tot Lot and large common lot green
Amenities	spaces.

- A. City Council Public Hearing Date: January 5, 2022
- **B. Project Description:** Subdivision with 53 townhome lots, one commercial lot that fronts Hartley Lane, and eight common lots. Amenities include a tot lot and two expansive common lots that provide open green space for recreation.

Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 67 townhomes. The DA also requires Developer to provide a commercial lot fronting Hartley Lane that will accommodate neighborhood commercial uses. (A copy of the Development Agreement is attached as Exhibit "A".)

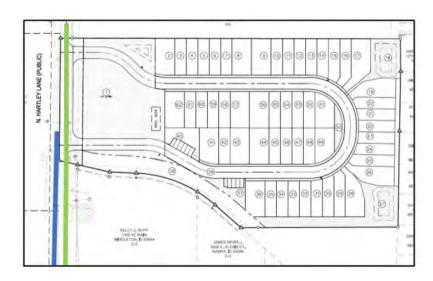
C. Application Request: Preliminary Plat

**D.** Current Zoning & Property Condition: The 6 acre parcel was annexed into the City in 2020. The property was rezoned from County "Agricultural" to Middleton City "Mixed-Use" at that time. The Development Agreement was executed at the same time as a part of the zone change application.

The project parcel is surrounded by County Agricultural zone, Middleton City C-3 zone, and Middleton R-4 Zone.



**E. City Services:** Sewer service will be taken from existing lines running through Hartley Lane. Water service will be brought north from a location near the intersection of Hartley Lane and Hwy 44.



Planning Staff finds that City services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.

F. Traffic, Access & Streets: the project provides two accesses off Hartley Lane. The Subdivision streets are public and will be dedicated to the City of Middleton. As part of its preliminary plat, Developer shall improve the 50 foot ½ road portion of Hartley Lane and dedicate the same to the City of Middleton.

Developer completed a traffic impact study ("TIS"). Developer will pay \$34,061 in prorata traffic impact fees, and this should be done as a condition of approval for final plat. Pursuant to the new Mid-Star CIP, Developer will also pay \$5,050 for each residential building permit, which amounts to \$267,650 paid towards improvement of Middleton intersections and roadways. Finally, Developer will pay between \$10,000 to \$20,000 in Mid-Star Traffic Impact Fee for the commercial lot, depending upon what type of neighborhood commercial is ultimately built on the lot.

In total, this Developer shall improve a portion of Hartley Lane at its own cost and pay over \$320,000 in traffic improvement fees.

- **G. Pathway, Sidewalks & Open Space**: Applicant has surpassed the 5% open space requirement by providing over 8% open space in the form of a common lot with tot lot and two large grassy detention areas that will also serve as open play areas or gathering spaces.
- **H. Middleton Rural Fire District:** Like many agencies, the Middleton Rural Fire District has a long queue of Middleton, County and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments on this preliminary plat yet.

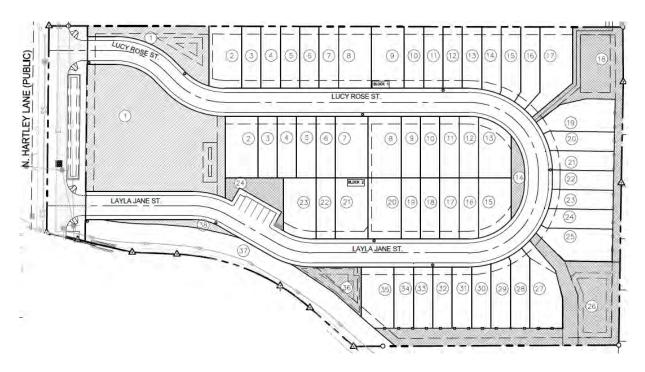
City Council can still approve the preliminary plat, but it is critical that compliance with Middleton Fire District comments approved by the City be made a condition of approval. Once that is done, then City Engineer will work with Developer and the Fire District to make sure the future construction documents include all Fire District and City approved requirements.

I. Preliminary Plat Application: The preliminary plat does not show a phasing plan. The project will be brought to final plat in one phase. The preliminary plat also complies with all dimensional standards and codes of the City of Middleton except the waiver of density that is set forth in the Development Agreement. Additionally, the preliminary plat shows turning radius of 90' rather than the code required 125'. This has been approved by City Engineer and Middleton Rural Fire Department in the past. Finally, there is a request for a waiver of code requiring 20' frontage for flag lots. Townhome lots regular frontage is 20' per Middleton City Code. This would necessarily require flag lot frontage to be much less. On the plat, the lowest flag lot frontage is 12', which is reasonable under the circumstances.

Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the City Council is so inclined to approve these waivers.

City Engineer has also reviewed the preliminary plat, and she has recommended approval of the preliminary plat. See Civil Dynamics "recommendation of approval" letter attached as Exhibit "F".

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



A copy of the preliminary plat under consideration is attached as Exhibit "B".

J. Comprehensive Plan & Land Use Map: Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the project parcel is designated "Mixed Use" (green color) on the Land Use Map, which matches the Mixed Use planned for the site.



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

- a. Goals 3 and 23: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.
- b. Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.
- c. *Goal 11:* The project provides diverse housing and in-fill housing. It also provides a housing type that matches the residents' lifestyle in the area.
- K. Comments Received from Surrounding Landowners: None.
- L. Comments from Agencies: COMPASS submitted a 6/8/21 letter indicating that a stub road to the north may be desirable. A 9/7/21 letter from the Ditch Company set forth the typical comments on how to deal with the ditch easement on site. All agency comments are attached as Exhibit "C".
- M. Comments from City Engineer and Planning Staff: See attached as Exhibit "D".
- N. Applicant Information: Applicant is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2<sup>nd</sup> St., Meridian ID 83642 <u>Jim@neUdesignArch.com</u>. 208.884.224. Application was accepted on March 19, 2021.

Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	10/31/2021
Radius notification mailed to Adjacent landowners within 300'	10/28/2021
Circulation to Agencies	10/28/2021
Sign Posting property	10/28/2021
Neighborhood Meeting	03/18/2021

<sup>\*</sup>The public hearing on the matter was tabled a number of times.

## P. Applicable Codes and Standards:

Ο.

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.

Q. Planning & Zoning Recommendations: This application was considered in a public hearing before the Planning & Zoning Commission on October 18, 2021. The Commission recommended approval of the preliminary plat application subject to the conditions of approval set forth in the Staff Report for that hearing. A copy of the FCR from the P&Z hearing is attached hereto as Exhibit "E"

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

The decision to approve or deny a preliminary plat application must be based upon general facts and conclusions of law formally accepted by City Council.

As to General Facts, Planning staff has set forth in parentheses the general facts that are the basis for approving or denying this application. If the Council agrees with these general facts and agrees with the testimony and evidence presented at the public hearing, the Council need merely make a motion to accept the general facts set forth by Staff in the Staff Report and presentation.

As to Conclusions of Law, Planning Staff finds that the City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a decision on the application. If the January 5th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Council is inclined to approve the preliminary plat application based upon the above <u>General Facts</u> and <u>Conclusions of Law</u>, then Planning Staff recommends that any approval be subject to the following conditions:

- All townhome footprints shown on the preliminary plat are deemed only conceptual and are not accurate. Applicant is subject to the setbacks for the M-U Zone set forth in the Middleton City Code at the time of building permit issuance.
- 2. All streets shown on the preliminary plat are public streets.
- 3. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
- 4. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
- 5. Owner/Developer to pay all City required pro-rata share traffic fees prior to final plat approval.
- 6. All City Engineer review comments are to be completed and approved.

- 7. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
- 8. Owner/Developer shall obtain approval from the Design Review Committee for each style of townhome to be constructed.
- 9. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Council denies the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(8), the Council should state on the record what Applicant can do, if anything, to gain approval of the application

Prepared by Middleton City Planner, Robert Stewart Dated: 12/27/2021

## **APPENDIX**

## Exhibit "A"

## **2020 Development Agreement**

2020-037265 RECORDED 07/08/2020 02:17 PM



CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=6 HCRETAL NO FEE
AGR
CITY OF MIDDLETON

#### **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 Richard Davis and Amy Davis, husband and wife (**Davis**), individually and collectively referred to as Developer (**Developer**), and Adam Hegstrom (**Hegstrom**), individually and collectively referred to as Representative for Developer (**Representative**).

#### RECITALS

WHEREAS, Developer owns approximately 6.06 acres of vacant real property located North of Main Street (State Highway 44) North of and adjacent to Perfection Tire and East of Hartley Lane, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R1788901, and legally described in Exhibit A attached hereto and incorporated herein (**Property**); and

WHEREAS, Hegstrom represented Developer when annexing and rezoning the property from Canyon County Agricultural to City of Middleton M-U (<u>Mixed Use</u>), and the benefits, obligations, and restrictions contained in this development agreement were relied on by both parties and were an integral part of the city's approval of the annexation and rezone request; and

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

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

#### **AGREEMENT**

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

#### ARTICLE I LEGAL AUTHORITY

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

## ARTICLE II ANNEXATION AND ZONING ORDINANCE

The City will adopt an ordinance to annex and rezone the Property from Canyon County Agricultural to City of Middleton M-U (Mixed-Use). 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 Developer will build no more than 67 residential units total on approximately 5.06 acres with no less than one (1.0) acre dedicated for commercial (abutting Hartley Lane) use with allowable uses as permissible in M-U zoning (as further described below). City requires two driveways to access from Hartley Ln into the development, one on the northern and one on the southern property lines. Developer intends to sub-divide the land, allowing each lot to be on its own tax parcel, however, all residential buildings would belong to one common homeowner's association.

The Developer will utilize no less than one (1.0) acre of property, not used for the 67 residential units, for any of the following allowed commercial uses in M-U zoning: assisted living, a professional style building, to hold one or more of the following allowable uses which are: medical/dental/, bank/credit union, clinic/pharmacy/optician/spa, daycare, espresso/pastry shop, or professional office, real estate sales/rental/ management office. The developer may also construct a building with commercial on the ground floor building plate with

Development Agreement - Richard Davis, Amy Davis and Adam Hegstrom Page 2

matching residential building plate above. This would allow the developer an addition four (4) residential units maximum over the 67 previously mentioned. Developer is required to construct all utilities, roads, driveways, and parking (per code) as private on-site facilities.

## ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

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

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

- 4.2 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.
- 4.3 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 7.

Development Agreement – Richard Davis, Amy Davis and Adam Hegstrom Page 3

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

Middleton: City Clerk

City of Middleton P.O. Box 487

Middleton, Idaho 83644

Developer: Richard and Amy Davis

24239 El Paso Rd Caldwell, ID 83607

Adam Hegstrom 520 Waltman Ln Meridian, ID 83642

- 5.4 If either party shall fail to perform under this Agreement and said failure is cured with the assistance of an attorney for the other party, as a part of curing said failure, the reasonable attorneys' fees incurred by the other party shall be reimbursed to the other party upon demand. In the event a suit or action is filed by either party against the other to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay to the prevailing party all costs and expenses, including reasonable attorneys' fees incurred therein, including the same with respect to an appeal.
- 5.5 The Agreement shall be effective after being fully executed. This Agreement shall become valid and binding only upon its approval by the City Council and execution of the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorded at the expense of the Developer.
- 5.6 Each commitment and restriction described in this Agreement shall be a burden on the Property and run with the land and shall be appurtenant to and

for the benefit of the Property, adjacent property and other residential land near the Property.

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

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

- 5.7 The Property that is the subject of this Agreement is located in Canyon County, Idaho and the terms of this Agreement shall be construed according to the laws of the State of Idaho in effect at this time this Agreement is executed. Any action brought in connection with this Agreement shall be brought in a court of competent jurisdiction located in Canyon County, Idaho.
- 5.8 If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstance shall to any extent be held invalid or unenforceable, the remainder of this instrument shall remain in full force and effect.
- 5.9 Time is of the essence for performance of each obligation in this Agreement.

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

Dated this \_\_\_\_\_\_day of July 2020 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

ATTEST

Rv.

Steven J. Rule, Mayor

)

Rocky Crofts City Clork

State of IDAHO)

SS.

County of Canyon

-

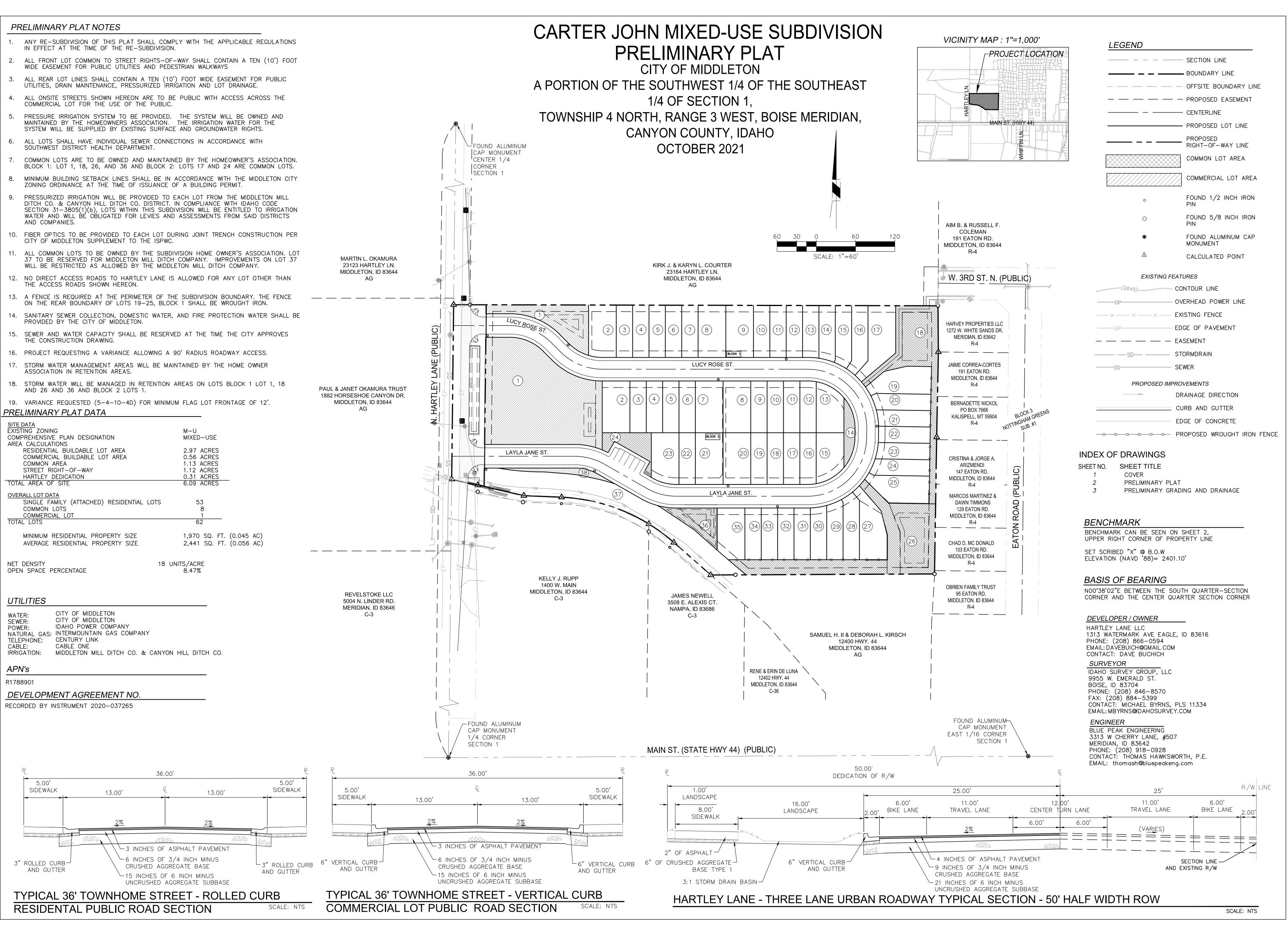
Development Agreement – Richard Davis, Amy Davis and Adam Hegstrom Page 5

	that on this day of July 2020, personally e, who, being first duly sworn, declared that he is the o and signed it as Mayor of the City of Middleton.    Semilar   Semilar
DEVELOPER:  Richard Davis	Amy Davis
JENNICA REYNOLDS COMMISSION #61729 NOTARY PUBLIC STATE OF IDAHO	hat on this day of July 2020, personally appeared Davis who, being first duly sworn, declared that they    Opening Regnation     Notary Public     My Commission Expires:
REPRESENTATIVE:  Adam Hegstron	·
State of Idaho  ss.  County of	hat on this day July 2020, personally appeared ng first duly sworn, declared that he signed.
JENNICA REYNOLDS COMMISSION #61729 NOTARY PUBLIC STATE OF IDAHO MY COMMISSION EXPIRES 06/10/2025	Notary Public My Commission Expires: 4/19/2025

Development Agreement – Richard Davis, Amy Davis and Adam Hegstrom Page 6

## Exhibit "B"

# **Proposed Preliminary Plat**



DRAWING ISSUE RECORD DATE DESCRIPTION

REVISION RECORD

PROJECT INFORMATION

S. S.

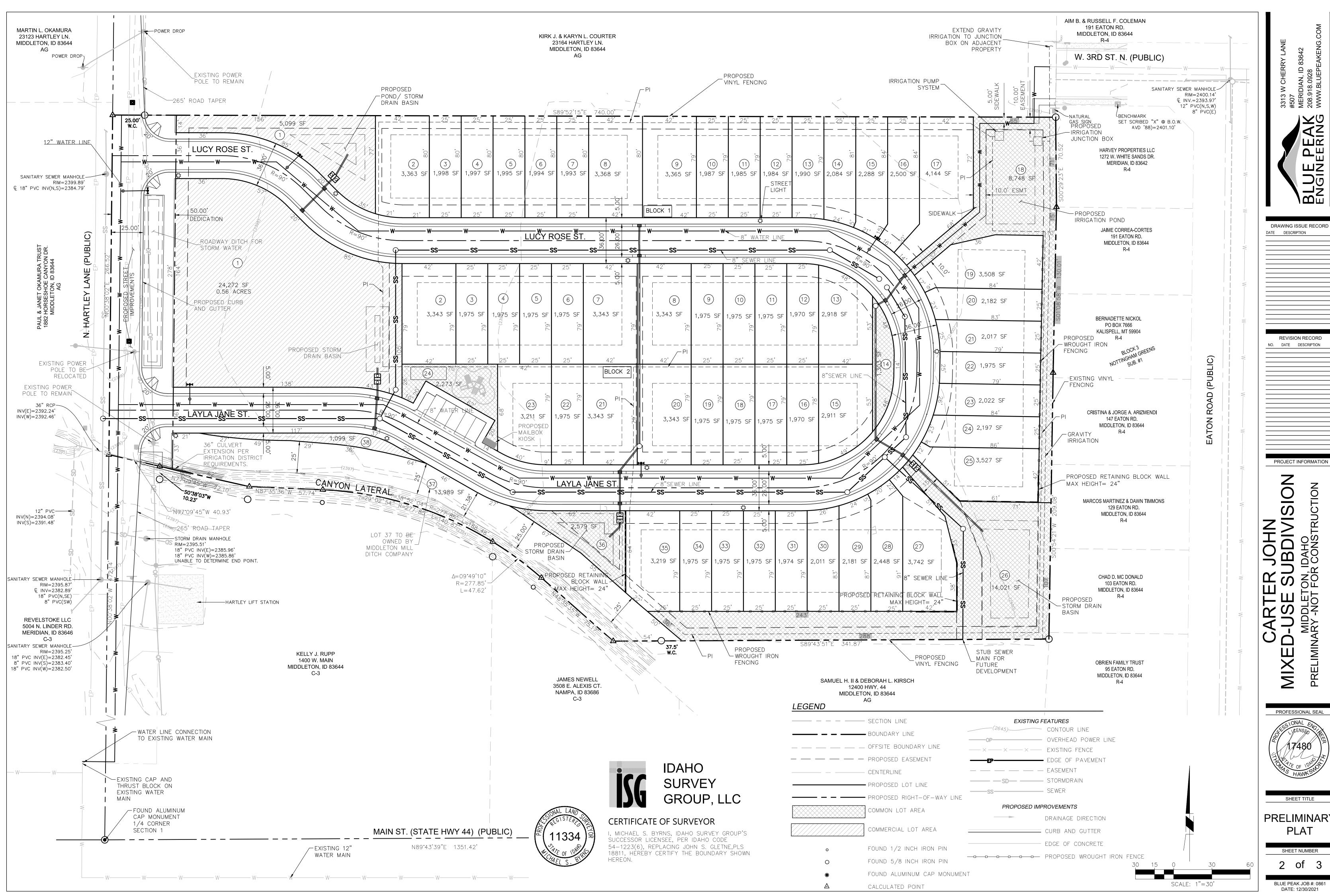
PROFESSIONAL SEA

SHEET TITLE

COVER

SHEET NUMBER of 3

BLUE PEAK JOB #: 0861 DATE: 12/30/2021



REVISION RECORD NO. DATE DESCRIPTION

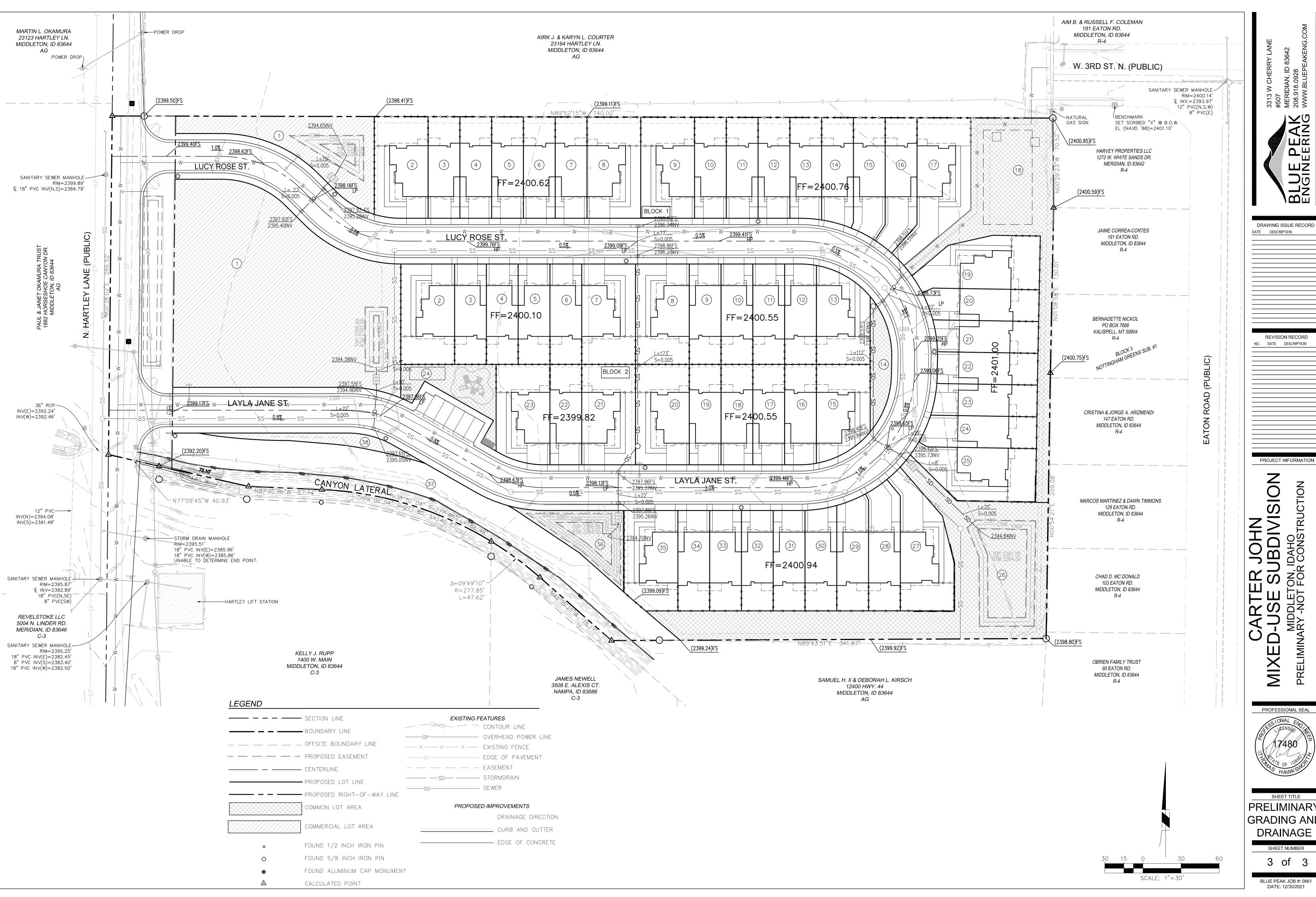
PROJECT INFORMATION

PROFESSIONAL SEA

SHEET TITLE **PRELIMINARY PLAT** 

SHEET NUMBER

2 of 3 BLUE PEAK JOB #: 0861



PROJECT INFORMATION

PROFESSIONAL SEAL

PRELIMINARY **GRADING AND** DRAINAGE

3 of 3

BLUE PEAK JOB #: 0861

## Exhibit "C"

# **Comments from Agencies**

## Communities in Motion 2040 2.0 Development Review

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

Development Name: Hartley Lane Townhomes Agency: Middleton

CIM Vision Category: Existing Neighborhoods

New households: 58 New jobs: ±10 Exceeds CIM forecast: No

	CIM Corridor: <b>Highway 44 (Main St)</b> Pedestrian level of stress: <b>PG</b> Bicycle level of stress: <b>PG-13</b>	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: <b>1,320</b> Jobs within 1 mile: <b>700</b> Jobs/Housing Ratio: <b>0.5</b>	A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: <b>0.4 miles</b> Nearest fire station: <b>1.3 miles</b>	Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
<u>.</u>	Farmland consumed: <b>Yes</b> Farmland within 1 mile: <b>732 acres</b>	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.9 miles Nearest public park: 0.8 miles Nearest grocery store: >4 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

#### Recommendations

Communities in Motion 2040 2.0 identifies State Highway 44, from Canyon Lane to Star Road, to be widened to four travel lanes. This project would include 10-foot paved multiuse shoulders along the new roadway in the City of Middleton. This project is the #3 unfunded state priority. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266). The site is not currently served by public transportation. ValleyConnect 2.0 proposes bus service from Canyon County to downtown Meridian, via Highway 44.

Consider a public, stub road to the north that would enable the West 3rd Street connection and reduce the travelled-distance to Ed Payne Park, Middleton Heights Elementary School, and future bus service in downtown Middleton.

More information about COMPASS and Communities in Motion 2040 2.0:

Web: <a href="mailto:www.compassidaho.org">www.compassidaho.org</a> Email <a href="mailto:info@compassidaho.org">info@compassidaho.org</a>





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

Regionally Significant:

Requesting Agency: ITD

✓ Inflated

**COMPASS PM:** 

Federal PM:

Key #: 20266

Congestion Reduction/System Reliability Freight Movement and Economic Vitality

sportation Safety

Transportation Safety
Community Infrastructure





Project Year: 2023
Total Previous Expenditures: \$463
Total Programmed Cost: \$8.670

Total Cost (Prev. + Prog.): \$9,133

Project Description: Add an additional westbound and eastboud lane to improve congestion and

reduce crashes along State Highway 44 (State Street) from State Highway 16

to Linder Road near the City of Eagle.

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

Congestion Reduction/System Reliability Freight Movement and Economic Vitality

#### SH-44 (State Street), Star Road to SH-16, Ada County

Regionally Significant: ✓ Key #: 20574

✓ Inflated

**COMPASS PM:** 

Transportation Safety

Community Infrastructure

Federal PM:



Requesting Agency: ITD Project Year: 2024

Total Previous Expenditures: \$1,400
Total Programmed Cost: \$11,836
Total Cost (Prev. + Prog.): \$13,236

Project Description: Widen State Highway 44 (State Street) from Star Road to State Highway 16 in

Ada County. An additional lane in both directions will alleviate congestion

issues and improve safety.



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

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

Fax (all offices) (208) 629-7559



David P. Claiborne \*

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Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera \*\*

Brian A. Faria\*\*

Patxi Larrocea-Phillips

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

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

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

Re: Hartley Lanes Townhomes Subdivision

Dear Ms. Stewart:

The Canyon County Ditch Company, Middleton Mill Ditch Company and Middleton Irrigation Association (hereinafter collectively referred to as the "Ditch Companies") have ditches and easements that run through or abuts this property. The easement is 25 feet each side from the top of bank. The developer must contact the Ditch Companies' attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies' facilities occurs. The Ditch Companies must review irrigation and storm water drainage plans and construction plans prior to any approval.

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

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

Also, please be advised that the Ditch Companies do not approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Companies may make exceptions on a case by case basis, which requires the developers/owners to obtain written permission from the Ditch Companies for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

MM-MI and CCWC

cc:

www.sawtoothlaw.com

## **Exhibit "D"**

# Comments from City Engineer and City Planner



October 7, 2021

TO: Roberta Stewart, Planner

FROM: Civil Dynamics PC, City Engineer

Amy Woodruff, PE

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

MCC 5-4-4.2 a and I. The boundary is required to be surveyed and <u>stamped</u> by PLS. Does the Idaho Board recognize the seal that is presented?

Extend water at 90d east from existing. Terminate Hartley main with hydrant.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities – including ramps at street crossings. Extend improvements to the north boundary and the south boundary. Include a typical section of Hartley.

Delete duplicate line on east boundary area. What is happening in the area from back of lots to the east boundary?

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Please add note regarding stormwater management in retention areas. Add HOA will be responsible for maintenance of stormwater management areas.



September 16, 2021

TO: Roberta Stewart, Planner

FROM: Civil Dynamics PC, City Engineer

Amy Woodruff, PE

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

MCC 5-4-4.2 a and I. The boundary is required to be surveyed and <u>stamped</u> by PLS. The 2019 record of survey shows Carter John ownership in the northeast corner. Either add it to the plat or let us know the status if it not owned included in Carter John parcel.

Extend water at 90d east from existing. Label water main in Hartley as 12-in, label on-site as 8-in. Loop water in A to Hartley main. Terminate Hartley main with hydrant.

400 ft is maximum spacing between manholes.

Provide pedestrian access to W 3<sup>rd</sup> N through the common lot and easement. Show on page 2/3.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Develop sidewalks each side of the private road(s). Pedestrian facilities are required.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities.

There was no revision to the commercial area. The footprint for commercial, including parking, is less than ½ acre.

Add centerline radii and intersection radii. Middleton Rural Fire cannot traverse 40ft centerline radii.

Delete duplicate line on east boundary area.

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Add note regarding City water, City sewer and stormwater management in retention areas.



November 24, 2021

TO: Roberta Stewart, Planner

FROM: Civil Dynamics PC, City Engineer

Amy Woodruff, PE

## RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

Review comments are summarized below. Many of the comments are carried over from prior reviews and some are new based on the reconfigured plat.

## Reduce the plat to no more than two pages. Drafting and plat corrections:

- 1. The contours need labeled.
- 2. Page 2 of 3 is the only page with lot dimensions and it is very hard to read. Please erase every line that isn't required. For example, remove easement lines that are identified in notes, ie front/side/back, etc. What is the dashed line 40ft from Hartley centerline? Label. Remove the buildings and driveways and dashed lines front and rear of the buildings and put all that linework on page 3 as an exhibit if you would like it shown. Only the existing easements and as required for the entitlement, per code, should be shown.
- 3. Where is the large overhead power main on the east side, and parallel to, Hartley? The callout on page 2 of 3 points to a survey monument at/near the 25 ft (prescriptive?) point. Why would the power structure at the north property boundary be installed out of alignment (and west of) the power structure near the south boundary?
- Check linework on west end of Layla Jane centerline to ROW, both sides. The streets are not access and utility easement – label as right of way or just dimension.

Stormwater. Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. The front half of the lot C value is 0.75, the rights of way/impervious (all) are 0.95. All stormwater management facilities require pretreatment. Stormwater facilities are owned by HOA and the provisions for maintenance required to be established in CCRs.

- Why is a retention basin shown on the commercial lot as a stand alone area? Facilities
  for stormwater from rights of way are maintained by HOA and need to be in common
  areas for access and management.
- 2. Stormwater management basin at Lot 36 is too deep. MAX side slope is 3:1. 4:1 strongly preferred. Resubmit preliminary design per rational method calculations.
- 3. Stormwater piping requires manholes at deflection points. Eliminate angle on pipes or add a manhole.
- 4. Move sediment box on Lot 26 to near ROW for maintenance. All sediment boxes have to be accessible by vac truck to clean.
- 5. Review landscaping plan trees cannot be planted in retention basin area.

Street lights every 400 ft maximum, at intersections and cul-de-sacs.

1. Add street lights at the Hartley intersections.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate Hartley reconstruction and new street intersections developed for Carter John.

1. This requirement is consistent for every development in Middleton. This project will generate approximately 590 vehicle trips per day, with 80% (472 vehicles) turning left to SH44. The existing canal crossing and both street intersections need to be safe and constructed per City standards, including a pavement taper and transition.

Hartley is required to be improved per City specifications: 3 lane urban and 50 ft half right of way from the section line. From north project limits to south project limits. Include stormwater management.

- 1. The typical section needs to be reviewed and corrected.
- 2. The plan view needs to be corrected. Where is top back curb located in relationship to the west face of the power structures?
- 3. The plan view needs to match the typical section.
- 4. If the owner of the parcel located a power structure at 25ft from section line (per callout/not shown), Carter John team needs to put forward a solution. A gap in Hartley Lane improvements is not a solution.

Develop a crosswalk, including ped ramps, where the sidewalks terminate to one side only. Locate a streetlight at the crossing.

How do Lot 19 and Lot 20 service for sewer?

Dimension in foot and tenths – please don't use inches.

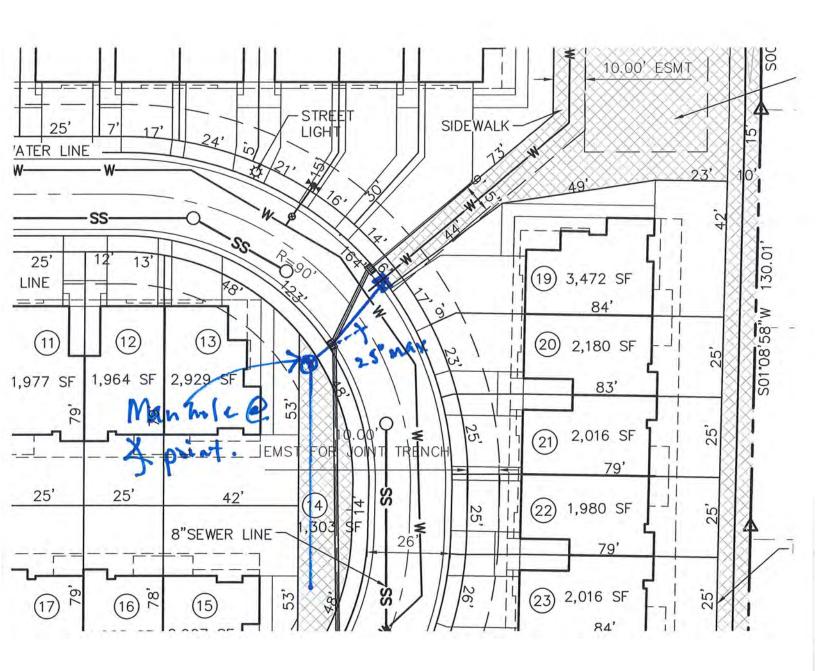
Water main separation needs to be met on Lot 18.

Water main easement and all utility easement width is MINIMUM 10 ft. No exception.

The city will not approve a strip between fences that grows weeds and becomes a dumping ground for clippings and yard debris. It is a fire hazard and attracts vectors, at the least. Either move the fence to the east limits of the easement (boundary fence location as required per code) or otherwise put forth a solution. If the ditch company will allow a fence at west easement boundary why can fence not be placed at the east easement boundary?

Pipes can't exit out of a drop inlet as shown. Come out face or back at 25° max or come out short side at 90° only. Also need manholes where pipe deflects or within 20ft +- of DI because DI's can't be used with jetter. See attached.

Show the irrigation system layout and point of diversion/pump station location.





## 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

#### October 5, 2021

## Third Round of Planner Comments (Pre-Plat dated 10/1/2021) Carter John Mixed-Use Subdivision

- 1. Per email with Steve Martinez, change street notations from "private" to "public."
  - a. Add names for 2 "Streets" and a name for 1 "Avenue", e.g., "Main Street", "Main Avenue" "Street" designation are for roadways that go east/west. Avenue designation is for road that goes north/south.
  - b. Add language to note section that streets/right of way are public and dedicated to the City of Middleton.
  - c. Change Note 4 accordingly.
  - d. Change description of "private" on the typical street section diagrams
- 2. Please send a landscape plan. This is 3<sup>rd</sup> request.
- 3. Add language to Note section stating that there is a variance allowing 90' radius turns
- 4. Renumber lots 33. You have 2 "33s". One lot needs renumbered "32".
- 5. Revise Note 11 to note Lot 38, not lot 63
- 6. This is 3<sup>rd</sup> request to create a note that calls out every common lot. For example, write "Lots 27, 18, Block 1 are common lots." You can combine it with note 7 that indicates the HOA owns and maintains the lots
- 7. Fix Note 4. There is no lot 64
- 8. Add square footage to lot 40 with tot lot.
- 9. Code requires all flag lots to have a 20' width at the street. You have flag lots with only 11', 12', and 14' width. Also, it looks like access to common lots/storm detention lots 18 and 27 is thwarted or entirely missing. I think we may be ok with waiving the 20' flag lot width if you figure out a way to have cross access on those tight corner lots and detention pond lots. There will be issues with people wanting to put up fences. There are issues with the HOA getting back to the detention ponds for maintenance. The north east corner lots and south east corner lots need to work better for access and neighborly harmony.
- 10. I'm concerned that you may not be meeting the 5% open space requirement. I see only lot 40 and 37 as potential open space for gathering. Lot 38 could serve as open space if it was landscaped and if gathering places were set aside like benches or pathways. If you give better access to detention lots 18 and 27 so that residents could go back there and enjoy the grassy areas, then we could call that open space. Please tell me how you are getting to the 8.75% open space noted on sheet 1.
- 11. If you figure out how to give good access to the corner lots, add a note to the note section indicating there is a "waiver" of the 20' flag lot rule.
- 12. You are missing 5' sidewalks on the ROW out to Hartley. We can forego 5' sidewalks on the interior sides of the ROW across the commercial lot, but the exterior portions of the ROW

need to have 5' sidewalks all the way out to Hartley so people can walk out of the community safely. I think you will need to work with the ditch company for permission to add sidewalks in their easement area.

13. You need to show frontage improvements to Hartley

Roberta L. Stewart, Middleton City Planner



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#### PLANNER COMMENTS - Carter John Mixed-Use Subdivision

### September 14, 2021

- Per the DA, you must show a commercial lot that is at least 1 acre. You will need to change
  Lot 65 so it can truly be used for commercial use. It is obviously being used in part to provide
  parking for the residential subdivision. That is not the intent of the DA. Please square up the
  1 acre parcel and make it truly usable as a 1 acre commercial parcel. Do not show any
  parking on the commercial parcel.
- 2. The City would really like to see some type of amenity for the community. There will surely be young children in the subdivision. Show the amenity on the plat please. It can be a playground or picnic area...etc.
- 3. Add the words "Block 1" to the plat. I know it's a "given", but I think you should put the Block number for the purposes of legal descriptions. I could be wrong on this. It may be an Amy question.
- 4. Confirm that you are building only single family attached "townhomes" in the residential portion of the subdivision. If not, you will have to increase the lot sizes to 6000 s.f.
- 5. Please confirm that each townhome unit will have 3 parking spaces per code?
- 6. You will have to provide much more parking for the residential portion of the subdivision. The streets are narrow. You may not be able to park on the street per fire code. If someone has a birthday party, where do all the guests park? The commercial parcel on Hartley should not be a parking lot for residential guests.
- 7. Even though the DA allows private streets, the DA states that they still must be built to City Code. Your streets are not built to city code. You may build the smaller townhome road shown in the Supplement, but your road is not showing those specifications.
- 8. You need to add sidewalks
- 9. Please provide appropriate names for the Streets. Street A and B will not work
- 10. Please provide a landscape plan
- 11. You must show the mailbox clusters on the pre-plat
- 12. Renumber all your lots consecutively. You numbered the common lots out of order.
- 13. Revise the Notes as follows:
  - a. If you choose to modify the DA and make the streets public, remove Note 4.
  - b. If you choose to make streets public, please add a note that all streets are public and dedicated to the City.
  - c. If you continue with the private streets, you need to attach an easement to the sewer and water utilities for City use.
  - d. Add note: "Sanitary sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton."
  - e. Add a note calling out every common lot and note that they are owned and maintained by the HOA
  - f. Add note: "Sewer and water capacity shall be reserved at the time the City approves the Construction Drawings"

- g. Add note: "All interior lots lines contain a 5' foot wide easement on each side of the lot line. Easements used for public and private utility, drainage, and irrigation facilities.
- h. Add a note calling out the current DA and the instrument number.
- 14. You will need to add a landscaped berm as a buffer between commercial and residential uses per MCC 5-4-10-7. If you revise the DA, you can also add a provision for a different type of buffer, but you need to add a buffer of some kind ultimately.

Roberta L. Stewart

Middleton City Planner



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### Additional Planner Comments per 9/20/2021 Meeting with Applicant Carter John Mixed-Use Subdivision

#### September 21, 2021

- 1. Please ensure the tot lot shown on Steve Martinez' concept drawing is on the revised preplat.
- 2. Add section diagram for Townhome Roadway found in Supplement to ISPWC.
- 3. Revise the Notes as follows:
  - a. Remove Note 4 now that roads are public.
  - b. Add a note that all streets are public and dedicated to the City.
  - c. Add note that sewer and water utilities are public and owned by the City, and sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton.
  - d. Revise Note 11 to insert the new Lot number for the Ditch lot currently designated as lot 63. This lot number may be changed once you renumber all the lots in consecutive order as required by the Code. Do not number all the common lots at the end and outside consecutive order.
  - e. Notes 11 and 7 are a little redundant and wonky. Both mention HOA ownership of common lots.
  - f. Call out every common lot by lot & block so there is no confusion as to what is and what is not a common lot.

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Roberta L. Stewart

Middleton City Planner



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### December 23, 2021

### Fourth Round of Planner Comments (Pre-Plat dated 12/21/2021) Carter John Mixed-Use Subdivision

- 1. Revise Note 8 regarding setbacks to state <u>only</u> the <u>following:</u> "Minimum building setback lines shall be in accordance with the Middleton City zoning ordinance at the time of issuance of a building permit. Please Remove the "....or as specifically approved...." The 3<sup>rd</sup> page of your pre-plat shows the building footprints. The city considers that <u>ONLY conceptual</u> and is not approving any setbacks on the pre-plat. Instead, you will be subject to the M-U setbacks regardless of the footprints shown on page 3.
- 2. Change "Overall Lot Data" to state that there are 7 common lots and 1 commercial lot.
- 3. Add note that project requested variance for minimum flag lot frontage of 12'.
- 4. Show mailbox location on plat.
- 5. Add Note regarding existence of a DA with Instrument #2020-037265 recorded in the records of Canyon County, Idaho.
- 6. Change note 13 to add a second sentence as follows: "The fence on the rear boundary of Lots 19-25, Block 1 shall be wrought iron.
- 7. Change Note 7 to put Lot 14 in Block 2, not Block 1
- 8. Add square footage to Lots 1, 37, and 38, Block 1.

Roberta L. Stewart, Middleton City Planner

### **Exhibit "E"**

# **P&Z Commission Recommendation**

### **Middleton Planning & Zoning Commission**

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



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

### A. Findings of Fact:

- 1. Hearing Facts: See Staff Report for the hearing date of October 18, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.
- 2. Process Facts: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".
- 3. Application and Property Facts: See Staff Report for the hearing date of October 18, 2021, 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 October 18, 2021, Exhibit "A".

### B. Conclusions of Law:

- That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
- That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, 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.
- 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, 50-1301 through 50-1329 and 50-222.
- 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 October 18, 2021, Exhibit "A".

### C. Decision and Order:

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 application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision subject to the conditions of approval set forth in the Staff Report for the October 18, 2021, public hearing on the matter.

WRITTEN RECOMMENDATION APPROVED ON: October 1/8, 2021.

Ray Waltemate, Chairman

Planning and Zoning Commission

Attest:)

Roberta Stewart

Planning and Zoning Department

# **EXHIBIT "F"**

# **Engineering Recommendation Letter**



January 3, 2022

TO: City of Middleton

Roberta Stewart, Planner

FROM: Civil Dynamics PC, City Enginee

Amy Woodruff, PE

RE: CARTER JOHN SUBDIVISION - PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat. It is recommended Mayor Rule and City Council approve the preliminary plat.

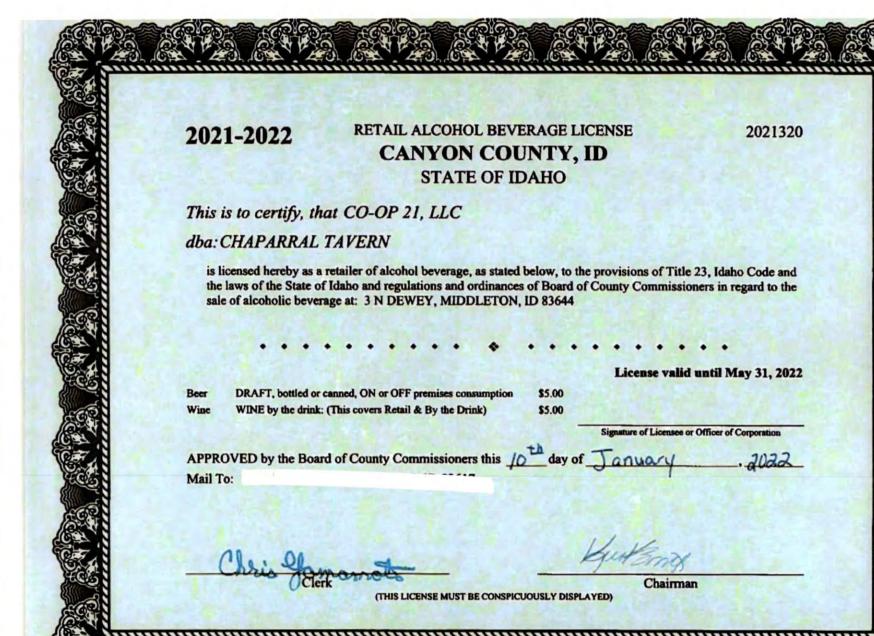




### CITY OF MIDDLETON

PO Box 487, 1103 W. Main St. Middleton, ID 83644 208-585-3133, 208-585-9601 Fax CITMID@MIDDLETONCITY.COM BEER WINE APPLICATION/LICENSE

YEAR June 1, 2018- May 31, 2019	OFFICE USE ONLY:
New License Renewal  SALE FOR ON-PREMISE CONSUMPTION  SEER (\$200.00)  WINE (\$200.00)	RECEIPT #1.240720 \$_450.00  LICENSE #
SALE FOR OFF-PREMISE CONSUMPTION	
(★) BEER (\$50.00) ( ) WINE (\$200.00)	
Applicant Name: Co - Op 21, LLC	
· ·	
Business Address (Street/P.O. Box/City/Zip): 3 U. Dew Midduton, T	ey D 83644
Mailing Address (Street/P.O. Box/City/Zip):	
Business phone: 208-984-9880 Other Phone:	_
Email address:	-
• Attach copy of application for State license, including a copy of site and floor	r plans submitted with state application.
Attach a copy of your State and County Alcohol Beverage Licenses before a      1/10/22     Date     Applicant Signature	City license will be issued.
Print Name	lox
Application Approved by City Council on (date):	
Application Denied: day of	
City Clerk	
Notes:	



Premises Number: 2C-44

State of Idaho
Idaho State Police

Cycle Tracking Number: 129748

Retail Alcohol Beverage License

License Year: 2022

License Number: 3709

This is to certify, that

Co-op 21, LLC

doing business as:

Chaparral Tavern

is licensed to sell alcoholic beverages as stated below at:

3 N Dewey, Middleton, Canyon County

Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license. County and city licenses are also required in order to operate.

Liquor No

Yes \$20.00 Beer

Wine by the bottle

No

Wine by the glass

Yes \$20.00

Kegs to go

No

Growlers

Yes \$0.00

Restaurant

Nο

On-premises consumption Yes \$0.00

Multipurpose arena

Nο

Plaza

No

TOTAL FEE: \$40.00

Signature of Licensee, Corporate Officer, LLC Member or Partner

CO-OP 21, LLC

CHAPARRAL TAVERN

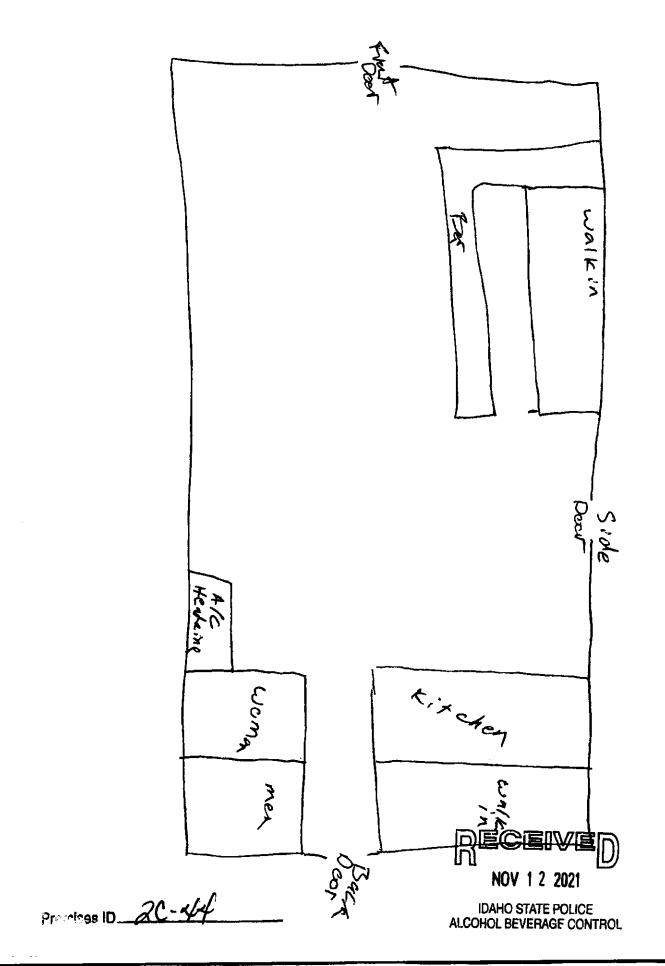
Mailing Address

License Valid:

11/22/2021 - 05/31/2022

**Expires:** 05/31/2022





### **ORDINANCE NO. 659**

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 5 SECTION 1-5-5 REGARDING PLANNING & ZONING COMMISSION MEMBERSHIP; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING NEIGHBORHOOD MEETING PROCEDURES; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-2 REGARDING PROCEDURES FOR PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-4 REGARDING WHICH LAND USE APPLICATIONS ARE SUBJECT TO PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-5 REGARDING PUBLIC MEETING PROCEDURES; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-4 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-5 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, CONTAINING THE ZONING TABLE AND TOWNHOME CRITERIA; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 2 REGARDNG ZONES, LANDSCAPE BUFFERS, AND SWIMMING POOL SETBACKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-3 REGARDING TRAFFIC IMPACT ANALYSIS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING PRELIMINARY PLAT REOUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING ROAD TURNING RADIUS: AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-8 REGARDING PATHWAYS & PARKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-10 REGARDING OPEN SPACE REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-11-2 REGARDING SUBDIVISION MINIMUM IMPROVEMENTS: PROVIDING FOR AN EFFECTIVE DATE: PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, the City of Middleton, Idaho, is a municipal corporation organized and operating under the laws of the State of Idaho, and

WHEREAS, the City of Middleton, Idaho, seeks to update the provisions of its subdivision ordinance and zoning ordinance; and

WHEREAS, the City held a public hearing, noticed and conducted in accordance with Idaho law, before the Planning & Zoning Commission on December 6, 2021 and held a public hearing, noticed and conducted in accordance with Idaho law, before the City Council on January 5, 2022; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AS FOLLOWS:

# **Section 1:** That Title 1, Chapter 5, Section 1-5-5 of the Middleton City Code is hereby amended as follows:

#### 1-5-5 PLANNING AND ZONING COMMISSION:

A. Commission Established: There is hereby created and established, under the provisions of Idaho Code section 67-6504, a commission to be known as the "Middleton planning and zoning commission".

### B. Membership And Terms Of Office:

### 1. Residency:

a. The commission shall consist of a minimum of five (5) members to be appointed by the mayor, with the consent and approval of the council. At least three (3) of the five mMembers shall have lived within City limits for two (2) years or more immediately prior to their appointment. Up to two (2) of the five members may live outside City limits but must have lived within the City's area of impact for at least two (2) years immediately prior to their appointment to the commission. All members must maintain their residency within City limits or within the City's area of impact in Canyon County for two (2) years to be eligible for appointment and must remain residents of the county during their service on the commission.

### **Section 2:** That Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code is hereby amended as follows:

### 1-14-1 NEIGHBORHOOD MEETING:

A. Neighborhood Meeting Requirements: Prior to filing an application for a rezone, <u>annexation</u>, development agreement, comprehensive plan <u>text and/or map</u> amendments, <u>preliminary plat</u>, special use permit or variance, applicants shall conduct a neighborhood meeting. The purpose of the neighborhood meeting is to present the proposed application to neighbors, answer questions and receive comments.

### B. Notice Of Meeting:

- 1. The applicant shall provide written notice of the neighborhood meeting to owners and purchasers of record of property within <u>five</u> three hundred feet (<u>5</u>300') of the exterior boundary of the subject property and to the City of Middleton.
- 2. <u>Applicant's mailed notice must be postmarked at least ten days prior to the neighborhood meeting.</u> Applicant shall give notice at least ten (10) days prior to the meeting.
- 3. Notice for teleconference neighborhood meetings shall include all exhibits intended to be used as part of the presentation.

### C. Meeting Standards:

1. Neighborhood meetings shall-may 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., on a weekend between ten o'clock (10:00) A.M. and seven o'clock (7:00) P.M. or on a weekday between six o'clock (6:00) P.M. and eight

o'clock (8:00) P.M. and shall be a minimum of thirty minutes long. The meeting shall not be on a holiday, a holiday weekend, or on the day before a holiday or holiday weekend.

- 2. Neighborhood meetings shall be held at one of the following locations:
- a. On the subject property;
- b. At the nearest available public meeting place such as a fire station, library, school or community center; or
- c. At an office space with suitable meeting facilities if such facilities are within a one mile radius of the nearest public meeting place; or
- d. By teleconference (video and/or telephone), if such conferencing technology is available to all attendees.
- D. Time Of Meeting: <u>The Neighborhood Meeting shall be held not more than 90 calendar days nor less than five calendar days prior to submission of the application.</u> The neighborhood meeting shall be conducted at least five (5) and not more than thirty (30) calendar days before filing the application.
- E. Written Verification: The application shall include a list, signed by those who attended the neighborhood meeting, including the date and start time of the meeting and meeting notes, including comments of attendees and issues discussed.

### F. Declared Health Emergency:

- 1. In the event of a declared health emergency affecting the City of Middleton, applicants shall hold an in-person neighborhood meeting so long as the applicant is able to make accommodations for the meeting that comply with all local, state, and federal health mandates. If an in-person neighborhood meeting is legally prohibited, a virtual meeting may be held.
- 2. Applicant shall also make reasonable accommodations to receive comments or questions via email, U.S. Mail, or video conferencing either at the neighborhood meeting or within five (5) business days following the neighborhood meeting. Copies of all written correspondence and emails received shall be submitted to the City with the application materials.
- 3. If applicant chooses video conferencing to receive comments and questions in addition to the in-person neighborhood meeting, the applicant shall record the meeting and submit a copy of the recording to the city as part of its application. Applicant shall record the names of all persons who participate in the video conference.
- G. Teleconference Meeting: For teleconference meetings, the applicant shall record the meeting and submit a copy of the recording to the city as part of its application. Applicant shall record the names of all persons who participate in the teleconference. The teleconference shall meet all other requirements. Neighbors shall be entitled to submit written comments within five days of the neighborhood meeting and these written comments shall be submitted as part of the application.

# **Section 3:** That Title 1, Chapter 14, Section 1-14-2 of the Middleton City Code is hereby amended as follows:

#### 1-14-2 LAND USE APPLICATION AND PUBLIC HEARING PROCEDURES:

A. Application And Fee: Applications shall be on forms provided by the City and be accompanied by a fee as established by the City Council.

### B. Notice For And Public Hearings:

- 1. For all legislative public hearings and quasi-judicial public hearings, and uUpon receipt of a complete application and fee, and if a public hearing is required, the City shall follow the notice and hearing procedures in Idaho Code section 67-6509, which notice includes publishing legal notice in the official newspaper of general circulation in Middleton and sending notice of the application and public hearing to all political subdivisions providing services in Middleton.
- 2. For all legislative public hearings, which are hearings brought pursuant to the Local Land Use Planning Act (Idaho State Code Title 67, Ch. 65) and require a decision that has a broad application, a draft of the legislative proposal should be prepared and made available for public inspection no later than the day the notice of public hearing is published in the newspaper of general circulation. Such applications include applications to amend the City zoning and subdivision ordinances or Comprehensive Plan text or map.
- 3. For all quasi-judicial public hearings, which are applications such as a rezone or preliminary plat that pertain to a specific site or parcel, City shall also provide the following notice at least fifteen (15) days prior to the public hearing:
  - a. City shall mail notice of the public hearing time, date, and place of hearing together with a summary of the application to all owners of record for property that is within five hundred (500) feet of the perimeter boundary of the parcel(s) that is the subject of the land use application. Applicant shall be responsible for obtaining an accurate list of mailing addresses from the Canyon County Assessor's Office or other County Department and shall be responsible for providing the City with printed mailing labels to complete the required notice.
  - b. When there are more than two hundred and fifty (250) property owners within five hundred (500) feet of the subject property, mailed notice shall not be required, and, instead, a second notice of the time and place of the hearing and summary of the proposal shall be published in a newspaper of general circulation within the City not less than ten days prior to the hearing.
  - c. City shall post the project site with a sign that gives notice of the time and place of the hearing and summary of the application(s). A sign shall be posted at all locations where a public road is adjacent to the subject property. The cost of the posting shall be included in the filing fee for the application.

### C. General Public Hearing Procedure:

- 1. At the commencement of the public hearing, the Commission/Council or the Chairperson/Mayor may establish a time limit to be observed by speakers: applicant not to exceed fifteen (15) minutes; planning and zoning official not to exceed ten (10) minutes; individuals not to exceed three (3) minutes per person or fifteen (15) minutes for spokesperson after the Chairperson/Mayor pre-authorizes a spokesperson; applicant rebuts testimony that proposal does not comply with plans, ordinances and standards not to exceed ten (10) minutes.
- 2. No person shall be permitted to speak before the Commission/Council at a public hearing until such person is recognized by the Chairperson/Mayor.
- 3. Testimony should directly address the subject being considered during the hearing before the Commission/Council.
- 4. Testimony should not be repetitious with other entries in the record.
- 5. Testimony should not be derogatory to any person.
- 6. Testimony should comply with applicable time restrictions.
- 7. If oral testimony fails to comply with the aforementioned standards, the Chairperson/Mayor may declare such testimony out- of-order and require it to cease.
- 8. All public hearing proceedings shall be recorded electronically and all persons speaking shall speak before a microphone in such a manner as will assure that the recorded testimony is complete and audible. A transcribable, verbatim record of quasi-judicial hearings shall be made and kept for a period at least six (6) months after the date of the final decision.
- D. Procedures for Legislative Public hearings: Public hearings on legislative matters brought pursuant to requirements established by the Local Land Use Planning Act should take place after the City has provided notice as required by lqw. Prior to publishing notice of a legislative public hearing, a draft of the legislative proposal should be prepared and be available for public inspection no later than the day the notice of public hearing is published.
- <u>DE</u>. <u>Order of Events for Procedures For Quasi Judicial-Public Hearings: Quasi judicial hearings involve site specific decisions (such as rezoning specific property) as opposed to legislative hearings which require decisions that have a broad application (such as a change in the text of a comprehensive plan or zoning ordinance, which does not necessarily affect 1 specific parcel of land). Quasi judicial pPublic hearings should follow the order of events set forth below.</u>
  - 1. Chairperson/Mayor or designee announces the item for Commission/Council consideration, and opens the public hearing. The Commission/Council shall not begin deliberations until all testimony and evidence has been presented. No person shall be

permitted to speak at a public hearing until such person has been recognized by the Chairperson/Mayor. If there is a question of "conflict of interest", as defined by Idaho Code section 67-6506, for any Commissioner/Councilmember, it shall be disclosed at the beginning of the hearing and, if the Commission/Council finds a conflict of interest exists, the disclosing Commissioner/Councilmember shall step away from the Commission/Council and not participate in deliberations or decisions for that item, and shall rejoin the Commission/Council after action on that item is concluded. Any information received by a Commissioner/Councilmember other than during the public hearing shall be disclosed at the beginning of the hearing.

- 2. Applicant describes the application and reasons it complies or does not comply with plans, ordinances and standards.
- 3. The planning and zoning official or designee reports why the application complies or does not comply with plans, ordinances and standards.
- 4. Individuals/spokespersons testify why an application complies or does not comply with plans, ordinances and standards. Speakers shall not be interrupted by the audience. Questions from the decision makers should be asked of the person testifying before that person leaves the podium whenever possible. Public officials, when recognized, shall be allowed to question the speaker and the speaker shall be limited to answer questions asked. The question and answer period shall not be included in the speaker's time limit. Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, he or she may be removed from the room by order of the Hearing Officer. Testimony should be in the following order:
  - a. Those testifying the application complies,
  - b. Those identifying subjects not discussed in the application, applicant's testimony or planning and zoning official report,
    - c. Those testifying the application does not comply,
  - d. Rebuttal testimony from the applicant. Decision-makers should ask any final questions. Only information from the record can be rebutted. If the applicant testifies about new facts, then others testifying must be given an opportunity to respond to the new facts.
- 5. The Chairperson/Mayor closes the public comment portion of the hearing by declaration or Commission/Council motion.
- 6. Commission/Council deliberates toward a decision. Commission/Council may ask the planning and zoning official or designee questions during this time.
- 7. The Commission/Council <u>may</u> continues the matter for additional information or makes a verbal <u>recommendation/decision</u> by majority vote followed by a signed written decision that is legally considered a "final decision" that can be appealed by an affected person. The final decision <u>or recommendation may be an approval, approval with conditions, or denial. The recommendation/decision</u> should include a reasoned statement that explains

the criteria and standards considered relevant, the relevant contested facts relied on, the rationale for the decision based on the applicable criteria and provisions of plans, ordinances or standards, pertinent constitutional principles and factual information contained in the record.

- 8 The commission shall recommend, or the Council shall decide, an application is approved, approved with conditions, or denied. If denied, the Commission/Council shall identify what the applicant can modify in the application in order to be approved.
- <u>E. Final Decision.</u> 9. When a final decision has been made, the City shall send a copy of the final decision promptly by electronic mail or first class postage prepaid U.S. mail to the applicant and to any affected property owners who haves requested notice of the final decision.
- F. Reconsideration Request and Appeal. 10. Applicants, or an affected property owner as defined in Idaho Code 67-6521, shall have fourteen (14) days after a written final decision is executed to request reconsideration by the final-decision maker. Such request, and must identify specific deficiencies in a final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. After considering the identified deficiencies, the final decision about the reconsidered request shall be issued and distributed to the applicant and to any affected property owners who haves requested notice of the final decision.

# <u>Section 4:</u> That Title 1, Chapter 14, Section 1-14-4 of the Middleton City Code is hereby amended as follows:

### 1-14-4 APPLICATIONS REQUIRING PUBLIC HEARINGS:

The following applications require a public hearing: adoption or revision of the comprehensive plan, adoption or revision of the zoning map; adoption or revision of the zoning and subdivision ordinance; <u>annexation</u>, development agreements; <u>preliminary plats</u>, special use permits, variances; adoption of a future acquisitions map, and any other application that Idaho Code requires to be considered at a public hearing.

# <u>Section 5:</u> That Title 1, Chapter 14, Section 1-14-5 of the Middleton City Code is amended as follows:

### 1-14-5 APPLICATIONS NOT REQUIRING A PUBLIC HEARING:

Unless otherwise identified, an application to the City will not require a public hearing. The City Council may require a public hearing any time it determines that a public hearing would be in the best interest of the City.

### A. Commission Action:

- 1. At a public meeting, not a public hearing, the commission shall consider an application's compliance with City plans, Code and standards, and recommend the Council approve, conditionally approve, or deny the application. The recommendation shall specify:
  - a. The ordinance and standards used in evaluating the application,

- b. The reasons for approval or denial, and
- c. The actions, if any, that the applicant could take to gain approval.
- 2. The commission shall make a recommendation within thirty (30) days of the conclusion of the public meeting.
- 3. The plat, together with the commission's findings and recommendation, shall be forwarded to the Council

### B. Council Action:

- 1. At a public meeting, not a public hearing, and upon receipt of the commission's recommendation <u>if required</u>, the Council shall consider the application and approve, conditionally approve or deny it. The decision shall specify:
  - a. The ordinance and standards used in evaluating the application,
  - b. The reasons for approval or denial, and
  - c. The actions, if any, that the applicant could take to gain approval.
- 2. The Council shall make a decision within thirty (30) days of the conclusion of the public meeting.
- C. Approval: Preliminary plat approval constitutes authorization for the subdivider to prepare construction plans and specifications for public improvements.
- D. Validity: A preliminary plat is valid for twenty four (24) months from the date of Council's written approval.
- E. Phase Developments: Application for final plat approvals shall be submitted in consecutive order following the phases on the approved preliminary plat, if any, and in intervals of not more than two (2) years. The City shall not accept an application for a final plat until after the City has issued a notice of completion to the subdivider that infrastructure has been constructed for that phase. The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton supplement to the "Idaho Standards for Public Works Construction" in effect at the time the final plat application is accepted by the City. If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

<u>Section 6:</u> That Title 5, Chapter 1, Section 5-1-4 of the Middleton City Code is amended as follows:

#### 5-1-4 ZONING DISTRICTS ESTABLISHED:

- A. Districts Established: For the purpose of promoting health, safety, and general welfare, the City hereby adopts the following zoning districts:
  - A-R Agriculural Residential
  - C-1 Neighborhood Commercial
  - C-2 Light Commercial

- C-3 Heavy Commercial
- M-1 Light Industrial
- M-2 Heaving Industrial
- R-1 Estate Residential
- R-2 Large Lot Residential
- R-3 Single-Family Residential
- RRR Restaurant, Retail, and Recreation
- **TOD** Transit-Oriented Development
- M-F Multiple-Family Residential
- M-U Mixed Use

### **Section 7:** That Title 5, Chapter 1, Section 5-1-5 of the Middleton City Code is amended as follows:

### **5-1-5 ZONING DISTRICTS:**

The following zoning districts and related purpose statements are hereby established:

- A-R (Agricultural Residential): The purpose of the A-R (Agricultural Residential) Zone is to accommodate land areas that are being used predominantly for agricultural uses, i.e., crops, livestock and related uses.
- C-1 (Neighborhood Commercial): The purpose of the C-1 (Neighborhood Commercial) Zone is to accommodate local commercial service needs and to restrict incompatible uses which are better located in the community or service oriented shopping areas due to traffic, the size of the shopping center, location within the community, residential neighborhood areas being served and other factors.
- C-2 (Light Commercial): The purpose of the C-2 (Light Commercial) Zone is to accommodate general shopping retail needs.
- C-3 (Heavy Commercial): The purpose of the C-3 (Heavy Commercial) Zone is to accommodate commerce which is more intensive in character (noise, odor, light, vibration, dust, traffic, etc.) than in other commercial zones and which may be semi-industrial in character.
- M-1 (Light Industrial): The purpose of the M-1 (Light Industrial) Zone is to accommodate less intense industrial and manufacturing uses.
- M-2 (Heavy Industrial): The purpose of the M-2 (Heavy Industrial) Zone is to accommodate more intense industrial and-manufacturing uses, mini-warehouse storage and recreational vehicle (RV) parks.
- R-1 (Estate Residential): The purpose of the R-1 (Estate Residential) Zone is to accommodate larger, estate type lots.

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

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

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

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

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

M-U (Mixed Use): The purpose of the M-U (Mixed Use) Zone is to accommodate areas for a variety and mixture of medium and high density residential and commercial uses. (Ord. 600, 12-20-2017; amd. Ord. 609, 7-3-2018; Ord. 633, 9-16-2020; Ord. 644, 1-6-2021

<u>Section 8:</u> That Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code is amended as follows:

### 5-4-1, LAND USE, SETBACK AND AREA TABLES:

#### TABLE 1, LAND USE SCHEDULE

A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RRR	тою	M-F	M-U	1
	-	+	-	-		+	+		+	-	-	+	$\exists$
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[Table 1, Land Use Table continued]

Use <sup>1,2</sup>	A-R	C-1	C-2	C-3	M-1	M-2	R-1	R-2	R-3	RER	TOD	M-F	M-U
Security residence (manufactured home)				S	S	S							S
Sexually oriented business	1					S		1					-
Sign shop		S	A	A	A	Α				100	A		Α
Single-family dwelling, attached $8$												s	s
Single-family dwelling/group residence per Idaho Code 67-6532	A						A	A	A			А	A
Staging area		S	A	A	A	A					1 4 4		S
Studio, dance, music, voice (indoor)		Α	Α	Α	A	A	S	S	S		А	S	A
Tattoo and/or piercing parlor	1					A				li pil Lu			
Taxidermy			1	A	A	A		1				1 -	
Terminal yard, trucking					A	A							

#### Notes:

- 1. Accessory uses are permitted if constructed either at the same time or subsequent to the main building; they are prohibited from being constructed before the main building.
- 2. If a specific use is not found in this table, the Planning and Zoning Administrator may determine a similar use that is listed and those appropriate district regulations shall apply.
- 3. Agriculture or horticulture, including the raising of fowl, poultry and animals, except hogs, billygoats and roosters, not exceeding a total of 4 on any lot or acre. Further provided that no horse, cow, emu or usual large farm animal shall be maintained on any lot less than one-half (1/2) acre in size; and providing that buildings and enclosures housing such large farm animals shall be not less than 30 feet from any property line; and at least 50 feet from all residential structures.
- 4. Residences constructed on a two-acre or larger lot may use individual domestic well and septic systems unless the public water and/or sanitary system is within 1,000 feet of the property. Residences on a lot less than two acres are required to connect to the City's domestic water and sanitary sewer systems.
- 5. Second dwelling units are allowed on lots having a minimum 14,000 square feet and where utilities are connected through the primary residence, the second unit is detached from the main dwelling unit, and uses the same driveway approach and address as the main dwelling unit and does not exceed 1,000 square feet.
- 6. See Section 5-4-11-2 A. of this Code.
- 7. Allowed only if solely agricultural products or services.

8. Each single family dwelling, attached structure ("Townhome/Condominium" structure) may not contain more than six (6) individual dwelling units.

**Section 9:** That Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code is hereby amended as follows:

### 5-4-1, Table 2

District	Maximum Density (Units/Gross Acre)	Maximum Height <sup>8</sup>	Minimun Front Setback <sup>3,4,5,6,7</sup>	Setback 4,6, 7	Minimum Interior Side Setback <sup>4,6</sup> , 7	Street Setback J.4, 6,7	Minimum Interior Lot Area (Sq. Ft.)	With <sup>1</sup>	Maximum Lot Coverage <sup>2</sup>
A-R	0.5	40'	.30°	30'	.30°	30"	57,120 (2 acres)	150'	50%
C-3		55	10'	0	-0	10'	0		90%
M-1		75'	10'	B <sup>r</sup>	Ø,	10'	0		90%
M-2		75	1,0*	0'	0.	10	0		90%
R-19	1.0	40'	30	30	30'	30'	43 560	100	50%
R-2 <sup>9</sup>	2.0	35	25'	25'	25'	25'	21.780	90'	50%
R-39	3.0	30"	25	20"	10"	20"	8,000	75	60%
RRR		35	0	0	Ų	U.	-0	- v	90%
100		50		0	0	01	-0,	01	-000
M-F10, 11	12 0	35	20'	20'	12'	20'	10,000	75	75%
M-U <sup>8</sup> 10	12.0	55	20'	20'	12	20'	6,000	50	75%

#### Notes:

- 1. Minimum lot width is measured at the building setback line.
- 2. Limits of impervious surface on each lot are set to aid aquifer recharge by on-site stormwater filtration.
- 3. Minimum front and side street setbacks are 0 feet for commercial zones in the "downtown district", which is the land abutting State Highway 44 from S. Middleton Road to Hartley Ln.
- 4. The minimum setback for a commercial or industrial use abutting a residential zone shall be 30 feet. See Section 5-4-10-7 regarding landscape buffers required between commercial/industrial uses and residential uses.
- 5. The minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet.
- 6. Cornices, canopies, eaves or other similar items that do not increase the enclosed building area shall not project into any required setback more than 2 feet. Unenclosed exterior stairs shall not project into any required setback more than 3 feet. Unenclosed covered patios and porches shall not project into any required setback more than 10 feet.

- 7. All structures shall be set back at least 50 feet from section and quarter section lines, unless otherwise approved by the City.
- 8. In a Mixed-Use Zone, the maximum height for a commercial structure is 55 feet, for a multi-family structure is 45 feet, and for a single-family structure is 35 feet.
- 9. See section 5-4-11-2 of this code.
- 10. Single-family dwelling, attached.

Front:	20'
	10' if alley-loaded
Rear:	15'
	5' if alley-loaded
Interior Side:	12'
Minimum Lot Size:	1,600 SF
Maximum Coverage:	N/a
Minimum Lot Width:	20'

- 11. Minimum 1,000 square feet per dwelling unit.
- 12. An in-ground swimming pool may be located in only the rear and side yards of any residential lot. The in-ground pool may also be located within the rear setback up to thirteen feet (13') from the rear boundary line.

**Section 10:** That Title 5, Chapter 4, Section 5-4-3 of the Middleton City Code is amended as follows:

#### **5-4-3 TRAFFIC IMPACT ANALYSIS:**

- <u>A.</u> All subdivisions containing more than twenty five (25) equivalent dwelling units shall requireprovide a traffic impact analysis, prepared and stamped by a licensed traffic engineer. The traffic impact analysis shall be and submitted with the preliminary plat application. A traffic impact analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement. The analysis shall be reviewed and approved by the city.
- <u>B.</u> A traffic impact analysis <u>mayshall also</u> be required <u>on a case-by-case basis for with any</u> application for <u>improvement or any</u> development, <u>including a building permit application</u>, as deemed necessary on a case by case basis, <u>if so</u> decided administratively by at least two (2) city officials.

<u>C.</u> An analysis may be waived if traffic impacts are mitigated through provisions identified in a development agreement. The analysis shall be reviewed and approved by the city. Applicant shall pay its pro rata share of <u>traffic</u> improvements recommended by a city approved traffic impact analysis before the city <u>council</u> approves <u>final plat for phase one of the subdivision or City issues a building permit, the first applied for permit.</u>

### **Section 11:** That Title 5, Chapter 4, Section 5-5-4 of the Middleton City Code be amended as follows:

### **5-4-4 PRELIMINARY PLAT:**

- A. Application: In addition to the application requirements in subsection 1-14-2(B)A of this Code, an applicant shall file with the City: a copy of the complete application, fees, one (1) electronic full-size PDF copy, and two (2)three full-sized copies of the preliminary plat with data as required in this section, and a title report or commitment for title insurance, including schedule B, indicating the nature of the applicant's ownership of land included in the preliminary plat. The City, at least fifteen (15) calendar days before the initial public hearingmeeting, shall mail to landowners within three hundred feet (300') 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. After all City comments are addressed by the applicant, and prior to any public hearingmeeting onabout the plat, the applicant shall submit one (1) electronic full-size PDF copy to the City.
  - 1. Form Of Presentation: The information hereinafter required as part of the preliminary plat submitted shall be shown graphically or by note on plans and may comprise several sheets showing various elements or required data. All mapped data for the same plat shall be drawn at the same standard engineering scale, having not more than one hundred feet to an inch (1" = 100'). Whenever practical, scales shall be adjusted to produce an overall drawing measuring twenty four inches by thirty six inches (24" x 36"), but not exceeding forty two inches by sixty inches (42" x 60").
  - 2. Identification And Descriptive Data: The following existing and proposed information shall be shown on the preliminary plat or submitted separately:
    - a. Proposed name of subdivision and its location by section, township and range, centered at the top, if possible; reference by dimension and bearing to a section corner, quarter section corner, or recorded monument.
    - b. The following information constituting the name block shall be listed along the right edge, if possible: subdivision name, revision data, name, address and phone number of property owner(s), subdivider, engineer or surveyor who prepared the plat.
    - c. If the subdivision is to be developed in phases, phase lines, numbers and development data per phase shall be shown on the plat. If changed during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.
    - d. Scale, north arrow and date of preparation including dates of any subsequent revisions.

- e. Vicinity map drawn to a maximum scale of one inch equals one thousand feet (1'' = 1,000'), clearly showing proposed subdivision configuration in relationship to adjacent subdivisions, roads, parks, schools, waterways, etc.
- f. Topography based on current USGS datum shown on the same map as the proposed subdivision layout. Contour lines shown at two foot (2') intervals, referenced to an established bench mark, including location and elevation.
- g. Location of water wells, streams, canals, irrigation laterals, private ditches, drains, washes, lakes or other water features; direction of flow; and the regulatory floodplain and floodway boundaries.
- h. Location, widths and names of all existing and proposed: platted roads, easements, alleys and bicycle/pedestrian pathways, arrows indicating direction of slopes, type of surface, curb, gutter and/or sidewalks, connections to adjoining lots, and other important features such as railroads, utility rights-of-way and easements of public record, public areas, and permanent structures such as water wells, septic systems and drainfields.
- i. Name of any recorded adjacent subdivision, and owner of land not in a subdivision, having a common boundary with the lot.
- j. By note, the existing zoning classification of the lot and adjacent land. If the plat includes land for which multi-family, commercial or industrial use is proposed, such areas shall be clearly designated together with existing zoning classification.
- k. By note: the total acreage of the subdivision; the total number of lots, cumulative and by phase; the total number of buildable lots by phase; and the total number of common area lots by phase.
- l. The subdivision boundary shall be based on an actual field survey including professional stamp. Boundary problems shall be resolved and nonbuildable remnant parcels are prohibited. Show any public dedications of rights-of-way or easements.
- m. Names of all property owners adjacent to the exterior boundary of the proposed subdivision.
- n. Location and type of utility systems, such as: stormwater, sewer, water, streetlights, fiber and fire hydrants.
- o. Typical lot dimensions to scale; dimensions of all corner lots and lots of curvilinear sections of roads; each lot, block and phase numbered consecutively and individually.
- p. Designation of all land to be dedicated for public use with purpose indicated. Designation of all land to be used for a common purpose and designate the purpose, including the intended beneficiary and person or entity responsible to maintain the property.
- q. Identify any special development area as defined in section 5-4-13 of this chapter.
- r. Applicant is responsible to review comprehensive plan maps (including transportation, schools and recreation maps) and include on the preliminary plat respective transportation, school and recreation improvements. Applicant shall pay its prorata share of any improvements recommended by a City approved traffic impact analysis before the City approves the final plat or final plat of the first phase.

### 3. Proposed Utility Methods:

- a. Sewage Disposal: The subdivider shall furnish the subdivision design flows and any special operation of the sanitary sewage facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.
- b. Water Supply: The subdivider shall furnish the design, operation, volume and quality of the water supply requested and facilities proposed. A preliminary layout and statement as to the type of facilities proposed shall appear on the preliminary plat.
- c. Stormwater Disposal: The subdivider shall furnish the design and operation of the stormwater disposal system. A statement as to the type of facilities proposed and an indication of the area to be used for treatment/disposal shall appear on the preliminary plat. All stormwater is to be managed on site.
- d. Irrigation System: A statement describing the proposed irrigation system, point of delivery, and preliminary layout shall appear on the preliminary plat.
- B. Compliance: Subdividers shall comply with the neighborhood meeting, application and public hearing provisions as described in title 1, chapter 14 of this Code.
- C. Off-Site Road Improvements: All off-site transportation improvements must be completed as part of the first phase of subdivision construction, unless otherwise approved by city council.
- D. Additional Standards: The subdivider shall follow the "Idaho Standards for Public Works Construction" and the Middleton Supplement thereto in effect at the time the final plat application is accepted by the City.
- E. Amended Preliminary Plats: If phase lines, numbers and/or development data change during development, the subdivider shall obtain City approval of an amended preliminary plat prior to filing an application for final plat.

### F. Time Limitations:

- 1. Two year limit. A preliminary plat is valid for two (2) years. Approval of a preliminary plat shall become null and void if the applicant fails to obtain the city engineer's signature on the final plat for the subdivision or final plat for phase one (1) of the subdivision within two (2) years of the approval of the preliminary plat.
- 2. Phased development. If the preliminary plat will be developed in phases, the final plat applications shall be submitted in consecutive order. Applicant must obtain the city engineer's signature on the final plat for each phase within successive intervals of two years.
- 3. Authorized extension. Upon written request by the applicant prior to the termination of the time periods noted in subsections (1) and (2) of this section, the Planning & Zoning Official may authorize a single extension of time, not to exceed one (1) year, to obtain the city engineer's signature on a final plat. 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.

4. Failure to meet timetable. If the above timetable is not met and the applicant does not receive a time extension, applicant must complete the platting process again in order to continue developing the property.

**Section 12:** That Title 5, Chapter 4, Section 5-4-10-2 of the Middleton City Code be amended as follows:

### 5-4-10-2 ROADS:

- H. Road Intersections And Alignments:
  - 1. Roads shall be planned to intersect as nearly as possible at right angles, but in no event at less than seventy degrees  $(70^{\circ})$ .
  - 2. Where any road deflects at an angle of ten degrees (10°) or more, a connecting curve shall be required having a minimum centerline radius of three hundred feet (300') for arterial and collector roads and <u>ninetyone hundred twenty five</u> feet (90125') for local roads. City may approve, on a case-by-case basis, a smaller turning radius if a knuckle or other mitigating feature is designed into the curve.
  - 3. Minimum spacing between centerline of roads on the same side of a roadway shall be two hundred fifty feet (250'). Minimum spacing between centerline of roads on the opposite side of a roadway shall be one hundred twenty five feet (125').
  - 4. A tangent at least one hundred fifty feet to two hundred feet (150' 200') long shall be provided between reverse curves on arterial and collector roads.
  - 5. Road intersections with more than four (4) legs and Y-type intersections where legs meet at acute angles shall be avoided.
  - 6. Access for any use along section and quarter section line roads shall be limited by the City to maximize traffic efficiency and may be limited to one access per one thousand three hundred twenty feet (1,320').

<u>Section 13:</u> That Title 5, Chapter 4, Section 5-4-10-7 of the Middleton City Code to be amended as follows:

#### **5-4-10-7 LANDSCAPE BUFFERS:**

- A. When a commercial land use zoned C-1 (Neighborhood Commercial) 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. Commercial use zones shall contain a minimum eight foot (8') high perimeter landscaped berm, or landscaped berm and fence, buffer between it and a residential use or zone.
- B. When a commercial land use zoned C-2 or C-3 or industrial use directly abuts a residential use, a twenty five (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. Industrial use zones shall contain a minimum fifteen foot (15') high perimeter landscaped berm buffer between it and a residential use or zone.

**Section 14:** That Title 5, Chapter 4, Section 5-4-10-8 of the Middleton City Code is amended as follows:

### 5-4-10-8 PATHWAYS AND PARKS:

### A. Pathways:

- Pathways are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap. Pathways that are not along a road shall be on a twelve foottwenty foot (120') wide public access lot or easement, or dedicated to the City, and shall be constructed of asphalt, eighten feet (810') wide and centered on the lot. Developer, its assigns and/or Homeowners Association shall be responsible for installing, repairing and maintaining the pathways.
- 2. In addition to the pathways identified on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap, City may require developers shall plan for andto construct sidewalks and pathways designed to connect neighborhoods with schools, parks and downtown, and such pathways shall be on a public access easement twelve feet (12') wide or dedicated to the City. Developer, its assigns and/or Homeowners Association shall be responsible for repairing and maintaining the pathways.
- B. Parks: Parks locations are required as indicated on the Middleton Comprehensive Plan Transportation, Schools and Recreation Mmap. so there is approximately one-half mile walking distance from each residence in the City, shall be at least eight (8) acres in size, improved with pressurized irrigation and sod, and Such parks shall be dedicated to the City for future maintenance.

## <u>Section 15:</u> That Title 5, Chapter 4, Section 5-4-10-10 of the Middleton City Code be amended as follows:

### 5-4-10-10: **OPEN SPACE <u>AND AMENITIES:</u>**

- A. For <u>residential</u> developments <u>five acres or larger</u> that do not include parks as shown on the Middleton <u>Transportation</u>, <u>Schools & Recreation MapConnects Master Plan</u>, developers shall include five percent (5%) <u>irrigated and landscaped</u> open space in a concentrated location(s), agreed to with the City, that is aesthetically pleasing and sufficiently large to accommodate group and/or recreational activities.
- B. Open Space is defined as areas that are accessible to all residents and used for social gathering and/or passive or active recreation. Such areas may include parks, playgrounds, sport courts, plazas, community center/clubhouse, swimming pool, pocket parks, picnic areas, lakes and/or ponds, water features, pathways that are 8' or wider located within a public access

easement or dedicated to the City, and large landscaped common lots, including detention pond areas that are landscaped with sod and over 10,000 sf in size. Open space does not include small landscaped strips, common lots along roadways, or landscape buffers unless the landscape buffer is sized above minimum standards and contains a pathway at least eight (8) feet wide.

C. Single family residential developments that include more than seventy five (75) dwelling units and multi-family subdivisions containing more than seventy five (75) dwelling units shall provide one or more amenities in the form of a park with play equipment, picnic area with tables and shade structure, one or more sport courts, community center/club house, swimming pool, recreational pond/lake, or other similar amenity.

### **Section 16:** That Title 5, Chapter 4, Section 5-4-11-2 of the Middleton City Code be amended as follows:

### 5-4-11-2 MINIMUM REQUIRED IMPROVEMENTS:

- A. Minimum Improvements: The owner or subdivider shall construct the following improvements for the subdivision/development according to the Middleton Comprehensive Plan Transportation, Schools and Recreation map, Idaho Standards for Public Works Construction, (ISPWC) and the Middleton supplement to the ISPWC.
  - Subdivisions in an R-1 Zone: Local roadway, curb, gutter and sidewalks, and street lighting are not required. Local roadway public roads may be narrowed, and no parking on the public roads. Right-of-way may be narrowed if there are not sidewalks. A minimum of three-car garage and lighting the entire front of house are is required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.
  - 2. Subdivisions in an R-2 and R-3 Zone: Local roadway, curb, gutter and sidewalks and street lighting are not required, if all residential lots are at least one-half (1/2) acre in size. Local roadway right-of-way may be narrowed if there are not sidewalks. A minimum three-car garage and lighting the entire front of house are is required on each residential lot. Reminder, this code prohibits large farm animals on any lot less than one-half (1/2) acre in size.
  - 3. Subdivisions in an R-3 Zone: Curb, gutter, sidewalks, and streetlights are required. A minimum two-car or three car garage is required on each residential lot.
  - 41. Roads, Curbs And Gutters: Roads and portions of roads constructed to finished grade with approved centerline monuments to be set to the road surface by a registered professional land surveyor; improved with asphalt plant mix and combination of concrete curb and gutter, or alternate road section as approved by the City. Roads, rights-of-way and associated improvements shall be extended to the property boundary providing connectivity and orderly growth as directed by the City

- <u>52</u>. Sidewalks, Pathways, Bicycle Lanes, and Greenbelt:
  - <u>a.</u> Five-foot (5') wide concrete sidewalks abutting the curb on both sides of the road, unless otherwise approved by the City;
  - <u>b.</u> for pathways not located along a road, the pathway shall be eight-foot (8') wide asphalt and situated on a twelve foot (12') wide public access easement or dedicated to the City if part of the Transportation, Schools & Recreation Map, detached pathways on both sides of the road, unless otherwise approved by the City;
  - <u>c.</u> and six-foot (6') wide bicycle lanes on both sides of the road, unless otherwise approved by the City; and
  - d. if a greenbelt pathway, the pathway shall be a twelve-foot (12') wide asphalt pathway, <u>located</u> on a minimum twenty foot (20') wide <u>common</u> lot <u>subject to a public accessor</u> easement, or dedicated <u>toot</u> the city <u>for public access.</u>, in the greenbelt.
- <u>63</u>. Stormwater Disposal: The management of stormwater shall conform with the City stormwater management policy (section 5-4-10-9 of this chapter).
- <u>74.</u> Utilities: The extension of utilities, including power distribution lines, shall be underground and at the developer's expense, and shall have the capacity and placement necessary to serve land located beyond the project site. Developer is responsible for construction of utilities to and through Developer's project site as determined by the City.
- <u>85</u>. Sanitary Sewer System: Connection to City sewer is required. Approval of the subdivision shall be based on treatment capabilities, such as density requirements, the need for entirely new systems and other treatment possibilities that are in harmony with officially recognized practices of the City.
- 96. Domestic Water System:
  - a. Connection to City water is required. Water hookups shall be allowed only within the City limits unless approved by the Council upon recommendation of the City Engineer. b. If the City requires a larger water main to accommodate future development than the size of line required by the City for the subdivision/development, the developer shall install the larger line size required by the City.
  - c. Four inch (4") blowoffs for water lines shall be required at the terminus of all dead end main lines unless a standard fire hydrant is available at the terminus.
- <u>10</u>7. Monuments: Monuments shall be set in accordance with Idaho Code section 50-1303. For each subdivision phase or development, any portion of which is located within a regulated floodplain, one elevation monument setting forth the elevation and datum shall be located within a monument box, as well as identified on the record drawings. The location of the monument shall be approved by the City Engineer.
- 118. Fire Hydrants: Fire hydrants shall be installed by the subdivider in locations specified by the City, every six hundred feet (600'), or as determined by the Fire Code and the Middleton Rural Fire District.

- <u>12</u>9. Road Name Signs: Road name signs shall be installed in the appropriate locations at each road intersection. Cost of road signs shall be the responsibility of the developer and the signs shall be installed to City specifications.
- 130. Streetlights: Streetlights shall be required to be installed by the subdivider/developer at the intersections, cul-de-sacs, at approximately every four hundred feet (400'), and where the City deems necessary throughout the subdivision/development. All costs to install streetlights and poles shall be borne by the developer.
- <u>141</u>. Service Connections: All service connections for sanitary sewer and domestic water shall be installed to the property line before placing base gravel for the road.
- 152. Irrigation Improvements: A pressure irrigation system shall be provided. All irrigation structures, lines and drain lines except mains used for stormwater management shall be located or relocated out of the road right-of-way. City water may not be used for irrigation supply unless specifically approved by the City.
- <u>163</u>. Perimeter Fence: Developers of residential subdivisions shall install a six-foot (6') fence along the perimeter of each phase of the subdivision by the time the City signs the final plat for that phase.
- <u>17</u>4. Monument Signs at Entrances: Obtain a sign permit from the City and construct a monument-type sign at subdivision entrances from public roads.
- 185. On Site And Off Site Improvements: On-site and off-site improvements of any of the above are required where it is deemed necessary to properly serve the proposed development or protect the integrity of the usefulness of existing off-site improvements or utilities.

#### B. Inspections:

- 1. Appropriate agencies, departments, the City and/or others shall inspect or cause to be inspected improvements such as buildings, public utilities and infrastructure, in the course of construction, installation or repair. Excavations shall not be covered or backfilled until such installations have been inspected. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued by the City to the responsible person.
- 2. The owner and/or subdivider shall retain a full time licensed professional engineer or licensed construction manager who shall supervise the construction inspection, certify that all improvements were constructed in accordance with the approved improvement drawings and City standards and furnish the City two (2) hard copies and one electronic PDF copy of the certified as built improvement drawings and construction logs complete with ties to all water valves and service connections.

3. The City shall be notified when construction begins on any of the improvements listed and prior to performing utility line pressure tests. Any improvements deemed unsatisfactory by the City Engineer shall be corrected at the subdivider's expense. **Section 17:** This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law. Section 18: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity. **Section 19:** All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed. PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this day of APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this day of \_\_\_\_\_\_\_, 2022. STEVEN J. RULE, Mayor City of Middleton

BECKY CROFTS, City Administrator

ATTEST:

City of Middleton

# ORDINANCES OF THE CITY OF MIDDLETON NOTICE OF ADOPTION AND SUMMARY OF AMENDED AND RESTATED ORDINANCE NO 659

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL, CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO, AMENDING THE MIDDLETON CITY CODE TITLE 1, CHAPTER 5 SECTION 1-5-5 REGARDING PLANNING & ZONING COMMISSION MEMBERSHIP; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-1 REGARDING NEIGHBORHOOD MEETING PROCEDURES; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-2 REGARDING PROCEDURES FOR PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-4 REGARDING WHICH LAND USE APPLICATIONS ARE SUBJECT TO PUBLIC HEARINGS; AMENDING TITLE 1, CHAPTER 14, SECTION 1-14-5 REGARDING PUBLIC MEETING PROCEDURES; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-4 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 1, SECTION 5-1-5 REGARDING OBSOLETE ZONE DESIGNATIONS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, CONTAINING THE ZONING TABLE AND TOWNHOME CRITERIA; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-1, TABLE 2 REGARDING ZONES, LANDSCAPE BUFFERS, AND SWIMMING POOL SETBACKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-3 REGARDING TRAFFIC IMPACT ANALYSIS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-4 REGARDING PRELIMINARY PLAT REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-2 REGARDING ROAD TURNING RADIUS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-7 REGARDING LANDSCAPE BUFFERS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-8 REGARDING PATHWAYS & PARKS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-10-10 REGARDING OPEN SPACE REQUIREMENTS; AMENDING TITLE 5, CHAPTER 4, SECTION 5-4-11-2 REGARDING SUBDIVISION MINIMUM IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

# BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MIDDLETON, COUNTY OF CANYON, STATE OF IDAHO:

- **Section 1.** Amends Title 1, Chapter 5, Section 1-5-5 of the Middleton City Code by providing additional rules on the constitution of the Middleton Planning and Zoning Commission.
- **Section 2.** Amends Title 1, Chapter 14, Section 1-14-1 of the Middleton City Code by modifying the rules and requirements for neighborhood meetings as part of development application processing.
- **Section 3.** Amends Title 1, Chapter 14, Section 1-14-2 of the Middleton City Code by modifying land use application and public hearing procedures and mailing requirements.
- **Section 4.** Amends Title 1, Chapter 14, Section 1-14-4 of the Middleton City Code by adding annexations and preliminary plats to the list of applications requiring a public hearing.
- **Section 5.** Amends Title 1, Chapter 14, Section 1-14-5 of the Middleton City Code by clarifying which public hearings do not require a public hearing and by removing certain hearing requirements.
- **Section 6.** Amends Title 5, Chapter 1, Section 5-1-4 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton.

- **Section 7.** Amends Title 5, Chapter 1, Section 5-1-5 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton.
- **Section 8.** Amends Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code by removing certain defunct zoning categories and Townhome criteria that are no longer used within the City of Middleton from the zoning table of the City of Middleton.
- **Section 9.** Amends Title 5, Chapter 4, Section 5-4-1 of the Middleton City Code by removing certain defunct zoning categories that are no longer used within the City of Middleton from the zoning table of the City of Middleton and updates rules concerning below-ground pools and units allowed in a single family dwelling, attached, structure.
- **Section 10.** Amends Title 5, Chapter 4, Section 5-4-3 of the Middleton City Code by updating rules governing traffic impact analysis and fees.
- **Section 11.** Amends Title 5, Chapter 4, Section 5-4-4 of the Middleton City Code by updating rules and standards for preliminary plats.
- **Section 12.** Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-2 of the Middleton City Code by allowing case-by-case approvals for turning radii.
- **Section 13.** Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-7 of the Middleton City Code by updating rules governing landscape buffers in commercial and industrial zones.
- **Section 14.** Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-8 of the Middleton City Code by updating requirements for pathways and parks.
- **Section 15.** Amends Title 5, Chapter 4, Section 10, Subsection 5-4-10-10 of the Middleton City Code by clarifying and adding to open space requirements and amenities depending on the size of developments.
- **Section 16.** Amends Title 5, Chapter 4, Section 11, Subsection 5-4-11-2 of the Middleton City Code by providing additional clarity and regulations for minimum development requirements.

**Sections 17 through 19.** Provides that this ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law; provides for severability; repeals conflicting ordinances, resolutions, and orders.

Ordinance No. 659	provides an effective date, which shall be on the	e day of	, 2022.
Ordinance No. 65	59 was passed by the Council and approved 1	by the Mayor on the	day of
	, 2022. The full text of the Ordinance is available.	ilable at Middleton City	Hall, 1103 W
Main St, Middleton	n, ID 83644. The Mayor and City Council approve	ed the foregoing summa	ry on the
day of	, 2022, for publication on the	_ day of	,
2022, pursuant to 1	Idaho Code § 50-901A.		

Mayor Steve Rule

ATTEST: Becky Crofts, City Clerk

#### STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete

summary of Ordinance No. 659 and provides
adequate notice to the public as to the contents of
such ordinance.
DATED this day of,
2022.
Douglas Waterman, Attorney for City of Middleton

# When Recorded, mail copy to

Middleton City Administrator 1103 W. Main St., Middleton, ID 83644

Space above this line for Recorder's use

#### CONSENT TO ANNEXATION AND UTILITY CORRIDOR

THIS CONSENT TO ANNEXATION AND UTILITY CORRIDOR ("Consent"), is made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_, between the City of Middleton, Idaho, an Idaho municipal corporation ("City") and Callister LLC, an Idaho Limited Liability Company ("Developer").

WHEREAS, Developer is the owner of the Subject Property located in Canyon County, Idaho and legally described and shown by Map/Exhibit in **Exhibit A** attached hereto and incorporated by this reference ("**Subject Property**"); and

WHEREAS, the Subject Property is located outside the City corporate limits but within the City's area of impact as established by Idaho Code Section 67-6526; and

WHEREAS, Developer is in the process of developing the Subject Property under the land use jurisdiction of Canyon County, Idaho, and a copy of the proposed preliminary plat is attached hereto as Exhibit "B" and incorporated in full by this reference.

WHEREAS, the parties acknowledge that the orderly development of the City will encompass the Subject Property within the foreseeable future; and

WHEREAS, both City and Developer have an interest in the thoughtful, well-planned, and coordinated growth of Canyon County and City; and

WHEREAS, Developer desires to agree and consent to the annexation of the Subject Property into the corporate limits of City (the "Annexation") as soon as the Subject Property becomes contiguous to City limits.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the foregoing recitals being incorporated herein as a part of this agreement, the parties agree as follows:

## I. General

A. In recognition of this binding commitment and consent to annexation, City shall be responsible for initiating the process to annex the Subject Property into the City, and City shall be responsible for all costs associated with the Annexation of the Subject Property except Developer, at its own cost, shall provide a legal description for the Subject Property. The City

shall have discretion over when said Annexation is initiated, and the denial of an application for Annexation by the City Council shall not void or negate this agreement or the consent to annex evidenced hereby. However, Annexation shall be initiated by the City within five (5) years of the availability of a path therefore.

- B. Developer's subsequent and/or associated applications for the development of the Subject Property shall be granted no special privilege, license, priority, approval, or entitlement hereby, and shall progress in accordance with the then-current and applicable law.
- C. This Consent shall be recorded in the Canyon County Recorder's Office following complete execution by the Developer and the City. This Consent shall run with the land. By the execution of this Consent, Developer is bound and likewise binds its heirs, assigns, and any and all successors in interests to the terms of this Consent.
- D. Notice of the Consent shall appear on any plat recorded in the office of the Canyon County Recorder using the following language:

"The lots sh	own on this final plat	are subject to a C	Consent to Anne	exation and Utility
Corridor Ag	reement recorded in the	he Records of Ca	anyon County, I	nstrument
#	<b>,</b> ,,			

E. Developer will provide, in good faith with City and City engineer, a ten (10) foot wide utility corridor and easement for future sewer and water facilities to run "to and through" the Property as attached hereto as Exhibit "C". Said corridor and easement shall be shown on the preliminary plat and all recorded final plats for the subdivision project. Developer and future lot owners will not be required to hook up to City services upon annexation unless Developer and any future lot owner so chooses.

# II. Annexation:

- A. The Subject Property is not currently contiguous to the Middleton City limits and cannot, therefore, be immediately annexed into City.
- B. The Annexation shall be initiated and consummated pursuant to Idaho Code 50-222, and the same shall be a "Category A" annexation, as the term is used therein.
- C. At such time as the Subject Property shall become contiguous to the City limits, the Developer, his heirs, successors, and assigns shall support the Annexation of the Subject Property in whole into the City limits to become part of the same with a R-1 zone designation. The Annexation application, and associated application for the designation of a zone to the Subject Property, may be initiated by the City. The failure of any application to result in the Annexation of the Subject Property shall not prevent or prohibit future Annexation applications under this Consent.
- D. In consideration of City's assumption of the Costs of the Annexation of the Subject Property in the impact area, Developer and its successors, forever, hereby irrevocably consent

to the Annexation of the Subject Property into the City limits as a voluntary "Category A Annexation" under Idaho law.

E. Developer, for itself and its heirs, assigns, and any and all successors in interest, forever, waive the right to object to Annexation of the Subject Property or revoke consent to the Annexation of the Subject Property.

# III. Effective Date/Binding Effect:

This Consent shall become effective at the time that both parties execute the same. This Consent constitutes the legal, valid, and binding obligation of each party. The individuals executing this Consent warrants that he or she has full power and has been duly authorized to execute and deliver this Consent on behalf of the entity for which he or she signs.

**IV.** <u>Termination:</u> Termination of this Consent shall occur upon complete satisfaction of its terms.

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

\*SEAL

# CITY OF MIDDLETON, IDAHO By: STEVEN J. RULE Its Mayor ATTEST: BECKY CROFTS, City Clerk STATE OF IDAHO **COUNTY OF CANYON** On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me the undersigned, a Notary Public in and for said State personally appeared Steven J. Rule known or identified to me to be the Mayor of the City of Middleton, Idaho that executed the said instrument, and acknowledged to me that such City 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. NOTARY PUBLIC FOR IDAHO

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

\*SEAL

# Exhibit A

**Legal Description & Boundary Map of the Subject Property** 



Project No: 200194 Date: June 17, 2020

Page 1 of 1

# C4 PARCEL "A" BOUNDARY DESCRIPTION

A parcel of land, situated in a portion of NW1/4 of the SW1/4 of Section 34, Township 5 North, Range 2 West, Boise Meridian, Canyon County, Idaho, being more particularly described as follows:

COMMENCING at a brass cap monument making the northeast corner of said NW1/4 of the SW1/4 (CW1/6 Corner), from which an aluminum cap monument marking the northwest corner of said NW1/4 of the SW1/4 bears N.89°40'14"W. a distance of 1317.43 feet, thence along the east line of said NW1/4 of the SW1/4 S.00°16'23"W. a distance of 225.00 feet to a 5/8 inch rebar marking the **POINT OF BEGINNING**;

- 1) Thence, continuing along said east line, S.00°16'23"W. a distance of 1037.42 feet to a 5/8 inch rebar on the north right-of-way line of Quail Haven Way;
- 2) Thence, leaving said east line and along said north right-of-way line N.89°41'52"W. a distance of 1320.54 feet to a 5/8 inch rebar on the west line of said NW1/4 of the SW1/4;
- 3) Thence, leaving said north right-of-way line and along said west line, N.00°24'52"E. a distance of 1038.05 feet to a 5/8 inch rebar;
- 4) Thence, leaving said west line and along a line parallel with said north line of NW1/4 of the SW1/4 and 225.00 south when measured perpendicular thereto, S.89°40'14"E. a distance of 1317.98 feet to the **POINT OF BEGINNING.**

Said parcel of land containing 31.42 acres more or less and is subject to all existing easements and/or rights-of-way of record or implied.

End of Description.





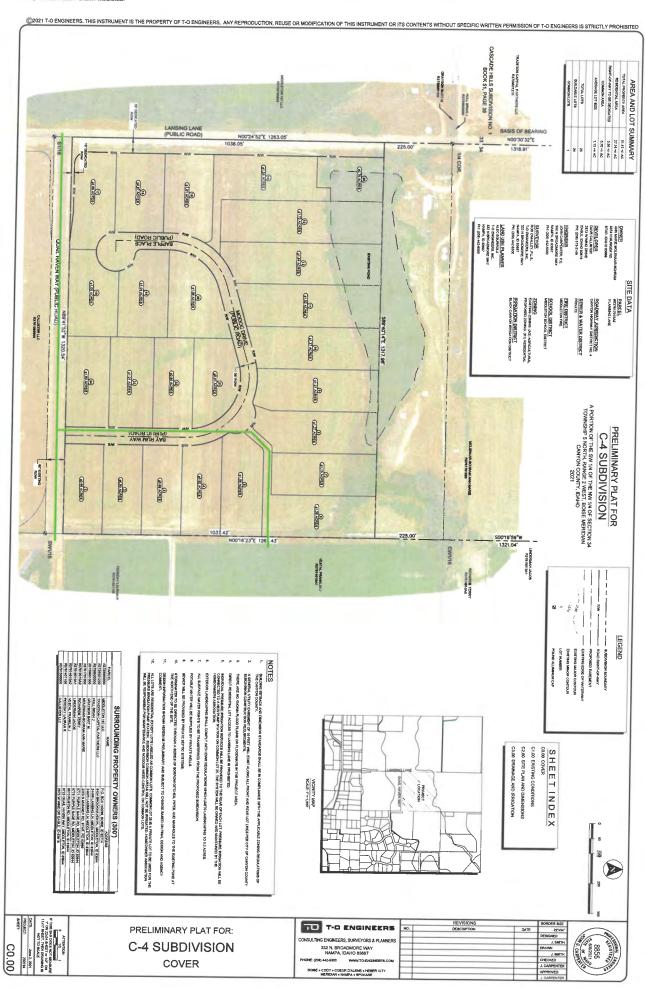
# Exhibit B

Preliminary Plat or Site Plan



# **Exhibit C**

**Utility Corridor** 



#### **Request for Proposal**

## **City Plan Reviewer (QLPE)**

Date RFQ Issued: December 28, 2021

Date SOQ Due: January 17, 2022, Noon MST

City Contact: Becky Crofts, <a href="mailto:bcrofts@middletoncity.com">bcrofts@middletoncity.com</a>, 208-585-3133

Pursuant to Idaho Code 67-2320, the City of Middleton is requesting a statement of qualification from individuals or firms interested in providing engineering plan review services in the capacity of a Qualified Licensed Professional Engineer. Plan reviewer will review submitted land use construction drawings to ensure compliance with city code.

The city anticipates a roster of three engineering/firms, which will serve as the contracted plan reviewer. The city contemplates a general services contract based on time and materials, with hourly rate to be negotiated between the parties upon selection.

#### **Criteria and Evaluation of Qualifications:**

The following information is required to be included in the Statement of Qualifications and will be used when evaluating submittals:

- 1. Description of the individual/firm (5%)
- 2. Name and contact information of the lead licensed professional that will be the responsible charge engineer coordinating work in Middleton (5%)
- 3. Identify the professionals likely to work on Middleton projects and provide a summary of their qualifications (5%)
- 4. Showcase three public, engineering services/projects by the individual/firm in the last 8 years. Demonstrated understanding of the services/projects and abilities of the individual/firm to successfully complete the work on schedule and within budget. Provide references for the three projects: agency name, contacts' name, phone number, e-mail, and other relevant information. (35%)
- 5. Provide a narrative describing the individual/firms approach to providing the above-described services to a fast-growing, local public agency (30%)
- 6. Limit response to 10 pages total. Submit PDF to: <a href="mailto:bcrofts@middletoncity.com">bcrofts@middletoncity.com</a> (5%)
- 7. Quality of the proposal (15%)



# **CITY PLAN REVIEWER (QLPE)**



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January 17, 2022

332 N. Broadmore Way Nampa, ID 83687

COMMUNICATIONS P: (208) 442.6300

WEBSITE www.to-engineers.com

Becky Crofts City Administrator City of Middleton, ID 1103 West Main Street Middleton, ID 83644

# **RE: City Plan Reviewer**

Dear Becky and Selection Committee:

I appreciate the invitation to submit for Qualified Licensed Professional Engineer (QLPE) reviews for the City of Middleton. I have had the pleasure of working with the City over the last year on the wastewater project, and would appreciate the opportunity to offer additional services to the City of Middleton.

Providing review services for a municipality can be a challenging contract. In addition to accuracy and quality deliverables, it is imperative that our work product reflect the priorities and style of the City. Several of our engineers have worked with Middleton over the years and we have come to respect the City's desire to provide high quality and responsive customer service to incoming applicants. As such, this opportunity to be a part of Middleton's review process is a very exciting opportunity and we are confident that T-O's values will align well with the policies that are already in place at the City.

Having filled this role for many communities, I know that one of the most important elements of a successful review contract is the quality of customer services that you will receive from your engineer, and the service they will provide to the public. You will see from the attached SOQ, I have some very good experience and team that is capable of providing excellent service to the City. And, while I am proud of this submittal, I also know that it can be difficult for the review team to decide between applicants. I strongly recommend that you call my references to hear first hand the type of service that I will provide to Middleton.

City of Eagle (2003-2014)
 Bill Vaughan, P&Z
 (208) 939.0227

City of Parma (2006-Present)Angie Lee, Mayor(208) 412.2066

After dedicating nearly my entire career to providing support services to cities just like Middleton, I am excited for an opportunity to partner with you as you anticipate incredible growth. Similar to my experience with Eagle, the review efforts necessary to support this growth can be provided in a manner that upholds the City's desire to serve the public, protect their identity and core values, and results in a well planned and managed community.

If you have any questions, please call me directly at (208) 631.1467.

Sincerely,

T-O Engineers, Inc.

Kasey Ketterling, PE

Vol fulls

Municipal Services Manager/Project Manager

# **Description of Firm**

# **T-O Engineers**

T-O Engineers (T-O) is a leading multi-disciplined consulting, planning, and engineering firm with expertise in civil engineering, construction, and administration services. For over 40 years T-O has been working in nearly every aspect of municipal engineering for cities, local governments, state and federal agencies, water and sewer districts, and private companies. Our team is comprised of uniquely qualified professionals in water, sewer, roads, surveying, and specialized areas such as hydraulics and flood management. In each of these groups we have multiple layers of support from seasoned professionals with decades of experience to support staff and specialized technicians. We are proud of the team strength represented within our company and our ability to put together a strong group for any given project.

- T-O is uniquely skilled in understanding and prioritizing the needs of our clients, as seen in our ability to serve municipal and industrial clients.
- T-O has the stability and depth of a large firm, but is small enough to offer the personal service you deserve.
- T-O has endeavored to maintain an excellent reputation among the various state and federal agencies that impact our projects.

With over 180 employees possessing a broad range of technical and administrative skills and experience, T-O has successfully performed projects for local agencies throughout the State of Idaho. We are conveniently located to serve you with offices in Nampa, Meridian, Boise, and Coeur d'Alene, Idaho as well as throughout Washington, Wyoming, and Utah. We are dedicated to providing responsive, professional, quality service to the City of Middleton.

With any group of qualified professionals working on municipal projects, the ability to coordinate the technical aspects of the project with the needs of the client, while considering the political sensitivities is a key component to the success of the project.

# **Responsible Charge Engineer**

Kasey Ketterling, PE will serve as the Responsible Charge Engineer and single point of contact for Middleton. A third generation Idahoan, Kasey

has a unique understanding of the local culture, growth, and changes that have occurred over the last several decades. As with all municipal projects, the needs of the community should be considered during the design and implementation of a project. Kasey's history as a City Engineer allows him to lead the T-O team to provide excellent service to meet Middleton's needs while providing added value.

Kasey has dedicated most of his career to working directly for cities as their designated City Engineer or on specific projects. In this role, he has gained extensive experience managing municipal projects and his team members, providing consistent accountability for schedules, budgets, deliverables, and the like. In addition, Kasey is very familiar with the unique process of working with City staff, budgets, mayors, and elected officials. Kasey will provide leadership and consistency when performing the City's plan reviews.

In the Treasure Valley, there are several communities Kasey has provided review services for incoming applications. One of the more notable roles was the City of Eagle where Kasey managed all of the review for applications received over an 11 year period. We encourage you to call Bill Vaughan, Eagle Planning and Zoning Administrator (208) 939.0227 to hear first hand the commitment and quality of service that Eagle received while Kasey filled this role.

# T-O ENGINEERS: BY THE NUMBERS







# **Project Team**



**EXPERIENCE** 

18 years

# **CREDENTIALS**

■ PE ID #12246

# **RESPONSIBLE CHARGE ENGINEER**

# Kasey Ketterling, PE (ID #12246)

Kasey has dedicated his entire career of 18 years to working with cities, counties, and districts on municipal projects. He is very familiar with the unique process of working with City staff, budgets, mayors, elected officials, and the public. As a City engineer Kasey assists communities from the initial need and funding through design and permitting to construction training and implementation. Many of the projects under his management were multi-discipline projects necessitating a well-orchestrated project approach combining the talents of the various players. Kasey is also known as a strong communicator and is known for providing good communication between the team members, city staff, elected officials, and the public.

Kasey has an extensive resume of providing review services to communities in the Treasure Valley which includes managing the reviews for Eagle from 2003 to 2014, Parma, Donnelly, Idaho City, Nyssa-OR, and Payette County. In each case, he assisted the municipality to develop a consistent system which included checklists, responding in a timely manner, and providing feedback to City staff.



**EXPERIENCE** 

7 years

#### **CREDENTIALS**

■ PE ID #17998

# **PROJECT ENGINEER**

# Levi Howell, PE (ID#17998)

Levi is a project engineer with over seven years of experience in municipal engineering. He has been involved in a large variety of projects including water, sewer, parks, transportation, and city engineering services. Levi has worked on several major sewer collection and pumping projects for larger municipalities while also providing daily support to his clients as a designated City engineer. He has a comprehensive understanding of the standards and regulations with excellent working relationships with State and Federal agencies. Levi has a strong track record of repeat clients who appreciate his timeliness and thoughtful design process.



**EXPERIENCE** 

2 years

### **STAFF ENGINEER**

# Zack Schaumburg, El

Zack will serve as a staff engineer helping provide review services for Middleton. Zack has over two years of experience in the engineering industry. Prior to his time at T-O, he completed two internships in construction management allowing him the opportunity to construct a new high school for his hometown as well as working on multiple design-build projects.



**EXPERIENCE** 

22 years

#### **CREDENTIALS**

■ PEID#10810

#### QA/QC

# Pat Colwell, PE

Pat has over 20 years of experience as a Project Manager for municipal, transportation, and development projects, including projects for the City of Middleton. Pat will use his intimate experience with the City of Middleton to serve as the QA/QC lead for all of your review needs.

# **Project Experience & References**

# **CITY OF EAGLE, EAGLE, IDAHO**

Kasey oversaw all reviews for the City of Eagle, Idaho during a time of unprecedented growth from 2003 to 2014. During this time Eagle was receiving 4 to 5 applications every week. Kasey assisted the City to develop checklists for each type of application, fee schedules for review, consistent review policies and several updates to the City's municipal code as deficiencies were identified. Kasey became a resource to the City as the City engineer, attending preapplication meetings, public hearings, and other coordination meetings as requested to help implement and maintain the City's standard

# **PROJECT DETAILS**

#### **SIMILAR ELEMENTS:**

- Plan Review
- City Engineer

#### **REFERENCE:**

Bill Vaughan (208) 939.0227 bvaughan@cityofeagle.org

## **EAGLE SEWER DISTRICT REVIEW ENGINEER**

T-O has been continually providing plan review services for new development applications for Eagle Sewer District for almost a decade. This work includes plan review, agency interaction, coordination with the developer and design engineer, and implementation of the sewer master plan. This work also includes annexations for properties into the sewer district, design and construction observation for sewer district facilities.

#### **PROJECT DETAILS**

# **SIMILAR ELEMENTS:**

Plan Review

### **REFERENCE:**

Lynn Moser(208) 938.3845Imoser@eaglesewer.org

# **CITY ENGINEER, PARMA, IDAHO**

T-O is the full service City Engineer for Parma. Our engineers have been assisting the City with everything from water, sewer, and roads to planning, GIS mapping, parks, and managing growth since 2006. Kasey has a strong working relationship with the City's mayor, public works director, and other staff members. The City has recently experienced considerable growth potential through several new development applications which may increase the city's population by 25%. T-O has assisted with a significant upgrade to the wastewater treatment plant allowing the City to continue to accept applications and to grow. Recently, T-O has taken an active role with the planning group to review new applications, define conditions and requirements so that developers participate in the cost of expanding infrastructure, and providing leadership during public meetings.

## **PROJECT DETAILS**

# **SIMILAR ELEMENTS:**

- Plan Review
- City Engineer

#### **REFERENCE:**

Angie Lee, Mayor(208) 722.5138mayor@parmacityid.org

### CITY OF MIDDLETON HYDRAULICS & FLOODPLAIN SERVICES, MIDDLETON, IDAHO

T-O has performed on-call floodplain consulting services for the City of Middleton since 2012. We have provided responsive, insightful, and practical advice to the City on a wide range of floodplain management issues. We completed a comprehensive review of the City's floodplain regulations along with recommendations for refinements that were adopted by ordinance. In addition to ongoing on-call services, we have completed three hydraulic engineering task orders for the City, all within budget and schedule. We complete an in-depth review of two City park proposals for flood mitigation and permitting, flooding impacts to the City's wastewater system, and the proposed FEMA hydraulic study and mapping of the floodplain and floodway on the Boise River, Willow Creek, Mill Creek, and Mill Creek Slough. We have identified the City's concerns and technical issues with the recent FEMA study and led cooperative coordination with the City and FEMA to obtain resolution of the issues.

# **PROJECT DETAILS**

#### **SIMILAR ELEMENTS:**

Plan Review

# **REFERENCE:**

Becky Crofts,
 City Administrator
 (208) 585.3133
 bcrofts@middletoncity.com

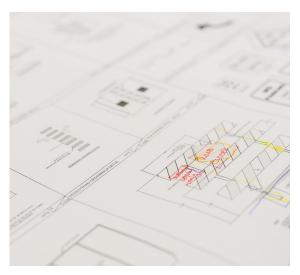
# **Project Approach**



T-O's Engineers have been offering QLPE and review services to municipalities for over 20 years. A review engineer is seen as an extension of the City staff; we have found that the best results are achieved through a consistent system that is approved by the City and generally adheres to the following principals:

# **Reviewer Familiarity**

It is extremely important that City reviews are consistent and predictable from one applicant to the next. To accomplish this end, T-O will designate one PE and one EIT as primary reviewers for every application. A designated EIT will provide the initial checklist review and draft review letter at a lower bill rate. The PE will then verify the content of the review and sign the QLPE letter. In addition, review checklists will be developed and utilized for every review to ensure that the reviewer checks for the same items. Within a very short period, all reviews will have a consistent style and feel that become the voice of the City. Kasey Ketterling will lead this process as the PE in charge of the reviews.



# Policy & Plan Driven.

QLPE reviews are statutorily required by the State of Idaho to verify two primary things, adherence to City rules and planning and adherence to accepted engineering standards and practices. Both of these items are aimed at protecting public health and safety. The review checklists that are developed will require a review of the City specific standards, Idaho Standards for Public Works Construction (ISPWC), DEQ - Idaho Administrative Procedures Act (IDAPA) rules for sewer and drinking water systems, and consistency with City master planning.

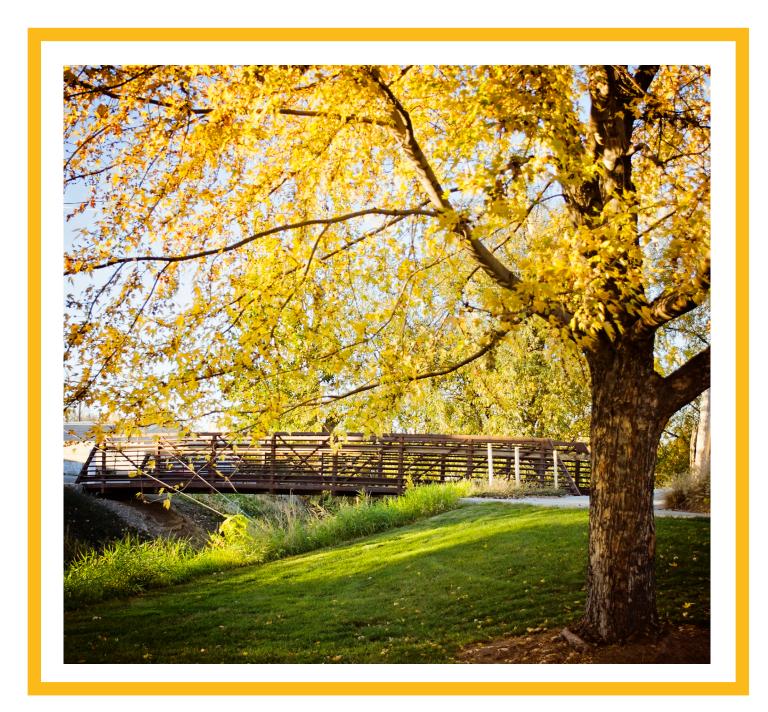
# File Management

File management is key to contract review services. As the applications are forwarded from the City to T-O they will be logged into our system with a "received by" date. This file system will be easily accessible by everyone on the review team, with reminders and updates provided to the reviewers to make sure that important items are not overlooked. Unless instructed otherwise by the City, reviews will be completed in the order they are received.

# **Timely Reviews**

Our typical policy is to provide a complete review of an incoming complete application within two weeks. To accomplish this end, T-O will perform a cursory intake review upon receipt of the application to verify that it is complete. Any missing items will be requested within a couple days of the information being forwarded to T-O. This avoids unnecessary delays on the applicant because they don't have to wait until their application gets into the review cue only to learn that their application in incomplete. In the event that an application review cannot be completed within the timeframe due to a large number of applications or a large size with multiple supporting reports, T-O will communicate a reasonable expectation of completion to the City.





BOISE, ID | CHEYENNE, WY | CODY, WY | COEUR D'ALENE, ID HEBER CITY, UT | MERIDIAN, ID | NAMPA, ID | SPOKANE, WA

# Civil Survey Consultants

Becky Crofts
City Administrator
City of Middleton
1103 W. Main Street
Middleton, Idaho 83644

January 17, 2022

Phone: (208)888-4312

Fax: (208)888-0323

Re: Request for Proposal – City Plan Reviewer (QLPE)

Dear Ms. Crofts:

Civil Survey Consultants is pleased to submit the enclosed Statement of Qualifications to provide engineering plan review services in the capacity of a Qualified Licensed Professional Engineer (QLPE).

Civil Survey Consultants is a civil engineering and land surveying firm specializing in municipal infrastructure projects and residential land development projects. Civil Survey Consultants was founded in January of 1993 and has a single office located in Meridian, Idaho. We currently have nine full time employees including three registered professional engineers, one registered professional land surveyor, three registered engineers-in-training, a survey crew party chief and a survey crew rod man.

We have been providing professional engineering and land surveying services to a wide range of clients in the Treasure Valley over the last twenty-nine years. These include but are not limited to, City of Middleton, City of Kuna, City of Meridian, City of Nampa, Ada County Highway District, State of Idaho Division of Public Works, Boise Project Board of Control, Idaho Transportation Department, Meridian Development Corporation, Capital City Development Corporation, West Ada School District, Suez Water, Skyline Development Company and Fairbourne Development Company.

Jim Money, P.E. will be the lead licensed professional engineer responsible for coordinating work with the City of Middleton. Jim's contact information is:

Jim Money, P.E. Civil Survey Consultants, Inc. 2893 S. Meridian Road Meridian, Idaho 83642 (208)888-4312 jmoney@civilsurvey.net

Sincerely,

Civil Survey Consultants, Inc.

an R Mon

Jim Money, P.E.

## I. COMPANY PROFILE

Civil Survey Consultants is a locally owned civil engineering and land surveying firm specializing in municipal infrastructure projects and residential land development projects. Civil Survey Consultants was founded in January of 1993 and has a single office located in Meridian, Idaho. Civil Survey Consultants currently has nine full time employees including three registered professional engineers, one registered professional land surveyor, three registered engineers-in-training, a survey crew party chief and a survey crew rod man.

We have been providing professional engineering and land surveying services to a wide range of clients in the Treasure Valley over the last twenty-nine years and over that time we have demonstrated that, even though we are not a large firm, Civil Survey Consultants is very qualified to provide the type of services required to provide plan review services to the City. During this time, we have provided civil engineering and land surveying services to a very diverse group of clients, including but not limited to City of Middleton, City of Kuna, City of Meridian, City of Nampa, Ada County Highway District (ACHD), State of Idaho Division of Public Works, Boise Project Board of Control, Idaho Transportation Department, Meridian Development Corporation, Capital City Development Corporation, West Ada School District, Suez Water, Skyline Development Company and Fairbourne Development and many private individuals. We have also provided professional development review services on more than 200 developments throughout Ada County.

Approximately 70 percent of our annual workload is providing services on municipal and transportation projects. The remaining 30 percent is associated with private land surveying and land development projects. At any time throughout the year, we generally are working on one or two projects for ACHD, one or two projects for the City of Meridian, one or two projects for Suez Water, one or two land use development projects along with a project or two mixed in from our other clients. The majority of our projects do not have aggressive schedules which allows us to be very responsive to our client's needs and to complete projects for a wide range of clients on schedule even if the schedule needs to be aggressive.

Civil Survey Consultants' experience includes the planning, surveying, and design of public facility projects and private development projects, including but not limited to, potable water distribution systems, potable water wells, sewage collection systems, pressure irrigation systems, pathways, street light systems, fiber optic cable, all types of roadway improvements, parking lots, storm drainage piping systems, storm drainage treatment facilities and reclaimed water systems. We also have provided professional services related to drainage studies, water system master planning, and sewer system facility planning. Currently our major municipal/government clients are ACHD, City of Meridian, City of Kuna, Suez Water, Capital City Development Corporation, Meridian Development Corporation and Boise Project Board of Control.

We have been providing on-call consulting services to ACHD since 1993 under a Master Agreement and over the past twenty-nine years we have provided professional services on over two hundred projects for ACHD ranging in size from small sidewalk projects to the reconstruction of two miles of five lane arterial roadway.

We have been providing on-call consulting services to the City of Meridian under a Master Agreement since 1993 and over the past twenty-nine years we have provided professional engineering and land surveying services to the City of Meridian on almost two hundred projects. Services have included, but are not limited to the following: the design of pumping facilities for sixteen potable water wells; infrastructure improvements for potable water, reclaimed water, sanitary sewer facilities, street lights and fiber optic cable; design of four municipal parking lots; design of approximately one mile of pedestrian/bicycle pathway along Five Mile Creek; design of a thirteen acre municipal park; facility planning for providing sewer service to the Mason Creek drainage; evaluation of sewer system capacity in the downtown central business district; evaluation of reusing municipal effluent as a source of irrigation water for city owned properties, and other miscellaneous projects through-out Meridian.

We have been providing plan review services on an intermittent basis to the City of Meridian under a Master Agreement since 2014. The plan review services were provided on City of Meridian potable water and sanitary sewer capital improvement projects to confirm the plans comply with State of Idaho drinking water and wastewater rules in accordance with DEQ's Qualified Licensed Professional Engineer (QLPE) plan review program.

We currently are providing on-call consulting services to the City of Kuna under a Master Agreement and we are providing professional engineering services to the City of Kuna on potable water distribution, pressure irrigation distribution and sanitary sewer collection system projects.

As a company, Civil Survey Consultants provided city engineering services to the City of Kuna for twelve years from 1993 to 2005. We ceased providing city engineering services when it was determined that Kuna had grown to the point an in-house city engineer was justified. We assisted Kuna through this period of rapid growth and helped them develop the necessary infrastructure improvements to their potable water system, sanitary sewer system, irrigation system, storm drainage system, roadways and recreation facilities to serve their growing community. During the twelve year period that Civil Survey provided city engineering services to the City of Kuna we provided professional design review services for all projects within the City's jurisdiction. We have reviewed 106 plan sets totaling approximately 4,900 lots for the City of Kuna. Reviews included preliminary plat, final plat, construction plans for potable water including separation requirements, sanitary sewer, pressure irrigation, gravity irrigation, storm drainage and roadway improvements for compliance with City standards and regulations.

We have been providing on-call consulting services to Suez Water under a Master Agreement since 2017 and over the past five years we have provided professional engineering and land surveying services to Suez Water on twelve separate projects to expand and replace portions of their potable water system within the City of Boise and the City of Eagle.

We have been providing on-call consulting services to Capital City Development Corporation (CCDC) since 2019 under a Master Agreement and we have provided professional engineering and land surveying services to CCDC on the following projects in the City of Boise: Capitol and Main Parking Garage Exit Lane Repairs, Production Street and Gowen Road Fiber Optic

Conduit, Eisenman Road Interim Pathway and School Bus Turnaround, and the Linen Blocks for Grove Street Improvements.

We have been providing on-call consulting services to Meridian Development Corporation (MDC) since 2009 and some of the projects that we have provided professional engineering and land surveying services to MDC on are several easement projects, the Valley Regional Transit Condominium Plat project, multiple Urban Renewal District Legal Description projects, and multiple Downtown Meridian sidewalk improvement projects.

We have been providing on-going consulting services to the Boise Project Board of Control (BPBC) since 2001 related to the construction of pressure irrigation facilities that fall under their jurisdiction. These services are primarily for plan review of pressurized irrigation systems to ensure that they meet ISPWC standards and the BPBC pressure irrigation design standards. We assisted BPBC with the initial development of their design standards and we continue to assist them with their design standards. We continue to provide reviews of construction plans for pressure irrigation facilities and gravity irrigation facilities related to the pump station, pump station equipment, easements, design assumptions and calculations. Since 2001 Civil Survey Consultants has reviewed over 70 subdivision phases within 40 subdivisions for the Boise Project Board of Control.

We have provided complete land use design services to several private land developers in the Treasure Valley over the last twenty-nine years. We have designed over 15 residential subdivisions totaling over 3,500 platted lots with all of these projects including the design of storm drainage systems, sewer systems, water systems, pressure irrigation systems, roadways as well as grading and drainage design. All of these projects were designed under the standards of and subject to approval by the local approving agencies.

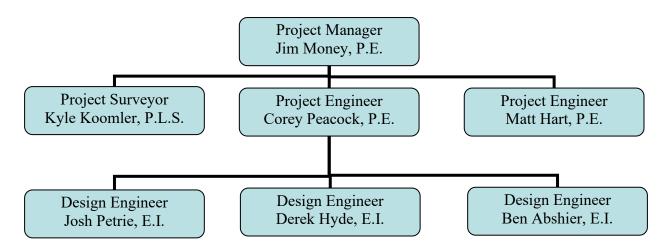
# II. PROJECT MANAGER

Jim Money, P.E. will be the lead licensed professional engineer responsible for coordinating work with the City of Middleton. Jim's contact information is:

Jim Money, P.E. Civil Survey Consultants, Inc. 2893 S. Meridian Road Meridian, Idaho 83642 (208)-888-4312 jmoney@civilsurvey.net

## III. PROJECT PERSONNEL

Civil Survey Consultants has a small staff of experienced professional engineers, and we typically complete our projects using one or two professional engineers for the majority of tasks with the assistance of other personnel as necessary. We anticipate that plan review assignments received under this contract will have similar staffing requirements. The following is an organization chart of the expected personnel that will be used on the plan review projects:



Jim Money, P.E., will act as a project manager on all projects under this contract and will be responsible for coordinating all work with the City and the completion of the plan reviews. Jim is the Vice President of Civil Survey Consultants and he has been with Civil Survey since 1996. Jim's primary experience over the past twenty-five years has been managing the land development projects completed by Civil Survey Consultants. This included the complete design of over 15 residential subdivisions totaling over 3,500 platted lots. Jim currently manages land development projects and provides on-going services to Suez Water and the Boise Project Board of Control. Jim also previously provided professional services to the Idaho Division of Public Works on multiple projects. Jim has recently successfully completed multiple projects for Suez water to replace or expand portions of Suez's potable water distribution system. Work effort for the Boise Project Board of Control includes review of development applications and related irrigation facilities, and assistance with engineering related to the operation of their delivery system. Work effort for the Idaho Division of Public Works included repair and rehabilitation of existing parking lots and other facilities owned by the State of Idaho. Jim's experience related to utility projects includes the design of sewage collection pipelines and lift stations; potable water pipelines and pumping facilities; design of gravity irrigation delivery systems, storage ponds, pressure irrigation pipelines and pumping stations; and storm drainage collection, storage and disposal facilities associated with our land development projects. Jim is also experienced in developing computer models for pressure pipeline systems and gravity pipeline systems. Jim has also assisted with the design of many potable water and sanitary sewer projects completed for the City of Meridian and the design of many municipal transportation projects for ACHD over the last twenty-five years.

Corey Peacock, P.E., will act as a project engineer on projects under this contract and will provide plan review services. Corey is the Treasurer of Civil Survey Consultants and he has been with Civil Survey since 2000. Corey's primary experience is municipal utility infrastructure projects. Corey's experience related to utility projects includes the design of potable water distribution facilities, potable water wells, gravity sewer collection facilities, gravity irrigation facilities, pressure irrigation facilities, new parking lots, expansion of existing parking lots, pathways, street light systems, fiber optic cable, reclaimed water facilities and storm drain systems. Corey has assisted with the design of all projects completed by Civil Survey Consultants for upgrades to Meridian's potable water distribution system over the last twenty-one years, and has acted as project manager on all projects completed within the last

fourteen years. Corey has acted as a project engineer on several water main construction or replacement projects completed for Suez Water over the last five years and Corey has assisted with the design of several municipal transportation projects for ACHD over the past twenty years. Corey served as an inspector and assisted in the design of several major projects for the City of Kuna including drilling a new municipal well, expansion of Kuna's water and sewer collection system, and expansion projects at Kuna's wastewater treatment facility. Corey has also assisted with the complete design of several residential developments in the Treasure Valley. Corey currently acts as the project manager on all projects for the City of Meridian, Capital City Development Corporation and West Ada School District.

Matt Hart, P.E. will act as a project engineer on projects under this contract and will assist with plan review services. Matt is the President of Civil Survey Consultants and he has been with Civil Survey since 1997. Matt's primary experience is municipal transportation projects, which include roadway design, sidewalk design, pathway design, storm drainage design, street light design, gravity irrigation design and utility relocations. Matt has served as project engineer on over 100 roadway design projects ranging in size from small neighborhood projects to over two miles of major arterial roadway for ACHD. He has conducted several drainage studies and designed multiple drainage projects for ACHD as well. Matt has completed floodway studies using HEC-RAS software for ACHD projects. Matt currently serves as project manager on all projects for ACHD and Meridian Development Corporation.

Kyle Koomler, P.L.S., has been with Civil Survey Consultants since 2010 and Kyle will act as the project surveyor on all projects under this contract. Kyle will be able to provide assistance the review of plats and easements and also provide guidance with plat and easement issues that may arise during the plan review process. Kyle's experience includes preparing topographic maps, research and field work necessary to establish existing property lines and right-of-way, preparation of records-of-survey and plats, preparation of existing right-of-way maps, preparation of right-of-way acquisition legal descriptions and maps, preparation of easement legal descriptions, and preparation of annexation and zoning descriptions.

Josh Petrie, E.I., will act as a design engineer on projects under this contract and will assist with plan review tasks as needed. Josh's primary experience has been assisting with the design of several residential land development projects, the design of multiple water main and sewer main projects for the City Meridian and the design of multiple municipal transportation projects for ACHD.

Derek Hyde, E.I., will act as a design engineer on projects under this contract and will assist with plan review tasks as needed. Derek's primary experience has been assisting with the design of several municipal transportation projects for ACHD and the design of multiple water main projects for the City of Meridian.

Ben Abshier, E.I., will act as a design engineer on projects under this contract and will assist with plan review tasks as needed. Ben's primary experience has been assisting with the design of several water main and sewer main projects for the City of Meridian and the design of multiple municipal transportation projects for ACHD.

# IV. PROJECT EXPERIENCE

Since opening in January of 1993, Civil Survey Consultants has provided plan review services for the City of Meridian, City of Kuna, Ada County Highway District and the Boise Project Board of Control. We have also provided professional engineering and land surveying services on major projects for the City of Meridian, the City of Kuna, the City of Nampa, the Ada County Highway District, Suez Water as well as numerous residential and commercial developments.

Over the past eight years, we have completed more than fifty municipal transportation projects for ACHD with all of these projects being completed on schedule and within budget. The majority of these projects have included roadway design, sidewalk design, pathway design, storm drainage design, street light design, gravity irrigation design, surveying services and utility relocations. ACHD staff can confirm our history of completing all projects on schedule and within budget. The following is an example of one of the many projects that we have completed for ACHD in the past eight years:

# Ada County Highway District (ACHD) Cassia Street Bikeway & Pedestrian Improvements, Franklin Park to Curtis Rd.

Civil Survey Consultants provided professional surveying and engineering design services to ACHD for the Cassia Street Bikeway & Pedestrian Improvement project in the City of Boise. The project created approximately 3.5-miles of bikeway between Franklin Park Drive and Curtis Road. The project also included approximately 0.5-miles of roadway reconstruction to provide updated pedestrian facilities adjacent to Borah High School. New roadway striping and signing were designed along the bikeway corridor. At specific locations/intersections, roadway improvements were designed to help accommodate bicycle and pedestrian traffic. Improvements include installation/relocation of rectangular rapid flashing beacons (RRFB's), construction of curb bulb-outs, a two-lane cycle track at Overland Road, a mini-roundabout at Cassia/Shoshone intersection, and a pathway across Cassia Park, including a new bridge crossing over the Ridenbaugh Canal. Civil Survey Consultants was responsible for all location surveying and mapping, stormwater design, bridge design, roadway design, bikeway design, environmental evaluation, 404 permitting & coordination, irrigation coordination & design, ROW design support & review, preparation of legal descriptions/exhibits, and SWPPP preparation. Professional design plans, specifications, and quantity/cost estimates were provided to ACHD in compliance with all local, state, and federal requirements. Brian McCarthy was the ACHD project manager on this project.

The following ACHD staff are familiar with our work for ACHD and our long successful history of completing projects on schedule and within budget:

Dyan Bevins, P.E. Supervisor – Capital Projects 3775 Adams Street Garden City, Idaho 83714 (208)387-6223 dbevins@achdidaho.org Brian McCarthy Project Manager 3775 Adams Street Garden City, Idaho (208)387-6271 bmccarthy@achdidaho.org Over the past eight years, we have completed more than eighty municipal infrastructure projects for City of Meridian with all of these projects being completed on schedule and within budget. These projects have included the design of potable water distribution facilities, potable water wells, gravity sewer collection facilities, gravity irrigation facilities, pressure irrigation facilities, new parking lots, expansion of existing parking lots, street light systems, fiber optic cable, reclaimed water facilities and storm drain systems. City of Meridian staff can confirm our history of completing all projects on schedule and within budget. The following is an example of two projects that we have completed for Meridian in the past eight years:

## **City of Meridian Pine Avenue Sewer and Water Line Replacement.**

Civil Survey Consultants provided professional surveying and engineering design services to the City of Meridian on the Pine Avenue Sewer and Water Line Replacement project. The project included surveying and plan preparation for the replacement of approximately 5,200 linear feet of existing water main, 85 existing water services, 5,000 linear feet of existing sewer main and 59 existing sewer services. The existing sewer services were redirected from the existing sewer main in the alley to the new sewer main in Pine Avenue. Project included coordination with the Ada County Highway District and working with Nampa Meridian Irrigation District to obtain a license agreement to cross Five Mile Creek and the Hunter Lateral. Work included correspondence with property owners to make each property owner aware of the project and to address any concerns they may have regarding water and sewer service work on their property. Jared Hale was the Project Manager for the City of Meridian on this project.

### City of Meridian Victory Road and Ten Mile Road Water Main Extension and PRV #33 and PRV #34.

Civil Survey Consultants provided professional surveying and engineering design services to the City of Meridian on the Victory Road and Ten Mile Road Water Main Extension and PRV #33 and PRV #34 project. The project included the design of approximately 8,000 linear feet of new water main and the design of pressure reducing and sustaining valve station #33 on Ten Mile Road and the design of pressure reducing and sustaining valve station #34 on Overland Road. Project included site surveying, water main design station #33 and #34 design, station #33, easement coordination, easement execution with property owner, and easement legal description preparation. Brent Blake was the Project Manager for the City of Meridian on this project.

The following City of Meridian staff are familiar with our work for Meridian and our long history of completing projects on schedule and within budget:

Kyle Radek, P.E. Assistant City Engineer 33 E. Broadway Avenue Suite 200 Meridian, Idaho 83642 (208)489-0343 kradek@meridiancity.org Jared Hale
Project Manager
33 E. Broadway Avenue
Suite 200
Meridian, Idaho 83642
(208)489-0370
jhale@meridiancity.org

Brent Blake Project Manager 33 E. Broadway Avenue Suite 200 Meridian, Idaho 83642 (208)489-0340

bblake@meridiancity.org

Civil Survey Consultants long extensive history of completing projects for ACHD and the City of Meridian along with the continuous completion of projects for our other clients demonstrates our extremely high rate of retention by our clients. This high rate of client retention demonstrates our ability to understand and provide the services necessary on all types of projects. This high rate of retention also demonstrates our ability to complete projects on schedule and within budget.

#### V. PROJECT APPROACH

Civil Survey Consultants project manager will work with City of Middleton staff to identify and establish expectations for the plan review process. We expect this to include the following parameters at a minimum:

- Anticipated frequency of plan reviews by Civil Survey, anticipated timeframe for Civil Survey to complete plan reviews and anticipated fee for Civil Survey to review plans. Establishing an expected plan review schedule and fee will assist the City with setting schedule and fee expectations for developers and engineers.
- Civil Survey will coordinate with City staff to establish expected criteria for the plan review process. At a minimum, we expect this to include the notification of plans ready for review, pickup/return of plans to/from the City, plan review comment or approval letter delivered to the City and/or the developer/engineer.
- Civil Survey will coordinate with City staff to identify existing City checklists that can be
  used for reviews and/or Civil Survey will work with City staff to develop checklists to be
  used for the review process.
- Civil Survey will also establish an internal company checklist to be used on each plan review that will ensure that all plan reviews completed by Civil Survey are complete and consistent.

We are expecting that the plan review process at a minimum, will be similar to the following process:

- The City will provide written notification to Civil Survey via email that plans are ready for review.
- The City will provide Civil Survey with a digital copy of the plans or Civil Survey will arrange for pickup of a hard copy of the plans from the City within one business day.
- Civil Survey's staff is very familiar with all engineering standards and practices as they relate to land use. At a minimum, we expect to provide plan review services per the following standards.

- City Code
- Existing or Established City Checklists
- Idaho Standards for Public Works Construction (ISPWC)
- City Supplemental Specifications to the ISPWC
- Department of Environmental Quality (DEQ) Rules and Regulations
- State of Idaho Rules for Public Drinking Water Systems (IDAPA 58.01.08)
- State of Idaho Rules for Wastewater Systems (IDAPA 58.01.16)
- Recommended Standards for Wastewater Facilities (Ten States Standards)
- Common Engineering Practices and Standards
- Civil Survey will provide a plan review comment or approval letter to the City and developer/engineer once the plan review is completed.
- Civil Survey will review unapproved plans for compliance with the plan review comment letter once the plans are resubmitted.
- Once the plans are reviewed and approved by Civil Survey and the City for compliance with City Code. The plans will be reviewed by Civil Survey in accordance with DEQ's Qualified Licensed Professional Engineer (QLPE) plan review program for simple water and wastewater main extensions.

Civil Survey staff has worked with the City of Meridian over the past twenty years during the City's unprecedented period of fast-growth and with the City of Kuna from 1993-2005 during a period of fast-growth for the City of Kuna. We understand the challenges Treasure Valley Cities face during these unprecedented periods of fast-growth and we are prepared to assist the City of Middleton during this unprecedented period of fast-growth.

#### VI. SUMMARY

Civil Survey Consultants understands the skills required to successfully provide plan review services to the City of Middleton in the capacity of a Qualified Licensed Professional Engineer. We have demonstrated our experience with several other public agencies in the Treasure Valley and we look forward to demonstrating our skills to the City of Middleton.

Civil Survey Consultants has the staff and experience necessary to assist the City of Middleton with plan review services. Our engineers are versed in all areas of civil engineering design rather than on one specialty area, making any of them excellent candidates for plan reviewers. Each engineer is trained in all aspects of designing projects from performing the necessary field surveys, drafting of base maps, design tasks and final plan preparation. Based on this experience, the reviewer knows what to look for while reviewing plan sets. The fact that we have our own in-house licensed land surveyor will also benefit the plan review process when it comes to the review of plats and easements. We will work closely with City staff to address your issues and needs in the simplest and most cost-effective way. We offer the highest level of service, with quality and personal responsiveness to your needs. We would greatly appreciate the opportunity to continue to demonstrate our ability by being selected for this contract.

# SECTION 1: DESCRIPTION OF FIRM

Keller Associates (Keller) is a comprehensive services provider specializing in municipal infrastructure. Our expertise encompasses wastewater treatment and collection systems; water, stormwater, and pressurized irrigation systems; transportation systems; and general civil and structural projects. We offer extensive planning, review, permitting, and design experience. We have provided engineering and consulting services to Idaho agencies, cities, and counties since 1993.

AGE OF FIRM: 28 Years
SIZE OF FIRM: 140
LOCAL OFFICE TO SUPPORT THE CITY:

100 East Bower Street, Suite 110 Meridian, ID 83642



#### Who We Are

Our company has grown to 140 team members, including over 75 engineers. Our corporate office, with 80 professionals, is in nearby Meridian. All staff proposed for the City of Middleton's (City) Qualified Licensed Professional Engineer (QLPE) reviews are local and just a quick drive from your offices.

In our nearly three decades of service to Idaho communities, Keller has developed a successful project approach. Our 90% repeat business is proof of the success of our approach—including past work for the City. With seven offices located in Idaho, Washington, Oregon, and Nevada, we bring you the benefit of local and regional perspectives. Our in-house specialists include a team of engineers specializing in QLPE reviews for local jurisdictions since 2007 when the Idaho QLPE review process was first established.

We attribute our long-term client relationships to our responsiveness, cost-effective solutions, and 'can-do' attitude. Our motto is: Everything we do improves lives. This philosophy is ingrained in our culture of delivering quality services. We pledge to support you and will work diligently to meet your expectations by satisfying schedules and ensuring that quality is embedded in our deliverables.

Our loyal staff drives our success. We have low employee turnover, which means we can carry forward the knowledge from one project to another for our clients.

#### **RECOGNITION**

For the fifth year in a row, Keller was recognized as Idaho's **Best Engineering Firm** by the Idaho Business Review.





**For the fourth consecutive year,** Keller was named to PSMJ's Circle of Excellence for outstanding achievement in 13 key metrics for performance in the Architectural/ Engineering industry. Circle membership is reserved for the top 20% of participants in PSMJ's annual A/E Financial Performance Benchmark Survey. Just over 60 firms achieved this recognition in 2021 nationwide. Our standing with PSMJ reflects our dedication to our clients and our ability to retain top staff, which translates to the City receiving excellent long-term services.



## **SECTION 2:**

## LEAD ENGINEER AND POINT-OF-CONTACT



THE CITY'S projects will remain a top priority. I take my role as QLPE lead seriously. To this end, I pledge to see work through from start to finish; to make sure the City's interests are represented; to ensure the right team members are available; and to verify that deliverables are of exceptional quality. I work and live in the area and am committed to achieving your specific goals.

#### JUSTIN WALKER, PE | PROJECT MANAGER / QLPE LEAD | ID - 12524, NV, OR, WA

MS Civil Engineering, Brigham Young University | 20 Years of Experience

As a resident of Middleton and a partner in our firm, Justin is committed to the mutual success of the City and Keller. A professional engineer with more than 20 years of experience, Justin has led the planning, design, funding assistance, and construction of more than \$100M in municipal infrastructure. He understands and helps solve the challenges facing rural communities in southern Idaho as they experience significant growth and become increasingly urbanized. Justin has honed this experience from his service as the city/county/district engineer for the Cities of Star, Emmett, Weiser, and Kuna, Canyon and Gem Counties, and many other local entities.

Justin has been a technical advisor and/or project manager for the planning, design, and construction of some of Idaho's most complex public infrastructure efforts, **including work at the City's wastewater treatment plant and on the City's streets.** He is familiar to City staff, the local community, and brings an understanding of your goals and objectives to reduce administrative burden on your staff and deliver value-added solutions. Some of Justin's relevant QLPE experience includes:

- City of Star/Star Sewer & Water District (SSWD) Development review services since 2003 and QLPE services since 2007. Developed review checklists based on subdivision and zoning ordinances for all types of land development and division applications. Prior to issuance of occupancy and building permits, conducted inspections of site improvements to check conformance. Completed QLPE reviews for more than 250 developments.
- City of Weiser City/QLPE engineer since 2009. Coordinates the development of checklists for plats, construction plans, and other development applications to establish consistency and predictability for developers. Reviews development plans for compliance with state and City-specific water, wastewater, stormwater, and roadway standards.
- **City of Emmett** –City/QLPE engineer since 2010. In this capacity, completes engineering reviews for all land development applications for compliance with state and City-specific water, wastewater, stormwater, and roadway standards. Also conducts reviews for special development considerations such as hillside developments. Recently helped update public works development standards.
- **Canyon and Gem Counties** County engineer since 2008 for design projects and improvements.
- **City of Kuna** Intermittent city engineer and QLPE since 2006. Reviewed all land development and subdivision plans for compliance with local and state requirements. Provides water, sewer, and pressure irrigation modeling support as part of the plan review process.



## **SECTION 3:**

## A VALUE-ADDED QLPE PROJECT TEAM

Our team—intentionally small to add value, increase efficiency, and reduce overhead—was hand-picked for their specialized knowledge and expertise performing QLPE reviews for clients like the City. Each member understands the importance of focusing on the City, recognizing your needs, and doing exceptional work.

Our QLPE Lead, Justin Walker, PE, will be supported by Ryan Morgan, PE, as deputy QLPE manager; Larry Rupp, PE, PMP, as principal; engineering technician Mike Hickman; and plan reviewer Kelsie Styrlund. We use this team structure frequently and successfully for QLPE support services. This approach adds value by allocating much of the day-to-day work to lower-billing technician roles, with senior technical oversight provided by Justin and Ryan to provide the high level of quality the City has come to expect from Keller. This team also provides depth in each step of a typical plan review; consequently, if a member is on vacation or has conflicting work commitments, other team members can carry on QLPE services for the City. Kelsie and Mike provide redundancy in the day-to-day work and first plan review, while Justin and Ryan provide redundancy in the second, more senior review. We offer the City the right combination of technical depth, available team resources, and cost-efficiency. Brief summaries of qualifications are included below.



**RYAN MORGAN, PE | Deputy QLPE Manager | Idaho – 11621, WA, WY**ME Civil Engineering, Boise State University | 22 Years of Experience

Ryan Morgan will work closely with Justin to help oversee the City's QLPE process. Having served as the primary QLPE for the City of Meridian since 2010, Ryan brings

During that time, Ryan has reviewed more than 800 development plans.

extensive local experience and understands the critical importance of timely reviews.

As part of his QLPE process, Ryan checks for compliance with Idaho Department of Environmental Quality (IDEQ) and Idaho Administrative Procedures Act (IDAPA) rules. His responsibilities include providing comments on plans not in compliance with city and state standards. Once plans are approved, Ryan provides written notification to cities and provides the IDEQ required QLPE documentation, including stamping and signing the approved plans.

Ryan also partners with Justin Walker as city engineer/QLPE reviewer for the Cities of Star and Emmett and serves as the district engineer for SSWD. In this role, Ryan reviews the construction documents for new subdivisions located in Star and Emmett, including water and sewer improvements and QLPE services. Ryan recently oversaw the most current updates to the SSWD Standard Specifications, obtaining IDEQ approval in April of 2020. Ryan has also provided QLPE review services for other jurisdictions over the last five years, including the Cities of Mountain Home, Kuna, Gooding, Glenns Ferry, Blackfoot and the Eagle Sewer District.

Ryan serves as the point-of-contact for Canyon County, Gem County, and Washington County. In this capacity, he reviews development, grading and drainage plans, and preliminary and final plats for compliance. Ryan also served as county engineer for Boise County from 2010 to 2014, where he reviewed development, grading and drainage plans, and preliminary and final plats for compliance with county codes, state codes, and regulations. During this time, Ryan assisted the county in updating ordinances and revising the planning and zoning review process. Ryan also serves as the floodplain manager for Star, Emmett and Gem County and Washington County, and supports Canyon County's floodplain manager.

Ryan's municipal experience is augmented by his experience in the development sector, giving him unique insight when providing QLPE reviews.





## **LARRY RUPP, PE, PMP | Principal | Idaho – 11629, CA, MT, NV, OR, WA, WY** MS Civil Engineering, Brigham Young University | 23 Years of Experience

As president and CEO of Keller, Larry provides technical expertise and leadership to our seven offices as they partner with communities like yours to deliver infrastructure improvements and increase quality of life. He will see that Keller's high standard of care is maintained and that each project has the resources necessary to be successful.

Larry is a professional engineer with over 23 years of experience designing and constructing municipal infrastructure—including work at one of the City's lift stations and the wastewater treatment facility. Larry's depth of municipal engineering experience, particularly on utility infrastructure projects, make him a top-level technical advisor. Like Justin, Larry lives in Middleton, is very active in the community, and has a genuine interest in the City's success.#

As Keller's water/wastewater process discipline leader, Larry takes an active role in the planning, design, finance, construction, and maintenance of municipal infrastructure systems. His projects routinely require coordination with multiple agencies, jurisdictions, and stakeholders. His attention to detail has resulted in less than 1% change orders on his projects. Larry's relevant experience includes:

- City of Middleton Managed the improvements project for the \$6M upgrade to a sequencing batch reactor facility (SBR). Coordinated closely with the City and the contractor using a CM/GC delivery method. In addition to the SBR basins, the upgrade included a new headworks, blower building, equalization basin, and lab and operations building.
- City of Nampa Managed the design and engineering construction services of a new \$12M thickening/dewatering facility. The project involved technology selection of rotary drum thickeners and centrifuge dewatering and new three-story building including controls room, polymer storage, and feed room in addition to the thickening and dewatering.
- City of Caldwell Managed a \$7.5M solids handling upgrades project, including new anaerobic digester, gas storage, heat exchangers, digester control building, and primary solids pump station. Documented performance testing of digester mixing.
- City of Emmett Managed water system improvements, including a storage reservoir, a booster pump station, a pressurized filtration system for hydrogen sulfide and manganese removal, and miscellaneous backup power improvements for the distribution system.
- City of Meridian Oversaw evaluation/pilot study, design, and construction for Well 27.



## KELSIE STYRLUND, EI | Plan Reviewer

BS Civil Engineering, Boise State University | 4 Years of Experience

A graduate of Boise State University, Kelsie assists with QLPE reviews. Prior to joining Keller, she worked for Kitsap County, Washington, where she assisted with the construction of county infrastructure. With experience in Washington and Idaho, Kelsie understands city and county standards, regulations, and practices.

Kelsie is currently providing preliminary plat, final plat, and construction drawing review for the Cities of Star and Emmett, SSWD, and Gem County. As part of this work, she continually reviews updates to state and local codes and revises standard checklists to match updated statutes. Kelsie has an excellent understanding of IDEQ requirements and those of the jurisdictions she serves.



#### Her sample work includes:

- City of Star Reviews plans for compliance with city and state code requirements and completes checklists and letters for the city council and the mayor.
- **SSWD Plan Reviews** Reviews plans for compliance with District Standards, IDEQ and state code requirements and completes QLPE checklists and letters for SSWD.
- **City of Emmett** Reviews plans for compliance with IDEQ and state code requirements. Completes QLPE checklists and letters for the public works department, the city council, and the mayor.
- Gem County Reviews plans for compliance with County, IDEQ and state code requirements and completes checklists and letters for development services staff and the planning and zoning commission.



#### MIKE HICKMAN | Engineering Technician

AA Technical Arts, AutoCAD, Centralia College 6 Years of Experience

Mike recently joined the Keller team to assist with QLPE, city and county reviews for multiple jurisdictions. Previously, Mike worked for the Ada County Highway District (ACHD) as a survey technician, traffic analyst, and most recently, an engineering technician. With six years of experience at ACHD, he has a strong understanding of city and county standards, regulations and practices. Sample work includes:

- **ACHD** Reviewed commercial and residential developments for compliance with ACHD policies and standards. Analyzed and calculated cost estimates for construction of commercial and residential developments. Reviewed plats for accuracy and compliance prior to ACHD approval. Utilized cost management tracking software to ensure inspection deposits were current. Reviewed bonds and letters of credit accurately to comply with ACHD policies
- City of Meridian QLPE Reviews Reviews plans for compliance with IDEQ and state code requirements and completes QLPE checklists for the Meridian Development Services Division.
- Canyon County Plan Reviews Reviews plans for compliance with county code, IDEQ, and state code requirements, and completes checklists and letters for development services staff and the planning and zooming commission. Plan reviews include preliminary plat, final plat, construction drawings, and other reviews as requested.
- City of Star Plan Reviews Reviews plans for compliance with city and state code requirements and completes checklists and letters for the city council and the mayor. Plan reviews included preliminary plat, final plat, construction drawings, zoning compliance, lot split, and building permits.
- Star Sewer & Water District Plan Reviews Reviews plans for compliance with SSWD standards, IDEQ, and state code requirements and completes QLPE checklists and letters for SSWD.

#### WHAT OUR CLIENTS SAY

"I just wanted to let you know just how pleased my staff and I are of the great work you and the other Keller Engineers have accomplished for us, not only on this project but all of the work you have done for us over the years. I can say the Eagle Sewer District unequivocally is very pleased that we have you as one of our engineering consultants, and we look forward to many more years of a great working relationship."

-Lynn Moser, Eagle Sewer District



## SECTION 4:

## RELEVANT PROJECT EXPERIENCE

Our team provides QLPE review services for many municipalities located throughout the Treasure Valley and Idaho. We also provide general review and design services for many of the same communities, along with numerous other jurisdictions located throughout the Northwest.

## Meridian, ID | QLPE Review Services



REFERENCE: Bruce Freckelton, Community Development Director | 33 East Broadway Avenue, Meridian, ID 83642 208.887.2211 | bfreckelton@meridiancity.org

As part of the City of Meridian's 2014, 2017, and 2020 selection process, Keller was named the sole QLPE reviewer. Prior to 2014, team member Ryan Morgan served as the QLPE reviewer while employed with a different firm. Shortly ater joining Keller in 2014, the city approached Ryan about Keller's interest in providing QLPE services. Keller was selected from a group of more than10 respondents. A new RFQ has been issued every three years; Keller has been selected each time to continue on as the sole QLPE team. In the past seven years, Keller has continued to build relationships with the city and provide timely reviews during one of the city's largest growth periods, **reviewing over 600 plan sets** for compliance with IDAPA Rules. Development services staff continue to rely on Keller to provide support beyond just plan reviews—including implement new processes and procedures and supporting an electronic plan review process.

Given our quality working relationship with the City of Meridian, Keller was sellected in 2018 and 2021 to be the city's provider of choice for electrical plan reviews. In fact, Keller was the highest scoring firm in this RFQ process. In this role, we helped implement electronic review of plan sets for distribution of drawings.

## **Emmett, ID | City/QLPE Engineering Services**

REFERENCE: Clint Seamons, Public Works Director | 501 East Main Street, Emmett, ID 83617 208.365.9569 | cseamons@cityofemmett.org

Keller was selected from a group of more than ten companies to provide engineering and QLPE services for the City of Emmett. Since 2010, Keller has completed reviews for all land development applications, which has involved more than 75 developments. In this role, we review plans for grading, storm drainage, streets,



water, and wastewater improvements. We also conduct reviews for special development considerations such as hillside developments. As the city engineer, Keller recently completed the planning and design of water and sewer utilities and updated Emmett's public works standards

Other support has included the design and construction management of water system improvements such as a green sand filter, a storage reservoir, a booster station, standby power generators, onsite chlorine generation equipment, and more than a mile of 12-inch waterline. The project costs were offset with approximately \$1M in grants from the U.S. Department of Agriculture. We also assisted with obtaining approximately \$2.3M in federal-aid to reconstruct South Johns Avenue and provided engineering services. Engineering on other miscellaneous projects included a septage receiving station, sewer and water connection fee and user rate studies, land development reviews, and various transportation support, including reviews of residential TIAs, intersection control evaluations, safe routes to school analysis, establishment of truck routes, and alternative route studies.

## Star, ID | City/District QLPE Engineering Services

208.286.7247, tchadwick@staridaho.org | 208.631.8588, hday@starswd.com







REFERENCE: City of Star – Mayor Trevor Chadwick | Star Sewer and Water District – Hank Day, Public Works Director P.O. Box 130, Star, ID 83669 | P.O. Box 400, Star, ID 83669

Keller has supported Star since 2003—from the time it was a small town of less than 1,000, to an increasingly urbanized area of 12,000-plus. We review all land development applications, including preliminary and final plats, development agreements, commercial site plans, drainage, street lighting, landscaping, pressure irrigation, and floodplain applications. Since the early 1990s, Keller has also been the district engineer and designated QLPE for SSWD. In this role, we prepare all conditions of annexation, development agreements, and development plans for conformance to SSWD and IDEQ requirements,

issuing QLPE letters on behalf of SSWD, Keller has reviewed more than 470 development plans in Star.

Keller also assisted SSWD by preparing supplemental specifications, standards, and details that were reviewed and approved by IDEQ. Recently, we helped SSWD develop a credit policy for the water and sewer systems that has been mutually beneficial to SSWD and the development community. To provide consistency and predictability during plan reviews, we have also prepared plan review checklists. We assist SSWD with master planning, acquisition of necessary funding, and design of all water and wastewater improvements. After construction, Keller is the repository for record drawings and maintains copies of the as-built drawing information. We ensure that all data is on a common vertical and horizontal datum, and incorporate data into the master utility mapping. We developed a GIS-based mapping database and help maintain all utility mapping, as well as assist staff with operations and maintenance issues

We recognize the overlapping areas of interest between Star and Middleton. QLPE reviews are not political. They focus only on the infrastructure. By serving as the QLPE for both communities, we believe that we can help each city implement infrastructure plans that are better for the public and the environment.



## **SECTION 5:**

## APPROACH TO PROVIDING QLPE SERVICES

We are fully committed to providing the City with high-quality and responsive QLPE services. As demonstrated throughout our proposal, we are a trusted provider of this support to numerous communities in Idaho and have delivered our work during one of the most significant periods of growth in state history. We will combine that expertise with our history of service to you, knowledge of your community and infrastructure,



and a proactive project approach that makes Keller staff an extension of the City's staff. In this way, deliverables and service to the City will remain seamless and consistent.

#### **QLPE Services Philosophy**

QLPE reviews by Keller will support City staff. Plan reviews will be thorough and will vet submittals for conformance with City, state, and federal codes and standards. Part of the objective of the QLPE review is to check for IDEQ rule compliance. Reviews will also include conformance to the Idaho Standards for Public Works Construction (ISPWC) and City supplements to the ISPWC. Reviews will also take into account comment letters addressed to City council and staff as required. Construction drawing approval will include the QLPE checklist and stamped plans, per IDEQ requirements.

Our understanding of the process and familiarity with the associated rules and codes allows us to hit the ground running. Our team will effectively and efficiently provide QLPE services for continued timely service. This section provides an overview of how we will get things done.

## **Quality, Timely Delivery**

We understand that availability and prompt service is important to you and your constituents; it is equally important to us. Quality service is one of our founding principles.

Quick turnaround is a large reason that developers elect to use the QLPE program. With Keller employees living in your community, we can pick up plans in a day or two, and even the same day for urgent projects. We are also able to complete reviews through electronic submittals via email to expedite the review process. Plan review times for our jurisdictional reviews are typically around two weeks for the first submittal, with subsequent review periods of about five to seven days. Our review team will set calendar reminders for review deadlines to ensure we meet agreed-upon timelines. All review comments will be directed through the City unless Keller is directed to proceed otherwise.

## **Plan Tracking System and Checklists**

One lesson we have learned working with other communities: the importance of a tracking system to document the location and status of review activities. Accordingly, Keller developed an in-house log for QLPE services that track when we receive plans, what type of plans were received, when review letters are issued, and when plans are returned. Approvals and correspondence are also filed on our servers. This allows all of our team members access to the information so we can provide the City with information



regarding the status and location of plans at any time. Keller will also provide City staff with a monthly summary of all reviewed plans.

#### **Policies and Standards**

To support City development, it is important to understand the City's processes, ordinances, and policies. We will quickly become familiar with the City subdivision ordinance, other applicable guidelines, and will keep pace with any changes to stay current with the standards. Keller is also familiar with IDAPA 58.01.08-Idaho Rules for Public Drinking Water Systems and IDAPA 58.01.16-Wastewater Rules. We will work closely with City staff to develop and implement policies and procedures that will improve efficiency and consistency, protect the City's interests, and facilitate productive working relationships with the development community.

Our understanding of Idaho's rules is strengthened by our active participation in professional societies and regulatory associations such as the Idaho Rural Water Association, Association of Idaho Cities, American Water Works Association, and others. Keller stays abreast of new rules and regulations and is often involved in the rule-making process. We also implement new cutting-edge technologies that can be employed to address these rules. Additionally, because of our previous work with many other jurisdictions throughout the region, we are familiar with the IDEQ staff and have regular communication with them on QLPE items. In fact, Keller individuals are members of a statewide committee that include IDEQ staff and representatives of the engineering consulting community. This committee reviews policies, procedures, and rules to improve efficiency and cooperation.

#### Communication

We believe that all QLPE work should be documented in writing, and that all correspondence should be directed through the City to ensure the City is aware of—and in agreement with—the actions and decisions of the QLPE. We recognize how important it is for the QLPE to be available and be responsive to City staff. Consequently, we provide cell phone numbers for key staff to ensure accessibility and responsiveness. While phone, email, fax, and other communication tools can be used to convey information to and from the City, face-to-face interaction between City staff and Keller may enhance the process. With an office just a few miles away, we can be there when called upon.

#### Conclusion

Over the years, our staff has shown we understand the importance of timely responses. This dedication to client satisfaction has allowed Keller to grow from a small firm in 1993 to a regional leader in 2022. Our history of mutual success with our clients proves our ability to respond to the needs of Idaho communities. Continued relationships illustrate our company's ability to respond to the needs and timetables required. We have worked with multiple jurisdictions as their review engineers for decades, providing continual long-term support for their needs. After the successful completion of a project, our clients return to Keller for additional services. We look forward to the showing the City why.

**OTHER MUNICIPAL PLAN REVIEW EXPERIENCE** | Keller provides municipal engineer support for numerous communities throughout Idaho. We often review engineering drawings and specifications prepared by others to ensure compliance with codes, standards, and master plans. These reviews are often far more extensive than those required for QLPE reviews and are completed on short notice. Additional places we have provided municipal engineering review services include the Cities of Mountain Home, Eagle, Nampa, Kuna, Weiser, Midvale, Dietrich, Gooding, Blackfoot, Glenns Ferry, and others.

