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**MIDDLETON CITY COUNCIL  
NOVEMBER 16, 2022**

The Middleton City Council Meeting was called to order on November 16, 2022, at 5:33 p.m. by Mayor Steve Rule.

**Roll Call:**

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

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

Pledge of Allegiance, Invocation: Jacob Panikey

**Action Items**

**A. Approve Amended Agenda**

**Motion:** Motion by Council President Kisser to approve the agenda as posted on November 10, 2022, at 5:00 p.m. Motion seconded by Council Member O'Meara and approved unanimously by all the board members.

**Action Items:**

1. **Consent Agenda (items of routine administrative business) (*Action Items*)**
  - a. **Consider approving minutes for City Council November 2, 2022, Regular meeting.**
  - b. **Consider ratifying payroll for November 4, 2022, in the amount of \$ 105,718.49.**
  - c. **Consider approving accounts payable through November 10, 2022, in the amount of \$192,142.87.**

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

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

2. **Consider Pre-Approval of a beer and wine license for The Chapp "pending approval" from state and county beer and wine license. – Ms. Kenyon**

Mayor Rule called the item and Ms. Kenyon gave her presentation along with her husband Mr. Kenyon.

Ms. Croft advised council and the Kenyon's that the license will be a general renewal process and it will be a prorated fee. On the condition of the State and County license are approved

**Motion:** Motioned by Council President Kisser to approve Pre-Approval of a beer and wine license for The Chapp "pending approval" from state and county beer and wine license. Motion seconded by Council Member O'Meara and approved unanimously.

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**3. Consider approving Middleton Chamber of Commerce Christmas parade on December 10, 2022. – Ms. Crofts**

Mayor Rule called item and Ms. Crofts presented item asking for fee's to be waived and Chamber of Commerce has been working closely with the Police department and Public Works for the parade route.

**Motion:** Motioned by Council President Kisser to approve and waive fees for the Middleton Chamber of Commerce Christmas parade on December 10, 2022. Motion seconded by Council Member Huggins and approved unanimously.

**4. Consider approving Precision Engineering – Construction Support - P22-01 SH44 & Hartley Intersection – Engineering support during construction of the Hartley & SH44 traffic signal, not to exceed \$11,320 – Mr. VanGilder**

Mayor Rule called item and Public Works Director Mr. Van Gilder presented asking to approve Precision Engineering to help with construction support for P22-01 SH44 & Hartley Intersection not to exceed \$11,320.

**Motion:** Motioned by Council President Kisser to Approve Precision Engineering – Construction Support - P22-01 SH44 & Hartley Intersection – Engineering support during construction of the Hartley & SH44 traffic signal, not to exceed \$11,320. Motion seconded by Council Member O'Meara and approved unanimously.

**5. Consider approving Precision Engineering – Construction Support - P22-01 Sawtooth Roundabout –Engineering support during construction of the Roundabout at the intersection of Sawtooth Drive and Middleton Rd., not to exceed \$11,700. – Mr. VanGilder**

Mayor Rule called item and Public Works Director Mr. Van Gilder presented asking to approve Precision Engineering – Construction Support - P22-01 Sawtooth Roundabout not to exceed \$11,700.

Ms. Crofts stated that Mr. VanGilder and Mr. Bebeau is conducting the management of the projects and will save the city over \$100,000 by doing the management in house with these projects.

**Motion:** Motioned by Council President Kisser to Approve Precision Engineering – Construction Support - P22-01 Sawtooth Roundabout –Engineering support during construction of the Roundabout at the intersection of Sawtooth Drive and Middleton Rd., not to exceed \$11,700. Motion seconded by Council Member O'Meara and approved unanimously.

**6. Consider approving the Final Plat for West Highlands Ranch #17. – Ms. Stewart**

Mayor Rule called item and Ms. Stewart presented Final Plat for West Highlands Ranch# 17 and requesting approval of the project.



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**Motion:** Motioned by Council President Kisser to Approve Final Plat for West Highlands Ranch #17. Motion seconded by Council Member Huggins and approved unanimously.

**7. Consider approving Final Plat for Fountain Springs Subdivision (aka Lakes at Telaga Phase 2). – Ms. Stewart**

Mayor Rule called item and Ms. Stewart asked to table consideration until city has received check for payment.

Doug Waterman advised City Council to not put back on agenda until payment has been received.

**8. Public Hearing (Continued from 11-2-2022): Application by Patrick Connor/Hubble Homes for preliminary plat and development agreement modification/termination with respect to the Waterford East Subdivision located at 0 Foothills Road (Tax Parcel Nos. R338540 & R33854011). The proposed preliminary plat consists of 164 single family home lots, 14 common lots, and 6 private lane lots on approximately 61 acres of vacant land zoned City R-3 (Single-Family Residential). – Ms. Stewart**

Mayor Rule opened public hearing at 5:53 p.m.

Mayor Rule called item and Planning Official Ms. Stewart presented power point of Waterford East Subdivision and entered (Exhibit H) late letter.

Council asked questions and Ms. Stewart responded regarding development agreement, termination and R-3code.

Mayor Rule asked City Attorney Doug Waterman to clarify the concept of a “taking.”

Applicant Mr. Connor presented Waterford East and spoke of the homes, green space, and residential pathways. (Exhibit 2).

Council asked questions and Mr. Conner answered regarding fencing, pathway, and maintenance along the slough.

Mayor Rule opened for public comment at 6:38 p.m.

Jerry Enos: Asked for clarification for buffer space, rezoning property, stub road and location, and who's liability is it for the slough.

David Richard: Had questions regarding zoning and stub road.

Janet Gibson: Has concerns about the playground and slough.

Mike Graefe: Asked what the minimum square footage per lot and the smallest lot is.

Mayor Rule called for a brief break at 6:50 p.m. Meeting was resumed at 6:58 p.m.

Applicant Rebuttal: Mr. Connor spoke regarding the development agreement, safety of

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the slough, green space requirements and lot size meets the min 8,000 sq ft per city code.

Discussion by council.

**Motion:** Motioned by Council Present Kisser to Approve Application Hubble Homes for preliminary plat and development agreement modification/termination with respect to the Waterford East Subdivision with all conditions listed in the staff report. Motion seconded by Council Member Huggins.

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

9. **Public Hearing: Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road, Middleton, Idaho (tax parcel no., R38207). The annexation involves 40.28 acres of vacant land currently zoned County "Agricultural." Applicants are requesting a rezone to R-3 (single family residential). The preliminary plat includes 105 single family home lots and 17 common lots. – Ms. Stewart**

Mayor Rule called item and Ms. Stewart asked to continue to December 7, 2022. Ms. Stewart advised that that they are having to recalculate some items.

**Motion:** Council President motioned to continue Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision to December 7, 2022, at 5:30 p.m. Motion seconded by council member Huggins.

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

#### **Public Comments**

Jim Taylor: Thanked City Council for letting them put up their sign.

Mike Graefe: What are the criteria for lots.

#### **Mayor and Council Comments**

Mayor reported on being invited to Forge School to judge Thanksgiving doors and they are doing a great job. Walk ability – crews are cleaning north of Crane Creek and cleaning Mill slough. He also reported the results of the election for the residents along Can-Ada and Kingsbury Rd regarding the Middleton impact area vs. Star impact area went to Star.

Council Members, Ms. Crofts and Mayor Rule discussed the need a Comprehensive Plan update specifically focused on zoning and financial implications.

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Motion by Council President Kisser to go into Executive Session. Motion seconded by Council Member O'Meara and approved unanimously by roll call vote.

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

**Executive Session pursuant to Idaho Code and possible decision(s) to follow:**  
74-206(1)(f) Potential or pending litigation

Mayor Rule called Executive Session at 7:49 p.m.

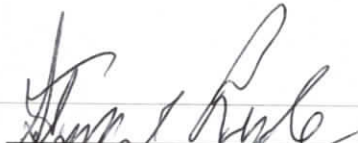
Discussion was had, no decisions were made.

Executive Session ended at 8:05 p.m.

**Adjourn:** Mayor Rule adjourned the city council meeting at 8:05 p.m.

ATTEST:

  
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Amber Day, Deputy Clerk  
Minutes Approved: November 30, 2022

  
\_\_\_\_\_  
Steve Rule, Mayor



# **EXHIBIT “1”**

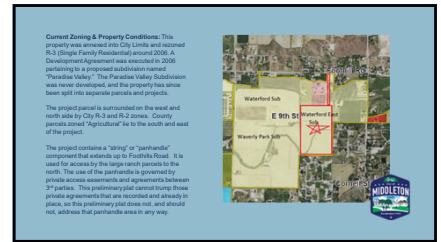




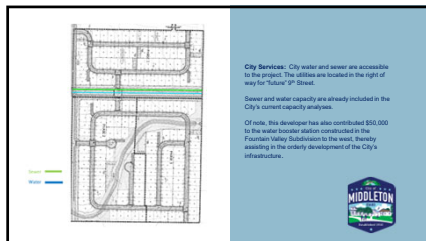
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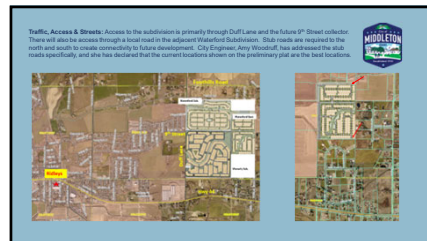
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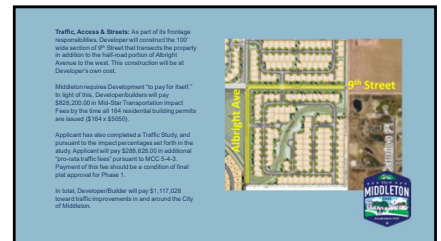
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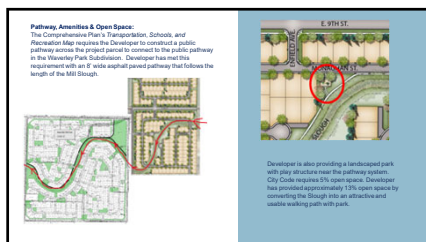
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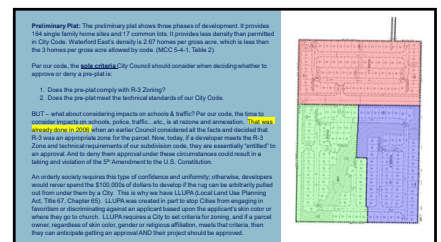
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**Preliminary Plat con't:**

It is true that the project parcel was rezoned to R-3 in 2006, and there has been quite a passage of time. **Staff recommendation: Planning, Parks & Planning** If, through time, the R-3 zone had been reconsidered, then the City should have amended the zoning and re-set the zone to a lower density or other zone **before** an applicant brought a preliminary plat application for R-3 zoning. Bearing that, an Applicant can rely on the R-3 Zone and anticipate an approval if they meet the code requirements.

**FINDINGS:** This Applicant has met the code requirements. That is Staff's finding. Applicant has met requirements of the R-3 Zone and all technical standards of the code.

City Engineer, Amy Woodoff, submitted a recommendation of approval, and she confirmed that applicant has complied with all the pertinent codes of the City of Middleton.



Under these circumstances, the applicant can reasonably expect an approval of their preliminary plat.

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**Development Agreement:** The Waterford East project parcel was originally part of a proposed subdivision in 2006 known as Paradise Valley. The Paradise Valley Subdivision had a Development Agreement that covered over 250 acres of land. Over the years, parts and pieces of the original Paradise Valley project have been sold and transferred to other developers and people.

The Waterford Developer is seeking a termination of the 2006 Paradise Valley Development Agreement, and City Staff supports that request. The DA no longer has any relevance in light of the fact that most of the property from the original Paradise Valley project has been transferred to other owners.

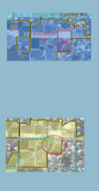

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**Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed "Residential Use" matches the "Residential Use" shown on the FLUM.

Additionally, the Comprehensive Plan's Transportation, Schools & Recreation Map shows a public pathway traversing the project site. Developer's preliminary plat shows the required pathway.

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

- Goal 2: Phase Property Rights, allowing development and enhancing their community's economic resilience or decisions of where the City is not engaging in a "taking" of property, which is a violation of the 5th Amendment to the U.S. Constitution. (Goal 2: Phase Property Rights, page 21 of 18)
- Goal 4: The project will enhance a good quality of life with development that goes through impact fees and property taxes for the public services it receives when it is built. Additionally, quality can be maintained and increased the quality of life and general welfare of the City.
- Goal 5: Expansion of public facilities. Developer's project extends street and road miles to accommodate homes and increases existing roadway capacity.
- Goal 7: and 8: The location of homes in Middleton increases the likelihood of bringing more commercial and industrial opportunities to Middleton. (Goal 7: and 8: page 10 of 18)
- Goal 10, 12 and 13: The location of parks and pathways increases recreational opportunities.
- Goal 15: The housing type matches the residents' (Middle in the area)
- Goal 16: plan for population growth by providing sufficient services. Developer is preparing emergency and fireing event plans. Investments in City streets. Developer also contributed to a regional sewer study for sewer development in Middleton.


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**Comments Received from Surrounding Landowners:** Staff received comments from the public, and they were attached as Exhibit D to the Staff Report for Council consideration and public viewing. (Site Plan comment received 11/16/2022 - Exhibit "Y" site admission. (Introduce Exhibit "Y" Public copies on counter - in Council folders)

**Comments from Agencies:** City received a comment letter from COMPHES, LTD and Middleton School District #14. Copies were attached as Exhibit E to the staff report.

**Comments from City Engineer and Planning Staff:** Copies of Engineering and planning comments were attached as Exhibit "Y" to the Staff Report.

**Applicant Information:** Application was accepted on April 4, 2022. The applicant is Patricia Connor of Providence Properties/Hillside Homes - 701 S. Allen St. #104, Middleton, WI



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**Notices & Neighborhood Meeting Dates:**

Newspaper Notification	10/18/2022	Sign Posting	10/18/2022
Radius notice to adjacent landowners	10/18/2022	Neighborhood Meeting	1/18/2022
Circulation to Agencies	10/18/2022		

**Pertinent Codes and Standards:**

Iahso Standards for Public Works Construction, the Middleton Supplement to the Iahso Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, 5-4, and Iahso Code Title 87, Chapter 65 & Title 50, Chapter 13.




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**P&Z Commission Recommendations:**

At the September 12<sup>th</sup> public hearing on the Waterford East project, the P&Z Commission had a 2-to-2 tie vote on whether to approve the application for preliminary plat and development agreement. The tie vote means that the Commission could neither deny nor approve the application; however, as a practical matter, the tie vote results in a denial of the application.

The Commission's Findings of Facts, Conclusions of Law & Recommendation was attached as Exhibit D to the Staff Report.



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**Conclusions and Recommended Conditions of Approval:** City Council is considering applications for preliminary plat and development agreement. Per State law and the Middleton City Code, any decision on the applications must be based upon findings of facts and conclusions of law.

**As to Findings of Facts:** Planning Staff has set forth findings of facts in the Staff Report in this presentation. If the Council agrees with those findings of facts and further agrees with the general facts presented at the public hearing, then the Council may simply affirm those findings while making the motion to approve or deny the application.

**As to Conclusions of Law:** Planning Staff finds that the City Council has the authority to hear these applications and to approve or deny the applications. Additionally, Planning Staff confirms that all public notice requirements were met. Planning Staff further set forth the portions of the Iahso State Code and Middleton City Code to be considered while deciding the applications. If the public hearings conducted in compliance with Iahso State Statute and the Middleton City Code, then the Council may affirm these conclusions of law while making a motion to approve or deny the applications.



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**Conclusions and Recommended Conditions of Approval con't:**


If the Council is inclined to approve the preliminary plat and Development Agreement applications, then based upon the above findings of facts and conclusions of law, Planning Staff recommends that any approval be subject to the following conditions:

- City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
- All pathways must be 8' wide, paved with asphalt, and encumbered by a 12" public access easement. The noted dimensions shall be clearly shown on the preliminary plat and set forth in a note to the preliminary plat. The P&Z shall be responsible for the maintenance and repair of the pathways.
- All landscaping and amenities to be installed in compliance with the submitted landscape plan dated March 2022.
- Developer shall create a plan for operation, maintenance and repair of stormwater facilities (OMR Plan) contained on the project site. The OMR Plan shall be reviewed with the CC&R. Developer and/or P&Z must maintain and operate the subdivision stormwater facilities in compliance with the OMR Plan.
- Owner/Developer to pay all City required permit fees as required by MCC 5-4-3 prior to approval of final plat for phase 1.
- All City Engineer review comments are to be completed and approved.
- All Planner comments are to be completed and approved.
- All requirements of the Middleton-Rural Fire District are to be completed and approved.
- Sewer and water capacity to be reassessed 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 1-14E(8), the Council should state on the record what Applicant can do, if anything, to gain approval of the application(s).

Prepared by: Roberta Stewart, Planning & Zoning Official

Date: 11/16/2022



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# **EXHIBIT “H”**

Exhibit "H"

Waterford East

November 8, 2022

Middleton City Council:

This letter is not intended to deny the property owner the right to develop their property, but some suggestions to make future developments be more congruent with the surrounding agricultural land.

All the properties to the east, south and north of Waterford subdivision are agricultural. While the property my personal home sits on is zoned R-3, we have no city services (water/sewer/streetlights/curbing) and we farm the land. I, along with others surrounding the development, have cattle, horses and other livestock that will adjoin this new development. I believe what we are looking for is a happy medium for both the developer and the surrounding owners. A buffer of sorts to avoid future complaints from subdivisions (re: tractor noises, farm animal sounds/smells, etc) and to be more consistent with the "Lansing Meadows" development-R1 instead of R3.

I would hope that the City council would re-read the 2006 "Paradise Valley" Development agreement and see that in the second paragraph, it states the land is currently zoned Ag and, upon default (or termination), the property would "revert back to its original zoning" (see section 5.2 of the Paradise Valley DA). I have not seen any rezoning requests from Hubble or CBH regarding this property that used to be called "Paradise Valley". This is also mentioned in Idaho Code 67-5411A as well as Middleton Code 5-2-6.

For Recording Purposes Do  
Not Write Above This Line

**DEVELOPMENT AGREEMENT**  
**PARADISE VALLEY**

This Development Agreement entered into by and between the City of Middleton, a municipal corporation in the State of Idaho, hereinafter referred to as "City", and Richard M Phillips and Suci Phillips Trust, whose address is 210 Murray Street, Boise, Idaho 83714, the owner of the real property described herein and applicant(s) for PARADISE VALLEY SUBDIVISION, hereafter referred to as "Developer".

WHEREAS, the Developer has applied to the City for a zone change to R-3 for the Development of the property described as attached hereto and incorporated by reference herein on Exhibit 1 ("Property") to develop a Residential Subdivision, which includes approximately 256 acres of residential uses. The Property is currently zoned Ag. The Developer has enclosed a concept plan which is attached hereto as Exhibit 2.

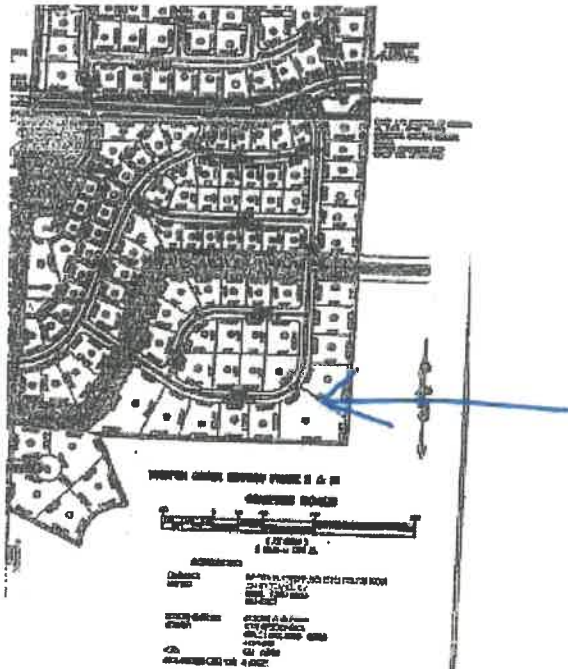
WHEREAS, the City, pursuant to Section 67-5411A Idaho Code, . . .

remedies of the City or apply to any subsequent breach of any such or other covenants and conditions.

5.2 The execution of this Development Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of the conditions imposed upon Developer by this Development Agreement.

5.3 Remedies and Specific Performance In addition to the remedies

Furthermore, Ms. Cox has requested the road, Tullamore Ave, not be cut off at her backyard. If the Council would look at the original plat in 2006 for "Paradise Valley" there was not a road that stubbed to Whisper Creek at all. Why would it need to be done now "for future developments". In 16 years, there hasn't been any "future development" in Whisper Creek so why consider it now.



Part of the reason that the Planning and Zoning commission was skeptical about future developments of this nature, is the infrastructure surrounding these properties. I believe they were waiting for an ITD traffic study prior to recommending ANY plats in the area, to better understand how all this growth will affect the citizens of this town. Middleton desperately needs a bypass, which, if developed, could negate (or at least reduce) the need for a huge Lansing/Duff and Highway 44 intersection.

Please also refer to Mr. McGhees statement regarding the School District. The city has, on numerous occasions, tried to get a bond passed to expand the school system and it keeps failing. A few suggestions for remedies to this was a year-round school schedule and/or Zoom classes. That is not a suitable resolution to the overcrowding. There needs to be more schools built as the population is increasing by this magnitude (not just with this development but with ALL developments).

Why can't these developments step up and build a neighborhood that enhances the open rural character of our area, rather than degrade it with density that doesn't fit? If the city insists on letting these developments continue, then the City of Middleton desperately needs to

consider a bypass which if developed, could negate, or at least reduce the need for a huge Lansing/Duff and Hwy 44 intersection

We respectfully request that the City Council table this development until the infrastructure needed to accommodate the traffic and tax burdens are actual and predictable, not speculative. As well as consider the neighboring property owners' concerns regarding a harmonious transition from Agricultural to R3, which could include some R1 on the exterior portions of this plat.

Signed,



Opal Farnham  
9499 Foothill Rd, Middleton, ID



# EXHIBIT “2”

# Waterford East

City of Middleton  
City Council  
November 16, 2022





# Waterford East

This application is requesting approval of:

1. Preliminary Plat (164 SF lots)
2. Development Agreement Modification/Termination





# Waterford East

1. Vicinity Map
2. Zoning Map
3. Preliminary Plat
4. Housing Product
5. Amenities
6. Development Agreement Termination
7. Road Investment
8. "To-and-Through"
9. Conclusion



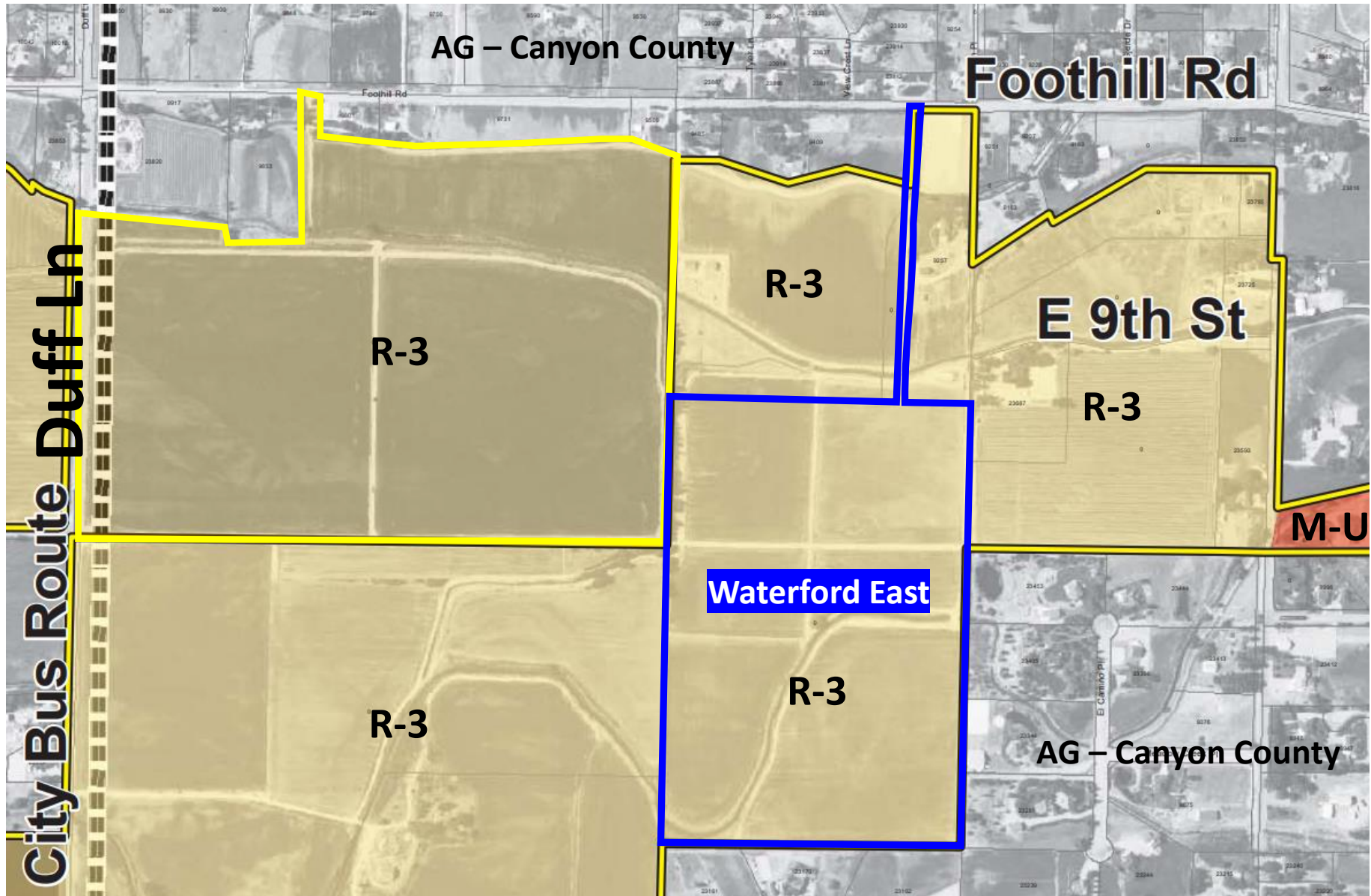


# WATERFORD EAST – Location in Northeast Middleton





## Annexed & Zoned in 2006



# WATERFORD EAST & WATERFORD

**Waterford  
(Under Construction)**



**Waterford East**



# Waterford East Preliminary Plat

## PRELIMINARY PLAT DATA

### SITE DATA

PROPOSED ZONING  
COMPREHENSIVE PLAN DESIGNATION

R-3  
RESIDENTIAL

### AREA CALCULATIONS

RESIDENTIAL BUILDABLE LOT AREA	33.54 ACRES
COMMON AREA	12.33 ACRES
COMMON DRIVE AREA	0.42 ACRES
ROW	14.76 ACRES
TOTAL AREA OF SITE	61.05 ACRES

### OVERALL LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	164
COMMON LOTS	14
COMMON DRIVE LOTS	6
TOTAL LOTS	187
MINIMUM PROPERTY SIZE	8,000 SQ. FT.
AVERAGE PROPERTY SIZE	8,918 SQ. FT.
GROSS DENSITY	2.69 UNITS/ACRE
NET DENSITY	3.54 UNITS/ACRE

### PHASE 1 LOT DATA

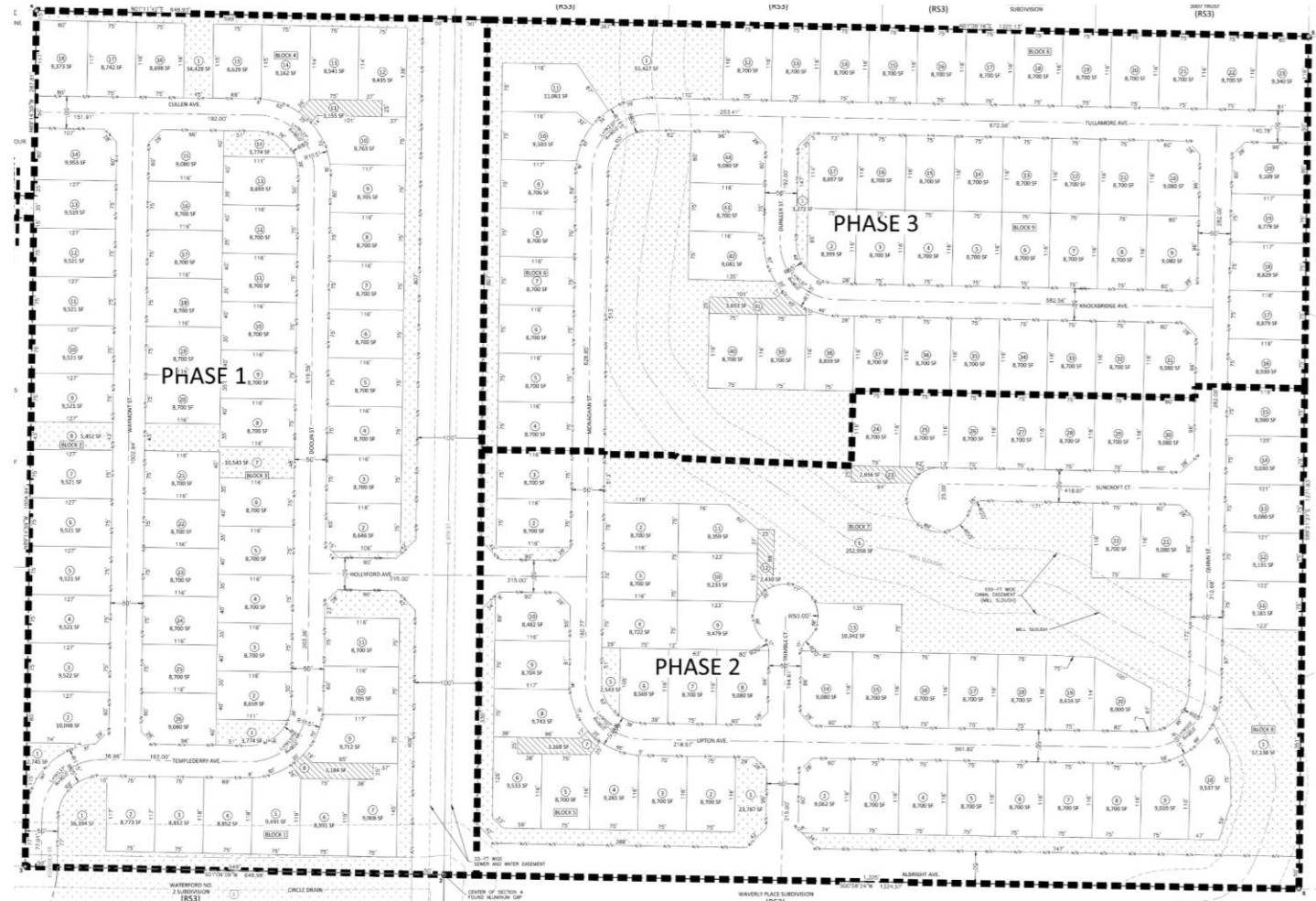
SINGLE FAMILY RESIDENTIAL LOTS	60
COMMON LOTS	8
COMMON DRIVE LOTS	1
TOTAL LOTS	69

### PHASE 2 LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	50
COMMON LOTS	5
COMMON DRIVE LOTS	3
TOTAL LOTS	58

### PHASE 3 LOT DATA

SINGLE FAMILY RESIDENTIAL LOTS	54
COMMON LOTS	3
COMMON DRIVE LOTS	1
TOTAL LOTS	58





# Housing Product for 75' Wide Lots





# Waterford East Amenities

13% Open  
Space



Paved Pathway along  
Mill Slough – 8' wide



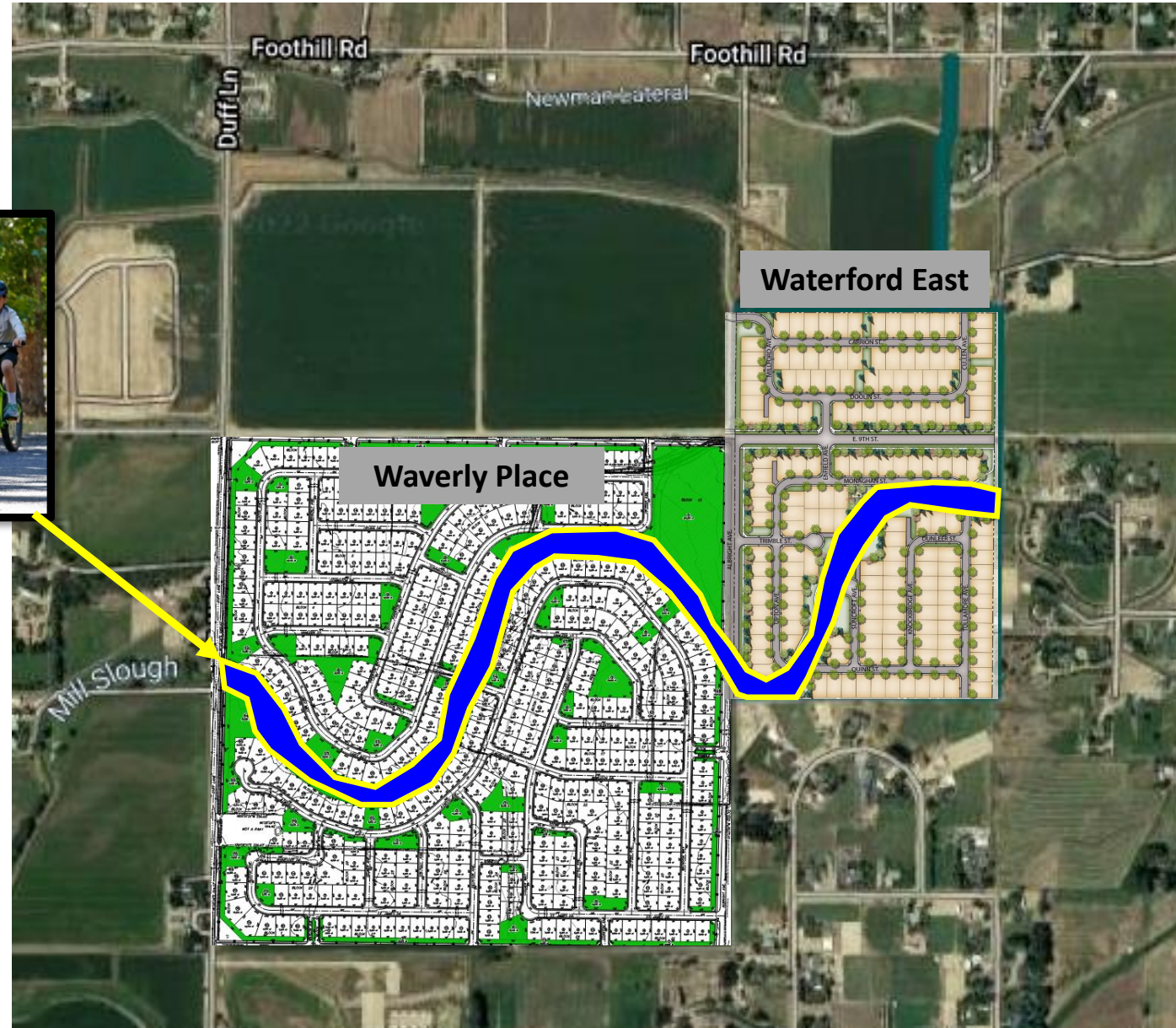
Community Playground



# Mill Slough 8 Foot Pathway



Paved Pathway along  
Mill Slough – 8' wide



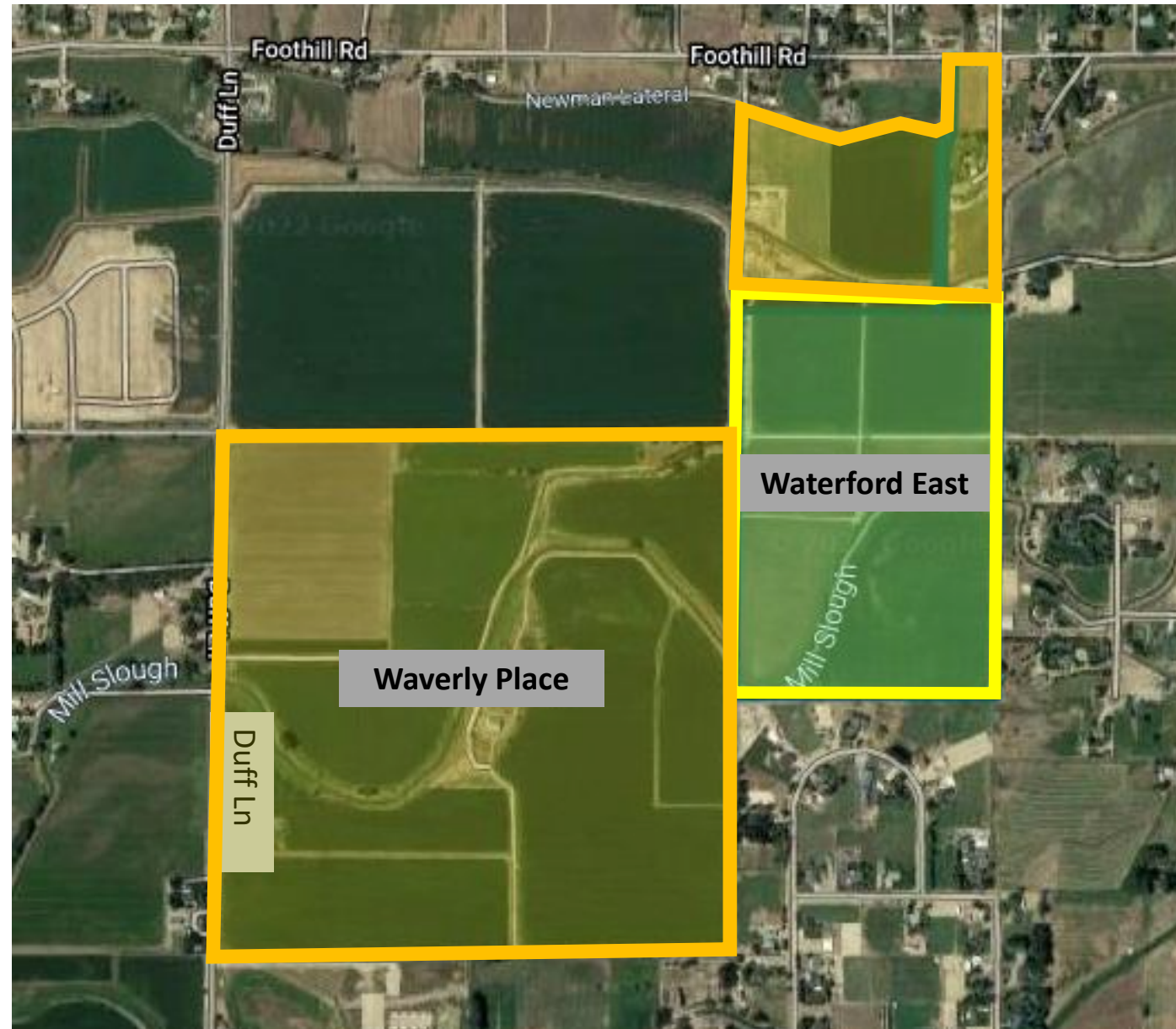


# Waterford East – Development Agreement Termination

Area shown was once part of the Paradise Valley Subdivision (2006). It was never built. Since then, Paradise Valley has been broken up into 2 separate projects.

The R-3 Zoning is intact, but the DA has conflicting details compared to today's code (ie: smaller setbacks and no required greenspace).

New projects can have specific conditions of approval for each project.



The DA permits City Council to terminate the DA as long as the proposed preliminary plat is still in line with R-3 Zone.



# Waterford East – Transportation Impact Contribution

## Middleton Intersection Mitigation

**Fees:** \$288,828 due at Phase 1 Final Plat

## Mid-Star Service Area Impact Fees:

\$5,050 per lot = \$828,200

**TOTAL: \$1,117,028**

SUBDIVISION: Waterford East ---Pro-Rata Share aNALYSIS - TIS DATED 2/17/2022 - 2030 Build-out year						
Intersection	Improvement planned	Cost Estimate	<TIF Eligible>	Allowed Cost	Impact %	Pro-rata Share Due
Purple Sage & Duff Lane	Single Lane RAB (Mid-Star CIP)	\$1,800,000	\$1,728,000	\$72,000	0.01	\$720
Purple Sage & Lansing Lane	Single Lane RAB (Mid Star CIP)	\$2,400,000	\$2,304,000	\$96,000	0.014	\$1,344
9th Street and Duff Lane	Single Lane RAB (Mid Star - pg. 28)	\$2,000,000	\$0	\$2,000,000	0.056	\$112,000
9th Street & Lansing Lane	No RAB or Traffic Light Planned	\$0	\$0	\$0	0.121	\$0
Cornell Street & Duff Lane	RAB (Mid Star - pg. 28)	\$2,000,000	\$0	\$2,000,000	0.055	\$110,000
N. Middleton Rd & SH 44	Traffic Signal (Mid-Star CIP)	\$962,500	\$0	\$962,500	0.022	\$21,175
Duff Lane & SH 44	Traffic Signal (Mid-Star CIP)	\$962,500	\$742,750	\$219,750	0.026	\$5,714
Lansing Lane & SH44	Traffic Signal (Mid-Star CIP)	\$1,262,500	\$0	\$1,262,500	0.03	\$37,875
<b>TOTAL</b>						<b>\$288,828</b>



### Traffic Impact Study Waterford East Subdivision - Middleton, Idaho

7.2 The estimated site traffic generated by Waterford East Subdivision as a percentage of the 2030 horizon year total traffic are as follows:

- Purple Sage Road and Duff Lane intersection : AM Peak = 0.9%, PM Peak = 1.0%
- Purple Sage Road and Lansing Lane intersection: AM Peak = 0.8%, PM Peak = 1.4%
- 9<sup>th</sup> Street and Duff Lane intersection : AM Peak = 5.7%, PM Peak = 5.6%
- 9<sup>th</sup> Street and Lansing Lane intersection : AM Peak = 13.3%, PM Peak = 12.1%
- Cornell Street and Duff Lane intersection : AM Peak = 5.3%, PM Peak = 5.5%
- N Middleton Road and SH 44 intersection : AM Peak = 1.8%, PM Peak = 2.2%
- Duff Lane and SH 44 intersection : AM Peak = 2.2%, PM Peak = 2.6%
- Lansing Lane and SH 44 intersection : AM Peak = 2.5%, PM Peak = 3.0%

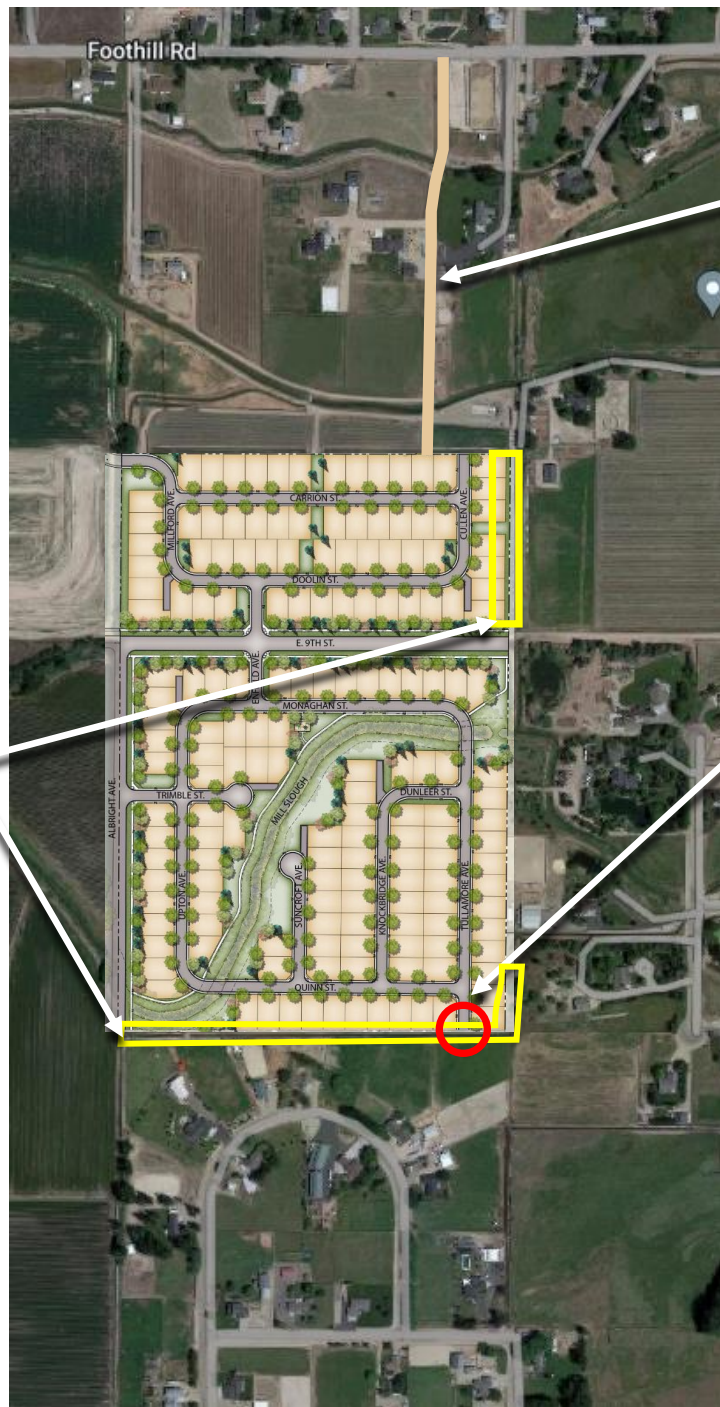
We used the lowest Horizon Year, which was 2030, and we referred to the cost estimates set forth in the Mid-Star Transportation CIP. Your pro-rata percentages were not applied to any TIF Eligible costs set forth in the Mid-Star CIP because those costs will be covered by your \$5,050 Transportation Impact Fee paid at Building Permit issuance. The Pro-Rata fee under MCC 5-4-3 is applied against only costs that are "not TIF eligible" in the Mid Star CIP. That ensures there is no duplication of fees.

# To-and-Through and Irrigation Planning

Drainage District #2 Irrigation Facilities will be tiled (piped underground) and the prescribed easements will be reduced by half.

Backyard fencing will be placed along the property lines. DD#2 easement may extend into backyards if needed.

Delivery of irrigation water will not be impeded



“Panhandle” is part of the property and will stay as-is. Access easements will stay in place, guaranteeing access to adjacent properties

Stubbing of public facilities to adjacent properties is required per Middleton City Code at the City Engineer recommended location.

Stub street will be blocked by 6’ fence, restricting any access from subdivision to Cox property.





Drainage District #2 Irrigation Facilities  
To be tiled (piped) and easement to be  
reduced by 1/2.

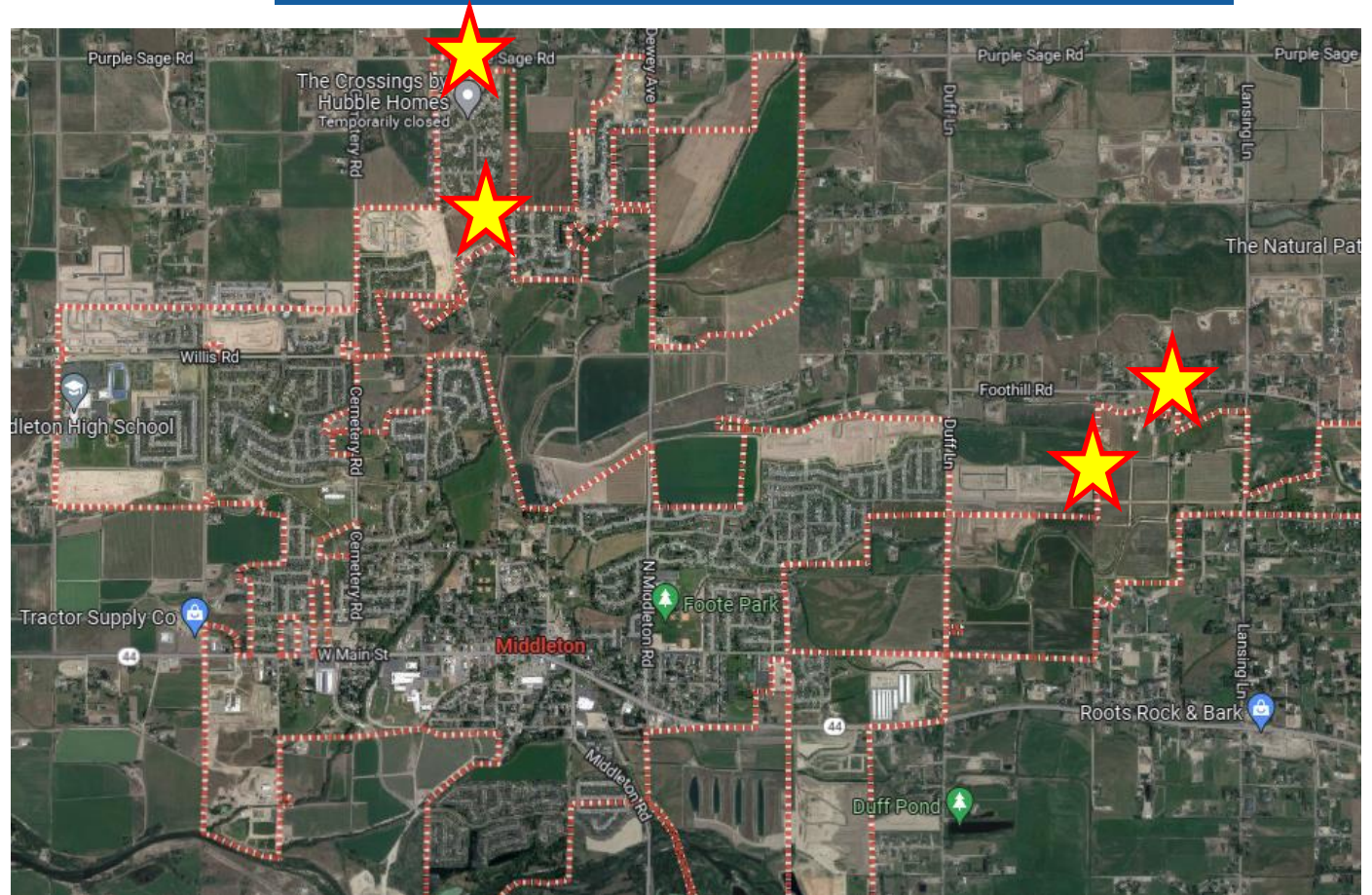
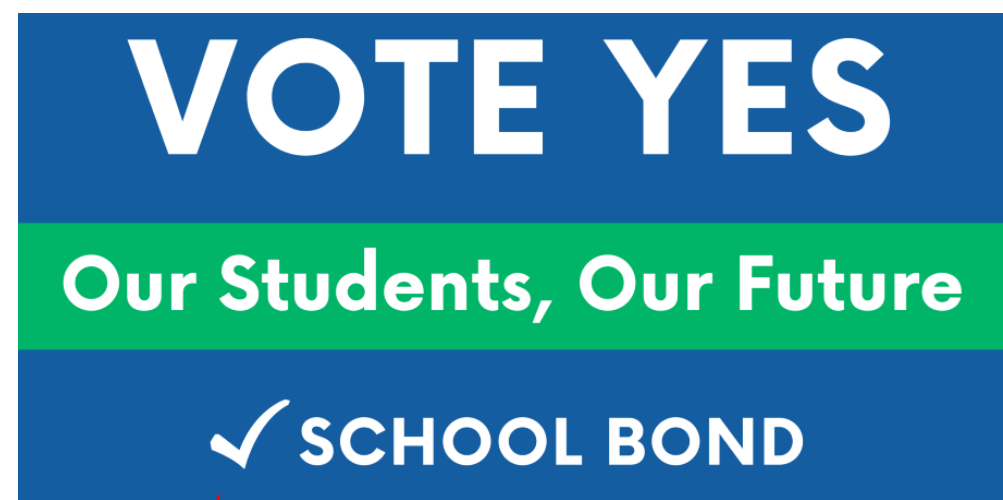


43°42'36.51" N 116°34'24.96" W



# School Bond Support

- Advertise VOTE YES on property corners
  - Purple Sage & Crossing Rd
  - Crossing Rd and Meadow Park Dr
  - Duff & 9<sup>th</sup> St
  - Foothill Rd near Lansing
- Get the word out through HOA mailers
- Support state legislation for Public School Facility funding





# Waterford East

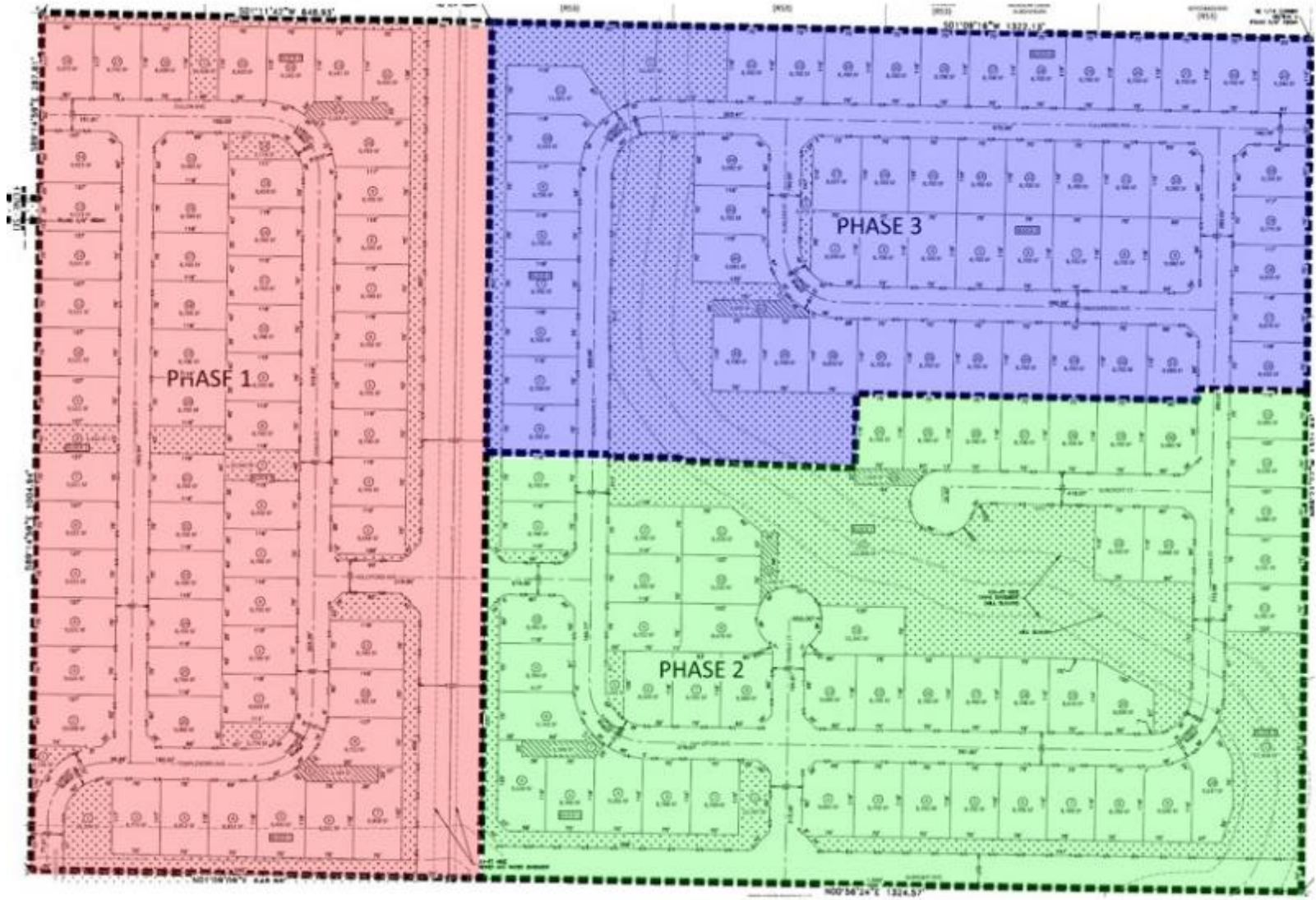
This application is requesting approval of:

1. Preliminary Plat (full compliance with R-3 Zone)
2. Development Agreement Modification/Termination





PHASING PLAN





8) Application by Patric Connor/Hubble Homes preliminary plat and development agreement  
modification/termination with respect to the Waterford East

November 16, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1	Jerry Enos	23024 BUSKIRK	208-866-1548			X	X
2	DAVID Richard	23161 Buskirk DR	208 249 8020			X	X
3	LISA Richard	23161 Buskirk DR	541 519 6955			X	
4	ANIR.	1018 N Webb WAY H301	818 751 9305		✓		
5	Janet Gibson	945 Harvest	818 929 3549		✓		
6	MIKE GRAEFE	1889 RIDGE WAY	208-527-6227				
7							
8							
9							



## Public Comment Sign In

City Council - November 16, 2022

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Jim Taylor	1052 Triumph <sup>Park</sup> m.	208-607-8894	signs
2	MIKE GRAFF	1889 RIDGE WAY	208-577-627	
3	Ani R.	1018 N. Webb Way H301	818 751 9301	
4				
5				
6				
7				
8				
9				
10				



Application by Adam Capell/Toll Brothers Building Company & Nicolette Womack/Kimley-Horn Engineering for annexation and rezone, preliminary plat, and development agreement with respect to the Black Powder Subdivision located at 0 Cemetery Road

November 16, 2022 - City Council - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
1							
2							
3							
4							
5							
6							
7							
8							
9	Jim Taylor	1052 Triumph Drive	208-6028994				