
MIDDLETON CITY COUNCIL
AUGUST 3, 2022

The Middleton City Council meeting on August 3, 2022, 2022, was called-to-order at 5:40 p.m. by Council Mayor Steve Rule.

Roll Call: Council Members Huggins, Murray and O'Meara were present. City Attorney Douglas Waterman, City Clerk Becky Crofts, Planning Official Roberta Stewart, Public Works Director Jason Van Gilder and Deputy Clerk Dawn Goodwin were present. Council President Kiser was excused due to illness.

Pledge of Allegiance, Invocation: Jennica Reynolds

Action Items

A. Approve Amended Agenda

Motion: Motion by Council Member Huggins to approve the agenda as posted August 2, 2022, at 11:15 a.m. Motion seconded by Council Member O'Meara and approved unanimously.

Information Item:

1.) Property Tax Rebate – Council Member Murray

Council Member Murray stated that he would like to see more community members getting involved in the community that they lived in and that he believed that by creating a tax incentive rebate program that could be the key to making this happen. Council Member Murry stated that with the passing of House Bill 550 this type of program was now possible to put into place. He went on to state that is just a concept and that it would take a lot of work to get a program like this ironed out and functional.

2.) Amended and Restated Lease Agreement with Knife River – Knife River Representative

Mayor Rule gave some background on the information item stating that it was regarding the Middleton Road project. Nathan from Knife River informed council that the time frame for the project would be mid-September to early October start date with a completion date for the round about in early May of 2023. He went on to state that the first big push would be to pave and have the bypass for the project completed by the start of winter 2022 before the hot plants shut down for the year in the valley.

Action Items:

1. Consent Agenda (items of routine administrative business) (**Action Items**) **Exhibit A**
 - a. Consider approving minutes for City Council July 20, 2022, regular meeting.
 - b. Consider ratifying payroll for July 29, 2022, in the amount of \$98,512.28.
 - c. Consider approving accounts payable thru July 29, 2022, in the amount of \$334,411.17.
 - d. Consider approving written FCO for Channel Crossing Subdivision application.

Mayor Rule called the items. Council Member Huggins stated the Council President

Kiser gone through the accounts payable and so had she, and nothing had changed since the check registers had been uploaded to the council drobox and that there wasn't anything out of the ordinary to note.

Motion: Motion by Council Member Huggins to approve Consent Agenda Items 1 a-d. Motion seconded by Council Member O'Meara and approved unanimously.

2. **Third Reading:** Consider adopting Ordinance No. 665 an ordinance enacted by the Middleton City Council amending Title 7, Chapter 6, Section 07-06-01, Middleton City Code, pertaining to sidewalks and repairs of the City of Middleton; providing for an effective date; providing for severability; and repealing all ordinances, resolutions, orders, and parts thereof, in conflict herewith, and to approve the summary for publication as authorized by Idaho Code 50-901A. – Jason VanGilder **Exhibit B**

Mayor Rule called the agenda item.

Motion: Motion by Council Member Huggins to adopt Ordinance No. 665 an ordinance enacted by the Middleton City Council amending Title 7, Chapter 6, Section 07-06-01, Middleton City Code, pertaining to sidewalks and repairs of the City of Middleton; providing for an effective date; providing for severability; and repealing all ordinances, resolutions, orders, and parts thereof, in conflict herewith, and to approve the summary for publication as authorized by Idaho Code 50-901A. Motion seconded by Council Member O'Meara and approved unanimously by roll call vote.

3. Consider approving a quote from Premier Wireless Solutions for a 3-year NetCloud mobile essentials plan and IBR900 router with WiFi in an amount not to exceed \$8,800.00. – Sergeant Hilkey **Exhibit C**

Mayor Rule called the agenda item and Sergeant Hilkey informed council that this item allowed the police to have WiFi in their cars while out on the road. He went on to state the ones they currently had were outdated and about to be obsolete and nonfunctional.

Motion: Motion by Council Member Huggins to approve a quote from Premier Wireless Solutions for a 3-year NetCloud mobile essentials plan and IBR900 router with WiFi in an amount not to exceed \$8,800.00. Motion seconded by Council Member O'Meara and approved unanimously.

4. **Continued Public Hearing:** Applications by M3 and JUB Engineers for annexation/zone change, preliminary plat, development agreement, and comprehensive plan map amendment with respect to Quarry East Subdivision located at 21500 Middleton Road and 11436 Lincoln Road (Tax Parcel Nos. R34076 and R34077). The proposed preliminary plat consists of 466 single family homesites, 102 duplex homesites, 72 cluster single family lots, 1 mini-self storage lot, 67 common lots, and 46 shared driveways/private roads lots on 236.60 acres of vacant land zoned County Agricultural, C-1, and M-1. Applicants are requesting a zone change to Mixed Use (M-U). In the comprehensive plan map amendment application, applicants are requesting that the "Residential Use" designated for the property be changed to "Industrial Use" to accommodate the mini-storage parcel. – Roberta Stewart

Mayor Rule called the agenda item and gave a brief explanation as to why the item was back before council before reopening the public hearing for the development agreement

at 6:10 p.m. Planning and Zoning Official Roberta Stewart presented **Exhibit D**. Mrs. Stewart then stood for Council and staff questions to which there were none.

Applicant Remarks – Mark Tate M3 Companies

- Mr. Tate stated for the record that the ITD phase 1 change to pay all the pro-rate share up front was a lot of money, but they wanted to the council to know they were willing to agree to the change because they believe in this a excellent project for the city.

Mayor closed the public hearing at 6:16 p.m. with no one signed up for public comments.

Motion: Motion by Council Member Huggins to approve the application of M3 Companies and JUB Engineers for annexation and rezone to M-U with respect to the Quarry East Subdivision, subject to the conditions of approval to the conditions set forth in the Staff Report for the July 20, 2022 public hearing. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

Motion: Motion by Council Member Huggins to approve the application of M3 Companies and JUB Engineers for preliminary plat with respect to the Quarry East Subdivision, subject to the conditions of approval to the conditions set forth in the Staff Report for the July 20, 2022 public hearing. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

Motion: Motion by Council Member Huggins to approve the application of M3 Companies and JUB Engineers for development agreement with respect to the Quarry East Subdivision, subject to the conditions of approval to the conditions set forth in the Staff Report for the July 20, 2022 public hearing. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

Motion: Motion by Council Member Huggins to approve the application of M3 Companies and JUB Engineers for comprehensive plan map amendment with respect to the Quarry East Subdivision, subject to the conditions of approval to the conditions set forth in the Staff Report for the July 20, 2022 public hearing. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

5. Consider adopting ORDINANCE NO. 664: Quarry East Subdivision Annexation & Rezone – Parcel Nos. R34076 and R34077. AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO M-U (MIXED USE); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. - Roberta Stewart **Exhibit E**

Mayor Rule called the agenda item.

Motion: Motion by Council Member Huggins to read Ordinance No, 664 by title only. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

Motion: Motion by Council Member Huggins to waive the three-reading rule. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

Motion: Motion by Council Member Huggins to adopt Ordinance No. 664: Quarry East Subdivision Annexation & Rezone – Parcel No.'s R34076 and R34077. An Ordinance of the city of Middleton, Canyon County, Idaho, Annexing to the City of Middleton, Idaho, certain real property situated in the unincorporated area of Canyon County, Idaho, and contiguous to the corporate limits of the city of Middleton, Idaho; Establishing the zoning classification of said real property to M-U (mixed use); directing that copies of this ordinance be filed as provided by law; and providing an effective date. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

6. Consider approving Resolution No. 470-22 for Comprehensive Plan Map Amendment to change Future Land Use Map regarding Quarry East Application. - Roberta Stewart **Exhibit F**

Mayor Rule called the agenda item.

Motion: Motion by Council Member Huggins to approve Resolution No. 470-22 for Comprehensive Plan Map Amendment to change Future Land Use Map regarding Quarry East Application. Motion was seconded by Council Member O'Meara and approved unanimously by roll call vote.

7. Consider approving the written Findings of Facts, Conclusions of Law and Order (FCO) for the Quarry East Subdivision. – Robert Stewart **Exhibit G**

Mayor Rule called the item.

Motion: Motion by Council Member Huggins to accept the findings of facts and conclusions of law set forth in the Staff Report and presentation for the July 20, 2022, public hearing. Motion was seconded by Council Member O'Meara and carried unanimously by roll call vote.

8. **Public Hearing:** Applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street (Tax Parcel No. R17900010). The proposed preliminary plat consists of 12 single family residential lots, 25 townhome lots, three commercial lots, and six common lots on 9.69 acres of land zoned Canyon County Agricultural. Applicant is requesting zone changes to City of Middleton C-3 (2.35 acres "Heavy Commercial"), M-F (2.98 acres "Multi-Family") and R-3 (4.09 acres Single Family Residential). – Robert Stewart

Mayor Rule called the agenda item and opened the public hearing at 6:24 p.m. Planning and Zoning Official Roberta Stewart presented **Exhibit H** and entered into the record **Reed's Landing Exhibit F and Exhibit G**. Mrs. Stewart then stood for Council and staff questions.

Applicant Remarks – Heath Clark

- In fill project located north of State Highway 44 consisting of three commercial lots on the southern boundary of the property, twelve single

family lots on the northern boundary line and twenty-five town homes in the center of the property. The property also consists of 13% open space within the development.

Mayor Rule called for a break at 6:58 p.m. and resumed the hearing at 7:05 p.m.

The applicant stood for questions from Council and staff.

Public Comments –

- Rourke Yeakley – 395 N. Magnolia Pl, Middleton, ID – Mr. Yeakley stated that he feels like the development is a good idea but not in the proposed area. He lives in the Westwood Subdivision and is concerned about the increased traffic this development will be creating.
- William Vehnekamp – 299 N. Magnolia, Middleton, ID – Mr. Vehnekamp stated that he too is concerned about the increase in traffic congestion, and he doesn't like that his home will be directly abutting the back yards of multi-story town homes.
- Susan Huter – 345 N. Magnolia Pl, Middleton, ID – Ms. Huter voiced her concern for the increase in traffic as well as the increase of pedestrian traffic that would occur directly behind her home.
- Mike Graefe – 1889 Ridge Way, Middleton, ID – Mr. Graefe stated that he was neutral on the development but doesn't like the feeling that if ITD denies a direct access point off State Highway 44 for the commercial properties that the traffic would then be diverted through the residential area.
- Jeremy Rudolph – 507 Triumph Dr, Middleton, ID – Mr. Rudolph stated that he appreciated the time that the applicant too to sit with the school district as requested by Planning and Zoning and gave the development praise for the ratios and research that went into planning the proposed subdivision. Mr. Rudolph did address his concerns regarding the responsibilities of the pathways and who would be maintaining them.
- Heather Renk – 820 W Main, Middleton, ID – Stated she isn't super happy about the growth, but that growth happens with any city, and she understands the seller's position. She went on to state that she could not be happier with the developer of the project as well.
- Penny Reed – 880 W. Main St, Middleton, ID – Mrs. Reed stated that she is the owner of the property and understands where the neighbors are coming from since she has been there herself, but due to unforeseen circumstances this is what must happen.

Applicant Rebuttal – Heath Clark

- Infill projects are important to any city because it is the most efficient use of space and resources but at the same time is hard because of the passions of the neighbors around the projects.
- Streets are within traffic compacity based on the traffic impact study that was completed.
- If ITD denies access off State Highway 44 then the commercial application will not work here.

Mayor closed the public hearing at 7:55 p.m. and council discussion followed.

Mayor Rule called for a break at 8:10 p.m. and resumed the meeting at 8:24 p.m.

Motion: Motion by Council Member Huggins to approve the applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street (Tax Parcel No. R17900010). The proposed preliminary plat consists of 12 single family residential lots, 25 townhome lots, three commercial lots, and six common lots on 9.69 acres of land zoned Canyon County Agricultural. Applicant is requesting zone changes to City of Middleton C-3 (2.35 acres "Heavy Commercial"), M-F (2.98 acres "Multi-Family") and R-3 (4.09 acres Single Family Residential). No second to the motion so the motion dies on the floor.

Motion: Motion by Council Member O'Meara to defer the applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street (Tax Parcel No. R17900010). The proposed preliminary plat consists of 12 single family residential lots, 25 townhome lots, three commercial lots, and six common lots on 9.69 acres of land zoned Canyon County Agricultural. Applicant is requesting zone changes to City of Middleton C-3 (2.35 acres "Heavy Commercial"), M-F (2.98 acres "Multi-Family") and R-3 (4.09 acres Single Family Residential), until access is granted or denied on State Highway 44 by the Idaho Department of Transportation. Motion was seconded by Council Member Murray and carried with a split roll call vote of 2 to 1.

9. Consider adopting ORDINANCE NO. 669: AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY AS 2.35 ACRES TO C-3 (HEAVY COMMERCIAL), 2.98 ACRES TO M-F (MULTI-FAMILY) AND 4.09 ACRES TO R-3 (SINGLE FAMILY RESIDENTIAL); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. – Roberta Stewart

Mayor Rule called the agenda item. The item was deferred based on the motion from agenda item number 8.

10. Consider approving the written Findings of Facts, Conclusions of Law and Order (FCO) for the Reed's Landing Subdivision. – Roberta Stewart

Mayor Rule called the agenda item. The item was deferred based on the motion from agenda item number 8.

Public Comments

- Janet Gibson – Middleton, ID – Mrs. Gibson wanted to state that she felt that volunteers are a key to balancing a budget and that the tax rebate incentive could be key to gaining those volunteers for the city.

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- Jeremy Rudolph – Middleton, ID – Mr. Rudolph asked the council if it could be possible to designate a home or two in the new developments in a development agreement for educators to be able to purchase or to have them donate land for a city park.

Mayor and Council Comments

- Mayor Rule updated council on the repairs along Borup. He informed Council that the city and the ditch company had been working hard together getting the culvert cleaned out so that water would no longer back up into the street with major weather events.
- City Administrator Becky Crofts informed council that the city had acquired all right of way for the Hartley Intersection light and that she anticipated that bids for the project would have a close date of August 29th.

Executive Session pursuant to Idaho Code:

74-206(1)(a-b): Pertaining to Personnel.

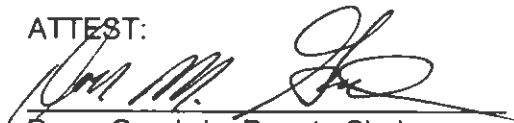
Mayor Rule called the agenda item.

Motion: Motion by Council Member Huggins to enter executive sessions by Code and 74-206(1)(b) to consider evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student. Motion was seconded by Council Member O'Meara and carried unanimously by roll call vote.

Mayor brought the Council out of executive session and back on the record. Mayor Rule stated that there was considerable discussion amongst the Council but that there were no votes taken or decisions made.

Adjourn: Mayor adjourned the city council meeting at 10:00 PM.

ATTEST:



Dawn Goodwin, Deputy Clerk
Minutes Approved: August 17, 2022

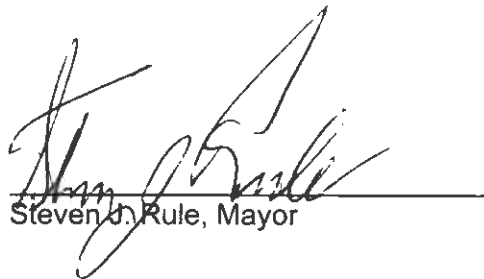

Steven J. Rule, Mayor

EXHIBIT “A”



Middleton City Council

Findings of Facts, Conclusions of Law & Order

In the Matter of the application of Middleton Rivers, LLC and Jay Gibbons/South Beck & Baird for preliminary plat with respect to the Channel Crossing Subdivision located at 22457 So. Middleton Road and 0 So. Middleton Road (Tax Parcel Nos. R180350, R18035011, R180340 & 18036010):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of July 20, 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 July 20, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of July 20, 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, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent 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 Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

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.

C. Decision & Order:

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

1. The application of Middleton Rivers, LLC and Jay Gibbons/South, Beck & Baird for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, hearing.

WRITTEN ORDER APPROVED ON: _____, 2022.

Steven J. Rule, Mayor
City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Official

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

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

EXHIBIT “B”

ORDINANCE NO. 665

AN ORDINANCE ENACTED BY THE MIDDLETON CITY COUNCIL AMENDING TITLE 7, CHAPTER 6, SETION 7-6-1, MIDDLETON CITY CODE, PERTAINING TO SIDEWALKS AND SIDEWALK REPAIRS OF THE CITY OF MIDDLETON; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Middleton, County of Canyon, State of Idaho:

Section 1. That Title 7, Chapter 6, Section 7-6-1 of the Middleton City Code is hereby amended, as follows:

7-6-1: SIDEWALKS:

- A. Duty Of Owners: Property owners shall maintain sidewalks and pathways on or in public right of way adjacent to their property. ~~their properties.~~
- B. No Obstructions In Public Rights Of Way: Property owners shall not obstruct or allow others to obstruct sidewalks or pathways on or adjacent to their property. (Ord. 553, 3-18-2015)
- C. Trees: No trees shall be planted within fifteen feet (15') of a public right of way unless approved in writing by the city.
- D. Clear Surface: A property owner shall clear sidewalks, curbs and gutters, ~~and roads abutting~~ pathways, alleys, and parking within curbing; on private property or in public right of way abutting their his/her property from snow, ice, rubbish, weeds, grass, grass clippings, leaves, tree limbs and roots, shrubbery or other vegetation. Property owners shall also clear sidewalks of snow and ice. (Ord. 569, 12-21-2015).
- E. Repairs:
 - 1) Council-Directed Repairs: The City Council may by resolution passed by a two-thirds (2/3) majority of all the members elected to the Council deem any sidewalk or pathway in public right of way or dedicated for public travel as unsafe or dangerous, order such sidewalk or pathway replaced or repaired, and assess the cost of replacing or repairing same against the property in front of which the same shall be constructed, repaired, or laid.
 - 2) Notice Required: Notice to repair or replace any sidewalk or pathway shall be given to the property owners in front of or on which property the sidewalk or pathway has been ordered replaced or repaired via certified mail. Said property owner shall commence replacement or repair of the sidewalk or pathway within sixty (60) days following the date of notice. Repairs shall be completed within thirty (30) days of commencement, unless approval of an extension is granted by the City.
 - 3) When City Makes Repairs: Whenever a sidewalk, pathway, or any portion thereof which has been ordered replaced or repaired shall not be repaired or replaced within the time specified, then the City shall construct, replace, or repair the same by contract and assess the cost and expense thereof in the manner provided by this article. Nothing herein

contained shall be construed so as to prevent giving any notice required to be given by this article.

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this 6th day of July, 2022.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this 6th day of July, 2022.

ATTEST:

Steve Rule, Mayor

City Clerk (or Deputy)

EXHIBIT “C”



Date: April 18, 2022

Regional Sales Manager: Rich Smith

Customer: Canyon County Sheriff's Office

Attention: SGT Rob Whitney, for Middleton Police Department

Subject: Quotation with Order Information (signature required)

PWS is pleased to offer the following pricing for your pending order.

Part Number	Description	Price/U	QTY	Extended
MA3-0900120B-NNA	3-yr NetCloud Mobile Essentials Plan and IBR900 router with WiFi (1000Mbps modem), no AC power supply or antennas, North America	\$1,100.00	8	\$8,800.00
Shipping	Ground Shipping Estimate	TBD	1	TBD
	Total			\$8,800.00 plus shipping

1. The quote is valid for a term of 30 days from the date of issuance.
2. Net 30 terms.
3. Free ground shipping for orders greater than \$1000 and less than 10 boxes (10 units/box).

Prepared by: Rich Smith

01-15-2022

Premier Wireless Solutions
88 Bonaventura Drive
San Jose CA, 95134
O: 650-230-1300
F: 650-230-1301



ORDER FORM

(Sign, Scan, and return all pages of this document to Rich Smith for binding order)

Date: 4/18/22

Account Manager: Rich Smith

PURCHASE ORDER:

Bill to address:

**Canyon County Sheriff's Office
1115 Albany St
Caldwell, ID 83605**

Ship to address:

**Canyon County Sheriff's Office
C/O Robert Whitney
1115 Albany St
Caldwell, Idaho 83605
208-455-5908**

Terms: Net 30 days

FOB: San Jose, CA

Ship instructions: Ship via ground. Include shipping and insurance on invoice.

I, Robert Whitney, hereby acknowledge this binding order for \$8,800.00 plus shipping.

Signature: _____ Date: _____

**Premier Wireless Solutions
88 Bonaventura Drive
San Jose CA, 95134
O: 650-230-1300
F: 650-230-1301**

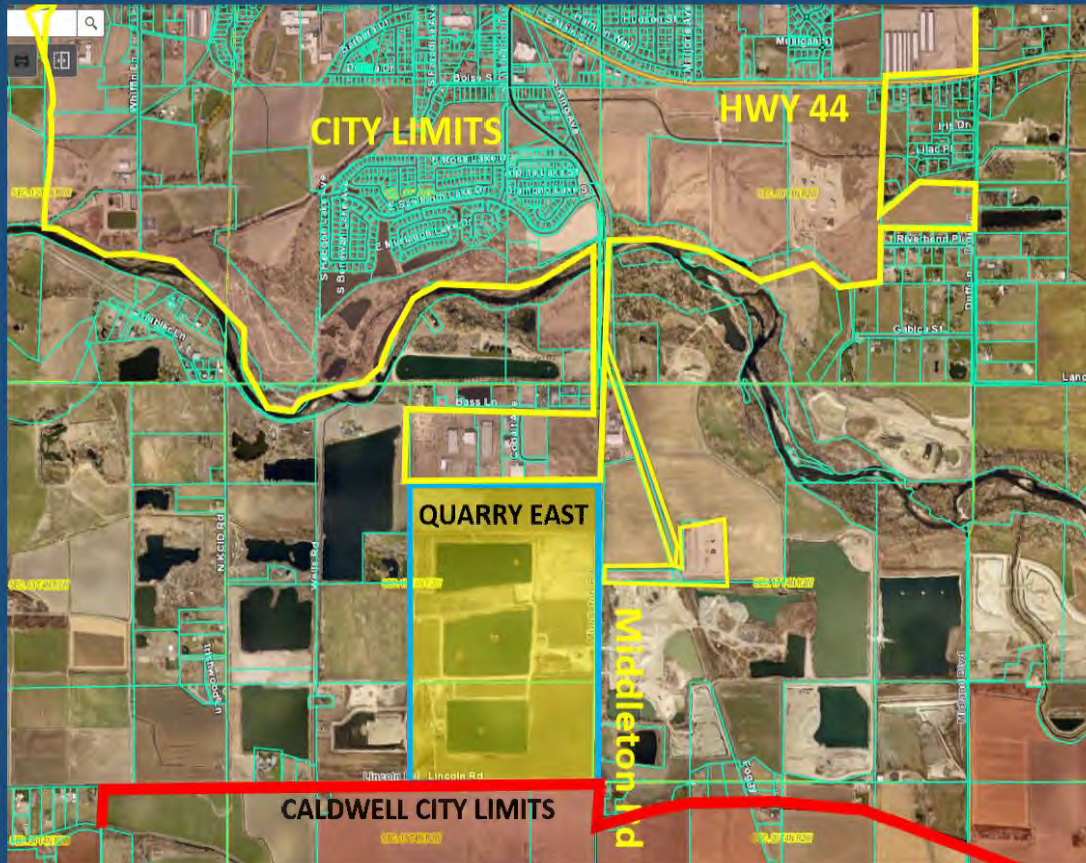
EXHIBIT “D”



Quarry East Subdivision

Middleton City Council - Public Hearing July 20, 2022 / August 3, 2022

Annexation/Rezone, Preliminary Plat, Development Agreement, & Comprehensive Plan Map Amendment





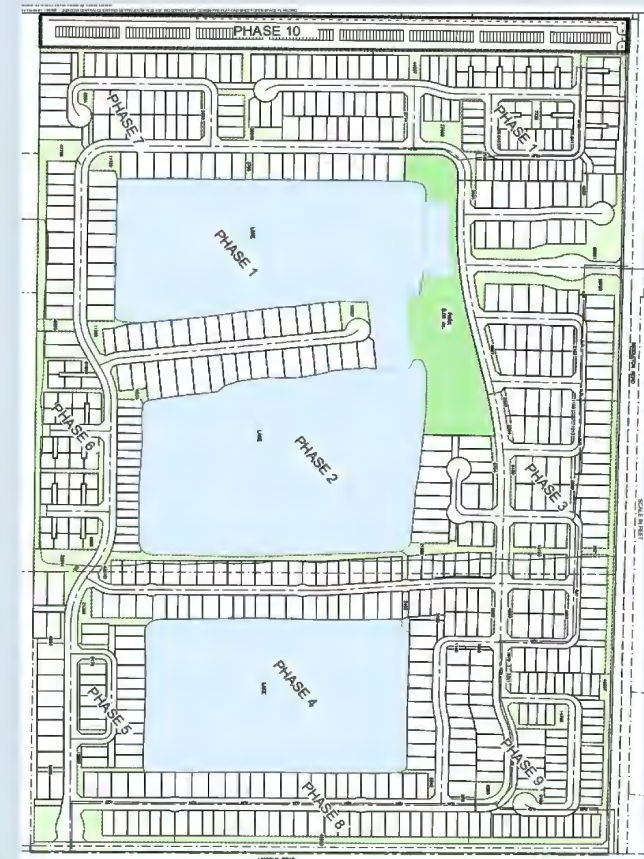
Quarry East Subdivision

Middleton City Council - Public Hearing July 20, 2022 / August 3, 2022

Annexation/Rezone, Preliminary Plat, Development Agreement, & Comprehensive Plan Map Amendment

Project Description & Applications: A 55+ resort style private community involving 640 residential lots, one mini-self storage lot, and 67 common area lots located at 21500 Middleton Road and 11436 Lincoln Road

Applicant has four applications before City Council: (1) annexation and rezone to M-U ("Mixed Use"), (2) preliminary plat, (3) Development Agreement, and (4) Comprehensive Plan Map amendment to change the "Residential" use on the Future Land Use Map to "Industrial".





Development Agreement Application: At the July 20, 2022 public hearing on the applications, Council requested Staff and Developer to make two changes to the proposed Development Agreement (“DA”). The hearing was continued to August 3, 2022, to give Staff time to revise the DA. The two changes to the DA are:

1. In section 3.4 of the original draft, Developer is not required to complete the water line bore under the Boise River until approval of final plat for Phase 2 of the project. The newly revised DA ties completion of the water bore to a specific number of building permits rather than to final plat approval. The current preliminary plat contains 134 building lots in Phases 1 and 2. Therefore, in the newly revised DA, the water bore completion is tied to issuance of the 135th building permit.
2. In section 3.11 of the previous DA, Developer was allowed to pay the Traffic pro-rata fee of \$456,335 by phase rather than paying up front at Phase 1 final plat approval. The revised DA provides that Developer will pay the pro-rata fee for all lots in Quarry East prior to final plat approval of Phase 1; however, the City will not require Developer to pay the portion of the fee attributable to Quarry West lots until final plat approval for Phase 1 of Quarry West. A copy of the revised DA was attached as Exhibit “A” to the Supplemental Staff Report for Council’s consideration and for public viewing.

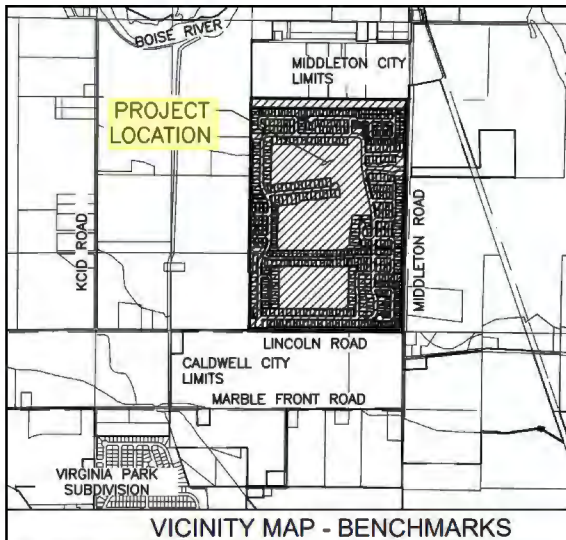


SUPPLEMENTAL STAFF REVIEW AND REPORT

Middleton City Council

QUARRY EAST SUBDIVISION

Snapshot Summary



DESCRIPTION	DETAILS
Acreage	Approx. 237 acres
Current Zoning	County Agricultural, M-1 ("Light Industrial", and C-1 ("Neighborhood Commercial")
Proposed Zoning	M-U ("Mixed Use")
Current Land Use	County - "Industrial"
Proposed Land Use	City - Residential & Mixed Use
Lots	640 Residential Lots (including 102 duplex lots, 72 cluster lots, and 466 single family lots), 1 mini-storage M-U lot, 67 Common Area lots, 37 shared driveway lots, and 9 private road lots
Density	2.7
Open Space	over 25%
Amenities	clubhouse, swimming pool, 62 acres of lakes and beaches, 6 pickle ball courts, & picnic areas



- A. Continued City Council Hearing Date:** August 3, 2022
- B. Project Description & Applications:** A 55+ resort style community involving 640 residential lots, one mini-self storage lot, 67 common area lots, 37 shared driveway lots, and nine private road lots located at 21500 Middleton Road and 11436 Lincoln Road (Tax Parcels Nos. R34076 and R34077).

Applicant has four applications before City Council: (1) annexation and rezone to M-U ("Mixed Use"), (2) preliminary plat, (3) Development Agreement, and (4)

Comprehensive Plan Map amendment to change the “Residential” use on the Future Land Use Map to “Industrial”.

C. Development Agreement: At the July 20, 2022 public hearing on the applications, Council requested Staff and Developer to make two changes to the proposed Development Agreement (“DA”). The hearing was continued to August 3, 2022 to give Staff time to revise the DA. The two changes are as follows:

1. In section 3.4 of the original draft, Developer is not required to complete the water line bore under the Boise River until approval of final plat for Phase 2 of the project. The newly revised DA ties completion of the water bore to a specific number of building permits rather than to final plat approval for Phase 2. The current preliminary plat contains 134 building lots in Phases 1 and 2. Therefore, in the newly revised DA, the water bore completion is tied to issuance of the 135th building permit. See revised section 3.4 highlighted in yellow in the Development Agreement attached as Exhibit “A”.
2. In section 3.11 of the previous DA, Developer was allowed to pay the Traffic pro-rata fee of \$456,335 by phase rather than paying up front at Phase 1 final plat approval. The revised DA provides that Developer will pay the pro-rata fee for all lots in Quarry East prior to final plat approval of Phase 1; however, the City will not require Developer to pay the portion of the fee attributable to Quarry West lots until final plat approval for Phase 1 of Quarry West. See revised section 3.11 highlighted in yellow in the Development Agreement attached as Exhibit “A”

Prepared by Middleton Planning & Zoning Director, Roberta Stewart

Dated: 7/28/2022

EXHIBIT "A"

Proposed Development Agreement

When recorded, send copy to:
Middleton City Hall
1103 W. Main St.
Middleton, ID 83644

DEVELOPMENT AGREEMENT

This Development Agreement (this **Agreement**) is entered into this ___ day of _____, 2022 (the **Effective Date**), by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**), WOODLAND PROPERTIES LIMITED PARTNERSHIP, an Idaho limited partnership (**Owner**), and M3 ID WOODLAND, L.L.C., an Arizona limited liability company (**Developer**).

RECITALS

WHEREAS, Owner owns approximately 236.5 acres legally described in **Exhibit A** attached hereto and made a part hereof (**Property**). The Property is intended to be developed by Developer and referred to as “**Quarry East**”;

WHEREAS, Developer has applied to the City to rezone the Property from County Agricultural, C-1, and M-1 to Mixed Use (M-U) (the **Applications**).

WHEREAS, Developer intends to improve the Property (the **Project**) in accordance with the Middleton City Code and the City’s public works standards in effect at the time the construction drawings are approved (collectively **City Code**), except as modified by this Agreement; and

WHEREAS, the City, pursuant to Idaho Code Section 67-6511A, has the authority to annex and conditionally rezone the Property and to enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for a specific purpose or use which is appropriate in the area, but for which all allowed uses for the requested zoning may not be appropriate pursuant to the Idaho Code and 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 City Code, Title 5, Chapter 2.

ARTICLE II ZONING ORDINANCE AMENDMENT

The City will adopt an ordinance amending the Middleton Zoning Ordinance (the **Code**) to rezone the Property Mixed-Use (M-U) (the **Ordinance**). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform with the Developer's cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 **Zoning.** The entirety of the Property shall be zoned Mixed-Use (M-U).

3.2 **Development Density and Concept Master Plan.** Quarry East shall contain no more than 650 residential units (the **Maximum Density**). The configuration of such units shall be substantially consistent with the approved **Master Plan** of the Project, attached as **Exhibit B** and made a part hereof by this reference. Developer, and its heirs, successors, and assigns, shall develop the Project substantially consistent with the Master Plan concept.

3.2.1 *Re-Allocation of Density.* Developer may apply administratively to the Planning & Zoning Official for an amended preliminary plat in order to change the phasing plan and/or make minor adjustments to roadways and lot lines. Developer may revise roadways and lot lines to a minimal degree so long as the final plat substantially conforms to the approved preliminary plat, which adjustments may include changes to accommodate orderly utility installation (such as where gravity sewer versus pressure sewer services are located) or traffic circulation. The minor adjustments may also include a reduction or increase in the size of phases (whether by number of lots or land area). Developer may also modify lot configurations administratively so long as such modifications do not result in an increase in density from the approved preliminary plat and any decrease in number of lots does not exceed a ten percent (10%) reduction of lots shown on the approved preliminary plat. The administrative fee for the amended preliminary plat application shall be the same fee set forth in the City's codified Fee Schedule for an application to amend a preliminary plat. If the Planning & Zoning Official deems the change to road design and/or lot lines to be more than a minor adjustment as outlined herein, then Developer must apply for an amended preliminary plat and/or phasing plan in compliance with the public hearing procedures set forth in the Middleton City Code.

3.2.2 *Elevations.* The single-family and duplex home elevation designs shall be of similar quality and design with the examples of higher quality elevation designs shown on **Exhibit C**, which exhibit is made a part hereof by this reference. City acknowledges and agrees that the foregoing elevations are conceptual in nature but show the intent of the Developer in connection with the Project.

3.2.3 *Quality of Design.* Developer, its successors, heirs, and assigns, shall construct the residential product, community infrastructure, and community amenities substantially consistent with the standards set forth in the Design Guidelines attached hereto as **Exhibit D**, which exhibit is made a part hereof by this reference. This provision does not prevent Developer from unilaterally amending its Design Guidelines with provisions that require equivalent quality or better. Rather, the Design Guidelines attached as **Exhibit D** shall set a minimum base level of quality that must be constructed by Developer, its successors, heirs, and assigns.

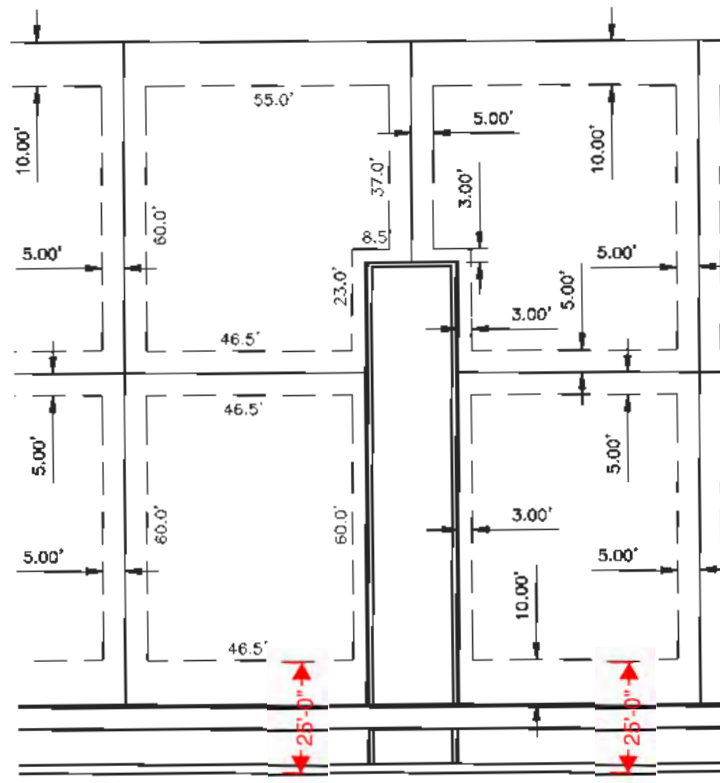
3.3 Modifications to Standards. Approved modifications of the requirements of the City's development density, lot size, and setback standards, as set forth in the Code, are attached as **Exhibit E** or are set forth in this Section 3.3. In the event of any inconsistency between the Code and this Agreement, this Agreement shall control.

3.3.1 *Setback and Lot Size Standards.* The following setback and lot size standards shall apply in Quarry East (if not specified below, general Code requirements shall apply):

Duplex Lot	
Front (to residence or side-load garage)	10 feet
Front (to garage)	20 feet
Rear	15 feet
Side	5 feet (0 feet for attached)
Minimum Lot Size	4,000 square feet
Minimum Width (N/A for irregular shaped lots)	40 feet
Cluster 4 Pack Lots	
Front (to street or side-load garage)	10 feet
Front (to garage)	20 feet or 5 feet
Rear (back of back lot)	10 feet
Side (all interior property lines)	5 feet (3 feet to shared drive)
Minimum Lot Size	4,000 square feet
Minimum Width (N/A for irregular shaped lots)	45 feet

Single Family Standard Detached Lot	
Front (to residence or side-load garage)	10 feet
Front (to garage)	20 feet
Rear	15 feet
Side	5 feet
Minimum Lot Size	5,000 square feet
Minimum Width (N/A for irregular shaped lots)	40 feet

A depiction of the Cluster 4 Pack Lot setbacks is included below:



3.3.2 Additional Use Standards. Notwithstanding the uses set forth in Middleton City Code for the Mixed-Use zone, the only uses allowed in the Project shall be (a) single-family residential homes, (b) duplex residential homes, (c) sales offices, including marketing trailers, model home complexes, and construction trailers during the marketing phase of the Project, (d) community recreational facilities and (e) mini self-storage, including RV storage at such intensities and at such locations as identified in this Agreement and its exhibits, including, but not limited to, the preliminary plat. The mini self-storage is subject to the Design Review Process as set forth in the Middleton City Code, and Developer may not apply for a building permit until Developer obtains approval for the design from the Middleton Design Committee. The design for the mini-self storage facility may not exceed a single story.

3.3.3 Initial Building Permits. Upon Developer's notice of completion of all-weather access roads and fire protection facilities for any phase of the Project (and City Engineer's approval of the same), Developer shall be eligible to submit applications for building permits for the construction of up to ten (10) model homes and community facilities, collectively, which will be processed and approved upon completion of applicable City requirements. Developer and City agree that the model homes and community facilities cannot receive a certificate of occupancy until Developer obtains final plat approval for the phase in which the model homes and/or

community facilities are located. A model home may not be operated as a model home for public entrance and viewing until Developer obtains a Certificate of Occupancy for the model home. During the construction of the model homes and/or community facilities, Developer shall provide access to the Caldwell Fire Department and City in accordance with then-applicable emergency service standards or as otherwise provided in this Agreement.

3.3.4 *Private/Public Streets & Storm Facilities.* City acknowledges and agrees that private streets with gated entries may be used in Quarry East, subject to the following standards:

3.3.4.1 Public Service Providers. Private streets shall be accessible to public service providers, including without limitation, police, fire, ambulance, garbage collection, electrical, cable and telephone line installation and repair, domestic and irrigation water, sewer line installation and repair, and other similar public purposes.

3.3.4.2 Street Standards. Notwithstanding anything to the contrary in City Code, street sections shall be built in accordance with the approved preliminary plat and standards shown on **Exhibits E & F** attached hereto and made a part hereof by this reference.

3.3.4.3 Private Street & Stormwater Facilities Reserve Study. The Project's restrictive covenants shall include a requirement that a maintenance plan be developed and maintained by the homeowners' association responsible for maintaining and repairing the private streets and stormwater facilities, including open water bodies receiving storm water. Said restrictive covenants shall also state that the City may, at its sole discretion, bring an action at law or in equity to cause the homeowners association to fulfill its obligation to repair and maintain the streets and storm facilities in good condition. Such rights of enforcement shall be limited to the failure of the homeowners association to provide for reasonable and customary maintenance of the private streets and storm facilities, and shall require written notice citing the repairs the homeowners association needs to make to the private streets and storm facilities and a reasonable time period during which the homeowners association may cure the alleged defect(s), which time shall not exceed ninety (90) days unless the homeowners association is undertaking commercially reasonable efforts to resolve the same and cannot, due to factors not within its control, complete such resolution within said 90-day time period. Any award by a court with jurisdiction associated with such enforcement action shall only be used to cause the homeowners association to conduct (and pay for) such maintenance, which may include requiring the homeowners association to levy a special assessment in the event that the reserve funds are inadequate for required repairs and replacement costs. In the event the City brings an action at law or in equity as outlined in this section,

the unsuccessful party to such litigation shall pay to the prevailing party all costs and expenses, including reasonable attorneys' fees, incurred therein.

For clarity, **in no way shall the provisions set forth in this section be deemed to require the City to take any particular action**, nor shall it be deemed an assignment to any extent of the homeowners association declarant rights to the City.

Prior to approval of phase 1 final plat, Developer shall submit a reserve study for the Project to the City showing the monetary amount required to adequately maintain, repair and replace the private streets and storm facilities, including in phase 1. The reserve study shall also set forth a method or timing of collection that will ensure said reserve amount will be collected in a sufficient amount of time to cover reasonably anticipated and customary maintenance, repair and replacement costs for said streets and storm facilities in accordance with industry standards. Prior to the final plat approval for each phase thereafter, Developer shall submit financial information showing that such amounts are being collected and such budgeted amounts are in accordance with the reserve study in an amount required to adequately maintain, repair and replace the private streets and storm facilities constructed to date. Prior to approval of the final phase final plat, the Developer shall submit an updated reserve study and shall provide evidence that the reserves have been funded current. If the foregoing is not the case, Developer shall deposit funds identified as deficient or required in the study to fund the reserves due as of the time of such review. Upon the request of the City, but no more frequently than every three years, the homeowners' association shall be required to submit to the City financial statements and budgets showing that the required funds are being set aside in the reserve account for repair and maintenance of all the private streets and storm facilities in the community unless the City and the homeowners' association mutually determine that such reserve studies are no longer necessary. **The association shall be responsible for the ongoing maintenance, replacement, and repair of the private streets and storm facilities and shall keep the private streets and storm facilities in good condition per state, municipal and industry standards and consistent, at the very least, with similar subdivisions in the City of Middleton. The association shall be responsible for ensuring the ongoing safe operation and maintenance of the private streets and storm facilities and shall indemnify, defend, and hold the City harmless regarding any claims associated with the operation and maintenance of the same. In no event is the City obligated to take on the operation or maintenance or operation of the private streets and storm facilities within the Project.**

3.3.4.4 Secondary Access. Developer shall provide a secondary access suitable for public use and approved by City Engineer and Canyon County

Highway District 4 ("CHD4"), prior to the 51st building permit. This second access may be re-located so long as City Engineer and CHD4 approve any changed location.

3.4 Domestic Water and Sewer Facilities. City will reserve sewer and water capacity at approval of construction drawings for each phase as the Project progresses to completion. Developer is responsible for all planning, engineering, and costs associated with extending City utilities, including sewer and water facilities, "to and through" the Property and tying the same into the existing City sewer and water systems. Such costs shall include, but not be limited to, the cost to design and construct the facilities, cost to obtain all necessary permits, and cost to acquire necessary utility easements outside of City-controlled property. City will permit installation of City utilities in areas controlled by the City (in fee or by easement). If City requires Developer to oversize the utility facilities to accommodate future growth off-site involving unrelated development, City shall reimburse Developer for over-size work or additional lines (beyond the capacity required for the Project) by entering into a mutually agreeable latecomer's fee agreement to be negotiated between Developer and City pursuant to MCC 1-17-1 or by some other mutually agreeable reimbursement agreement as allowed by law and mutually agreed to by the parties. Said reimbursement agreement shall provide for reimbursement on mutually agreeable terms for design, permitting, and acquisition of necessary easements, and shall further contain a provision wherein City will reserve sufficient capacity for Developer to fully complete the Project construction in the future. Sewer and water main lines larger than eight inches (8") are not presumed oversized and shall require evaluation on a case-by-case basis. Installation of a 12" main in Middleton Road, Lincoln Road, under, over or through the Boise River and one 12" main through the development is not considered oversized and subject to reimbursement.

A water line extension under, through or across the Boise River will be necessary to serve the Property. Developer will be responsible for constructing the water line and shall build the water line in compliance with the specifications set forth in the City's Water System Plan and/or project specific plans and specifications for the project in effect at the time of construction. The water line extension must be operational prior to the issuance of the one hundred and thirty fifth (135th) building permit. Failure to meet this timeline will result in the City withholding any further building permits until the water line is operational. City Administration, in its sole discretion, may elect to allow Developer to complete the water line extension at a date and time after the one hundred and thirty fifth (135th) building permit is issued.

Developer will be responsible for only its proportionate share of the water line improvement costs (based on overall volume, including fire flow, required to serve Quarry East as compared to the volume made available by such an improvement). Therefore, Developer shall be reimbursed for any costs over and above its proportionate share via a latecomer fee agreement as set forth in MCC 1-17-1 or other mutually agreeable reimbursement agreement, which agreement shall provide for the reservation of domestic water capacity sufficient for Developer to fully complete the Project construction in the future.

Developer anticipates constructing a sewer lift station inside the project to serve the Property and a future Quarry subdivision. The Developer will also be required to reconstruct and expand the Boise River Lift Station for purposes of completing sewer service to the Property. To the extent such on site lift station or Boise River lift station expansion provides capacity to City's sewer system beyond what is required to serve the Project based on peak hour flows, such additional capacity shall be subject to reimbursement via latecomer fee agreement set forth in MCC 1-17-1 or other mutually agreeable reimbursement agreement, which agreement shall provide for reservation of sewer capacity sufficient for Developer to fully complete the Project construction in the future.

If, prior to construction of any of the water or sewer improvements described above, the City adopts a water impact fee and/or sewer impact fee, and if any of the foregoing improvements are included on a capital improvements plan, reimbursement to the Developer for construction of eligible improvements will be permitted in accordance the terms of such impact fee ordinance for capacity greater than required to serve the Project.

3.5 Natural Gas. Developer is responsible for extending natural gas service to the Property. The City shall not share in the cost of extending the natural gas service to the Property.

3.6 Irrigation. Developer will provide its own private pressurized irrigation system for the Property in conformance with Idaho Code 38-3105.b. No irrigation hookups within the Project will connect to City domestic water, and the CC&Rs for the Project shall indicate that domestic water shall not be used for irrigation and landscaping on any common/open space lots, residential lots, or commercial/industrial lots in the community.

3.7 Open Space. The Project shall contain a minimum of twenty-five percent (25%) open space that includes ponds, common area parks, clubs, and landscape frontage along Middleton and Lincoln Roads.

3.8 Urban Renewal Revenue Allocation Area. The parties agree and acknowledge that the City of Middleton Urban Renewal Agency, an independent body, corporate and politic (the "Agency") and the City may form an Urban Renewal Revenue Allocation Area ("RAA"), as authorized by Chapters 20 and 29, Title 50, Idaho Code, as amended, which RAA boundary may include all, or a portion, of the Project. In the event Urban Renewal Plan is adopted by City Council ordinance, then the RAA shall be administered and implemented by the Agency. Depending on Idaho law and the adopted Urban Renewal Plan, certain public infrastructure projects may be eligible for reimbursement as determined by the Agency, not the City. The Agency is a separate and distinct entity from the City. The City acknowledges that it will not hinder Developer from seeking reimbursement from the Agency for certain public infrastructure projects, including those identified in Section 3.4 hereof, but eligibility for reimbursement and related terms cannot be guaranteed. Nothing contained herein shall be construed as a waiver by Developer of its ability to pursue reimbursement as provided above.

If Developer receives any reimbursement from RAA for any infrastructure improvement constructed by Developer, then to the extent such reimbursement encompasses payments previously made to Developer pursuant to latecomer fees, credits (including impact fee credits), or reimbursements, Developer shall pay back any such latecomer fees, credits or reimbursement actually received by Developer for said infrastructure improvements.

3.9 Age Restriction. All residential lots shall be age-restricted to 55+ ownership and occupancy to the extent allowed under the laws of the State of Idaho or the United States. The CCRs for the Project will include said restrictions, which shall identify the authority for such restrictions, qualification requirements for occupants, disclosure requirements in connection with transfer or sale, as well as monitoring requirements. For clarity, the CCRs will require, in accordance with the Fair Housing Amendments Act, 42 U.S.C. § 3601, et seq. (1988), as amended (the “**Fair Housing Act**”) and the exemption therefrom provided by 42 U.S.C. § 3607(b)(2)(C) regarding discrimination based on familial status and that at least eighty percent (80%) of the occupied residential units within the project be occupied by at least one person who is 55 years of age or older. No lot shall be occupied by any person under the age of 18, where “occupied” refers to any person who stays overnight in the lot for more than 60 days in any 12-month period. The homeowners’ association shall be solely responsible for enforcement of the foregoing restrictions in accordance with the CCRs.

3.10 Roadway Construction Requirements.

3.10.1 Frontage Improvements. Except as otherwise set forth herein or as required by City or Idaho code, Developer shall be required to construct the half road improvements along Middleton Road and Lincoln Road and dedicate the fully improved rights-of-way to the City. The Road frontage improvements shall be constructed in compliance with the requirements of Canyon Highway District No. 4 (“CHD4”) or the City, depending on who has jurisdiction at the time of construction.

3.10.2 Middleton Road Frontage: The Middleton Road frontage is included in a capital improvement plan covering the Mid-Star Service Area (“Mid-Star CIP”). In order to avoid duplicate development requirements, Developer is entitled to reimbursement for all portions of the Middleton Road frontage improvements Developer constructs that are included in the Mid-Star CIP. Improvements that are not included in the Mid-Star CIP and would not be subject to reimbursement may include, but are not limited to, sidewalks, landscaping, storm facilities, pedestrian/bike facilities, and turn lanes to serve the project. Such improvements are considered “project improvements” rather than “system improvements”. Any reimbursement shall be in compliance with the provisions set forth in Idaho Code § 67-8209. Additionally, prior to Developer constructing the impact-fee eligible frontage improvements, Developer, City and/or CHD4 shall enter into a written

reimbursement agreement that will address reimbursement sources and timing that is mutually agreeable to the parties and allowed by law.

3.10.3 Quarry Street Intersection Control. The Mid-Star CIP includes a multi-lane roundabout at the intersection of Middleton Road and what is referred to on the preliminary plat as E. Quarry Street. Developer shall reserve on its preliminary plat and any subsequent final plats sufficient right of way for the construction of said multi-lane roundabout. The multi-lane roundabout may be built by public agencies, including the City, pursuant to the procedures set forth in the Mid-Star CIP. However, if the City is able to obtain sufficient right of way for the full construction of the roundabout prior to issuing Developer one hundred (100) building permits, then Developer shall be required to design and construct the roundabout and dedicate its half-road portion of the roundabout to the City. Once City notifies Developer in writing that it has obtained the necessary right of way for roundabout construction, Developer will have eighteen (18) months to design and construct the roundabout. The roundabout design must be in compliance with City specifications and be approved by the City. Failure to construct the roundabout within eighteen (18) months of City's written notice will result in the City denying Developer final plat approval for any subsequent final plats at the time the eighteen (18) month period expires. Completion of the roundabout and dedication of the same shall thereafter become a condition of final plat approval for the next phase. Because the multi-lane roundabout is part of the Mid-Star CIP, Developer shall be entitled to reimbursement pursuant to Idaho Code § 67-8209 for the portion of the roundabout design and construction included in the Mid-Star CIP, with such reimbursement to occur as soon as reasonably possible and may occur through Transportation impact fee credits (in strict compliance with the reimbursement provisions set forth in Idaho Code § 67-8209) to be issued to Developer as Developer pulls building permits on an ongoing basis within the Project.

3.10.4 If City ultimately does not obtain right of way for the roundabout by the issuance of one hundred (100) building permits, then Developer shall not be required to construct the roundabout at any time in the future. However, developer shall be required to construct sufficient turn lanes and connected frontage improvements to ensure safe ingress and egress to the Project prior to final plat approval for phase 1. Additionally, Developer shall be required to design and construct a fully actuated four-way traffic signal at the intersection of E. Quarry Street and Middleton Road once the City obtains sufficient right of way for the construction of said traffic signal. Developer is not entitled to any reimbursement for the traffic signal, and Developer shall design and construct the traffic signal at its sole cost and expense. The traffic signal shall be a pole traffic signal designed to the specifications of the City. Span wire will not be allowed. The traffic signal shall include two (2) luminaries to light the intersection and pedestrian facilities with detectable

domes. The poles shall be installed within the right of way existing at the time of construction. There will be no requirement to install the poles in locations that would accommodate future widening of Middleton Road. Developer will not be required to construct the traffic signal until after two hundred (200) building permits have been issued and City has notified Developer in writing that it has obtained sufficient right of way for the traffic signal construction. Developer will have twelve (12) months after said written notice to complete the traffic signal construction. Failure to construct the traffic signal within twelve (12) months will result in the City denying Developer final plat approval for any subsequent final plats at the time the twelve (12) month period expires. Construction of the traffic signal will thereafter become a condition of approval for final plat approval of the next phase.

3.10.5 Notwithstanding the above, Developer may elect at any time to construct the roundabout planned for Middleton Road and E. Quarry Street subject to a reimbursement agreement as set forth in Idaho Code §67-8209 for any impact-fee eligible design and construction costs.

3.10.6 Lincoln Road & Middleton Road Intersection. The Lincoln Road and Middleton Road intersection design shown in the Middleton Road 2016 Corridor Study includes a re-alignment of Lincoln Road to the south and the construction of a multi-lane roundabout where there is currently no public right-of-way. Because the Lincoln Road/Middleton Road roundabout may not be constructed for a number of years, Developer agrees to design and construct a fully actuated traffic signal at the intersection of Middleton Road and the northern leg of Lincoln Road. Right of way for this traffic signal shall be shown on the Project's preliminary plat and final plat. Developer will not be entitled to reimbursement for the cost of designing and constructing the traffic signal, and Developer shall construct the traffic signal at its sole cost and expense. Developer's obligation to design and construct said traffic signal will be triggered by the occurrence of two events: (1) Developer has submitted construction drawings for the Phase that contains the first public access on to Lincoln Road and (2) City has notified Developer in writing that it has acquired sufficient right of way for the construction of the traffic signal. Once Developer receives said written notice, Developer shall have twelve (12) months to complete construction of the traffic signal. The signal shall be a pole traffic signal designed to the specification of the City. Span wire construction will not be allowed. The signal shall include two (2) luminaries to light the intersection and pedestrian facilities with detectable domes. The traffic signal shall be installed within the then existing right of way. Failure to construct the traffic signal within twelve (12) months will result in the City denying Developer final plat approval for any subsequent phase at the time the twelve (12) month

period expires. Construction of the traffic signal will thereafter become a condition of approval for final plat approval of the next phase.

3.10.7 Developer may also elect to construct the roundabout planned for Middleton Road and Lincoln Road subject to a reimbursement agreement as set forth in Idaho Code §67-8209.

3.10.8 Access for Storage Facility. Access shall be allowed from Middleton Road into the storage facility lot currently shown as Phase 10 of the preliminary plat. The City shall determine the degree of access allowed, including the possibility of a limitation of access to right in/right out only and the construction of a permanent barrier to prevent left turn movement.

3.11 ITD Traffic Fee Requirement. The intersection of Hwy 20/26 and Middleton Road is not included in the Mid-Star CIP. Therefore, Developer shall pay the four hundred fifty six thousand three hundred thirty five dollar (\$456,335.00) pro-rata traffic fee set forth in Idaho Transportation Department's June 8, 2021, Development Conditions Memo. The amount due was based upon the initial seven hundred seventy nine (779) buildable lots included in both The Quarry East and The Quarry West subdivisions. Therefore, the amount due should be divided equally across the buildable lots approved in both subdivisions ("ITD Fee"). The ITD fee per unit is five hundred eighty five dollars and seventy nine cents (\$585.79), which is $\$456,335.00 \div 779$ (initial proposed units). Quarry East contains six hundred forty (640) residential lots. The final residential lot count for Quarry West has not yet been determined but is anticipated to be approximately two hundred and ninety (290) units. Based upon the unit ITD Fee, the ITD fee ascribed to Quarry East is three hundred seventy four nine hundred five dollars and sixty cents (\$374,905.60). Developer shall remit the \$374,905.60 payment to the City prior to final plat recording for Phase 1 of Quarry East. Developer shall pay the remaining balance ascribed to Quarry West prior to Phase 1 recording for the Quarry West project. The amount shall be the ITD unit fee of \$585.79 multiplied by the number of residential units shown in the approved preliminary plat for Quarry West. If ITD revises the fee amount or eliminates the fee, City will require Developer to pay only what ITD requires after said revision. Any reduced amount should be prorated similarly to what is described in this paragraph.

3.12 Final Plat Requirements. Notwithstanding the provisions in Article IV, Developer shall obtain City Engineer's signature on the Phase 1 final plat within four (4) years of the preliminary plat approval. Said signature shall be processed expeditiously by City and in no event later than six (6) months from the time the Developer submits a "Completion Packet" with all items required by the Supplement to the ISPWC and final plat application. The six (6) month period will not be triggered if any information required by the Supplement is missing. Developer may obtain a two (2) year extension to obtain the City Engineer's signature on Phase 1 final plat by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the initial four-year period, which approval shall not be withheld if Developer submits its request in a timely manner. The application request before City Council does not require a public

hearing. If Developer does not obtain City Engineer's signature on final plat for Phase 1 within the time frame noted above, City may, at its sole discretion, terminate the entire Development Agreement, and the Project property will revert to M-1 (light industrial) or R-3 (single family residential) zoning, as determined by City, after following the notice and hearing provisions set forth in the Middleton City Code. Additionally, the preliminary plat will automatically become null and void. City may seek termination of the Development Agreement at any time after the noted time periods expire, and City's delay in terminating the Development Agreement shall not constitute a waiver of its right to terminate the Development Agreement.

After final plat approval for the first phase, Developer shall obtain City Engineer's signature on the final plat for each phase in two (2) year intervals (subject to the requirement by the City to process such applications expeditiously and in no event later than six months from the time Developer submits a fully completed "Completion Packet" application and final plat application). Developer may obtain a two (2) year extension to obtain the City Engineer's signature on the final plat for the subsequent phase by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the previous time period, which approval shall not be withheld if Developer submits its request in a timely manner. If Developer fails to comply with said timelines, the portions of the preliminary plat yet to be final platted will become null and void. The zoning for the unplatted area shall revert to R-3 (single family residential) zoning.

3.13 LOMR Requirements. Developer shall comply with all FEMA requirements, including completion of a letter of map revision (LOMR) to remove all lots with improvements out of the flood plain. Pending LOMR approval, the Developer may receive building permits if elevation certificates are provided in connection with the same. However, Developer shall still comply fully with MCC 4-3-7-5(D), which requires elevation certificates for individual lots even after the LOMR is approved.

3.14 Community Amenities. Developer shall provide, at a minimum, the following community amenities: community swimming pool, six (6) pickleball courts, picnic area, and community beach (collectively, the "**Phase 1 Amenities**"), and a clubhouse (the "**Phase 2 Amenities**"). Swimming Pool/clubhouse shall be located on common lot 62, Block 1 and shall be built generally consistent with the site plan attached hereto as **Exhibit G**. The Phase 1 Amenities shall be completed no later than the issuance of the one hundred and thirty fourth (134th) building permit. The Phase 2 Amenities shall be completed no later than the issuance of the two hundred and seventy second (272) building permit.

3.15 Utility Easements and Ownerships. All constructed utilities are public and Developer shall grant access and utility easement at width requested by agency having jurisdiction covering the constructed utilities in locations identified on the plat and as required by public utilities or agencies having jurisdiction, including the City.

3.16 CCR & Purchase Agreement Disclosure Requirement. Developer shall state the following disclosure in every purchase agreement and in the CC&Rs: "*City of Middleton and*

Canyon County Planning documents show that the area directly north and east of The Quarry will be the location of a significant amount of light and heavy industrial businesses. Pursuant to the City's Future Land Use Map and Zoning Map, the City of Middleton will be actively seeking industrial users to locate in the areas surrounding The Quarry."

3.17 Additional Conditions. The Project shall be subject to those further conditions of approval associated with the approval of the Application as contained on **Exhibit H** attached hereto and made a part hereof.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 Event of Default. If 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 Reversion of Zoning. If after a breach and failure to cure as provided in Section 4.4, the City, after complying with the public hearing requirements of the Middleton City Code, may change the zoning for the Property as follows: (a) if prior to final plat approval for phase 1, then the City may change the zoning to M-1 (light industrial) or R-3 (single family residential) in its sole discretion, and the Developer hereby consents to such change; (b) if after final plat approval for phase 1, then the City may change the zoning to R-3 and the Developer hereby consents to such change.

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

4.4 Notice of Failed Performance and Opportunity to Cure. 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 reasonable satisfaction of the complaining party within thirty (30) days of the receipt of such notice.

ARTICLE V GENERAL PROVISIONS

5.1 Entire Agreement. 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 Amendment; Annexation.

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

5.2.2 Additional real property may be added to the definition of Property with such amendment, and the additional property identified shall, thereafter, be subject to this Agreement. If additional property is to be included with such amendment, Developer shall apply for annexation and zone change following the public hearing process set forth in the Middleton City Code. Any property annexed into Quarry East shall be subject to all provisions of the Development Agreement. A new concept plan for the additional property shall be appended to the amended development agreement.

5.3 Notice. 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:	M3 ID Woodland, LLC Attn: William Brownlee 7033 E. Greenway Parkway, Suite 100 Scottsdale, Arizona 85254
------------	---

With a copy to: M3 Companies
Attn: Mark Tate
1087 W. River Street, Suite 310
Boise, Idaho 83702

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

5.4 Enforcement Costs. 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 Effective Date; Recordation. The Agreement shall be effective only after approval by the City Council and execution by Developer, the Mayor, and City Clerk. After its execution, this Agreement shall be recorded in the office of the County Recorder at the expense of Developer.

5.6 Binding Effect. 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 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 own parcels or lots. Any 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 Interpretation. 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 Severability. 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 of the Essence. 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 Effective Date.

[Signatures and notary on following pages]

CITY OF MIDDLETON:

ATTEST:

By: _____
Steven J. Rule, Mayor
Date: _____

By: _____
Becky Crofts, City Clerk
Date: _____

State of IDAHO)
County of _____) ss.

I, a notary public, do hereby certify that on this _____ day of _____, 2022, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.

Notary Public
My Commission Expires: _____

WOODLAND PROPERTIES LIMITED PARTNERSHIP,
an Idaho limited partnership

Notary Public
My Commission Expires: _____

M3 ID WOODLAND, LLC,
an Arizona limited liability company

By: The M3 Companies, L.L.C.,
an Arizona limited liability company
Its: Member

Date: _____

I, a notary public, do hereby certify that on this _____ day of _____, 2020, personally appeared before me William I. Brownlee, the Manager of The M3 Companies, L.L.C, the Arizona limited liability company who is the Member of M3 Builders, LLC, the Arizona limited liability company, who is the Manager of M3 ID Moon Valley, LLC, an Arizona limited liability company, who, being first duly sworn, declared that he signed.

Notary Public
My Commission Expires: _____

Exhibit A:	Legal Description of Property
Exhibit B:	Master Plan
Exhibit C:	Elevations
Exhibit D:	Design Guidelines
Exhibit E:	Approved Code Modifications
Exhibit F:	Street Standards
Exhibit G:	Site Plan and Renderings of Clubhouse Property
Exhibit H:	Conditions of Approval

EXHIBIT A
Legal Description of Property



9955 W Emerald St
Boise, ID 83704

Phone: (208) 846-8570
Fax: (208) 884-5399

Quarry East
Boundary Description

Project Number 22-056 March 29, 2022

A parcel of land situated in Section 18, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and being more particularly described as follows:

BEGINNING at the south quarter-section corner of Section 18, Township 4 North, Range 2 West, Boise Meridian:

Thence N00°40'41"E, 36.00 feet along the north-south centerline of Section 18;

Thence S89°44'28"E, 16.72 feet;

Thence N00°15'32"E, 209.00 feet;

Thence S89°44'28"E, 11.50 feet;

Thence N00°15'32"E, 760.54 feet;

Thence N89°19'19"W, 21.13 feet to the north-south centerline of Section 18;

Thence N00°40'41"E, 1625.72 feet along the north-south centerline of Section 18 to the center quarter-section corner of Section 18;

Thence continuing N00°40'41"E, 1315.68 feet to center-north sixteenth-section corner of Section 18;

Thence S89°30'28"E, 2643.62 feet along the east-west centerline of the northeast quarter of Section 18 to the west right-of-way line of Middleton Rd.;

Thence S01°21'46"W, 3936.98 feet along the west right-of-way line of Middleton Rd to the south line of Section 18;

Thence N89°44'28"W, 2596.62 feet along the south line of Section 18 to the **POINT OF BEGINNING**.

The above-described parcel contains 236.60 acres, more or less.



Add sketch of 2022 legal description

Exhibit "B"
Concept Master Plan



EXHIBIT C
Elevations















































EXHIBIT D
Design Guidelines



QUARRY EAST SUBDIVISION

(Marketing Name TBD)

ARCHITECTURAL DESIGN GUIDELINES & CONSTRUCTION STANDARDS

*City of Middleton, State of Idaho
County of Canyon, State of Idaho*

Effective: _____

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I. INTRODUCTION

These Architectural Design Guidelines and Construction Standards ("**Design Guidelines**") are to be used as guidelines for the owner and builder in preparing plans and specifications for any proposed Improvement, construction, or installation within the Quarry East neighborhood and for maintaining an orderly construction environment. These guidelines are used by the Architectural Reviewer in conjunction with the Declaration. The Quarry East neighborhood will be comprised of various individual areas, each of which may have similar but varying requirements. The Architectural Reviewer reserves the right to grant variances or modify these standards as it deems appropriate and in accordance with the Declaration.

The Quarry East Declaration of Covenants, Conditions, Restrictions, and Easements, recorded as Document No. _____, Official Records of Canyon County, Idaho, as the same may be amended from time to time (the "**Declaration**") provides that no Owner may commence the construction of any Improvement without the prior written approval of the "**Architectural Reviewer**", which shall mean the Architectural Control Committee or ACC as defined in the Declaration. Pursuant to the Declaration, M3 ID WOODLAND, LLC, an Arizona limited liability company ("**Declarant**") retains the right to appoint all individuals comprising the Architectural Reviewer until one hundred percent (100%) of the Property has been developed and conveyed to Owners other than builders, unless such right is surrendered prior to such time in accordance with the provisions in the Declaration. As long as the Declarant retains such right, the Architectural Reviewer shall in no event be a committee created by or appointed by the Board or the _____ Homeowners' Association, Inc., an Idaho nonprofit corporation ("_____ HOA").

The Architectural Reviewer will not be required to review any plans until a complete review package, as required by the Declaration and these Architectural Design Guidelines and Construction Standards ("**Design Guidelines**"), is assembled and submitted to the Architectural Reviewer. The Declaration outlines other specific requirements governing architectural control imposed by the Architectural Reviewer which are not repeated in these Design Guidelines and which bind each and every Owner. The Architectural Reviewer has the authority to adopt such additional or alternate procedural and substantive rules and guidelines as it may deem necessary or appropriate in connection with exercising its rights hereunder.

The approval of the Architectural Reviewer of any plans or specifications for any work done or proposed in connection with any matter requiring the approval or consent of the Architectural Reviewer will not be deemed to constitute a waiver of any right to withhold approval or consent as to any plans and specifications on any other matter, subsequently or additionally submitted for approval by the same or a different person, nor will such approval or consent be deemed to establish a precedent for future approvals by the Architectural Reviewer.

The Architectural Reviewer may grant variances from compliance with any provisions in these Design Guidelines, when, in the opinion of the Architectural Reviewer, in its sole and absolute discretion, such variance is justified. All variances granted will be evidenced in writing to the builder or owner. The granting of such a variance will in not operate to waive or amend

any of the terms and provisions hereunder for any purpose, except as to the particular property and the particular instance covered by the variance, and such variance will not be considered to establish a precedent for any future waiver, modification, or amendment to these Design Guidelines.

The Architectural Reviewer is not responsible for: (i) errors in or omissions from the plans and specifications submitted for architectural review; (ii) supervising construction for the owner's compliance with approved plans and specifications; or (iii) the compliance of the owner's plans and specifications with applicable governmental statutes, codes, and ordinances, and municipal, county, state, and federal laws.

Capitalized words used in these Design Guidelines, but not otherwise defined herein shall have the same meaning ascribed to such terms in the Declaration.

II. SUBMITTAL AND APPROVAL PROCEDURES

A. **Submittal Requirements.** All submittals shall include the plans, specifications, application, and other information described below, as may be applicable. Construction may not commence until written approval is granted by the Architectural Reviewer.

The submittal plans and materials shall include specifications, dimensions, a legend of all symbols and abbreviations, and other applicable information necessary to perform such a review. Elevation views shall be provided for any proposed vertical Improvements (e.g. built-in BBQ, water feature).

The items listed below shall be digitally submitted to the Architectural Reviewer for approval (e.g. pdf, jpeg). The Architectural Reviewer may request physical samples at and/or additional material to be submitted at its discretion.

1. **Application.** Each submittal shall be accompanied by a completed design review application and checklist adopted by the Architectural Reviewer, (the "**Application**"), attached to these Design Guidelines as Attachment 1.
2. **Site Plan.** Show the Building Lot ("**Lot**") boundaries, the proposed location of all Improvements (including, but not limited to, all structures, driveways, sidewalks, fences, dog runs, patios, decks, outdoor lighting, utility meters, mechanical equipment, etc.), all easements, and all proposed setbacks. Include a roof plan as part of the site plan if a separate roof plan is not submitted. Use arrows to indicate the proposed grading and drainage flows off of the lot and away from the proposed residence and adjacent Lots. The Architectural Reviewer may require a separate grading and drainage plan be provided. (Minimum scale of 1/8" = 1'-0".)
3. **Grading Plan.** A separate grading plan must be provided in conjunction with an architectural submittal as well as with a landscape submittal for any Lake Front Lot (as defined below in *Section III.T*). Overlay the proposed grades over the

existing grades on a Lot plan showing all boundaries, easements, and applicable setbacks. Use arrows to indicate the proposed grading and drainage flow directions off of the Lot and away from adjacent Lots. (Minimum scale of 1/8" = 1'-0".)

4. Roof Plan(s). Depict roof masses, ridgelines, and roof pitches including pertinent dimensions (e.g. gable span, overhang depths) if not provided elsewhere. Show the locations of any roof drains or scuppers, as applicable. The roof plan may be included on the site plan in lieu of a separate roof plan. (Minimum scale of 1/8" = 1'-0".)

5. Floor Plan(s). Include the per floor square feet and total finished square feet of the residence, exclusive of garages, covered patios, storage areas, etc. Provide exterior dimensions on all floor plans. (Minimum scale of 1/4" = 1'-0".)

6. Building Elevations. Illustrate front, rear and side views, showing the maximum building height and include proposed exterior finish material descriptions. (Minimum scale of 1/8" = 1'-0".)

7. Specifications. Include the specifications and descriptions of any proposed exterior materials, finishes, equipment, etc.

8. Exterior Materials and Colors. Include digital samples of the color of proposed exterior material colors, (e.g. paint, stain). Samples of all other materials (e.g. brick, stone) shall be shown on the elevations. All proposed exterior materials and colors shall be identified by name, number, color, and manufacturer. The Architectural Reviewer may request physical samples of any proposed exterior colors or materials in which case the submittal will not be considered complete until all requested materials have been received.

9. Landscape Plan. Show the proposed landscape and hardscape including dimensions and any proposed fencing and include a legend of the plant types, sizes and quantities. A legend shall be included for plant types, sizes and quantities. Elevation views of each side shall be included for any vertical Improvement not reflected elsewhere in the submittal. Use arrows to indicate the proposed grading and drainage flows off of the lot and away from the proposed residence and adjacent Lots. It is preferred that the landscape plan be submitted with the initial architectural plan submittal, but it may be submitted up to sixty (60) days after the initial submittal. (Minimum scale of 1/8" = 1'-0".)

10. Design Review Fees. An initial design review fee of Four Hundred Fifty and No/100 Dollars (\$450.00) shall be paid to the Architectural Reviewer at the close of escrow for such Lot. If, for any reason, the initial design review fee was not paid at close of escrow for such Lot, then the applicable fee shall be paid at the time of the submittal. All design review fees are immediately non-refundable.

An additional design review fee of Two Hundred and No/100 Dollars (\$200.00) shall be due with the following types of submittals and payable to Declarant:

- (i) A Substantially Revised Submittal as defined in *Section II.D* below, and
- (ii) An Alteration Submittal to alter a previously approved submittal as described in *Section II.E* below.

All owner submittals and inquiries shall be made to the community manager.

All initial builder submittals and inquiries shall be made to:

The Quarry East Architectural Reviewer

c/o _____

EMAIL

PHONE

An online repository may be available for digital submittal uploads. Please inquire with the Architectural Reviewer for additional information if desired.

B. Notification of Action. The Owner or Builder shall be notified of the decision of the Architectural Reviewer within ten (10) business days of receipt of a complete submittal. The Architectural Reviewer may request additional information or materials and a submittal will not be considered complete until all requested items have been received. Revisions required by the Architectural Reviewer must be resubmitted and reviewed by the Architectural Reviewer prior to issuance of a formal approval unless the revisions are noted as a condition of approval on the Architectural Reviewer approval letter. Should notification of the Architectural Reviewer's decision not be received within ten (10) business days, it does not mean, nor may be construed to mean, the submittal was approved.

C. Expiration of Approval. The approval of the Architectural Reviewer shall be valid for a period of one (1) year at which time it shall expire.

D. Resubmittals and Substantially Revised Submittals. The Architectural Reviewer will review one (1) resubmittal from an Owner or Builder, if necessary, following the first formal review and response. After the resubmittal has been reviewed and the Builder or Owner has been notified of the decision regarding such resubmittal, the Architectural Reviewer's approval or denial shall be considered final.

If a submittal and subsequent resubmittal are both denied, the Architectural Reviewer will not perform any additional reviews unless the proposed Improvements are substantially revised. Provided the proposed Improvements are substantially revised, the revised designs shall be submitted for review as a "**Substantially Revised Submittal**"

and will be subject to an additional review fee as outlined in *Section II.A.9* above. Any Substantially Revised Submittal must include all applicable plans, specifications and submittal requirements set forth herein.

E. Alterations to an Approved Submittal. Proposed alterations or modifications to a previously approved submittal must be submitted as an “**Alteration Submittal**” to the Architectural Reviewer, and written approval from the Architectural Reviewer must be received prior to starting such work. Alteration Submittals must include the applicable plans, specifications and submittal requirements set forth herein and shall clearly identify those elements proposed to be altered or modified. Each Alteration Submittal will be subject to an additional review fee described in *Section II.A.9* above.

F. Construction Inspections. The Architectural Reviewer may make a physical on-site inspection during or at the completion of construction to verify compliance with the approved submittal.

G. Enforcement. If the Architectural Reviewer finds that the Improvements were not done in substantial compliance with the approved submittal corrective measures shall be taken as outlined in the Declaration, including, but not limited to, stopping construction and making physical changes to bring the Improvements into compliance with the approved plans.

III. DESIGN GUIDELINES

A. Lot Types. For the purposes of design review, Lots are divided into the following types:

- (i) “**Cluster Lot**”; Lots with a shared drive in areas designated as a cluster subdivision (typically 55’ or 65’ wide);
- (ii) “**Duplex Lot**”; Typically forty feet (40’) wide at the front setback with one shared wall;
- (iii) “**Small Lot**”: Less than sixty feet (60’) wide at the front building setback;
- (iv) “**Medium Lot**”: Greater than or equal to sixty feet (60’) wide but less than seventy feet (70’) wide at the front setback;
- (v) “**Large Lot**”: Greater than or equal to seventy feet (70’) wide at the front building setback; and

B. Street Side Setbacks. If there is additional width on a Lot with a side yard adjacent to a street, including where there is a common lot between the street and Lot, the residence shall have the building set back from such property line more than the minimum five foot

(5') setback and such area should include additional landscape where adequate space exists.

Residential Setbacks.

Duplex Lots		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	10 feet
	Side	5 feet
	Street Side	12 feet (if no common lot on side)
Cluster Lot Setback (4 lot cluster on shared driveway)		
	Front (to street of front lot)	10 feet
	Rear (rear of back lot)	10 feet
	Sides & Interior	5 feet
	To Common Drive	3 feet
Single Family		
	Front	10 feet to living or side load garage, 20 feet to garage door
	Rear	20 feet
	Side	5 feet
	Street Side	12 feet

Street Side Setbacks with no Common Lot. If there is a Lot with a side yard facing a street, where there is not a common lot between the street/sidewalk and Lot, the residence should be aligned along the opposite side yard setback and any fence adjacent to the street side is to be aligned 5' from the side of the home. The area between the fence and the sidewalk shall be a minimum of 7' for a total minimum 12' side yard setback and is to include additional landscape, including trees with a maximum spacing of 45', where adequate space exists.

C. **Driveways.** The builder will be responsible for installing a concrete driveway for any Cluster, Duplex, Small, or Large Lot. The builder will be responsible for installing a shared concrete driveway per the attached detail on **Exhibit _____** for the applicable Cluster Lots.

Unless otherwise approved, driveways may not extend past the edges of the garage to which they lead to allow room for more landscaping. Building lots are limited to one driveway cut at the street unless otherwise approved by the Architectural Reviewer.

D. **Minimum Square Feet.** Two-story homes shall have a minimum of 60% of the square footage, including garage, and excluding basements, storage rooms, covered patios, etc. on the first floor.

Finished space is exclusive of basements, garages, storage rooms, covered patios, etc. and each residence shall include a minimum amount of finished square feet based on Lot type, as set forth below.

Minimum Finished Square Feet of Residence					
	Cluster Lot	Duplex Lot	Small Lot (<60')	Medium Lot (≥60' & <70')	Large Lot (≥70'+)
One-Story Plan	1,200	1,200	1,300	1,600	2,200
Two-Story Plan	1,600	1,600	1,800	2,000	2,600

The Architectural Reviewer may require additional square feet of finish space depending on compatibility with existing homes or otherwise at its discretion.

E. Exterior Elevations.

The use of honest architectural elements relative to each architectural style is critical. Elements, such as boxed out windows, dormer windows and covered entries, are encouraged. Double gables over the entire width of a three (3) car garage are discouraged. Stacked rooms over garages shall incorporate a change in the front plane of the garage to avoid large, unbroken vertical surfaces. Where siding is used, batten boards or trim shall be located as inconspicuously and symmetrically as possible. Windows shall be consistent in type, style, trim and proportion.

Lots with rear or side elevations that face a street or Common Area are required to provide a higher level of articulation and detailing, including vertical and horizontal offsets along with breaks in the roof plane. The side of a residence on a Cluster Lot adjacent to or facing the street, highly visible common area, or open space should feature detailing, articulation (e.g. jogs in the architecture), and an overall design and appearance equivalent to a typical “front” elevation. Large expanses of flat, unbroken surfaces are not permitted on elevations facing a street or Common Area. Intermediate horizontal bands are encouraged at all two-story elements. Covered patios and balconies, horizontal offsets, overhangs and other methods to create visual depth and contrast are highly encouraged. Rear elevations that face streets or Common Areas must include covered patios.

Any “standard” (non-custom) floorplan approved for repetitive use should include multiple elevation styles that are substantially different. Similar architectural styles proposed for more than one floorplan shall have substantially different elevations. Elevation styles may be repeated within Quarry East provided a minimum of four (4) Lots with completely different floorplans and/or elevation styles separate the similar layouts

and the color schemes are different. However, the Architectural Reviewer may require some additional differentiation between any like floorplans and elevations. The requirements set forth in this paragraph are intended to mitigate undesirable monotony in the community design and finishes. Therefore, a Builder submitting for standard plan review should consider the total quantity of floorplans, elevation styles, and color/material schemes necessary to meet these requirements.

Broken roof lines and no less than three (3) primary roof masses are required. Unless otherwise approved by the Architectural Reviewer as compatible with a particular architectural design or style, the minimum pitch for roofs, excluding roofs at porches and deck covers, shall be 4:12. Steeper front-to-back roof pitches may be required on shorter roof spans if needed to provide greater street presence. Mixing or differing roof pitches on the same elevation is discouraged. Roof vents and other ventilation pipes shall be located on the rear elevation except where impractical, shall be painted to match or blend with the roof color, and shall otherwise be installed in an inconspicuous location and manner. Roof and attic vents shall be shown on the elevations.

Roof eaves are required to be a minimum of 16" deep, and gable ends are required to be a minimum of 12" deep.

Low-profile roofs with predominant pitch of 4/12 or 5/12 must be consistent with a specific architectural style and must have significant architectural details, such as:

- (i) Heavier Stacked Fascia—minimum 12"; and/or
- (ii) Corbels, exposed rafters or other details that are true to this style

Architectural detailing should be consistent with the architectural style and avoid the appearance of an over or under worked design.

Transitional 2-story or 1-1/2 story residences may be located on corner Lots provided that the single-story portion of the residence is located adjacent to the corner or side street and is approved by the Architectural Reviewer. Two-story residences are prohibited on Lots backing up to or with a side facing a main arterial street, clubhouse, or open space unless the elevation has a single story or stepped appearance.

F. **Exterior Finishes and Colors.** Exterior finishes should be cohesive with the architecture styles. Exterior finish materials and colors shall be consistent and continuous on all elevations of a dwelling to achieve a uniform and complete design. Hardy / Tru Lap / Louisiana Pacific or equivalent, stucco, local stone and brick are preferred exterior materials. The Architectural Reviewer will also consider high quality manufactured stone.

Architectural and aesthetic balance shall be primary concern in determining placement of materials. All materials will be required to terminate at an inside corner whenever possible or wrap the corners a minimum of thirty-six inches (36"). Materials

may be required to extend further in cases where there is a more logical terminus point. Designs are encouraged to use materials to define building forms.

1. Stone and Brick. Subject to compatibility with the overall architectural style and design, all residences, except as noted below, shall be required to incorporate brick or stone. A minimum of twenty percent (20%) of elevations that face a street(s) will be required to be stone or brick. The requirement for the use of such accent materials on exterior elevations may be waived by the Architectural Reviewer for exceptional design concepts that establish a very high quality through other elements of architectural design. The Architectural Reviewer may require upgraded siding, additional landscaping, or other elements at its discretion.

Materials shall be compatible with the exterior paint colors approved by the Architectural Reviewer. Darker brick shades are encouraged. White or gray brick will be considered when consistent with the architectural style.

2. Siding & Stucco. Proposed siding shall be eight inches (8") hardy / cement, cedar shake or board and batten. Cottage lap siding is not permitted; other types of siding not contemplated herein are subject to written approval by the Architectural Reviewer. Steel, aluminum, or vinyl siding are prohibited. If siding is used on an elevation it shall be used on all elevations.

Stucco exteriors shall incorporate appropriate articulation and accents, such as one and on-half inch (1-1/2") deep by six inch (6") wide trim around windows, twelve inches (12") intermediate horizontal bands at 2-story elements, belly bands, frieze boards, etc. If stucco is used on an elevation it shall be used on all elevations.

3. Exterior Paint Colors. Exterior wall colors and trim colors must be selected for their harmony with each other and the overall aesthetic goals of the community. Rain gutters and downspouts shall match the color of the surface to which they are attached.

Exterior colors of earth tones, warm tones or grays shall be required for the body of the residence. Bright, bold or very dark colors shall be reviewed on a case by case basis by the Architectural Reviewer.

4. Roof Materials. Roofs shall be thirty (30) year or better architectural asphalt shingles, slate, concrete tile, or clay tile and must have high-definition ridge caps. Roof colors must be black or dark grey unless otherwise approved by the Architectural Reviewer. Other roofing materials are subject to written approval by the Architectural Reviewer.

G. Solar Panels. Solar panel locations must be approved by Architectural Reviewer prior to installation. Panels shall be commercially manufactured and well maintained.

Solar panels shall not be visible from the front elevation of the home if possible. Solar panels and associated hardware shall be an integral part of the design of the home. The color of solar panels, frames, and associated hardware shall be black and shall be recess mounted (flush) into the roof structure or low profile and parallel to the roof with no visible piping. If solar panels are proposed, the roofing material shall be of a hue that minimizes the contrast between the roof and the solar panels.

H. Rain Gutters and Downspouts. Rain gutters and downspouts are required on all residences, shall be continuous, and shall be painted to match the color of the surface to which they are attached. The use of chains or copper gutters and downspouts will be considered when appropriate with the architectural style.

I. Fascia & Trim. Roof fascia shall be a minimum of eight inches (8") wide. Certain architectural styles may require wider fascia. Gables shall incorporate stacked trim detailing. Fascia and trim shall be constructed of nominal one inch (1") thick material. Stacking is not required on eaves where gutter covers the additional fascia.

J. Architectural Detail/Accents. Focus should be placed on architectural design that is true to the character or style submitted. Details and accents should represent the historical integrity of each style and should be consistent with the style on all elevations. Over-worked or unrelated detailing is prohibited.

K. Chimneys. Chimneys may be restricted for size and location. All full height chimneys shall have an architectural metal chimney cap that fully encloses the chimney pipes and painted pursuant to the written approval of the Architectural Reviewer.

L. Garages, General. Designs should de-emphasize the garage, and the main living areas of a residence should be visually dominant. Accordingly, builders are encouraged to locate front-loaded garages behind the front of the rest of the home, e.g. livable finished area, side-load garages, and/or front patios. Side load garages are encouraged, and when possible, designs should avoid placing garage doors where they are visible from the street. Side loaded garages are highly encouraged, but not required, on Lots that are deeper than one hundred thirty feet (130'). All garage doors are subject to written approval of the Architectural Reviewer.

All garage doors, including RV or oversize garage doors, should be recessed a minimum of six inches (6"). When feasible, a minimum garage door recess of twelve inches (12") is recommended. Flush or flat panel garage doors are not allowed. Garage doors are to have detailing that is consistent with the architectural style and design of the residence. Interiors of garages shall be sheet rocked, taped, sanded and painted or sheet rocked, taped sanded and textured. Trim around doors and windows shall be painted.

If a front-load garage extends in front of the rest of the home, enhanced architecture will be required. If front load garage(s) occupy more than 50% of the width of the front elevation, upgraded garage doors may be required. Taller garages will require a greater setback from the other garages as described below.

Garages on Duplex, Small or Cluster Lots shall be limited to a single two-car garage door or two single-car garage doors. Small, Cluster, and Medium Lots are limited to a maximum garage door height of eight feet (8'). Garages on Medium Lots and Large Lots may have a single two-car garage door plus a single one-car garage door, or three one-car garage doors. If a home features three garage bays, the front of at least one of the garage bays should be set back a minimum of eighteen inches (18") from the face of the other garage(s). If an RV garage is proposed on a Large Lot, typically, only a single additional, one-car garage door will be permitted. The Architectural Reviewer may elect to allow a front facing garage if it is set back behind the home and another side loaded garage.

Detached garages are prohibited.

Garage Doors by Lot Type			
	Cluster, Duplex & Small Lot	Medium Lot	Large Lot
Max Number of Garage Doors	(1) 2-car garage door, or (2) 1-car garage doors	(1) 2-car garage door and (1) 1- car garage door, or (3) 1- car garage doors	(1) 2-car garage door and (1) 1- car garage door, or (3) 1-car garage doors
Max RV/Tall Garage Door Height	8'	10'	12'

M. RV Garages & Tall Garage Doors. Although taller garage doors and RV garages may be considered on certain Lots (or Lot types as described herein), this does not guarantee approval. Plans submitted with RV garages will be subject to a more detailed review process and may be denied by the Architectural Reviewer in its sole discretion.

The Architectural Reviewer will allow and evaluate proposed architectural RV or oversize garage doors on specific Lots, subject to any restrictions and the below guidelines. The Architectural Reviewer's review of any proposed RV or oversize garages will be subjective and in the sole discretion of the Architectural Reviewer.

1. The Architectural Reviewer will typically pre-designate specific Lots that may feature an oversized or RV garage door as well as the maximum height of such door. If there is any question relating to RV or oversize garage doors on a specific Lot, and/or the maximum oversize/RV garage door height permitted, please contact the Architectural Reviewer.
2. Except as may be otherwise specified by the Architectural Reviewer, Large Lot types that are less than seventy-five feet (75') in width at the front setback may

have a single one-car garage door higher than eight feet (8') up to a maximum height of twelve feet (12'), subject to the standards set forth below.

3. Except as may be otherwise specified by the Architectural Reviewer, one-story homes with garage doors greater than twelve feet (12') in height and up to a maximum height of fourteen feet (14') will only be considered on Large Lot types that are seventy-five feet (75') or wider at the front setback.

4. For an RV or oversize garage to be considered, it must meet the following minimum setbacks from the front of any other garage on the Lot:

(i) Three feet (3') for doors taller than eight feet (8') and up to ten-feet (10') in height,

(ii) Five feet (5') for doors taller than ten feet (10').

5. A garage door should not be one of the most prominent features on the façade. The intent is to minimize the impact as much as possible by keeping the taller garage door behind both the front of the residence and the eight-foot (8') garage door. If the front of an RV garage or taller garage extends in front of the finished livable area, enhanced architecture will be required.

6. Turning the other garages into side-load garages are encouraged.

7. Incorporating an architectural pop-out with a lower roof line on the side of a tall garage is strongly encouraged on 12' doors and required on 14' doors and may be required depending on the particular site and proposed location. Tall garages should incorporate other architectural elements to provide visual interest, such as windows, banding at the level of the roof line, etc.

8. Upgraded, architectural garage doors are encouraged.

9. The overall mass and roof shall be integrated with and in harmony with the rest of the residence. The top of the RV garage should not exceed the roof height of the residence.

10. RV and oversized garage spacing will be designated by the Architectural Reviewer. Notwithstanding any designation the Architectural Reviewer may make to the contrary, Lots with RV garages will typically be required to be separated by a minimum of three (3) Lots on the same side of the street and a minimum of two (2) Lots to each side of an opposite Lot, where applicable.

11. If an RV garage is proposed on an end Lot condition adjacent to Common Area and/or streets, the RV garage shall be located on the side of the Lot opposite such adjacency.

N. **Detached Storage Structures.** All vehicles, trailers, tools, and equipment shall be stored out of view in enclosed structures. A maximum of one (1) detached storage facility per Lot will be considered, such as a storage shed, provided it is of the same construction, finish, and color as proposed and approved for the residence. Metal storage sheds or other structures that do not reflect the architectural style and quality of the residence on such a Lot are prohibited.

Such a detached storage facility may not exceed two-hundred (200) square feet in area, and detached structures may not be located within three feet (3') of the property line on a Lot. Any such structure shall be placed on a concrete pad in a location approved by the Architectural Reviewer and may not back to a neighboring view fence. Depending on location, additional landscaping may also be required.

The Architectural Reviewer encourages the storage of boats, RV's, camp trailers and other similar vehicles or trailers in offsite storage facilities.

O. **Fences.** Prior to the construction of any fence, plans shall be submitted as part of the landscape plans to and approved in writing by the Architectural Reviewer. The submittal shall include a site plan showing the location of fencing proposed, including setback dimensions, and designate the type and height of fence proposed. The only fence types permitted are those specified by these Design Guidelines, and no fence may be installed prior to approval by the Architectural Reviewer. Refer to Exhibit A through Exhibit C attached to these Design Guidelines for the permitted fencing types for most Builder and Owner installations. The developer may install an alternate style screen fencing shown in Exhibit D in select locations, and where such exists, it may not be replaced with any other type of fencing, including a Builder/Owner style screen fence.

1. General fence requirements include:

- (i) Wherever possible, adjoining Lots shall use common corner posts.
- (ii) Fence returns terminating into the side of a house shall be a minimum of four feet (4') behind the front of the residence on the side where the return is located.
- (iii) Transitions in fence height shall be accomplished by stepping, (not angling), the fence top.
- (iv) Where view fence is used along rear lot lines adjacent to Common Areas, view fence should also be used for a minimum of two fence panels on the adjacent side yard fence.

2. Permitted locations for each fence type are as follows:

- (i) All Lots located adjacent to club, Common Area, and/or open space, including water features, hillsides, etc. shall install view fencing along such rear or side property line(s).
- (ii) All Lots located adjacent to any Common Area or streets shall install screen fencing or demi-screen fencing along such adjacent boundary line(s).
- (iii) Screen fence may be installed on or alongside property lines between residential Lots, except where view fence is required as described above in *Section III.O.1(iv)*.
- (iv) Where view fence is opted to be installed along a rear boundary of a Lake Front Lot, the view fence shall be located at the top of the slope leading down to the water, as applicable, and should include a gate to accommodate maintenance access.

Refer to Exhibit E for a depiction of the Fence Plan by Phase. Depending on location, the Architectural Reviewer may require an on-site inspection prior to fence construction.

P. Dog Runs. Dog runs must be approved by the Architectural Reviewer prior to installation. The size and location may be restricted. If approved, they shall be commercially manufactured and well maintained. Coated chain-link, galvanized and stainless steel are the only approved materials unless constructed of one of the permitted fence styles.

Q. Patios. All residences are recommended to include covered rear patios. All exterior patios are required to be a minimum of ten feet (10') deep and shall be covered. Covered patios may be a minimum of eight feet (8') deep (or equivalent alternate dimension) where Lot depth is a constraint. Patio covers shall extend to the edges of the patio and be integral to the design and appear as extensions of the architecture of the residence. Patios and covers on corners shall extend past and wrap the corner of the building. All columns must be a minimum size of twelve inches by twelve inches (12" x 12").

R. Landscaping of Small, Medium, and Large Lots. A landscape plan shall be prepared and submitted to the Architectural Reviewer for approval. Although certain minimum standards have been established, additional landscaping is encouraged and may be required by the Architectural Reviewer.

Builders and Owners are encouraged to consider adjacent yards when formulating a landscape plan and to the extent practical, shall blend the Improvements with the neighboring yard landscape Improvements, including planters and berms. The Architectural Reviewer will consider how the proposed landscaping blends with and promoted the overall aesthetics of the site in conjunction with structures. The use of berms

and clustered planting groups such as garden beds with trees, shrubs and flowers are encouraged.

Exterior mounted utility meters, heat pumps, air conditioners, and other such equipment shall be properly screened from view of the street and surrounding homes by landscaping or fencing.

Landscaping in front, rear, and side yards is required to be completed in accordance with these standards within 30 days of substantial completion of the home, except in the event weather makes installation unfeasible, in which case written waiver from the Architectural Reviewer is required.

1. Trees shall be planted in front yards, corner yards and rear yards according to the following minimum standards:

(i) Deciduous trees shall be 2" caliper or larger and evergreen trees shall be 8' high or higher

(ii) An ornamental tree or 5 additional 2-gallon shrubs may be substituted for one of the trees required in the front yard if approved by the Architectural Reviewer.

(iii) A Lot on which the residence is required to have an increased side setback as described in *Section III.B* shall have additional trees planted within such area along the property line provided the width of the side yard is a minimum of ten (10) feet, and such trees shall have a maximum spacing of forty (40) feet.

MINIMUM TREE QUANTITIES			
	Small Lot ($<60'$)	Medium Lot ($\geq 60'$ & $<70'$)	Large Lot ($\geq 70'$ & $<90'$)
Front Yard	2 trees, one deciduous tree and one evergreen tree.	2 trees, at least one deciduous tree and one evergreen tree	3 trees, at least one deciduous tree and one evergreen tree
Rear Yard	1 tree per 1500 square feet of rear yard	1 tree per 1500 square feet of rear yard	1 tree per 1500 square feet of rear yard

2. Shrubs shall be planted in the front yards, corner yards and rear yards according to the following minimum standards:

MINIMUM SHRUB QUANTITIES			
	Small Lot ($<60'$)	Medium Lot ($\geq 60'$ & $<70'$)	Large Lot ($\geq 70'$ & $<90'$)

Front Yard	Minimum 16-20, 2 gallon or larger shrubs	Minimum 18-22, 2 gallon or larger shrubs	Minimum 20-24, 2 gallon or larger shrubs
Corner Lot Side Yard	Minimum 10, 2 gallon or larger shrubs	Minimum 12, 2 gallon or larger shrubs	Minimum 14, 2 gallon or larger shrubs
Rear Yard	Minimum 8, 2 gallon or larger shrubs	Minimum 9, 2 gallon or larger shrubs	Minimum 10, 2 gallon or larger shrubs

3. Planter beds planted with shrubs and flowers shall cover a minimum of 25% of the front yard, 20% of the side yard on corner lots, and 15% of the rear yard.
4. Except at planter bed locations or side yards, sod shall be laid throughout (excluding driveways, walks, and patios).
5. Sod or turf grass shall be planted covering a minimum of 50% of the front yard and 50% of the rear yard. Artificial turf is prohibited in front yards.
6. Ground cover used in planter beds shall either be a natural wood or soil product with no dyes or color added, or a grey / dark colored perma bark/rock chips no larger than 1 inch in size. There shall be no red, white, or light-colored rock chips.
7. An automatic underground irrigation system shall be installed throughout. Such irrigation system shall include appropriate backflow prevention and utilize zones for landscape with different water demands. Sprinkler systems shall be designed to minimize overspray and are encouraged to incorporate low trajectory spray nozzles.
8. Builders are responsible for installing irrigation and landscaping in the planter strips located between sidewalks and curbs adjacent to their lot if applicable. One street tree shall be planted on each property line within the planter strip, except in restricted areas. Refer to Exhibit G for a depiction of those Lots where trees are prohibited within the planter strip. Street trees should be selected from the Treasure Valley Tree Selection Guide as appropriate for the proposed location. Trees in the planter strip are in addition to minimum standards. Turf grass shall be planted in the planter strip except where the driveway and street trees are located.
9. Landscape grading shall be designed to produce a graceful contouring; harsh geometric shapes and slopes will not be approved. Mounding or contouring used to add interest to the landscaping must be an appropriate scale in relation to the rest of the yard and be sufficiently compacted and covered to prevent erosion. Any imported soil shall be free of weeds and debris and equal to the quality of the

existing soil on the Lot. Driveway site coverage shall be minimized to provide additional area for landscaping. Gravel pads for parking of vehicles, trailers, etc. are not acceptable.

10. If a raised patio is proposed as part of the landscape, it must be a minimum of three (3) feet from any property line, and the height may not exceed twenty-four (24) inches in order to be considered.

11. Lots backing to a lake edge must also comply with the standards set forth in Section III.T below.

12. In no event shall the landscape and/or grading alter the Lot drainage as approved by the City of Middleton, Idaho. All drainage water must be retained on the Lot or directed off the Lot in accordance with the drainage details attached as Exhibit E; no Lot drainage may be permitted to flow onto or across an adjacent Lot.

Variances to the landscape requirements set forth herein may be granted in cases such as flag lots or pie shaped lots with narrow street frontages. Extensions for completion of landscaping may be granted when weather conditions hamper landscape construction from December 1 through April 1.

S. Landscaping of Duplex & Cluster Lots. A cohesive landscape plan shall be developed and submitted to the Architectural Reviewer for each group of Duplex or Cluster Lots that is accessible from a single shared drive or adjacent drives. Although certain minimum standards have been established, additional landscaping is encouraged and may be required by the Architectural Reviewer. The Architectural Reviewer will consider how the proposed landscaping blends with and promoted the overall aesthetics of the site in conjunction with structures. The use of berms and clustered planting groups such as garden beds with trees, shrubs and flowers are encouraged.

Builders and Owners are encouraged to consider adjacent yards when formulating a landscape plan and to the extent practical, shall blend the Improvements with the neighboring yard landscape Improvements, including planters and berms. Exterior mounted utility meters, heat pumps, air conditioners, and other such equipment shall be properly screened from view of the street and surrounding homes by landscaping or fencing.

Landscaping in front, rear, and side yards of each Duplex or Cluster Lot shall be completed to these minimum standards within thirty (30) days of substantial completion of the residence on such lot, except in the event weather makes installation unfeasible, in which case written waiver from the Architectural Reviewer is required.

1. Trees and shrubs shall be planted in front yards, corner yards and rear yards according to the minimum standards described below.

- (i) Deciduous trees shall be 2" caliper or larger and evergreen trees shall be 8' high or higher
- (ii) An ornamental tree or 5 additional 2-gallon shrubs may be substituted for one of the trees required in the front yard if approved by the Architectural Reviewer.
- (iii) A Lot on which the residence is required to have an increased side setback as described in *Section III.B* shall have additional trees planted within such area along the property line provided the width of the side yard is a minimum of ten (10) feet, and such trees shall have a maximum spacing of forty (40) feet.

DUPLEX & CLUSTER LOT MINIMUM TREE AND SHRUB QUANTITIES		
	Trees	Shrubs
Front Yard	2 trees, one deciduous tree and one evergreen tree.	Minimum 16-20, 2 gallon or larger shrubs
Corner Lot Side Yard	See <i>Section III.S.1(iii)</i> above	Minimum 10, 2 gallon or larger shrubs
Rear Yard	1 tree per 1500 square feet of rear yard	Minimum 8, 2 gallon or larger shrubs

- 2. Planter beds planted with shrubs and flowers shall cover a minimum of 25% of the front yard, 20% of the side yard on corner lots, and 15% of the rear yard.
- 3. Except at planter bed locations or side yards, sod shall be laid throughout (excluding driveways, walks, and patios).
- 4. Sod or turf grass shall be planted covering a minimum of 50% of the front yard and 50% of the rear yard. Artificial turf is prohibited in front yards, but would be considered in rear yards.
- 5. Ground cover on planter beds shall be rock chips no larger than 1 inch in size and match or be substantially similar in appearance to the boulders reflected in Exhibit H.
- 6. An automatic underground irrigation system shall be installed throughout. Such irrigation system shall include appropriate backflow prevention and utilize zones for landscape with different water demands. Sprinkler systems shall be designed to minimize overspray and are encouraged to incorporate low trajectory spray nozzles.

7. Builders are responsible for installing irrigation and landscaping in the planter strips located between sidewalks and curbs adjacent to their Lot if applicable. One street tree shall be planted every thirty-five (35) feet within the planter strip along each property line or right-of-way that borders such Lot as applicable. For street tree specifications, contact the design review committee. Trees in the planter strip are in addition to minimum standards. Turf grass shall be planted in the planter strip except where the driveway and street trees are located.

8. Landscape grading shall be designed to produce a graceful contouring; harsh geometric shapes and slopes will not be approved. Mounding or contouring used to add interest to the landscaping must be an appropriate scale in relation to the rest of the yard and be sufficiently compacted and covered to prevent erosion. Any imported soil shall be free of weeds and debris and equal to the quality of the existing soil on the Lot. Driveway site coverage shall be minimized to provide additional area for landscaping. Gravel pads for parking of vehicles, trailers, etc. are not acceptable.

9. If a raised patio is proposed as part of the landscape, it must be a minimum of three (3) feet from any property line, and the height may not exceed twenty-four (24) inches in order to be considered.

10. In no event shall the landscape and/or grading of a Lot alter the Lot drainage as approved by the City of Middleton, Idaho. All drainage water must be retained on the Lot or directed off the Lot in accordance with the approved grading and drainage plans; no Lot drainage may be permitted to flow onto or across any adjacent Lot.

Variances to the landscape requirements above may be granted in cases such as flag lots or pie shaped lots with narrow street frontages. Extensions for completion of landscaping may be granted when weather conditions hamper landscape construction from December 1 through April 1.

T. Lake Front Lots. The rear or side property line of a Lot may be located along a body of water or "lake", and where there is no landscaped common area between the Lot and water's edge, such a Lot may be specifically referred to herein as a "**Lake Front Lot**". (A Lot with landscaped common area between the Lot and a body of water, would not be considered a Lake Front Lot as it pertains to these Design Guidelines.)

As the Property is developed, certain Lake Front Lots may be permitted entry into a lake directly from the Lot, subject to any applicable rules and restrictions. Refer to Exhibit I identifying by phase any Lake Front Lots where direct entry into a lake is permitted.

A grading plan must be included with (a) the architectural submittal and (b) the landscape submittal for each Lake Front Lot when grade changes are proposed or if requested by the Architectural Reviewer. The Architectural Reviewer may require a

grading plan be provided with a submittal for an alteration, reconstruction, modification, and/or addition to the rear yard Improvements, in its discretion.

The overall design of a rear yard should provide a gracious transition between the residence and the water's edge. Refer to Exhibit J for illustrations of lake edge Improvements and refer to Exhibit K for illustrated approximate high and low water levels.

The standards described below will apply to proposed Improvements near or along the water's edge on a Lake Front Lot.

1. Retaining Walls. Local, surface select boulders are the preferred material for retaining walls; poured in place concrete will also be considered. Block retaining walls are discouraged but may be approved provided such are designed to be an extension of the residential architecture on the Lot.
2. Beach Areas. A recessed sand "beach front" may be constructed on a Lot, provided it is substantially level and does not exceed 40% of the Lot width at the rear property line. Beach front sand should be natural yellow, tan, or white hues; specialty colors, including black, will not be approved. The sand "beach front" should be setback from the side property line a minimum of five (5) feet.
3. Docks. If direct entry from a Lot into a lake is permitted per Exhibit I, a dock may be considered for such a Lake Front Lot provided the Lot is greater than one-hundred feet (100') wide at the rear property line meeting the water's edge. The Architectural Reviewer may adopt a standard style, color, size, or other dock specification(s). A dock may be constructed of wood or composite wood, such as Trex decking or similar, and should be a natural wood color or other earth tone. White, bright, or very light colors will not be approved.
4. Diving Boards & Slides. Diving boards and/or slides leading into the lake are not permitted.
5. Patios. A patio located near the water's edge is to be harmonious with the lake edge and will be subject to a higher level of scrutiny. Covered structures must be kept within the residential setbacks unless otherwise approved.
6. Water Levels. Water levels are expected to regularly fluctuate by several feet and any vertical portion of a proposed Improvement in or along the water should appear consistent and cohesive both when the water level is high as well as when it is low. Refer to Exhibit K for illustrated approximate high and low water levels.
7. Setbacks and Width. Patios, retaining walls, docks, and other Improvements, excluding landscape, along the water's edge will typically be required to be setback at least five (5) feet from the nearest side property line and be limited to no more than 40% of the Lot width at the rear property line.

8. Shore Rock. The landscape for each Lake Front Lot shall include local river cobble installed along the water's edge, in a 3" to 8" size blend, available from Premier Aggregates in Emmett, ID (208-901-8189). Shoreline cobble must be the specified size range, and a single size or alternate size/range is not permitted. Boulders along the shore and slope are to match the color/appearance of the river cobble.

9. Shore Planter Bed Cover. Ground cover in planter beds along the rear of the Lot is to match the color of the ground cover used in planter areas elsewhere on the Lot and shall be rock chips (perma bark) between 1" and 1-1/2" in size. Bark chips may not be used in planter beds located along the back of Lot and shore.

10. Grasses. Grasses may be planted from the top of the slope down to the edge of the water, which is subject to seasonal fluctuation. Due to the grade of the slope, fescue is recommended.

11. Boulder Retaining Walls. Owners are encouraged to install boulder retaining walls to create raised planter beds along the water behind such Owner's Lake Front Lot. In addition, the developer may have installed or may install boulder retaining walls for raised planter beds along the water behind some, but not all, Lake Front Lots. Where there is a raised boulder planter bed behind a Lake Front Lot, the initial landscape for such Lot must include the planter area behind such Lot to meet the following minimum standards, which are in addition to any other minimum landscape requirements on the Lot:

(iv) At least one tree is to be planted meeting or exceeding the minimum tree size for the type (evergreen or deciduous) as specified in *Section III.R*;

(v) Plant at least one (1) shrub per one-hundred (100) square feet of planter area or a minimum of five (5) shrubs, whichever is greater, and such shrubs shall be two-gallon size or larger;

(vi) Unplanted areas are to be covered with ground cover as described in *Section III.T.9* above.

12. Appearance of Lake Edge. Each Owner of a Lake Front Lot is responsible for maintaining the water's edge adjacent to or along the Lot in a sightly manner, removing any trash or debris, weed abatement, and replacing rock as necessary.

Direct lake entry will not be allowed from all Lake Front Lots, and where permissible, the accessibility to a lake from a Lot may vary throughout a year and/or change over time. Not all Lake Front Lots will have water's edge along the entirety of the adjacent Lot boundary. If there is any dispute as to whether a Lot is considered a Lake Front Lot or whether direct entry to a lake from a Lot may be permitted, the Architectural Reviewer's decision shall be final, conclusive, and binding.

U. **Lakes, Generally.** Each Lot Owner must follow all applicable rules and standards set forth by the Association for each individual lake, without exception. Physical entry and/or recreational activities in or on the water, (e.g. swimming, boating, rafting, paddle boarding, kitesurfing, jet-skiing) may be permitted on some, but not all, of the community lakes. Dumping of trash, debris, dirt (to include any spoils from regrading or excavation), or other materials into a body of water is strictly prohibited. Owners may not introduce or allow any foreign substance or additive, including fertilizers, that may alter the water quality to enter any body of water.

V. **Boulder Retaining Walls.** A well-designed natural boulder retaining wall brings a thoughtful, natural element to a landscape concept. Local, surface select boulders are the preferred material for retaining walls; poured in place concrete will also be considered. Block retaining walls are generally discouraged but may be approved in side yards, or provided such are designed to be an extension of the residential architecture on the Lot. If proposed, boulder retaining walls are to be comprised of surface select boulders to match the boulders shown in Exhibit H. Boulder retaining walls are to be substantially similar in design and appearance those seen in Exhibit H. General design principles for boulder retaining walls include:

1. Locate each rock to have a minimum of three bearing points, two in front and one in back;
2. Place each rock so it is in contact with at least two rocks below it;
3. Avoid continuous vertical seams or “columns” of rocks;
4. Avoid continuous horizontal planes in the rockery;
5. Use larger base rocks than used in the upper rocks;
6. Incline rocks back into the slope;
7. Use smaller rocks (“chink rocks”) to fill in voids; and
8. Select rocks free from obvious signs of distress, (e.g. fracturing, disintegrating).

Where boulders are used for slope stabilization, the boulders must be naturally spaced and installed so that the lower circumference is in contact with the grade. Additionally, plants that have a strong root system to help lock soil into place should be incorporated around and between boulders, such as approved vines, grasses, and annual flowering plants.

All retaining walls should be designed to accommodate proper lot drainage and control surface water as necessary. Each Owner is solely responsible for obtaining any engineering and/or governmental approvals that may be necessary.

W. Exterior Lighting. Exterior lighting that is visible from streets, neighboring lots or Common Areas must have a concealed light source (e.g. covered, shielded) and shall not illuminate neighboring properties. Exterior light fixtures may cast light upward only if they are located under a roof and the beam of light does not extend beyond such roof. Exterior lighting shall be harmonious with the building design. Individual lights are limited to 100 watts. All exterior lighting must be identified on the submittal and is subject to approval by the Architectural Reviewer.

Exterior security lighting will be permitted provided the following standards are met:

- (i) Security lighting shall be limited to lighting that is triggered by motion on such Lot and may not be triggered by motion on neighboring properties.
- (ii) Such lighting shall not be directed at any neighboring properties and shall be mounted no higher than ten feet (10') above ground.
- (iii) The motion detector shall be programmed to shut off the light(s) no longer than five (5) minutes after motion is detected and the light has been illuminated.

X. Mailboxes. Mailboxes shall be in cluster boxes provided by the HOA and may be subject to a mailbox fee.

Y. Miscellaneous Equipment and Signage.

1. **Satellite Dishes.** A satellite dish should be located in consideration of neighbors and potential views. Wherever possible, the satellite dish should be installed on a rear corner of the home, in a location selected to minimize visibility from common areas and streets. Satellite dishes are prohibited on the front of the home or within the front yard. If mounted on a building, the top of the satellite dish may not exceed the highest part of the nearest roof. In the absence of adequate reception in such a location described, the Owner may request approval for an alternate location. Other types of antennae are generally not permitted unless approved.

2. **Basketball Equipment.** Basketball backboards and hoops are not permitted on the roof or walls of the residence. Basketball hoops with glass or plexiglass backboards may be installed on fixed poles adjacent to a driveway but are encouraged to be installed in less prominent areas such as rear or side yards. Moveable basketball hoops are not permitted in front yards.

3. **Signs.** An Owner may not display signs to public view without advance approval from the Architectural Reviewer, except as described below.

- (i) One (1) commercially manufactured sign indicating the residence is for sale or lease may be placed on the applicable Lot without advance

approval from the Architectural Reviewer, provided the dimensions do not exceed three (3) feet by two (2) feet;

(ii) Up to a maximum of two (2) commercially manufactured signs in support of or in opposition to a candidate for public office or a ballot measure, provided the criteria below is met.

- a. The sign(s) may not exceed two (2) feet in height or width;
- b. Sign(s) may be displayed no earlier than twenty-one (21) days prior to the date voting takes place for the associated election or ballot measure;
- c. Any such sign displayed on an Owner's Lot must be applicable to the voting district in which the Lot is located; and
- d. The sign(s) must be removed within three (3) days after such election date.

Additional rules and standards related to signs are set forth in the Declaration.

IV. CONSTRUCTION STANDARDS

A. Condition of Lot. An Owner or Builder shall inspect the Lot prior to purchase and construction of Improvements for condition of all utilities, location of property pins, and general conditions and report any defects or damages to the developer. Unless otherwise notified, all Improvements shall be considered in good repair and all damages or deficiencies thereafter shall be the sole responsibility of the Owner or Builder.

The developer or its engineer shall relocate missing property pins, utility connections or sewer markers, that cannot be located by ordinary inspection (including light digging to uncover buried pins or markers) prior to closing or commencement of construction. Resetting property pins or locating pressure irrigation, utility services, or sewer markers after possession will carry a minimum charge of Two Hundred and No/100 Dollars (\$200.00) from the developer.

B. Excavation. Excavators are required to contact Dig Line at 208-342-1585 prior to commencing excavation on the Lot. Lots shall be excavated in a manner that will not adversely impact neighboring Lots. Excess dirt shall be removed from the community and may not be deposited or dumped on other Lots, Common Areas, any portion of the community or any other vacant ground slated for future development.

C. Elevation of Foundations. Unless otherwise approved, foundations shall be set a maximum of eighteen inches (18") to twenty-four inches (24") above the back of the curb

elevation. An Owner or Builder shall take all necessary steps in setting the foundation elevation to ensure that drainage onto neighboring properties will be eliminated. All drainage from a Lot will be retained on site or drained into the adjoining street. It is the responsibility of the Builder to ensure proper elevations as it relates to the base flood elevation and any code or requirement related to the elevation of a home, if applicable.

D. Timeline to Complete Construction. Upon commencement of construction, the construction of the Improvements shall be diligently pursued in accordance with the submittal approved by the Architectural Reviewer, including all conditions of approval. Construction shall be completed within one (1) year from date construction commences. The Architectural Reviewer may require a completion deposit and such funds may be used toward any construction related violations, including to return the Lot to its original condition as described below.

If construction is not completed within one (1) year from the date construction commences and an Owner or Builder is not diligently pursuing completion (with no activity on site for thirty (30) days), the Architectural Reviewer and/or _____ HOA shall have the option to require the Owner and/or the Builder to return the Lot to its original condition within twenty (20) days. If an Owner and/or Builder has not returned the Lot to its original condition within the timeframe required, the Architectural Reviewer and the _____ HOA has the right to immediately access the site and return the Lot to its original condition at the Owners and/or Builder's expense. Should any applicable completion deposit not be sufficient to cover the associated expense of such corrective action, any remaining amount due shall earn interest at the rate of eighteen percent (18%) per annum and may be assessed against the Owner and/or Builder as an Individual Assessment as contemplated by the Declaration.

E. Lot Drainage. The Owner and/or Builder are responsible for constructing and/or maintaining proper Lot grading and drainage in accordance with the grading and drainage plans approved by the City of Middleton, Idaho both during and after any construction, including, but not limited to, landscape. All water on a Lot shall be directed to the street and/or retained on such Lot, and no Lot is permitted to drain onto an adjacent Lot. The grading and drainage detail(s) as may be applicable are attached hereto as Exhibit F.

Modifications to the approved grading and drainage plans approved by the City of Middleton will require approval by the Architectural Reviewer prior to modifications taking place. Builder and/or Owner assumes responsibility for such modifications.

F. Construction Standards and Jobsite Maintenance. It is important to the community and the Declarant that the community experience is a positive one for all Builders, contractors, Owners and their guests. In order to facilitate such, any entity and/or individual performing work within the community shall comply with the guidelines set forth below.

1. Washout of concrete trucks and equipment will be performed outside of the subdivision or in a designated concrete washout area. Developer will determine a location and provide direction to the concrete washout area within the community. Contractors are required to utilize this area to clean concrete trucks, pumpers, or other concrete coated equipment if washed within the subdivision.
2. Construction shall not begin prior to 7:00 a.m. or continue after sunset; however, during the mid-summer months (June-August), contractors may begin as early as 6:00 a.m. as long as they are sensitive to Owners and Occupants and comply with all applicable jurisdictional and municipal requirements and laws.
3. Jobsites shall be tidied up and free of debris each evening and prior to each weekend. Each Builder shall provide a trash bin and/or dumpster at the jobsite. Jobsite trash or debris that may be scattered by wind shall be properly contained in trash bins and/or dumpsters or by other means. Builders and Owners who fail to maintain the Lot in an orderly manner or allow construction debris to clutter surrounding properties may be subject to appropriate action from the Architectural Reviewer or the _____ HOA.
4. Temporary toilets, construction equipment, and construction material shall be contained within the Lot boundaries.
5. All vehicles will be parked within the Lot boundaries or on public streets adjacent to the jobsite and shall not block traffic, mailboxes, or otherwise interfere with existing Owners or Occupants.
6. Dogs shall not be allowed at the construction site.
7. Inappropriate language, shouting, or other inappropriate behavior will not be allowed.
8. Radios or other music must be kept to a minimum volume and should not be audible outside of the Lot limits.
9. Power and water must not be used from existing residences without permission from the Owner.
10. All personnel shall comply with the maximum speed limit within the community. Speeding or unsafe driving will not be tolerated.
11. Streets shall remain free from dirt, gravel, or other excavation material and shall be maintained by the Owner or Builder in a clean and orderly manner. Washing of equipment or materials may not occur in the street or any Common Areas.

12. Materials or equipment may not be stored on any other Lot or Common Area. Access to a Lot across any other Lot or Common Areas is prohibited.

13. Contractors shall be fully clothed at all times, including, but not limited to, shirts and footwear. Notwithstanding the foregoing, attire shall be appropriate for the work being performed.

14. Appropriate safety equipment including, but not limited to, hard hats, safety eyewear, and high visibility clothing, shall be used while work is being performed.

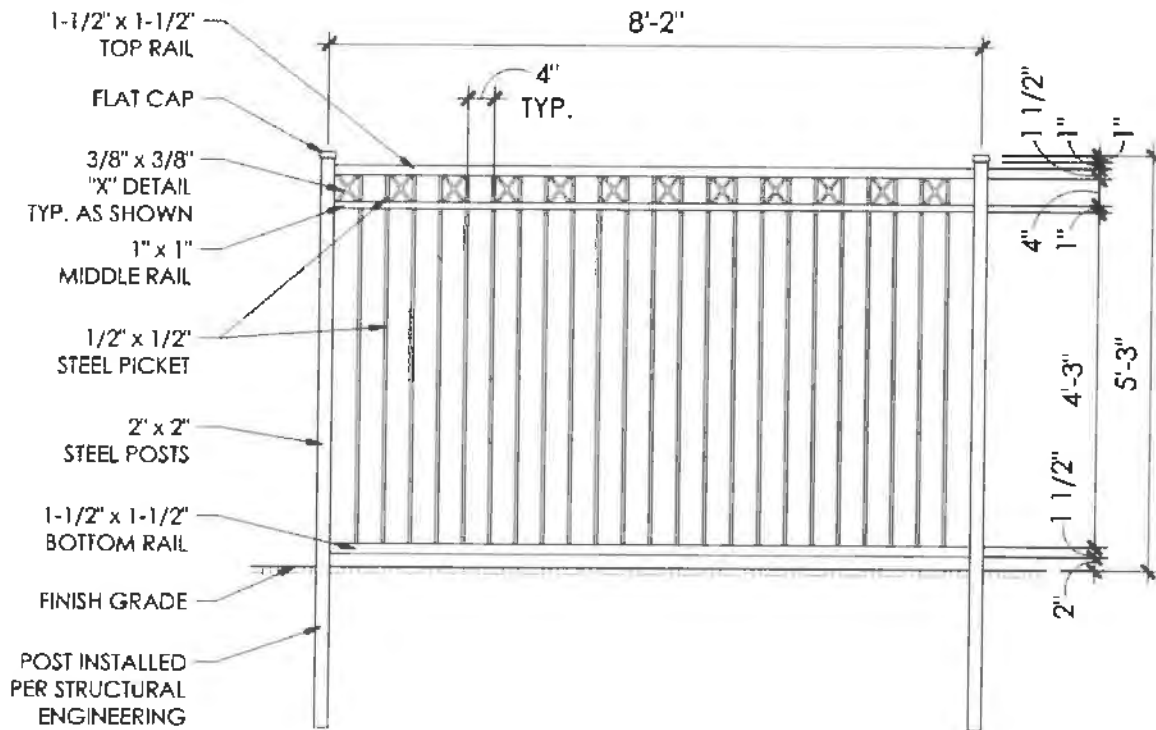
15. No fires are permitted anywhere in the community for the purpose of construction.

16. At their own discretion, Builders may seek a Temporary Right-of-Way Use Permit from the City of Middleton to temporarily block the sidewalk in front of a residence under construction. For more information and specific requirements, please call _____.

G. Complaints. Any complaints will be conveyed to the applicable Builder or Owner, and each Builder or Owner will be held responsible by the Architectural Reviewer to ensure their contractors and subcontractors remain compliant with these Design Guidelines at all times.

EXHIBIT A.
VIEW FENCE

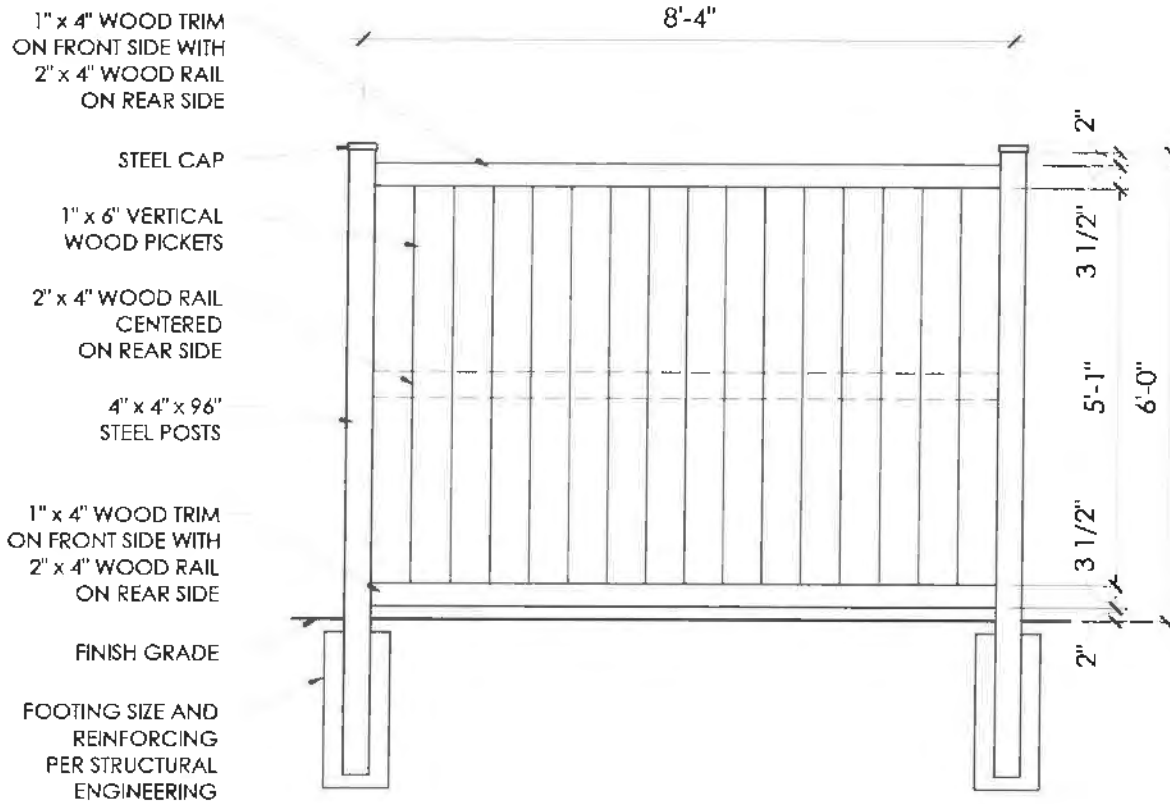
Manufacturer: Boise River Fence
Product: M3 Wrought Iron



NOTE:
ALL METAL TO BE FINISHED WITH POWDER COAT COLOR "RUST TEXTURE
T091-BR47" BY CARDINAL.

EXHIBIT B.
BUILDER/OWNER SCREEN FENCE

Manufacturer: Boise River Fence
Product: M3 Custom Picture Frame Cedar with Steel Posts

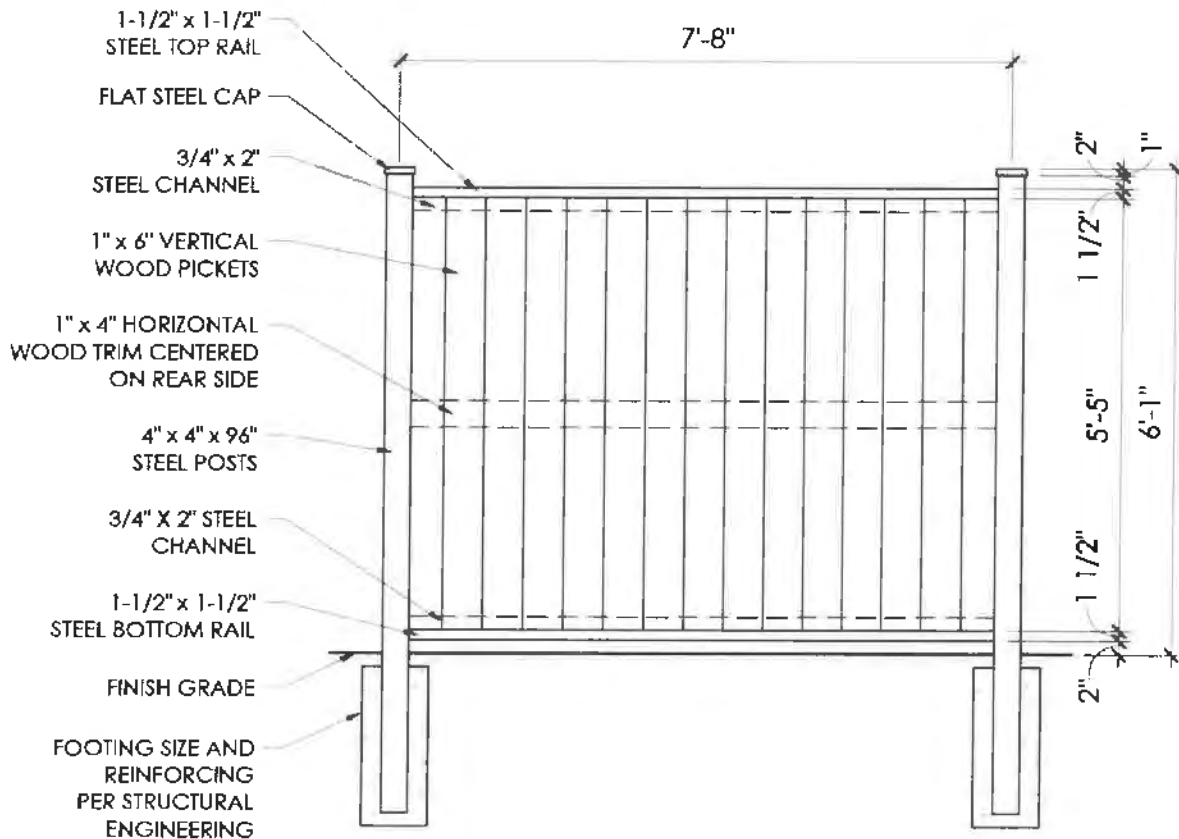


NOTES:

1. ALL METAL TO BE FINISHED WITH POWDER COAT COLOR "RUST TEXTURE T091-BR47" BY CARDINAL.
2. ALL WOOD TO BE STAINED WITH STAIN COLOR "PECAN" BY READY-SEAL.

EXHIBIT C. **DEVELOPER SCREEN FENCE**

Manufacturer: Boise River Fence
Product: M3 Vertical Privacy 2.0

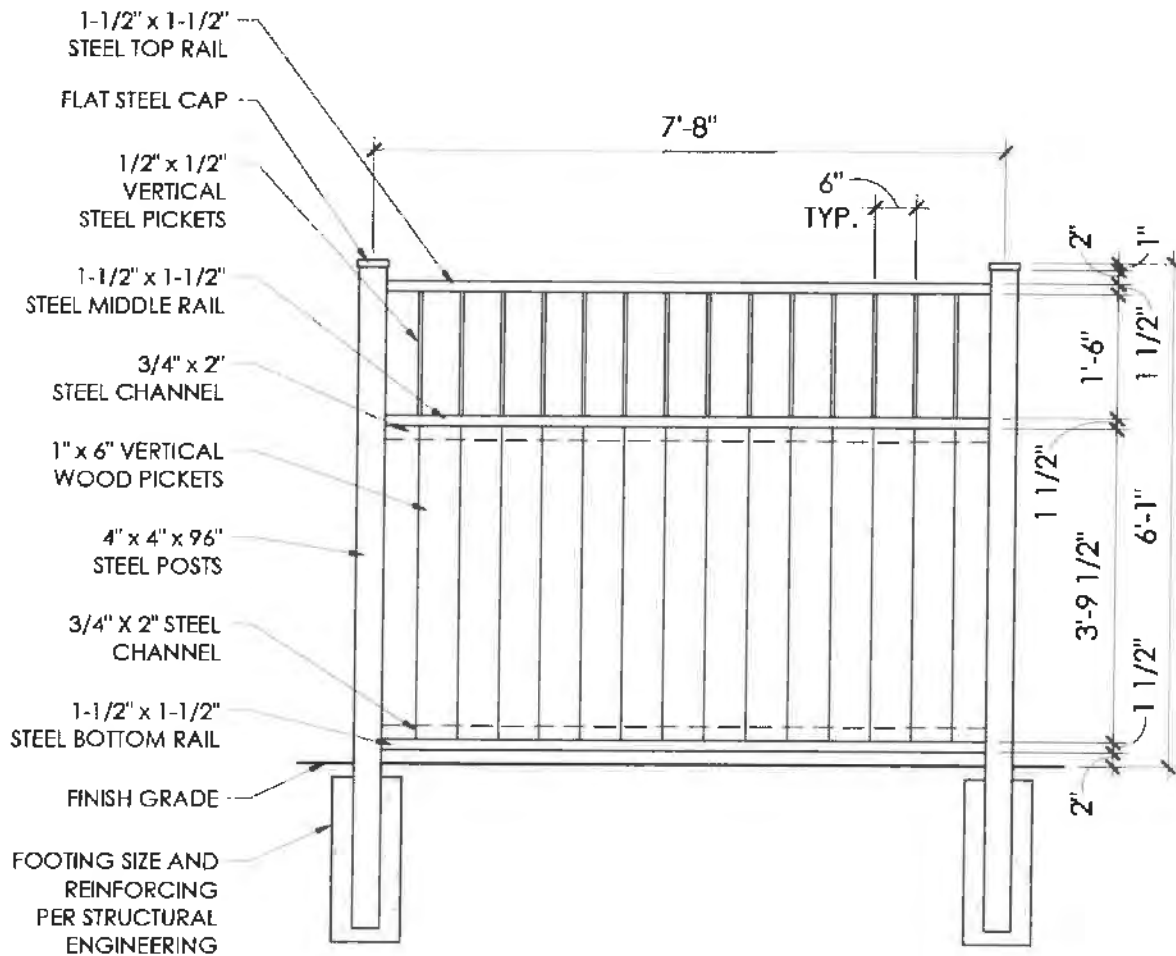


NOTES:

1. ALL METAL TO BE FINISHED WITH POWDER COAT COLOR "RUST TEXTURE T091-BR47" BY CARDINAL.
2. ALL WOOD TO BE STAINED WITH STAIN COLOR "PECAN" BY READY-SEAL.

EXHIBIT D.
DEMI-SCREEN FENCE

Manufacturer: Boise River Fence
Product: M3 Picket Top Privacy 2.0



NOTES:

1. ALL METAL TO BE FINISHED WITH POWDER COAT COLOR "RUST TEXTURE T091-BR47" BY CARDINAL.
2. ALL WOOD TO BE STAINED WITH STAIN COLOR "PECAN" BY READY-SEAL.

EXHIBIT E.
FENCE PLANS BY PHASE

EXHIBIT F.
FINAL LOT GRADING & DRAINAGE DETAILS

All excess surface water on any Lot shall be directed to the street in accordance with the below detail and/or retained on such Lot, and no Lot is permitted to drain onto an adjacent Lot or Common Area.

Detail 1 – All Lots

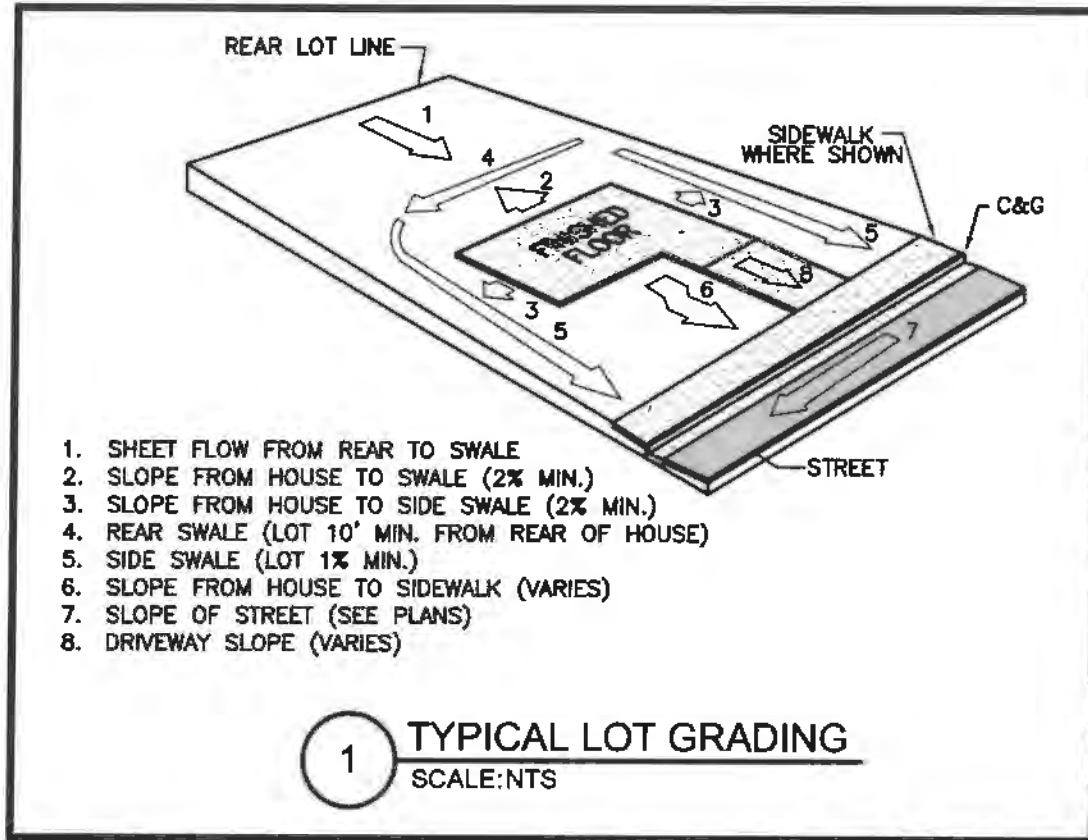


EXHIBIT G.
PLANTER STRIP TREE PLANTING RESTRICTIONS

EXHIBIT H.
ROCK COLOR/TYPE & BOULDER WALL DESIGN EXAMPLES

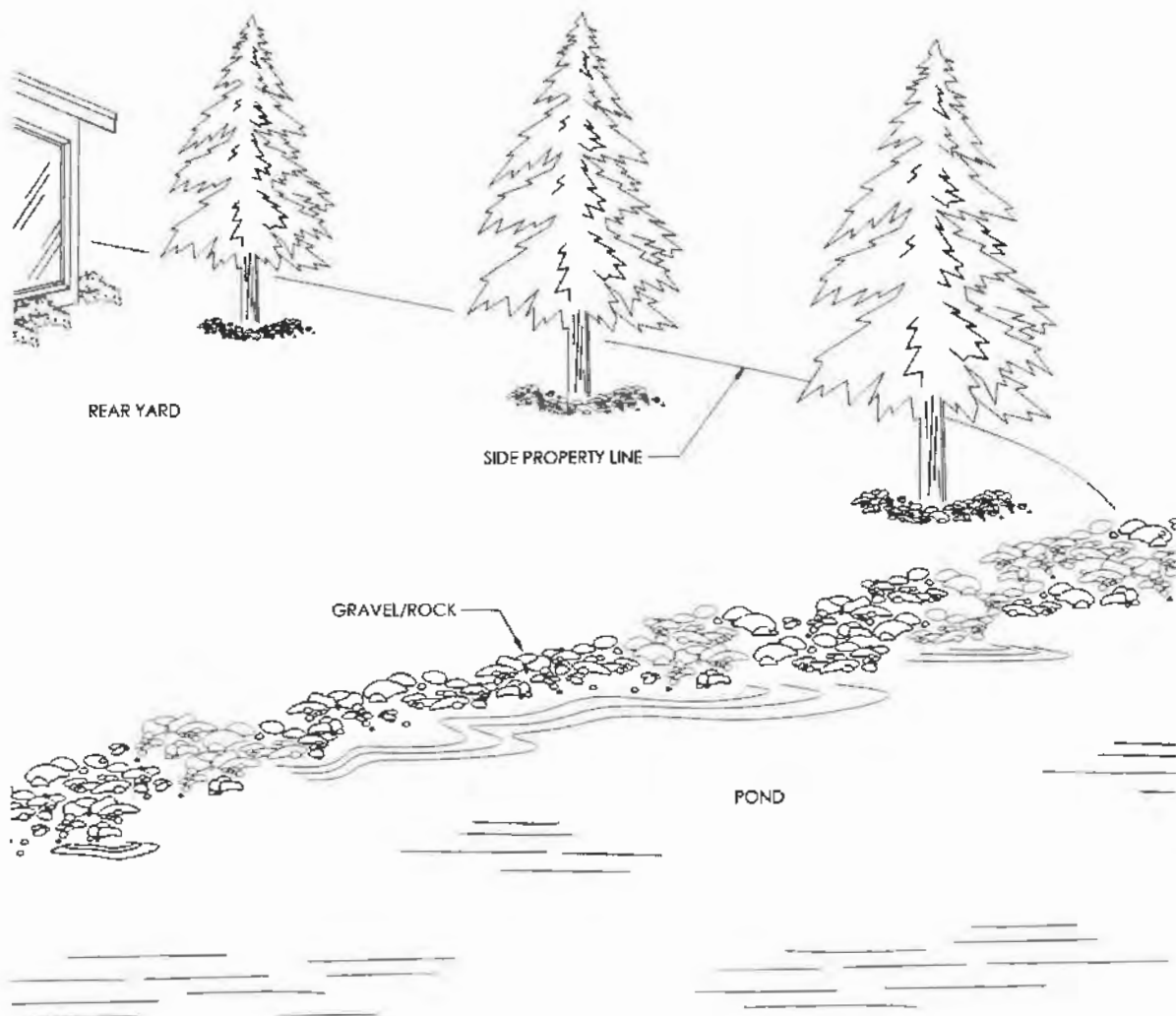
Rock chips, rip-rap, and boulders, including boulders used for retaining, are to match or be substantially similar to the rock color/type shown below. Additionally, boulder retaining walls shall be substantially similar in design and appearance as those constructed below.



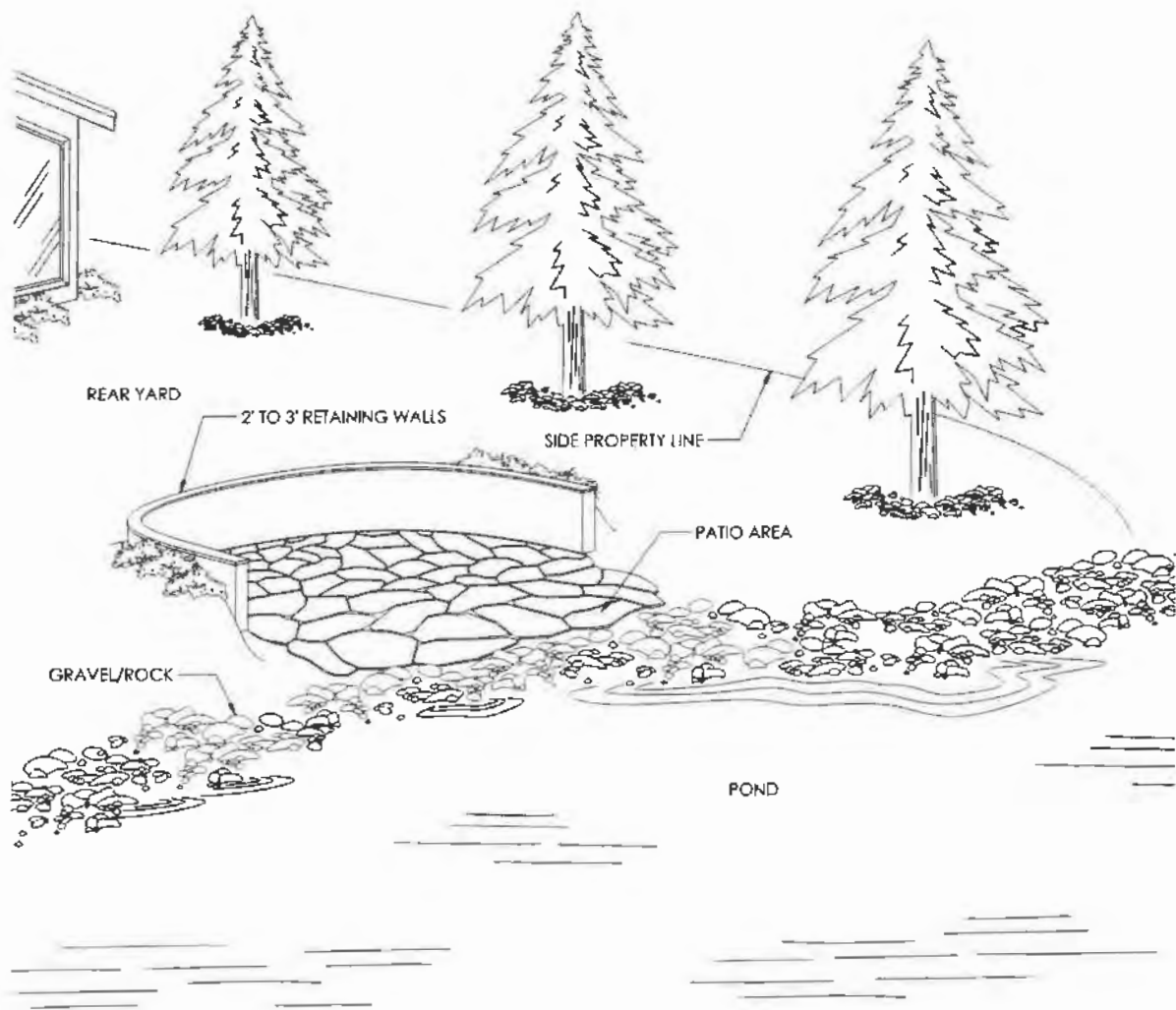
EXHIBIT I.
DIRECT ENTRY LAKE FRONT LOTS BY PHASE

EXHIBIT J.
LAKE EDGE IMPROVEMENTS

Cobble Along Edge of Water



Recessed Patio by Water's Edge



Recessed Sand "Beach" at Water's Edge

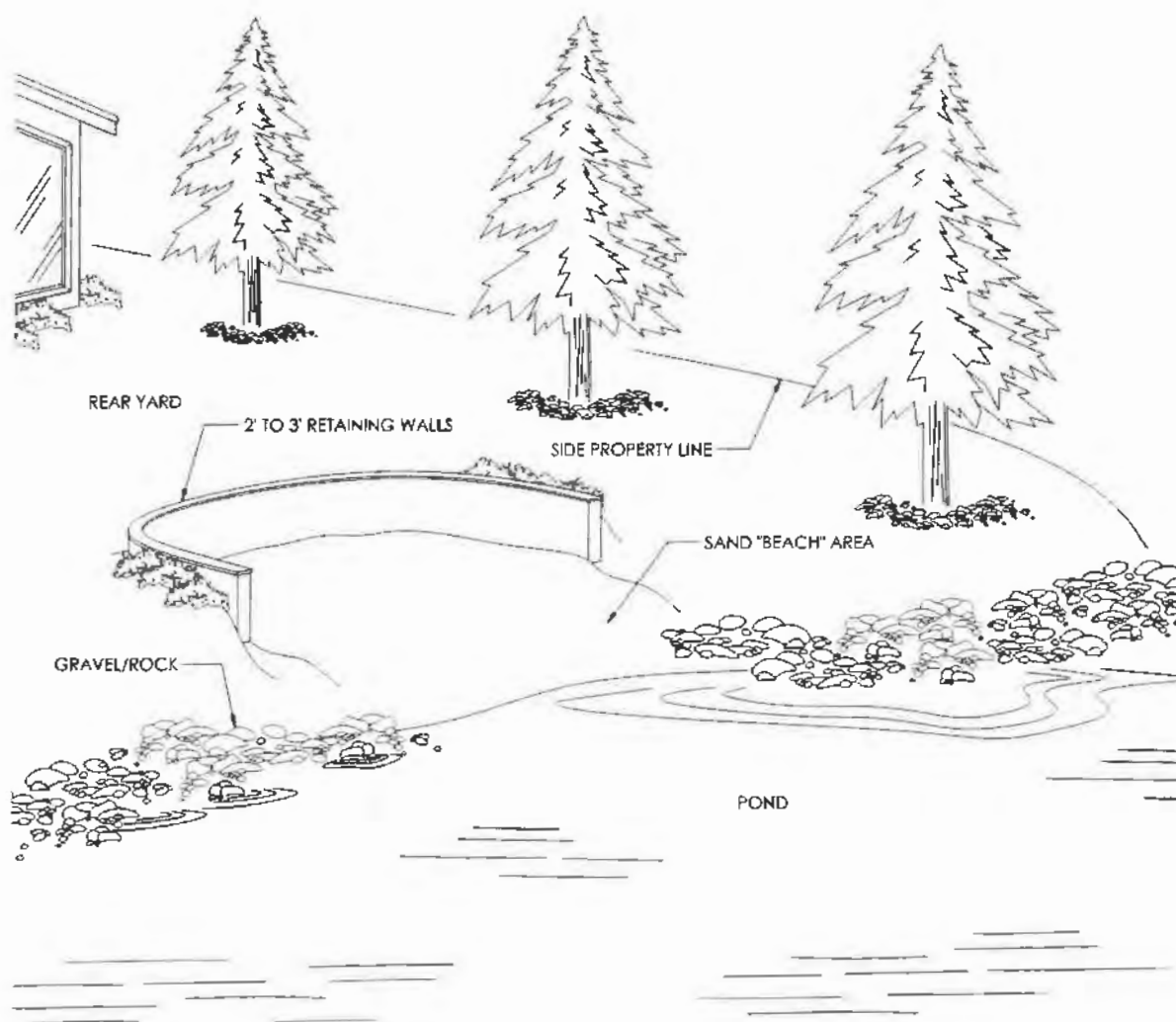
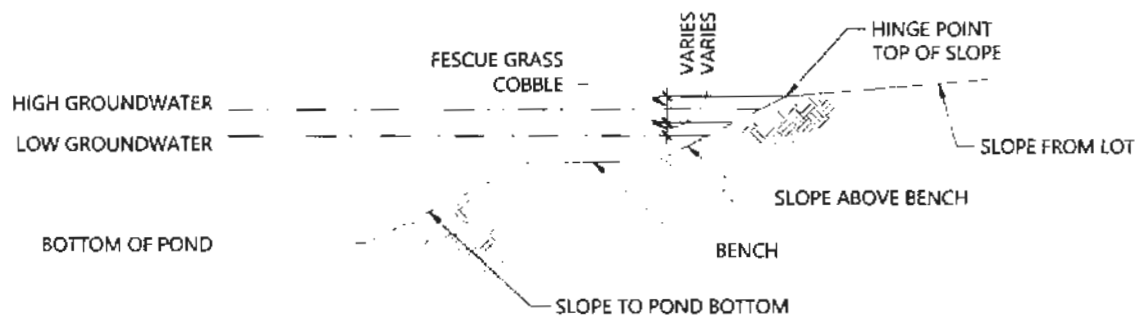


EXHIBIT K.
POND WATER LEVEL ILLUSTRATIONS & TYPICAL CROSS-SECTION

*Illustrative use only. Water levels shown are approximate.
Actual water levels and conditions will vary and are subject to change over time.*

TYPICAL CROSS-SECTION - ALL PONDS



ATTACHMENT 1.
APPLICATION FOR DESIGN REVIEW

Part 1 - Design Review Application

Submittal Type:

☐ Initial Design Review Submittal

☐ Substantially Revised Submittal

☐ Alteration Submittal

☐ Other: _____

Owner / Builder Information:

Builder _____ Email _____ Phone _____

Address _____ Zip _____

Owner _____ Email _____ Phone _____

Address _____ Zip _____

Site Information:

Project Address _____

Lot/Block/Sub Number _____ Lot Width at Front Setback _____

Proposed Plan Information:

Building Height _____ Number of Stories _____ Plan Name or # _____

Gross Square Feet (SF):

First Floor _____

Second Floor _____

Other _____

Total: _____

Finished Square Feet (SF):

First Floor _____

Second Floor _____

Other _____

Total: _____

Exterior Materials and Colors:

Roof _____

Main Body _____

Windows/Doors _____

Fascia _____

Stone/Brick _____

Trim _____

Other _____

Proposed Improvements Included in Submittal:

☐ Residential Plan

☐ RV Garage

☐ Solar

☐ Accessory Building

☐ Detached Storage

Part 2 – Design Review Checklist

Each of the items listed below must be submitted along with this completed Application. This is not a complete list of submittal requirements; please refer to the applicable section of the Design Guidelines for specific guidelines and submittal requirements. The Architectural Reviewer may request additional information at its sole discretion, and no submittal is considered complete until all requested items have been received.

- ☐ 1. Application. Each submittal shall be accompanied by this completed Application
- ☐ 2. Site Plan - Show the Lot boundary, the proposed location of all Improvements (including, but not limited to, all structures, driveways, sidewalks, fences, dog runs, patios, decks, outdoor lighting, utility meters, mechanical equipment, etc.), all easements, and all proposed setbacks. Include a roof plan as part of the site plan if a separate roof plan is not submitted. Use arrows to indicate the proposed grading and drainage flows off the Lot and away from the residence and adjacent Lots. (Minimum scale of 1/8" = 1'-0".)
- ☐ 3. Roof Plan(s) - Depict masses, ridgelines, and roof pitches and include pertinent dimensions (e.g. gable span, overhang depths) if not provided elsewhere. Show the locations of any roof drains or scuppers, as applicable. The roof plan may be included on the site plan in lieu of a separate roof plan. (Minimum scale of 1/8" = 1'-0".)
- ☐ 4. Floor Plan(s) - Include the per floor square feet and total finished square feet of the residence, exclusive of garages, covered patios, storage areas, etc. Show exterior residential lighting locations and specifications. Provide exterior dimensions on all plans. (Minimum scale of 1/4" = 1'-0".)
- ☐ 5. Building Elevations - Illustrate front, rear and side views, showing the maximum building height and include proposed exterior finish material descriptions. (Minimum scale of 1/8" = 1'-0".)
- ☐ 6. Specifications - Include the specifications and descriptions of any proposed exterior materials, finishes, equipment, etc.
- ☐ 7. Exterior Materials and Colors - Provide exact color samples of proposed exterior material colors, (e.g. paint, stain). Samples of all other materials (e.g. brick, stone) shall be shown on the elevations. All proposed exterior materials and colors shall be identified by name, number, color, and manufacturer.
- ☐ 8. Landscape Plan - Show the proposed landscape layout including elevations and dimensions as applicable, along with any proposed fencing, landscape lighting, and a legend of the plant types, sizes and quantities. Use arrows to indicate the proposed grading and drainage away from the proposed residence and adjacent Lots. It is preferred that the landscape plan be submitted with the initial submittal, but it may be submitted up to sixty (60) days after the initial submittal. (Minimum scale of 1/8" = 1'-0".)
 - ☐ Please mark this box if the landscape plan will be submitted separately.
- ☐ 9. Design Review Fee – If not already paid, include the applicable design review fee and mark the box below indicating the applicable fee type pursuant to *Section II.A.9*.
 - ☐ Initial design review fee - \$450
 - ☐ Additional design review fee - \$250

Exhibit E

Approved Modifications to Code

EXHIBIT E

Approved Modifications to Code

Original Code	Redline Effective Changes to Code
<p>4-1-1.H (Driveways)</p> <p>All lots shall front upon a public road unless otherwise approved by the City. Residences having a garage shall have a hard surface of concrete or asphalt driveway and approach with a width at least equal to the garage width that extends from the garage to the abutting public road. Driveways from garages not facing the street shall be a minimum twelve feet (12') wide between the garage and publicly maintained roads.</p>	<p>All lots shall front upon a public road <u>or approved private road</u>, unless otherwise approved by the City. Residences having a garage shall have a hard surface of concrete or asphalt driveway and approach with a width at least equal to the garage width that extends from the garage to the abutting public road. Driveways from garages not facing the street shall be a minimum twelve feet (12') wide between the garage and publicly maintained roads.</p>
<p>5-4-7.A.3 (Final Plat – Letter of Credit)</p> <p>The City may accept an irrevocable letter of credit, cashier's check or other guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping and irrigation system improvements in the event that inclement weather precludes the successful installation of landscaping and irrigation.</p>	<p>The City may accept an irrevocable letter of credit, cashier's check or other guarantee in the amount of one hundred fifty percent (150%) of the estimated costs to ensure completion of only landscaping, <u>and</u> irrigation system <u>and fencing</u> improvements <u>for reasons that may include</u> in the event that inclement weather <u>that</u> precludes the successful installation of landscaping and irrigation.</p>
<p>5-4-10-2.D.2 (Roads)</p> <p>All other roads in the City are considered local roads and shall have a half road width of twenty five feet (25') and a total right-of-way width of fifty feet (50') or as determined by the City, provided that a ten foot (10') permanent utility easement is given along each side of the right-of-way line. Roads with fifty foot (50') rights-of-way shall have a right-of-way allowance for a minimum of twenty foot (20') curb radii and pedestrian ramps at the intersections.</p>	<p>All other Interior roads in the City Quarry East are considered local roads and shall have a half road width of twenty five feet (25') and a total right-of-way width of fifty feet (50') forty-seven feet (47') or as determined by the City, provided that a ten foot (10') permanent utility easement is given along each side of the right-of-way line. Roads with fifty foot (50') rights-of-way shall have a right-of-way allowance for a minimum of twenty foot (20') curb radii and pedestrian ramps at the intersections.</p>

<p>5-4-10-2.E (Cul-De-Sac Roads)</p> <p>Cul-de-sac roads shall terminate in a circular turnaround with a right-of-way radius of at least fifty feet (50'). The City may approve an equally convenient form of turning space where extreme conditions justify. The maximum length shall be six hundred feet (600') from the entrance to the center of a turnaround.</p>	<p>Cul-de-sac roads shall terminate in a circular turnaround with a right-of-way radius of at least fifty feet (50'). The City may approve an equally convenient form of turning space where extreme conditions justify. The maximum length shall be six hundred feet (600') <u>one thousand feet (1,000')</u> from the entrance to the center of a turnaround.</p>
<p>5-4-10-2.H.2 (Road Intersections and Alignments)</p> <p>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 one hundred twenty five feet (125') for local roads.</p>	<p>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 one hundred twenty five feet (125') <u>forty-five feet (45')</u> for local roads, <u>subject to approval by Caldwell Fire.</u></p>
<p>5-4-10-3.A.1 (Block Lengths and Design)</p> <p>Block lengths shall not exceed one thousand one hundred feet (1,100') as measured along the road centerline from centerline intersection to centerline intersection.</p>	<p>Block lengths shall not exceed one thousand one hundred feet (1,100') <u>one thousand seven hundred feet (1,700')</u> as measured along the road centerline from centerline intersection to centerline intersection.</p>
<p>5-4-10-4.A (Lot Requirements: Lot Design)</p> <p>Lot Design: The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning regulations of the City as shown in section 5-4-1, Table 2 of this chapter. Lot lines shall be at right angles from the front, side and back property lines, unless otherwise approved as part of a preliminary plat.</p>	<p>Lot Design: The lot size, width, depth, shape and orientation and minimum setback lines shall comply with the minimum requirements of the zoning regulations of the City as shown in section 5-4-1, Table 2 of this chapter, <u>unless otherwise approved by the City in connection with any preliminary plat, variance request, or in connection with an approved development agreement.</u> Lot lines shall be at right angles from the front, side and back property lines, unless otherwise approved as part of a preliminary plat.</p>

<p>5-4-10-4.C (Lot Requirements: Lot Access)</p> <p>Lot Access: All lots shall front on paved public roads, and no lots shall have direct access to collectors, boulevards, or arterials, unless otherwise approved by the City.</p>	<p>Lot Access: All lots shall front on paved public roads, and nNo lots shall have direct access to collectors, boulevards, or arterials, unless otherwise approved by the City.</p>
<p>5-4-10-2.F (Dead End Roads)</p> <p>Dead End Roads: Dead end roads will not be approved except in locations designated by the City as necessary to future extensions in development of adjacent lands. In any case, a dead end road serving more than four (4) lots shall provide by easement a temporary turning circle with a fifty foot (50') radius or other acceptable design to accomplish adequate access. Turnaround to be improved with an all weather surface meeting the requirements of the International Fire Code.</p>	<p>Dead End Roads: Dead end roads will not be approved except in locations designated by an applicant and approved by the City as necessary to future extensions in development of adjacent lands. In any case, a dead end road serving more than four (4) lots shall provide by easement a temporary turning circle with a fifty foot (50') radius or other acceptable design to accomplish adequate access. Turnaround to be improved with an all weather surface meeting the requirements of the International Fire Code.</p>

Exhibit F

Street Standards

EXHIBIT F
Street Standards
(Modifications from ISPMC)

Original Code	Redline Effective Changes to Code
<p>B.</p> <p>Improved Section: All improved sections classified as local roads shall have widths from back-of-curb to back-of-curb of thirty-eight (38) feet. Developments that submit improved sections different from the standard may be evaluated and approved on a case-by-case basis</p>	<p>B.</p> <p>Improved Section: All improved sections classified as local roads shall <u>may</u> have widths from back-of-curb to back-of-curb of <u>thirty-three (33)</u> feet <u>minimum</u>. Developments that submit improved sections different from the standard may be evaluated and approved on a case-by-case basis. <u>Private streets must meet the minimum street section of 3" of asphalt, 6" of road mix, and 15" of pit run or meet the City's adopted local roadway section if different than above.</u></p>
<p>4. Private Lane</p> <p>A. A private lane may be constructed to access up to 3 (3) single-family residences. Private lanes will be reviewed on a Case -by-case basis and specifically approved b y the City. Private lanes will not be allowed to access more than three (3) single-family residences.</p>	<p>4. Private Lane</p> <p>A. A private lane may be constructed to access up to <u>four (4)</u> single-family residences. Private lanes will be reviewed on a Case -by-case basis and specifically approved by the City. Private lanes will not be allowed to access more than <u>four (4)</u> single-family residences.</p>
<p>6.</p> <p>D. Valley Gutters: Valley gutters shall be a minimum of 10" thick and 4'-0" wide with #4 rebar longitudinal at 12" on center and #4 rebar on both ends and in the middle. Valley gutter base shall be a minimum of 6" thick of three-quarter inch (3/4") crushed aggregate gravel placed as specified in Section 802 ISPMC.</p>	<p>D. Valley Gutters: Valley gutters shall be a minimum of 10" thick and 4'-0" wide with #4 rebar longitudinal at 12" on center and #4 rebar on both ends and in the middle. Valley gutter base shall be a minimum of 6" thick of three-quarter inch (3/4") crushed aggregate gravel placed as specified in Section 802 ISPMC. <u>If a narrower valley gutter is requested, the revised width will be approved if conveyance capacity is adequate.</u></p>
<p>7.</p> <p>D.</p> <p>3. Tree Planting of any type is prohibited within ten feet (10') of any seepage bed or sand filter facility, structure, piping system, fire hydrant or utility box.</p> <p>4. Class I, class II, and class III trees (listed in Appendix A) may be planted a minimum of five (5') away from sidewalk. All other trees not listed shall be planted at least fifteen (15') feet behind the back of the sidewalk.</p>	<p>7.</p> <p>D.</p> <p>3. Tree Planting of any type is prohibited within ten feet (10') of any seepage bed or sand filter facility, structure, piping system, fire hydrant or utility box.</p> <p><u>4. Class I, Class II, and Class III trees in Appendix B may be planted a minimum of three (3') away from sidewalk with the installation of root barriers and 4' without root barriers. All other trees not listed shall</u></p>

	<u>be planted at least fifteen (15') feet behind the back of the sidewalk.</u>
<p>10. <u>Street lights</u></p> <p>A. Street lights shall be installed at intersections, cul-de-sacs and at a maximum of 400-foot intervals, or as sufficient to support safety for all users, including pedestrians and non-motorized users.</p>	<p>10. <u>Street lights</u></p> <p>A. Street lights <u>on private streets</u> may be shall be installed at intersections, cul-de-sacs and at a maximum of 400-foot intervals, or as sufficient to support safety for all users, including pedestrians and non-motorized users. <u>Alternative styles or aesthetics of street lights may be permitted on private streets with prior review and approval of the City Engineer, but must otherwise meet dimensional standards.</u></p>
<p>11. Street Signs. Post shall be type E-1 as shown in SD-1 130 of the ISPWC with 14-gauge wall thickness. Street signs shall be in conformance with Manual on Uniform Traffic control Devices and shall be a nine-inch (9") blank, six-inch (6") all capital lettering, no border, with retro-reflective, high intensity background, with the street type superscript (upper right). Submit a shop drawing to the City for approval. Speed limit signs shall be installed by the devoper-20 mph for subdivision roads.</p>	<p>11. Street Signs. Post shall be type E-1 as shown in SD-1 130 of the ISPWC with 14-gauge wall thickness. Street signs shall be in conformance with Manual on Uniform Traffic control Devices and shall be a nine-inch (9") blank, six-inch (6") all capital lettering, no border, with retro-reflective, high intensity background, with the street type superscript (upper right). Submit a shop drawing to the City for approval. Speed limit signs shall be installed by the devoper-20 mph for subdivision roads. <u>Alternative styles or aesthetics of street signs may be permitted on private streets with prior review and approval of the City Engineer, but must otherwise meet dimensional standards.</u></p>
<p>15</p> <p>1. The width of the driveway abutting the public street shall match the width of the garage.</p>	<p>15</p> <p>1. The width of the driveway abutting the public street shall match the width of the garage. <u>Alternative driveway configurations, including configurations narrower than the garage, are allowed.</u></p>
<p>Access Local Roads</p> <p>1. Residences having a three (3) car garage shall have a driveway width at least equal to the three (3) car garage that extends from the garage to the abutting public street</p> <p>2. Driveway spacing near intersections. Driveways on local roads shall be located a minimum of seventy-five (75) feet in width.</p>	<p>Access Local Roads</p> <p>1. Residences having a three (3) car garage shall have a driveway width at least equal to the three (3) car garage that extends from the garage to the abutting public street. <u>Alternative configurations, including configurations narrower than the garage, are allowed.</u></p> <p>2. Driveway spacing near intersections. Driveways on local roads shall be located a minimum of seventy-five (75) feet <u>from centerline of the applicable intersection</u> in width.</p>

EXHIBIT G
Site Plan of Clubhouse Property

Exhibit G
Amenity Site Plan

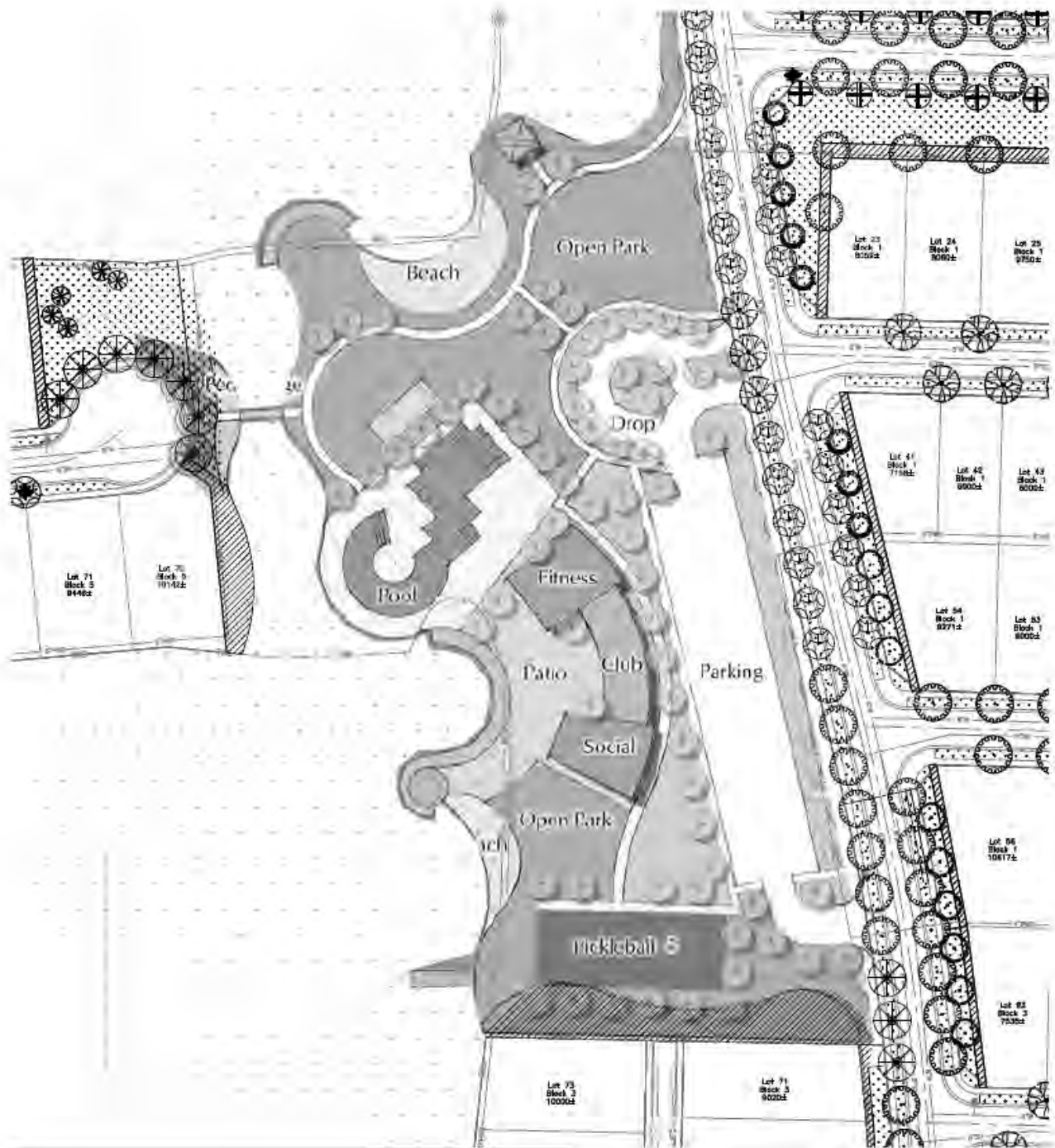


EXHIBIT H
Conditions of Approval

[TBD at City Council Public Hearing]

EXHIBIT “E”

ORDINANCE NO. 664
Quarry East Subdivision Annexation & Rezone – Parcel Nos. R34076 and R34077

AN ORDINANCE OF THE CITY OF MIDDLETON, CANYON COUNTY, IDAHO, ANNEXING TO THE CITY OF MIDDLETON, IDAHO, CERTAIN REAL PROPERTY SITUATED IN THE UNINCORPORATED AREA OF CANYON COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF MIDDLETON, IDAHO; ESTABLISHING THE ZONING CLASSIFICATION OF SAID REAL PROPERTY TO M-U (MIXED USE); DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

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

Section 1. That the Middleton City Council, upon recommendation of the Planning & Zoning Commission, and following the public notice and hearing procedures set forth in the Local Land Use Planning Act (Idaho Code, Title 67, Chapter 65) and Middleton City Code Title 1, Chapter 14, approved the Annexation and Rezone of the Quarry East Subdivision (Parcel Nos. R34076 and R34077) at a public hearing held on August 3, 2022.

Section 2. The following described property, commonly known as 21500 Middleton Road and 11436 Lincoln Road (Tax Parcel Nos. R34076 and R34077), comprising approximately 236.60 acres, more or less, is contiguous to the City of Middleton, Idaho; the annexation enables the orderly development of the City; and the applicant has requested that the property described in Exhibit “A” should be annexed into the City of Middleton and zoned M-U (Mixed Use):

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

Section 3. That the above-described property is hereby annexed into the corporate limits of the City of Middleton and zoned M-U (Mixed Use).

Section 4. That the City Engineer and the Planning & Zoning Official of the City of Middleton, Idaho, are hereby instructed to so designate the same above-described property on the official zoning map and other area maps of the City of Middleton, Idaho as lying within the city limits and zoned M-U (Mixed Use).

Section 5. All ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 6. This ordinance shall be in full force and in effect from and after its passage, approval and publication, according to law.

Section 7. The Clerk of the City of Middleton, Idaho shall, within 10 days following the effective date of this ordinance, duly file a certified copy of this ordinance and a map prepared in a draftsman-like manner plainly and clearly designating the boundaries of the City of Middleton, including the land herein annexed, with the following officials of the County of Canyon, State of Idaho, to-wit: the Recorder, Auditor, Treasurer and Assessor and shall file simultaneously a certified copy of this ordinance with the State Tax Commission of the State of Idaho, all in compliance with Idaho Code§ 63-215.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2022.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2022.

Attest:

Steven J. Rule
Mayor, City of Middleton

Becky Crofts
City Clerk

EXHIBIT A

Legal Description of Annexed Property

EXHIBIT “F”

RESOLUTION No. 470-22

RESOLUTION PURSUANT TO IDAHO CODE § 67-6509(C), OF THE CITY COUNCIL OF THE CITY OF MIDDLETON, IDAHO, AN IDAHO MUNICIPAL CORPORATION, MODIFYING THE FUTURE LAND USE MAP IN THE MIDDLETON CITY COMPREHENSIVE PLAN.

BE IT RESOLVED that the Mayor and City Council of the City of Middleton, Idaho, an Idaho municipal corporation, upon the recommendation of the Middleton Planning & Zoning Commission and following the public notice and hearing processes required by Idaho Code chapter 65, Title 67, do hereby accept and confirm the following described amendments to the Comprehensive Plan Map for the City of Nampa, Idaho:

- I. Map 1, entitled “City of Middleton Future Land Use Map,” set forth on page 66 of the Middleton Comprehensive Plan as the seventh of ten Comprehensive Plan Maps of the Comprehensive Plan of the City of Middleton, Idaho, adopted December 4, 2021, and amended on November 15, 2021, is hereby removed and is of no further effect. In lieu of the removed map, the following new “City of Middleton Future Land Use Map” is hereby substituted:

See Exhibit A attached hereto and made a part hereof by this reference.

In all other respects, we hereby ratify and confirm all other remaining provisions of the Comprehensive Plan of the City of Middleton, Idaho. The City Clerk shall keep the original Resolution with a copy of the newly adopted map on file in the office of the City Clerk.

PASSED BY THE COUNCIL OF THE CITY OF MIDDLETON, IDAHO, this ____ day of _____, 2022.

APPROVED BY THE MAYOR OF THE CITY OF MIDDLETON, IDAHO, this ____
day of _____, 2022.

Attest:

Steven J. Rule
Mayor, City of Middleton

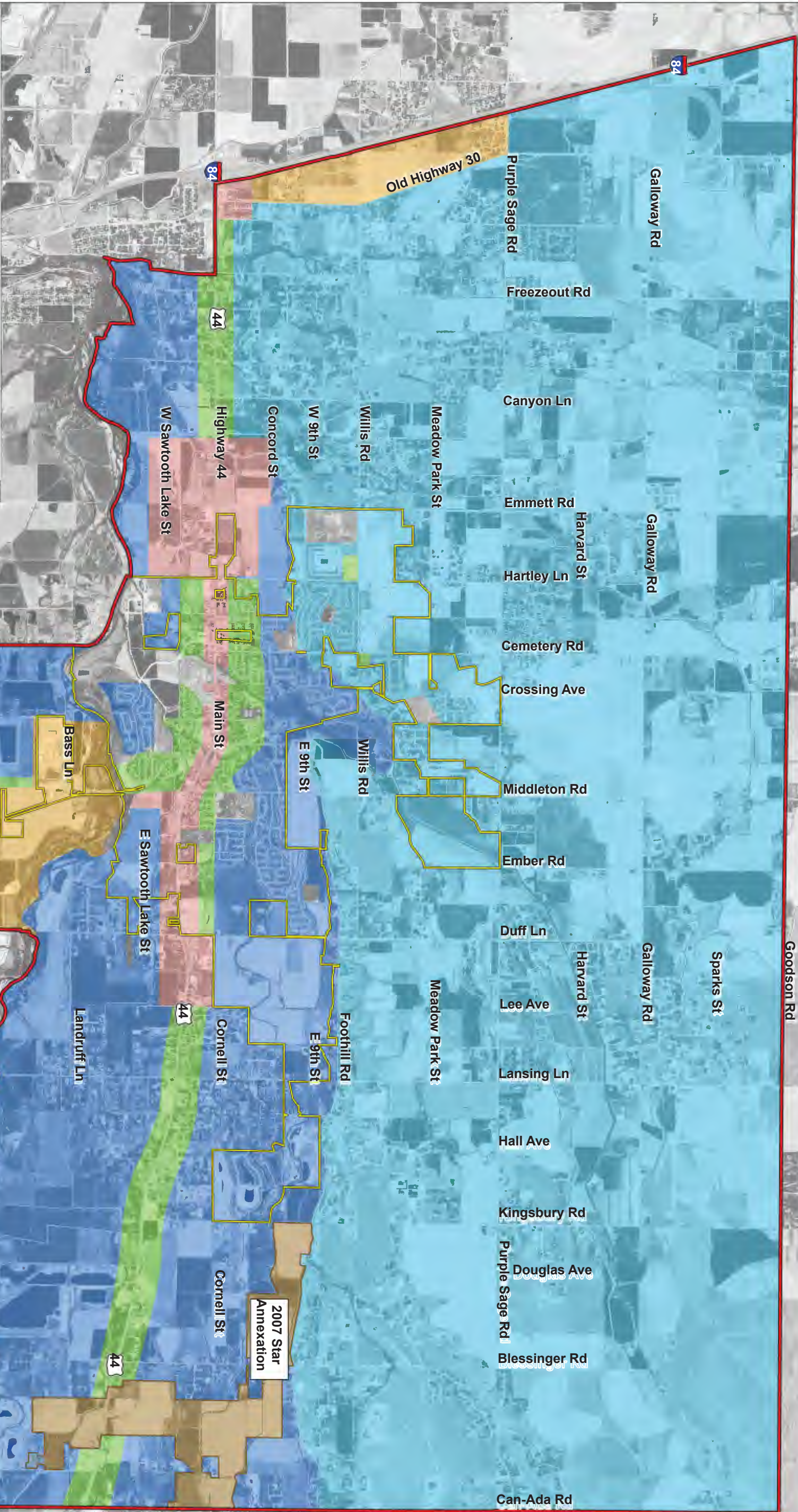
Becky Crofts
City Clerk, City of Middleton

EXHIBIT “A”

City of Middleton Future Land Use Map

AREA OF IMPACT BOUNDARY PENDING
CANYON COUNTY APPROVAL

City of Middleton
Future Land Use Map



Area

- Commercial
- Industrial
- Mixed Use
- Public
- Residential

EXPLANATION

- Residential - Special Area
- Subject to mandatory public-record disclosure: "Cost of development and flood hazard insurance may be higher because land is now, or in the future may be, in flood areas and/or high ground water areas."
- Middleton City Boundary
- Existing Middleton Impact Area Boundary
- Caldwell City Boundary
- Star City Boundary

DRAFT

EXHIBIT “G”



Middleton City Council

Findings of Facts, Conclusions of Law & Order

In the Matter of the applications of M3 and JUB Engineers for annexation/rezone, preliminary plat, development agreement, and comprehensive plan map amendment with respect to the Quarry East Subdivision located at 21500 Middleton Road and 11436 Lincoln Road:

A. Findings of Fact:

1. Hearing Facts: See Staff Reports for the hearing dates of July 20, 2022 and August 3, 2022, which Reports are attached hereto as Exhibit "A" and "B", respectively, and incorporated herein by this reference.
2. Process Facts: See Staff Reports for the hearing dates of July 20, 2022 and August 3, 2022 (Exhibits "A" and "B").
3. Application and Property Facts: See Staff Reports for the hearing dates of July 20, 2022 and August 3, 2022, Exhibits "A" and "B".
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, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of April 11, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That City Council's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent 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 Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.

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.

C. Decision & Order:

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

1. The application of M3 and JUB Engineers for Annexation and Rezone to Mixed Use (M-U) is approved, subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, public hearing (Exhibit "A").
2. The application of M3 and JUB Engineers for Development Agreement is approved subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, public hearing.
3. The application of M3 and JUB Engineers for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, public hearing.
4. The application of M3 and JUB Engineers for Comprehensive Plan Map Amendment is approved subject to the conditions of approval set forth in the Staff Report for the July 20, 2022, public hearing.

WRITTEN ORDER APPROVED ON: _____, 2022.

Steven J. Rule, Mayor
City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Official

Please take notice that pursuant to MCC 1-14-2(E)(10), applicant shall have 14 days after a signed final decision to request reconsideration by the final-decision maker. Such request must identify specific deficiencies in the final decision. Failure to request reconsideration may invalidate a subsequent judicial appeal. Additionally, pursuant to Idaho State Statute 67-6521, any affected person aggrieved by a final decision may, within 28 days after all remedies have been exhausted under local ordinances, seek judicial review as provided in chapter 52, Title 67. Additionally, please take notice that Applicant has a right to request a regulatory taking analysis pursuant to Idaho State Statute section [67-8003](#).

EXHIBIT “H”



Reed's Landing Subdivision

Annexation/Rezone, Preliminary Plat & Development Agreement
Middleton City Council

Public Hearing August 3, 2022

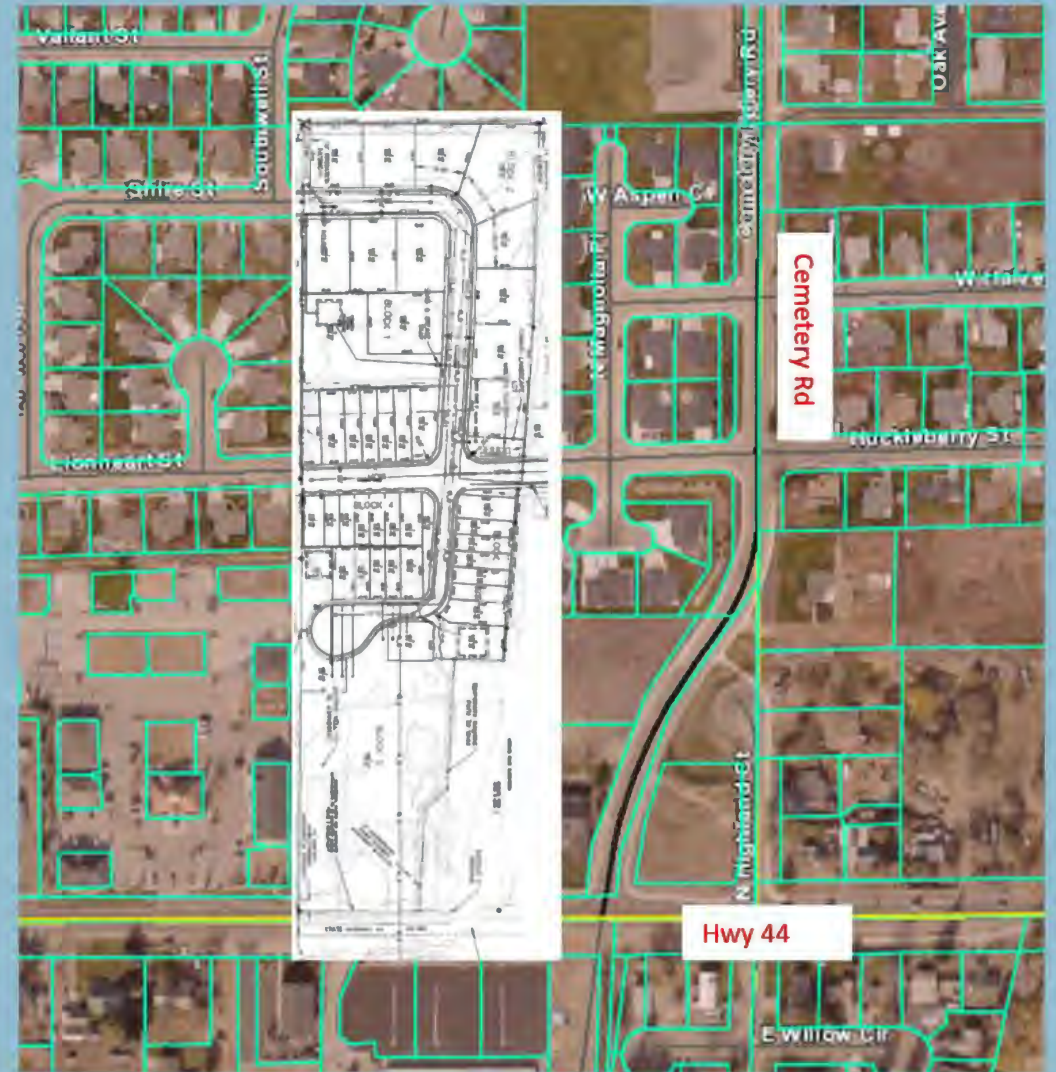


DESCRIPTION	DETAILS
Acreage	Approx. 9.70 acres (In-fill project)
Current Zoning	Canyon County Agricultural
Proposed Zoning	C-3, M-F and R-3
Current Land Use	Commercial & Mixed Use
Proposed Land Use	Remain the same
Lots	3 commercial lots; 25 Townhome lots, 12 Single-Family Residential lots, and 6 common lots
Open Space	13% (Minimum required is 5%)
Amenities	Large grassy common lots with pathways, playground, benches and shade structure with picnic tables

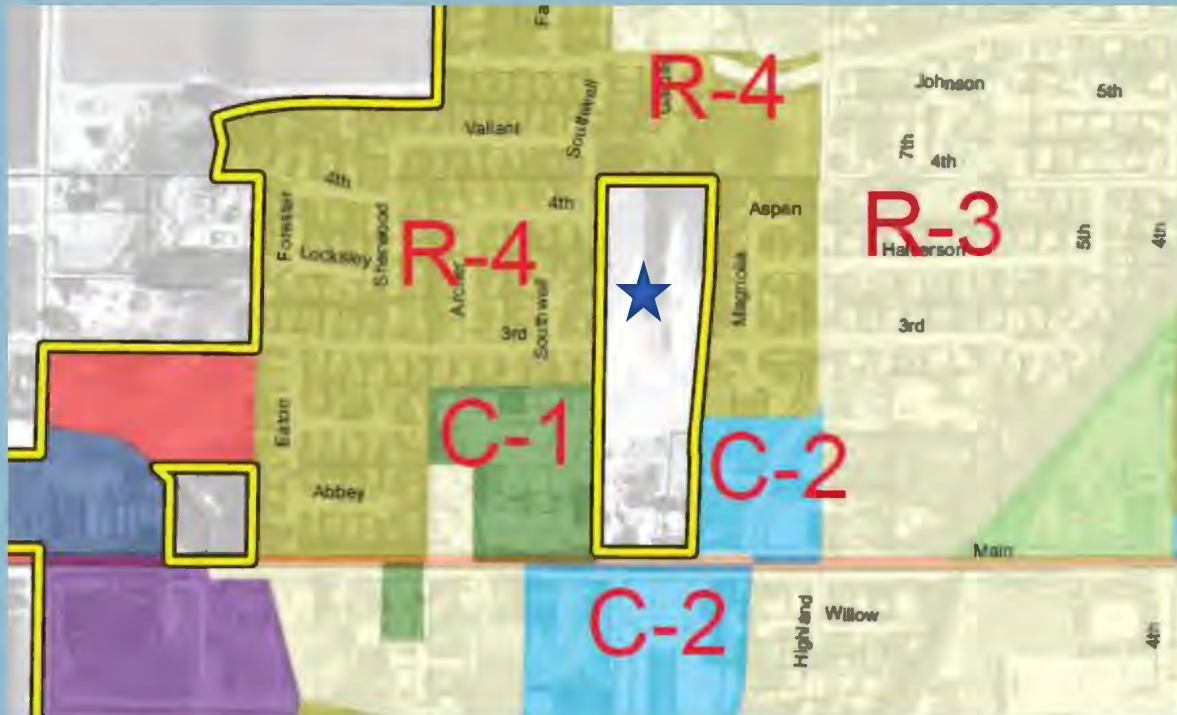
Project Description & Zoning: Applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street.

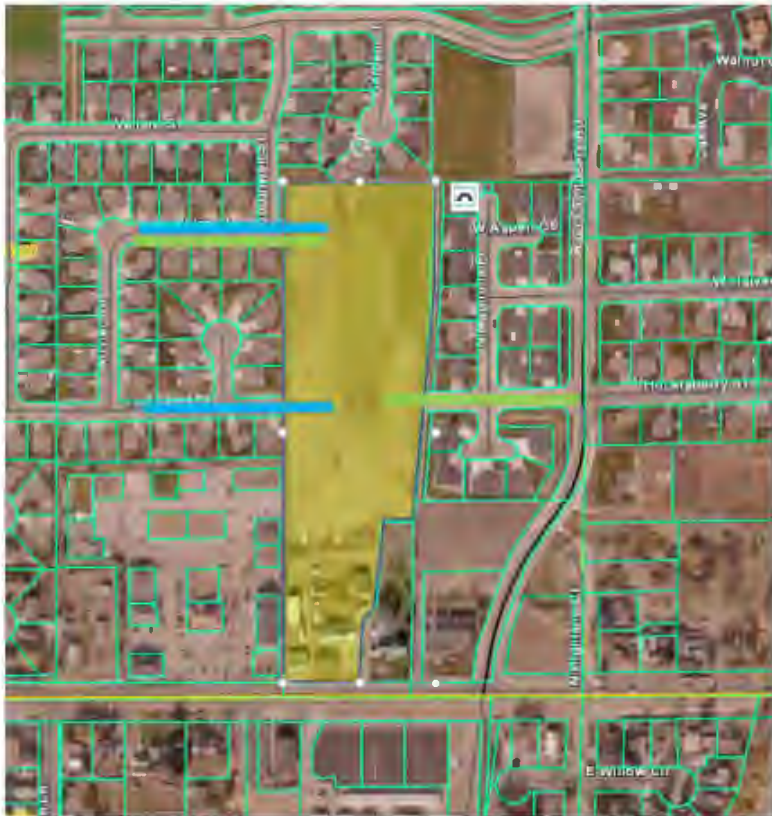
The proposed project consists of three commercial lots, 12 single family residential lots, 25 townhome lots on approximately 9.7 acres of land zoned Canyon County Agricultural.

Applicant is requesting annexation and zone changes from Canyon County “Agricultural” to City of Middleton C-3 “Heavy Commercial” (2.54 acres), M-F “Multi-Family” (3.04 acres) and R-3 “Single Family Residential” (4.09 acres).



Current Zoning & Property Condition: The property is an in-fill project. It is located in Canyon County but entirely surrounded by City property. The property is currently zoned County “Agricultural.” The northern half of the parcel is surrounded by R-4 zoning. The southern half of the property is surrounded by C-1 and C-2 zones, which are neighborhood commercial and light commercial zones.





Sewer



Water



City Services: City water and sewer are accessible to the project. The utilities are located in Shire St., Huckleberry St., and Lionheart St., immediately adjacent to the Project parcel.

Sewer and water capacity are already included in current capacity analyses for this project.

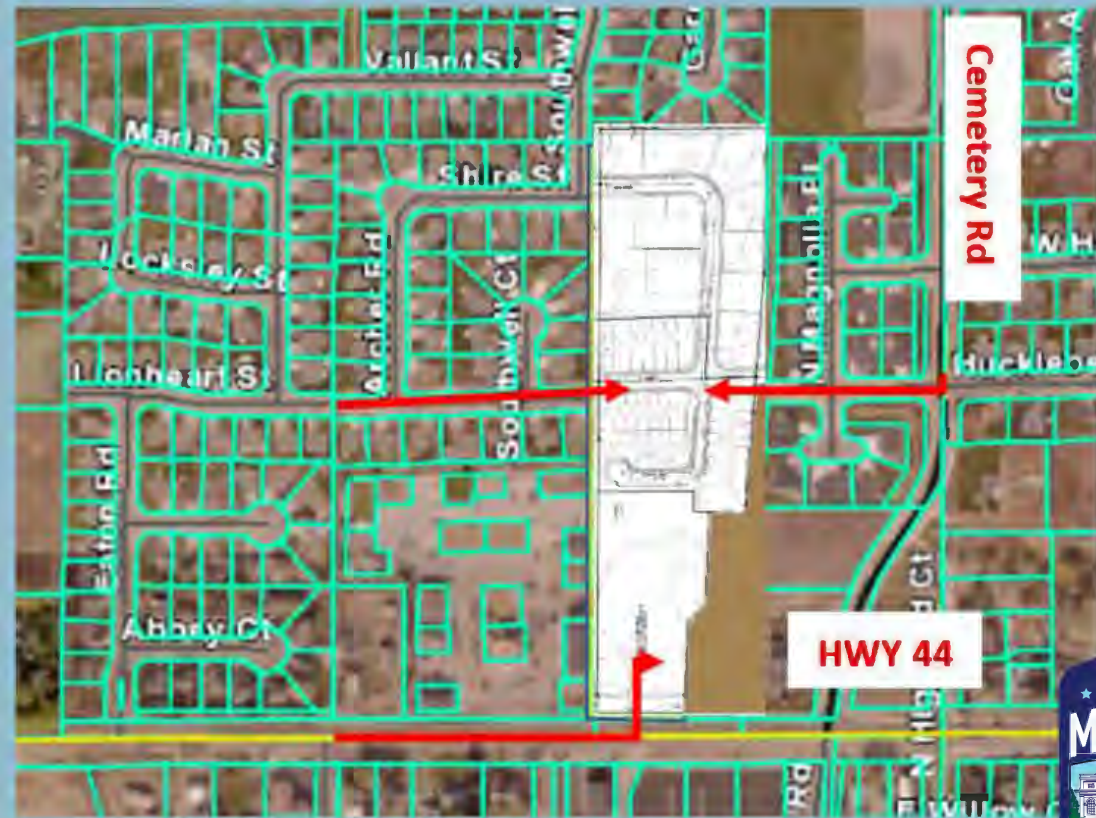


Traffic, Access & Streets: Access to the residential part of the subdivision will be through Lionheart Street and Huckleberry Street. Access to the commercial lots will be off of Hwy 44.

ITD has had the Reed's Landing Subdivision under review for a number of months. Once ITD submits its comments, Developer will be required to improve, at its own cost, all Hwy 44 frontage improvements required by ITD and the City of Middleton.

Developer has submitted a traffic study for the project. It revealed that the project will have "minimal impact" upon the roadways and intersections. Frontage improvements and striping should "fully mitigate" the impact of the project, according to the study. (Pg. 36-37)

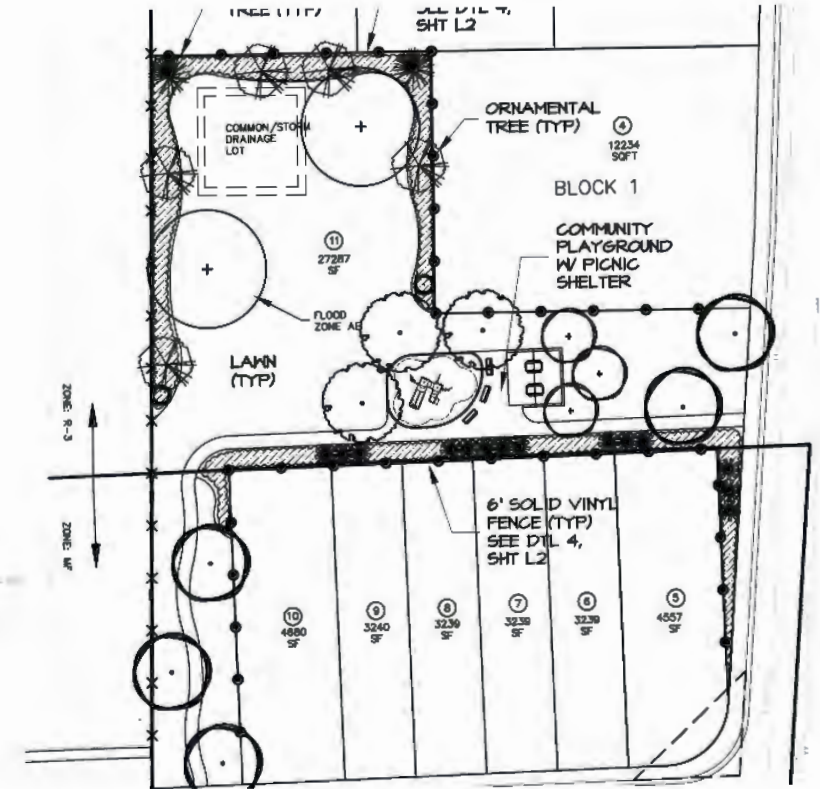
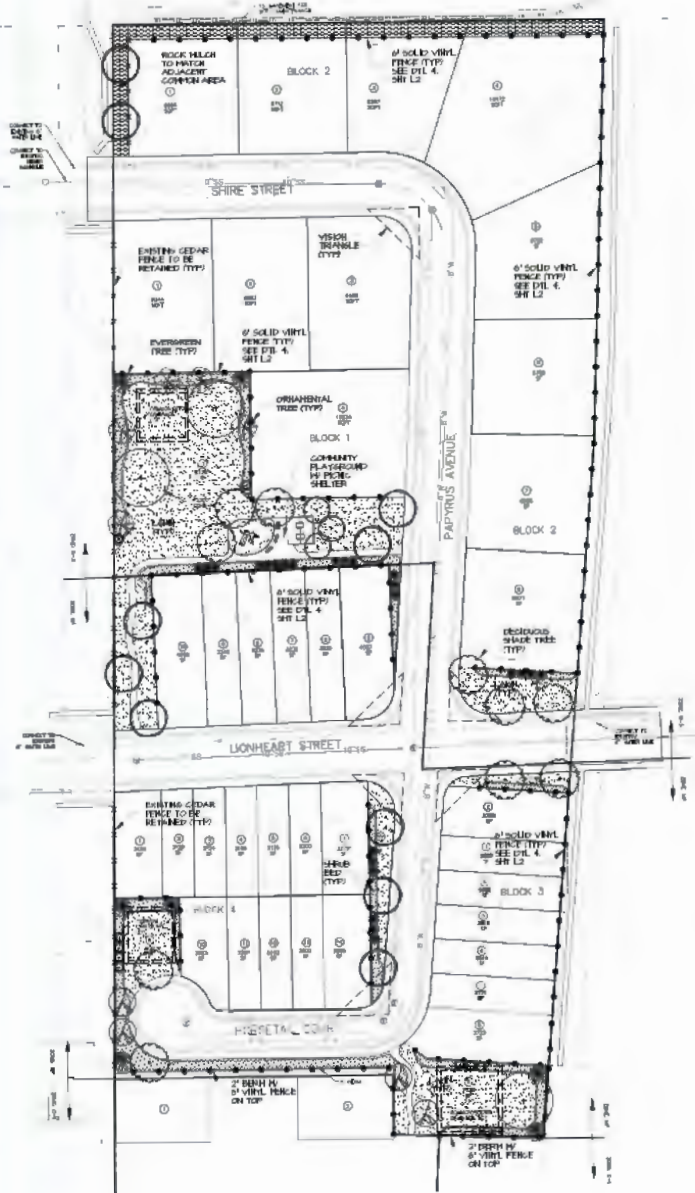
Middleton requires Development "to pay for itself" so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$186,850 in Mid-Star Transportation Impact Fees by the time all 37 residential building permits are issued. Developer/builder will also pay anywhere between \$25,000 and \$100,000 more for the commercial uses under the Mid-Star program, depending on the type of commercial uses that ultimately occupy the site. Developer will also pay a \$77,567 pro-rata traffic fee (MCC 5-4-3). In total, Developer will contribute approximately \$300,000 towards road improvements in and around the City of Middleton.



Pathway, Sidewalks & Open Space:

Developer has provided over 13% open space, which exceeds the 5% required by code.

Although the Code does not require the developer to provide amenities for the project, Developer has provided three large common lots for social gathering. One of the large common lots contains a pathway, playground, benches and shade ramada with multiple picnic tables.

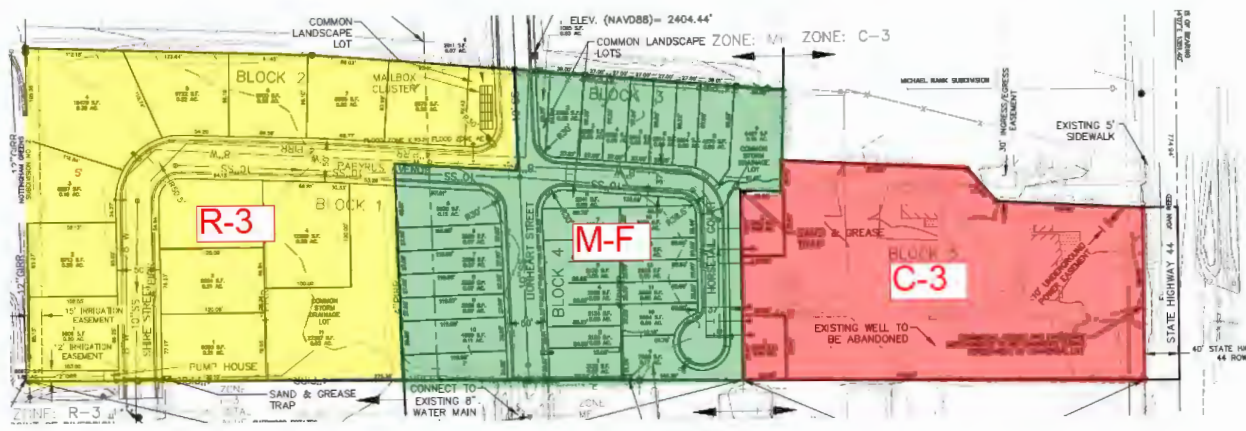


Annexation and Rezone: Applicant is requesting that the nine acre in-fill project be annexed into the City of Middleton with a zone change to C-3 “Heavy Commercial” (approx. 2.5 acres), M-F “Multi-Family” for the townhomes (approx. 3 acres) and R-3 “Single Family Residential” (approx. 4 acres). There are three findings that must be made before Annexation can be approved:

- 1) The property must be contiguous to City limits.
- 2) City services such as sewer and water can be extended to serve the site.
- 3) The annexation is deemed to be an orderly development of the City allowing an efficient and economical extension of City services. (Idaho Code 50-222.)

An application for rezone requires two findings before City Council can approve a rezone:

- 1) The rezone will not adversely affect the City’s delivery of services.
- 2) The rezone request is not in conflict with the Comprehensive Plan. (Idaho Code 67-6511)

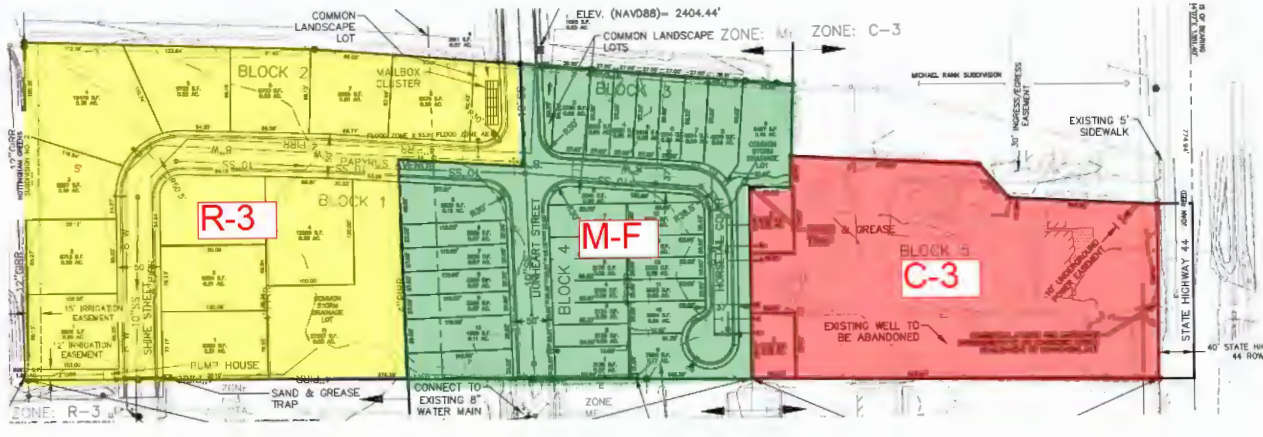


FINDINGS:

Planning Staff finds that Applicant's project meets all three findings for annexation. First, the property is contiguous and surrounded on all four sides by City property. Second, sewer and water are available and can be extended to the site as already shown above. Third, the annexation is an "orderly and economical extension" of City services because the project is an in-fill project; therefore, the proposed development is adjacent to existing resources and infrastructure.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver sewer and water as already noted above. Additionally, Developer will bear the cost of impacting city services by paying impact fees for transportation, parks, fire, and police, which fees were designed to proportionately cover the impacts imposed by developers.

Finally, as will be shown below in the section regarding the Comprehensive Plan, the rezone is not in conflict with the Comprehensive Plan.



Preliminary Plat Application: The preliminary plat shows two phases for development. The Multi-Family and R-3 zones comprise Phase 1. The three commercial lots comprise Phase 2.

Planning Staff finds that the preliminary plat complies with all Middleton codes and standards with one exception: Developer is seeking a waiver to allow “perimeter” fencing to be set back from the perimeter boundary on lots 1 – 4, Block 2 to allow unobstructed access to the ditch easement in that location. (MCC 5-4-11-2).

Middleton governing bodies are allowed to grant exceptions or waivers to the code during the preliminary plat process (MCC 1-15-2). The proposed fencing waiver is a reasonable request because the ditch easement needs to be accommodated.



City Engineer Amy Woodruff has also recommended approval of the plat



Ditch Easement & Fence Location





Development Agreement: A Development Agreement (“DA”) Application is required for any request to rezone property. The conditions of development set forth in the proposed DA are:

1. Developer will develop the community and townhomes generally consistent with the concept plans attached to the DA.
2. The differing styles of townhomes shall undergo design review pursuant to MCC 1-15-8.
3. Developer shall construct the following amenities: park with benches and playground, and shade structure with at least 2 picnic tables.
4. Developer/Owner shall cause the entire .24 acre parcel fronting Hwy 44 to be dedicated to ITD for right of way when Phase 2 develops.
5. The Reed’s currently live on the project site in the portion of the project that will be zoned commercial if this project is approved. The DA provides that the Reed’s home-site will be deemed an allowable non-conforming use. They may remain on site and use the commercial parcels for residential purposes, but they may not apply to the City for any improvement permits that would increase the non-conforming residential use. Once the Reeds vacate the site, the parcels may be used, rented, or sold only for commercial purposes in compliance with uses set forth in the C-3 zone.





Development Agreement con't:

6. Developers will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to obtain Phase 1 final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat for Phase 2. These time periods may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat.
7. If ITD denies access on to Hwy 44 for the commercial lots, Developer will create an access connection between the residential parcels and the commercial parcels via Horsetail Court.
8. Developer to grant a cross-access easement for vehicle and pedestrian traffic across the commercial lots to ensure that no lots are landlocked if access to Hwy 44 is denied by ITD.
9. Developer shall construct a temporary 5' wide asphalt pathway across the commercial lot to connect the residential lots to Hwy 44. Public access shall be granted via a temporary public access easement. Once the commercial lots are developed, the pathway and easement may be removed by Developer.

Comprehensive Plan & Land Use Map:

Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed zones correlate with the "Commercial" and "Mixed-Use" uses shown on the Map.

"Mixed Use" on the Future Land Use Map means that the City will allow an intermingling of any type of commercial use with any type of residential use in that area.



The Project also 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, pathways 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. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole. Additionally, the project provides commercial uses near a "major" road.
- c. *Goal 6:* Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.
- d. *Goal 7:* the project promotes commercial development and employment opportunities.
- e. *Goal 8:* the project establishes a new commercial area without detracting from existing businesses.
- f. *Goal 10:* Project provides playgrounds, pathways and outdoor recreational activities.
- g. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located.





Comments Received from Surrounding Landowners:

Thomas Butler submitted a letter on July 20, 2022. The letter was attached to the Staff Report as Exhibit C for Council consideration and public viewing. Two more comment letters came in after the Agenda posted. Brooks and Yeatley – Ex. “F”

Comments from Agencies: On April 22, 2022, the City received a comment letter from Greater Middleton Parks & Recreation. City also received a letter from Canyon Hill Ditch Co., dated 5/9/2022 and Middleton School District #134 dated 5/6/2022 and 7/26/2022. Copies of the letter were attached as Exhibit D to the Staff Report.

COMPASS submitted a late comment last Friday. (Exhibit “G”)

Comments from City Engineer and Planning Staff: Copies of Engineering and planning comments were attached as Exhibit “E” to the Staff Report.

Applicant Information: Application was accepted on November 16, 2021. Applicant is Taylor Schmidt/BST DEV LLC 1016 W. Sanetta St., Nampa, ID 83651.



Notices & Neighborhood Meeting Dates:

Newspaper Notification	7/17/2022	Sign Posting	7/15/2022
Radius notice to adjacent landowners	7/14/2022	Neighborhood Meeting	9/8/2021 & 10/18/2021
Circulation to Agencies	7/12/2022		

Pertinent Codes and Standards:

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



Planning & Zoning Commission Recommendation and Order: The Planning & Zoning Commission considered the project applications at a public hearing on May 9, 2022. The Commission is responsible for issuing a final order on the application for a special use permit (SUP) to construct townhomes. They approved the SUP on the condition that the developer meets with the staff of Middleton School District #134 to discuss possible mitigation to school impacts and on the condition that no 2nd floor windows would be located in homes built on the eastern boundary of Block 3.

The Commission further recommended approval of Developer's applications for annexation/rezone, development agreement, and preliminary plat subject to the conditions of approval in the Staff Report.

Conclusions and Conditions of Approval:

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

As to Findings of Facts, Planning Staff has set forth findings of facts in the staff report and presentation. If the Council agrees with those findings of facts, then the Council may simply make a motion to accept the findings of facts presented by planning staff.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear these applications and to approve or deny the applications, with or without conditions. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making an order on the applications. If the hearing tonight is 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.



Conclusions and Recommended Conditions of Approval con't:

Annexation/Rezone, Development Agreement and Preliminary Plat Application: If the Council chooses to approve the annexation/rezone, preliminary plat, and development agreement applications based upon the above findings of facts and conclusions of law, then Planning Staff recommends that any approval be subject to the following conditions:

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Developer to comply with all terms of the Development Agreement approved for the project.
3. Developer to construct, at its own cost, all frontage improvements to Hwy 44 required by ITD and the City of Middleton.
4. All landscaping and amenities to be installed in compliance with submitted landscape plan dated 4/11/2022.
5. Developer shall obtain a proper approach permit from ITD for the commercial parcel access prior to final plat approval for Phase 2. If ITD will not issue an approach permit, Developer to create a street or drive aisle off of Horsetail Court to provide access to the commercial lots.
6. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
7. Owner/Developer to pay City required pro-rata share traffic fee in the amount of \$77,567 prior to approval of phase 1 final plat.
8. All City Engineer, Planner, Fire District, and Floodplain Administrator review comments are to be completed and approved.
9. The Homeowners' Association's CC&Rs shall mandate that the HOA is responsible for maintaining the ditch easement strip of ground sandwiched between the canal and the rear fence line of Lots 1-4, Lot 2.
10. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.



** reasons for denial

Reed's Landing Ex F

From: Carrie Brooks
To: Roberta Stewart
Subject: Public hearing comments
Date: Monday, August 1, 2022 5:59:34 PM

Planning and Zoning Department:

This letter is to oppose the proposed Reed's Landing Subdivision. There is no need to have such dense housing in such a small area of Middleton. There is plenty of room in Middleton to spread out growth without the density proposed. All surrounding housing and subdivisions are single family and to change the zoning to allow 25 townhomes is not acceptable. Further, as a resident of Westwood Subdivision, access to this new development would be through our small subdivision via Huckleberry Street. this street has driveways close to this road with children and pets at risk for this development. With the proposed 12 homes, 25 town homes, and the "dense commercial lots" this will conservatively result in over 100 additional vehicles using a small access through a small residential neighborhood.

To even consider this type of development and it's proposed access is not appropriate.

As a citizen of Middleton and owner in the Westwood Subdivision, I am opposed to the rezoning of the plat to such a dense proposal.

Carrie Brooks
Homeowner in Westwood Subdivision

From: [Rourke Yeakley](#)
To: [Roberta Stewart](#)
Subject: Opposition to "Reed's Landing Subdivision"
Date: Monday, August 1, 2022 5:09:45 PM

Planning and Zoning Department City of Middleton,

This letter is to oppose the proposed Reed's Landing Subdivision. There is no need to have such dense housing in such a small area of Middleton. There is plenty of room in Middleton to spread out growth without the density proposed. All the surrounding housing and subdivisions are single family and to change the zoning to allow 25 townhomes is not acceptable. Further, as a resident of Westwood subdivision, access to this new development would be through our small subdivision via Huckleberry Street. This street has driveways close to this road with children and pets at risk for this development. With the proposed 12 homes, 25 town homes and the "dense commercial lots" this will conservatively result in over 100 vehicles using a small dangerous access through the neighborhood.

Further, the developers of the proposed "Reed's Landing Subdivision" have never reached out to the home owners of Westwood Subdivision which is directly impacted by the massive increase in traffic and density proposed.

Once again, to even consider this type of development and its proposed access is not appropriate. We are absolutely opposed to this development.

Please let me know if you have any further questions.

Amy and Rourke Yeakley
Homeowners in Westwood Subdivision

Ex "G"

Communities in Motion 2050 Development Review

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

Development Name: Reed's Landing

CIM Vision Category: Existing Neighborhood

New Jobs: ±40

CIM Corridor: None

New Households: 37



Safety

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

Pedestrian level of stress ☒

Bicycle level of stress ☐



Economic Vitality

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

Activity Center Access ☒

Farmland Preservation ☐

Net Fiscal Impact ☒

Within CIM Forecast ☒



Convenience

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

Nearest bus stop ☐

Nearest public school ☐

Nearest public park ☐



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation ☐

Automobile Transportation ☐

Public Transportation ☒

Roadway Capacity ☐



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

The proposal provides an opportunity for infill and a mix of housing types in an already developed area in the City of Middleton. The COMPASS Complete Network Policy identifies Main Street/State Highway 44 as a secondary transit, secondary freight, and bicycle friendly route. Ensure that future bicycle and pedestrian facilities along Main Street/SH-44 support modes identified above.

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

Web: www.compassidaho.org
 Email: info@compassidaho.org



COMPASS
 COMMUNITY PLANNING ASSOCIATION
 of Southwest Idaho

Land Use to Support Public Transportation

Locating higher-density commercial and residential uses close to transit nodes increases the availability and convenience of public transportation. Successful transit-oriented developments often following the 3 Ds: density, diversity, and design. Density places a critical mass of people near trip origins or destinations so that transit ridership becomes practical and economical. Diversity of land uses can help to serve multiple purposes, such as employment centers, retail centers, and recreation. Design encourages safe and comfortable walking and biking between the transit station and the final destination. Other considerations include:

- Guide new development to areas planned for growth in the long-range plan forecast so that transportation infrastructure can keep up with new demand.

- Provide more than 8 housing units per acre; or a combination of 25 total persons (population + jobs) per acre, near future transit stops.

- ✓ Orient buildings toward potential transit corridors, with parking on the back side rather than the street side.

- Where appropriate, cluster buildings near intersections to consolidate transit stops and street crossings.

- Incorporate retail and other uses into the development, drawing customers both from the transit-oriented development and nearby areas.

The COMPASS-compiled catalog of Transit Oriented Developments in the [*Communities in Motion Implementation Guidebook*](#) provides examples of how higher-density development can integrate in existing neighborhoods.

Public Transportation Infrastructure

Providing safe and comfortable transit stops and appropriate amenities can make public transportation a more convenient and competitive option, reduce the overall cost of housing + transportation, and expand the potential customer base for businesses.

While stop location and spacing will depend on the circumstances of the route, there are some general guidelines to improve the user experience:

- Locate bus stop amenities in areas that are expected to generate the most ridership, such as near employment centers, residential areas, retail centers, education centers, or major medical facilities.

- ✓ Provide sidewalks and/or bike paths designed to meet the needs of all users (including elderly, children, and individuals with disabilities) to connect development to transit stops.

- Provide bicycle parking that includes covered bike racks at transit stops; ensure it does not conflict with vehicular or pedestrian travel.

- Provide shelters, benches, trash receptacles, lighting, and landscaping to enhance the overall comfort and attractiveness of transit; ensure amenities do not block pathways, sidewalks, or bike lanes.

- ✓ Include doors with 32 inches of clear passage space, and at least one zero-step entrance and accessible bathroom on the main floor to support those with limited mobility.

- Join the Valley Regional Transit group pass program:

- <https://www.valleyregionaltransit.org/group-pass-programs>

- Use Valley Regional Transit's [Bus Stop Location and Transit Amenities Development Guidelines](#) for siting new bus stops and reviewing current and bus stops.

Fiscal Impact Analysis Supplemental for the Development Review Checklist


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

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


Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

City 

County 

Highway District 

School District 

Break Even: 1 year



STAFF REVIEW AND REPORT

Middleton City Council

Reed's Landing Subdivision

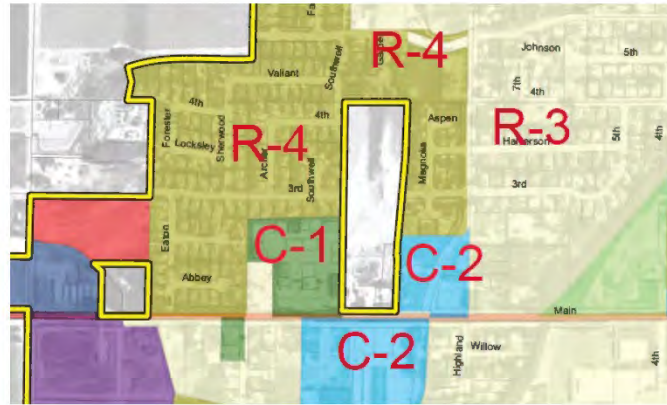
Snapshot Summary



DESCRIPTION	DETAILS
Acreage	Approx. 9.70 acres (In-fill project)
Current Zoning	Canyon County Agricultural
Proposed Zoning	C-3, M-F and R-3
Current Land Use	Commercial & Mixed Use
Proposed Land Use	Remain the same
Lots	3 commercial lots; 25 Townhome lots, 12 Single-Family Residential lots, and 6 common lots
Open Space	13% (Minimum required is 5%)
Amenities	Large grassy common lots with pathways, playground, benches and shade structure with picnic tables

- A. City Council Hearing:** August 3, 2022
- B. Project Description:** Applications by Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, and development agreement with respect to the Reed's Landing Subdivision located at 880 W. Main Street (Tax Parcel No. R17900010).
- The proposed preliminary plat consists of three commercial lots, 12 single family residential lots, 25 townhome lots on approximately 9.7 acres of land zoned Canyon County Agricultural.
- C. Application Requests:** Applicant is requesting annexation and zone changes from Canyon County "Agricultural" to City of Middleton C-3 "Heavy Commercial" (2.35 acres), M-F "Multi-Family" (2.98 acres) and R-3 "Single Family Residential (4.09 acres). Applicant has also submitted applications for preliminary plat, development agreement, and special use permit to construct townhomes in the M-F zone. A floodplain application is proceeding administratively with these applications.

- D. Current Zoning & Property Condition:** The property is currently Canyon County property zoned Agricultural, and the project is an infill project surrounded entirely by property within City limits. The northern half of the parcel is surrounded entirely by R-4 zoning (Medium Density Residential or 4 homes per gross acre.) The southern half of the property spanning along Hwy 44 is surrounded by C-1 and C-2 zones, which are neighborhood commercial and light commercial zones.



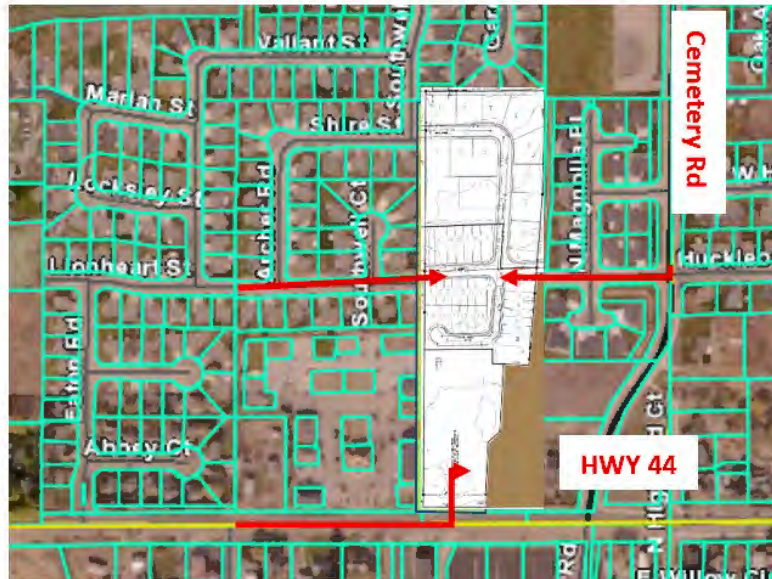
- E. City Services:** City water and sewer are accessible to the project. The utilities are located in Shire St., Huckleberry St., and Lionheart St., immediately adjacent to the Project parcel.



Sewer and water capacity are already included in the current capacity analyses for this project. Capacity will be formally reserved when construction drawings are approved by City Engineer.

F. Traffic, Access & Streets:

Access to the residential part of the subdivision will be through Lionheart Street and Huckleberry Street. Access to the commercial lots will be off of Hwy 44.



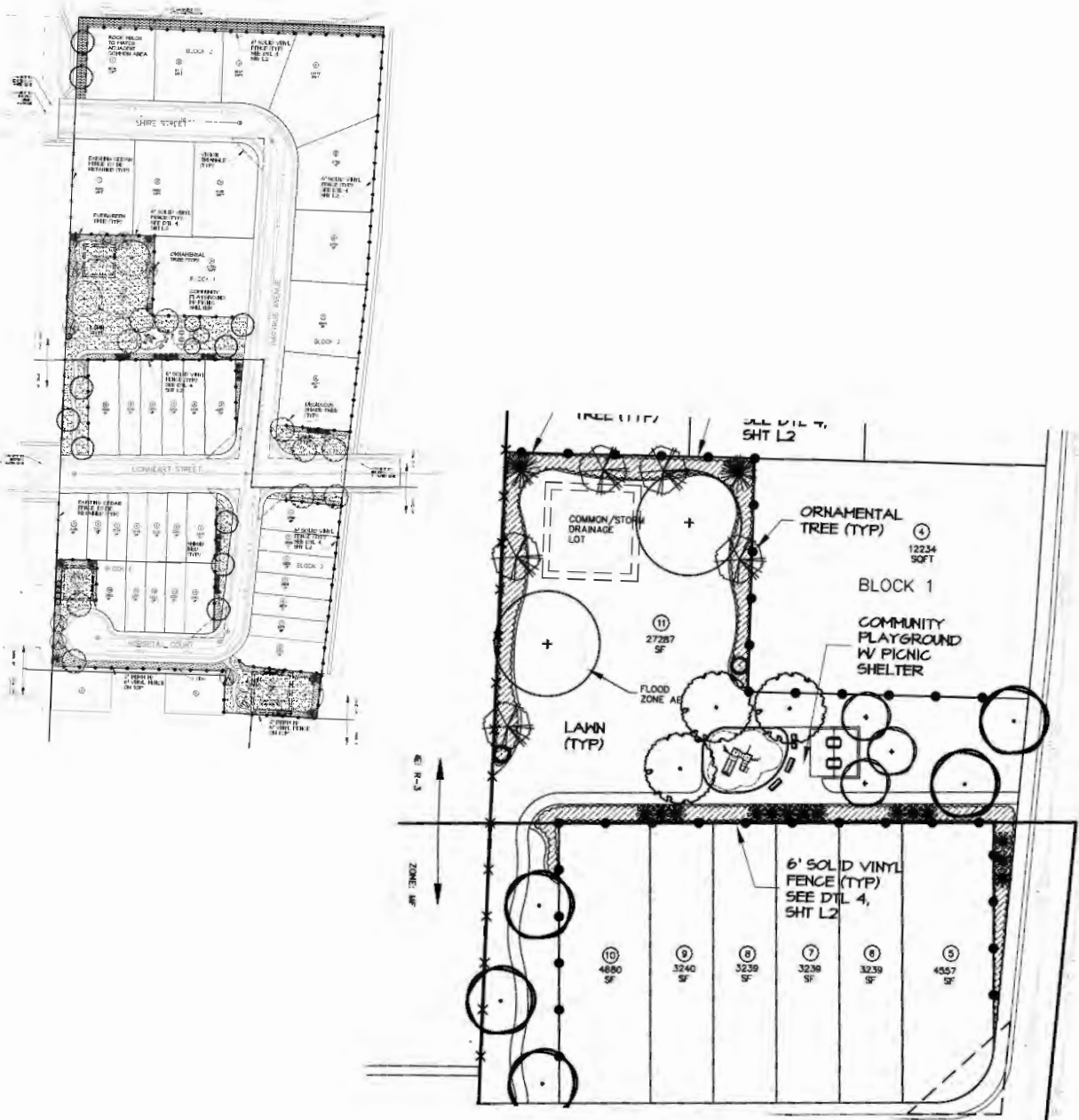
ITD has had the Reed's Landing Subdivision under review for a number of months. Once ITD submits its comments, Developer will be required to improve, at its own cost, all Hwy 44 frontage improvements required by ITD and the City of Middleton.

Developer has submitted a traffic study for the project. It revealed that the project will have "minimal impact" upon the roadways and intersections. Frontage improvements and striping should "fully mitigate" the impact of the project, according to the study.

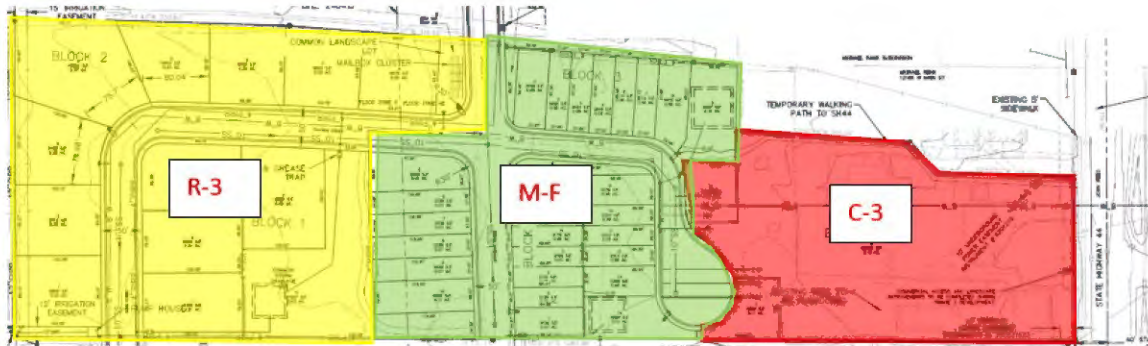
Middleton requires Development "to pay for itself" so the taxpayers will not be burdened with the cost of developing roads and infrastructure. In light of this, Developer/builders will pay \$186,850 in Mid-Star Transportation Impact Fees by the time all 37 residential building permits are issued. Developer/builder will also pay anywhere between \$25,000 and \$100,000 for the commercial uses under the Mid-Star program, depending on the type of commercial uses that ultimately occupy the site. Finally, Developer will be required to pay pro-rata traffic fees pursuant to MCC 5-4-3 in the amount of \$77,567, for a total contribution to road improvements in an amount exceeding \$275,000.00.

- G. Pathway, Sidewalks & Open Space:** Developer has provided over 13% open space, which exceeds the 5% required by code. Open space is calculated against only the residential portion of the plat, which in this case is 7.28 acres. Even if open space is calculated using the entire 9.7 acres, the open space still exceeds 9% in compliance with City code.

Although the Code does not require the developer to provide amenities for the project, Developer has provided three large common lots for social gathering. One of the large common lots contains a playground, shade ramada with multiple picnic tables and benches.



- H. **Annexation and Rezone:** Applicant is requesting that the nine acre in-fill project be annexed into the City of Middleton with a zone change to C-3 “Heavy Commercial” (approx. 2.5 acres), M-F “Multi-Family” for the townhomes (approx. 3 acres) and R-3 “Single Family Residential” (approx. 4 acres).



There are three findings that must be made before Annexation can be approved: (1) the property must be contiguous to City limits (2) City services such as sewer and water can be extended to serve the site, and (3) the annexation is deemed to be an orderly development of the City allowing an efficient and economical extension of City services. (Idaho Code 50-222.)

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

FINDINGS:

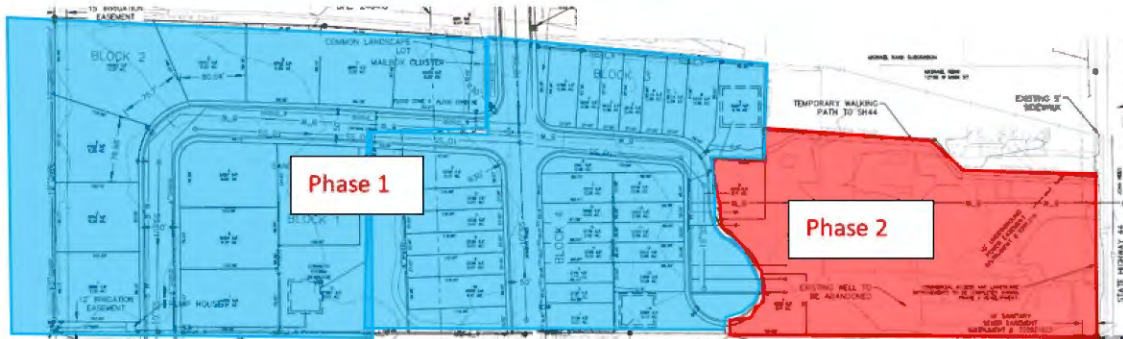
Planning Staff finds that Applicant’s project meets all three findings for annexation. First, the property is contiguous and surrounded on all four sides by City property. Second, sewer and water are available and can be extended to the site as already noted above. Third, the annexation is an “orderly and economical extension” of City services because the project is an in-fill project; therefore, the proposed development is very near existing resources and infrastructure.

As to the rezone application, Planning Staff finds that the rezone will not adversely affect the City’s ability to deliver sewer and water as already noted above. Additionally, Developer will bear the cost of impacting city services by paying impact fees for transportation, parks, fire, and police, which were designed to proportionately cover the impacts imposed by developers.

Finally, as will be shown below in the section regarding the Comprehensive Plan, the rezone is not in conflict with the Comprehensive Plan

I. Preliminary Plat Application:

The preliminary plat shows two phases of development. The Multi-Family and R-3 zones comprise Phase 1. The three commercial lots comprise Phase 2.



[A full copy of the proposed preliminary plat is attached as Exhibit “A”.]

The plat complies with all Middleton codes and standards with one exception: (1) Developer is seeking a waiver to allow “perimeter” fencing to be set back from the perimeter on lots 1 – 4, Block 2 to allow unobstructed access to the ditch easement in that location. (MCC 5-4-11-2).

Middleton governing bodies are allowed to grant exceptions or waivers to the code during the preliminary plat process (MCC 1-15-2). The proposed fencing waiver is a reasonable request because the ditch easement needs to be accommodated. However, a condition of the waiver should be a requirement that the Homeowners’ Association will maintain the swath of land between the rear fences and the canal/ditch to ensure it does not become an unsightly weed patch.

Of Note, City Engineer, Amy Woodruff, has issued a letter indicating compliance with City Code, and she recommended approval of the preliminary plat.

Findings:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code except for the fence waiver noted above.

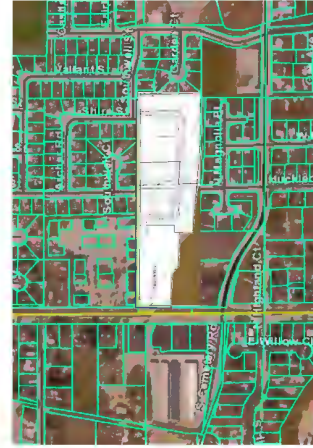
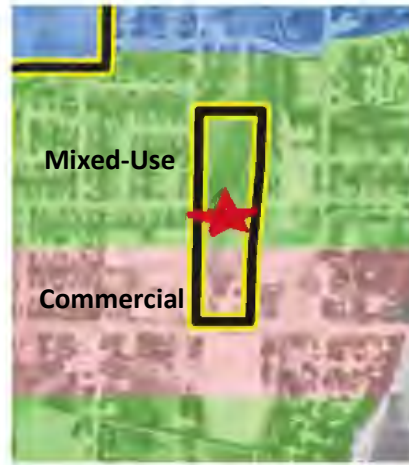
- J. **Development Agreement:** Applications for annexation/rezone are generally accompanied by an application for Development Agreement (“DA”). Attached as Exhibit “B” is the proposed Development Agreement. The Developer has used the City’s DA form, and Article III regarding conditions of development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

1. Developer will develop the community and townhomes generally consistent with the concept site plan and elevation renderings attached to the DA.
2. The differing styles of townhomes shall undergo design review pursuant to MCC 1-15-8.
3. Developer shall construct the following amenities: park with benches and playground, and shade structure with at least 2 picnic tables.
4. Developer shall cause the entire .24 acre parcel fronting Hwy 44 to be dedicated to ITD or the City of Middleton for right of way when Phase two is constructed.
5. The Reed's home on the commercial lots shall be deemed a non-conforming use. They may remain on site and use the commercial parcels for residential purposes, but they may not apply to the City for any improvement permits that would increase the non-conforming residential use more than is allowed in MCC 5-1-3. Once the Reeds vacate the parcels, the parcels may be used, rented, or sold only for commercial purposes in compliance with uses set forth in the C-3 zone.
6. Developers will have two years to obtain final plat approval for Phase 1. Developer may seek two 1-year extensions, thereby allowing a total of 4 years to bring Phase 1 to final plat approval. After Phase 1 final plat, Developer will have two years to obtain final plat for Phase 2. These time periods may also be extended with two 1-year extensions. Failure to meet these time-lines may result in the City terminating the DA and nullifying the preliminary plat.
7. If ITD denies access on to Hwy 44 for the commercial lots, Developer will create an access connection between the residential parcels and the commercial parcels via Horsetail Court.
8. Developer to grant a cross-access easement for vehicle and pedestrian traffic across the commercial lots to ensure that no lots are landlocked if ITD does not permit access off Hwy 44.
9. Developer shall construct a temporary 5' wide asphalt pathway across the commercial lot to connect the residential lots to Hwy 44. Public access shall be granted via a temporary public access easement. Once the commercial lots are developed, the pathway and easement may be removed by Developer.

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- K. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan's Future Land Use Map because the proposed zones correlate with the "Commercial" and "Mixed-Use" uses shown on the Comprehensive Plan Map.



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, pathways 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. Quality lots for residential use also increase the quality of life and general welfare of the City as a whole. Additionally, the project provides commercial uses near a "major" road.
- c. *Goal 6:* Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.
- d. *Goal 7:* the project promotes commercial development and employment opportunities.
- e. *Goal 8:* the project establishes a new commercial area without detracting from existing businesses.
- f. *Goal 10:* Project provides playgrounds, pathways and outdoor recreational activities.
- g. *Goal 11:* The housing type matches the residents' lifestyle in the area the project is located.

- L. Comments Received from Surrounding Landowners:** Letter received from Thomas Butler on July 20, 2022. (Copy of letter is attached as Exhibit “C”).
- M. Comments from Agencies:** City received the following comment letters from agencies: Greater Middleton Parks & Recreation letter delivered on 4/22/2022; Canyon Hill Ditch Co., letter dated 5/9/2022; and Middleton School District #134 letters dated 5/6/2022 and 7/26/2022. (Copies of Agency comments are attached as Exhibit “D”).
- N. Comments from City Engineer and Planning Staff:** Copies of Engineering and planning comments are attached as Exhibit “E”.
- O. Applicant Information:** Application was accepted on November 16, 2021. Applicant is Taylor Schmidt/BST DEV LLC 1016 W. Sanetta St., Nampa, ID 83651.
- P. Notices & Neighborhood Meeting:**
- | | Dates: |
|--------------------------------------|-----------------------|
| Newspaper Notification | 7/17/2022 |
| Radius notice to adjacent landowners | 7/14/2022 |
| Circulation to Agencies | 7/12/2022 |
| Sign Posting property | 7/15/2022 |
| Neighborhood Meeting | 9/8/2021 & 10/18/2022 |
- Q. Applicable Codes and Standards:**
- Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13.
- R. Planning & Zoning Recommendation:** The Planning & Zoning Commission considered the project applications at a public hearing on May 9, 2022. The Commission is responsible for issuing a final order on the application for a special use permit (SUP) to construct townhomes. They approved the SUP on the condition that the developer meets with the staff of Middleton School District #134 to discuss possible mitigation to school impacts and on the condition that no 2nd floor windows would be located in homes

built on the eastern boundary of Block 3.

The townhome concept considered in the application is shown below.



The Commission further recommended approval of Developer's applications for Annexation/Rezone, Development Agreement, and Preliminary Plat subject to the conditions of approval set forth in the Staff Report. (A copy of the Commission's Recommendation and Order is attached as Exhibit "F".)

S. Conclusions and Recommended Conditions of Approval:

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

As to Findings of Facts, Planning Staff has set forth findings of facts above in parentheses. 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 make a motion to accept the findings of facts presented by planning staff.

As to Conclusions of Law, Planning Staff finds that the City Council has the authority to hear these applications and to approve or deny the applications, with or without conditions of approval. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making an order on the applications. If the August 3rd public hearing is 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.

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

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

1. City municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Developer to comply with all terms of the Development Agreement approved by City Council for the project.
3. All landscaping and amenities to be installed in compliance with submitted landscape plan dated 4/11/2022.
4. Developer to construct, at its own cost, all frontage improvements to Hwy 44 if required by ITD and the City of Middleton.
5. Developer to obtain a proper approach permit from ITD for the commercial parcel access prior to final plat approval for Phase 2. If ITD will not issue an approach permit, Developer to create a street or drive aisle off of Horsetail Court to provide access to the Commercial lots.
6. Developer shall create a plan for operation, maintenance and repair of stormwater facilities (O&M Plan) contained on the project site. The O&M Plan shall be recorded with the CC&Rs. Developer and/or HOA must maintain and operate the subdivision stormwater facilities in compliance with the O&M Plan.
7. Owner/Developer to pay the City required pro-rata traffic fee in the amount of \$77,567 prior to Phase 1 final plat approval (MCC 5-4-3).
8. All City Engineer review comments are to be completed and approved.
9. All Planner comments are to be completed and approved.
10. All requirements of the Middleton Rural Fire District are to be completed and approved.
11. Developer/Owner to comply with all FEMA, Middleton City Code Floodplain Rules, and Floodplain Administrator requirements.
12. The Homeowners' Association's CC&Rs shall mandate that the HOA is responsible for maintaining the ditch easement strip of ground sandwiched between the canal and the rear fence line of Lots 1-4, Block 2.
13. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Council denies the special use permit application and/or recommends denial of the remaining applications, 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(s).

Prepared by Roberta Stewart
Planning & Zoning Director

Dated: 7/29/2022

APPENDIX
EXHIBIT "A"

Preliminary Plat

PRELIMINARY PLAT FOR REED'S LANDING SUBDIVISION

A PART OF LAND SITUATED IN THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH, RANGE 3 WEST, BIG BEAR MONUMENT, CANYON COUNTY, IDAHO

PROJECT NO: PR21-0363

DESIGNED BY: T. GREENE

DRAWN BY: T. GREENE

DATE: 06/01/2021

DESIGN QC BY: J. EISENBERGER

REED'S LANDING SUBDIVISION

PRELIMINARY PLAT

CANYON COUNTY, IDAHO

LEGEND

- FENCE
- CENTERLINE
- LOT LINE
- 6" WATER LINE
- 12" WATER LINE
- 12" SEWER LINE
- 12" GAS LINE
- 12" ELECTRIC LINE
- 12" TELEPHONE LINE
- 12" CABLE TV LINE
- 12" SLOPE
- 12" ELEVATION
- 12" DISTANCE
- 12" AREA
- 12" PERCENTAGE
- 12" BEARING
- 12" CURVE
- 12" TANGENT
- 12" CHORD
- 12" ARC
- 12" SEGMENT
- 12" QUANTITY
- 12" PRECISION
- 12" BOX

LAND USE SUMMARY

LAND USE	AREA
TOTAL AREA	14.40 AC
TOTAL LOT AREA	14.40 AC
COMMON AREA LOT AREA	14.40 AC
WITH SWATH	14.40 AC
OTHER	0.00 AC
CONCRETE AREA	0.00 AC
OPEN SPACE AREA	14.40 AC
PERCENTAGE	100%

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	06/01/2021	T. GREENE	PRELIMINARY PLAT

PROJECT LOCATION

Map showing the location of Reed's Landing Subdivision within the larger context of the area, including surrounding roads and landmarks.

PROJECT LOCATION

PRELIMINARY PLAT

LAYOUT

C1.00

SHEET

1 OF 2

PRELIMINARY PLAT FOR REED'S LANDING SUBDIVISION

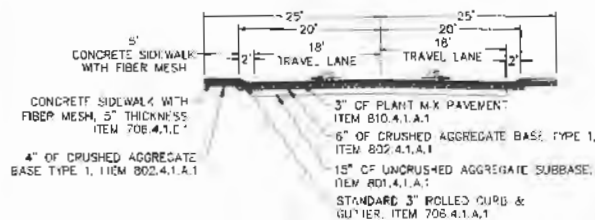
A PARCEL OF LAND SITUATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1, TOWNSHIP 4 NORTH,
RANGE 3 WEST, BOISE MERIDIAN, CITY OF MIDDLETON CANYON COUNTY, IDAHO.
-2022-

NOTES:

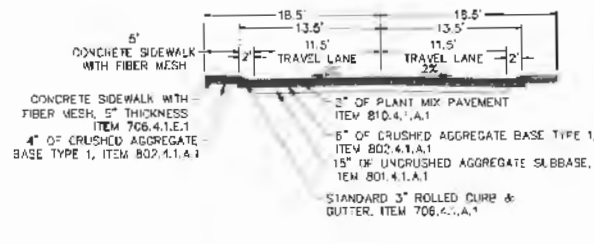
1. CONTOUR AND SPOT ELEVATION DATA IS REFERENCED TO NAVD '83 DATUM.
2. ALL STREETS PROPOSED IN THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MIDDLETON STANDARDS FOR PUBLIC STREETS.
3. BLOCK 1, LOT 5, BLOCK 3 LOT 9 AND 15 ARE COMMON LOTS TO BE USED FOR STORMWATER MANAGEMENT AND SUBJECT TO A BLANKET UTILITY AND STORMWATER EASEMENT. BLOCK 2 LOT 6, BLOCK 3, LOT 1 AND LOT 21 ARE COMMON LOTS. BLOCK 3 LOTS 10-12 ARE COMMERCIAL.
4. STORMWATER RUN-OFF GENERATED ON THIS SITE SHALL HAVE A QUALITY CONTROL TREATMENT PRIOR TO BEING CONVEYED TO ON-SITE STORAGE FACILITIES.
5. PUBLIC UTILITIES SHALL INCLUDE WATER, SEWER, ELECTRIC POWER, NATURAL GAS, TELEPHONE, CABLE TELEVISION, AND FIBER. FIBER SHALL BE EITHER INSTALLED OR CONDUIT SHALL BE PROVIDED FOR FUTURE INSTALLATION.
6. BUILDING SETBACKS AND DIMENSIONAL STANDARDS SHALL BE IN ACCORDANCE WITH THE CITY OF MIDDLETON'S ZONING CODE THAT IS IN EFFECT AT THE TIME OF BUILDING PERMIT ISSUANCE.
7. DOMESTIC AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
8. IRRIGATION DITCHES THROUGH THE PROJECT SHALL BE PIPED WHERE THEY CROSS ROADS/WAYS WITH ALL STRUCTURES LOCATED BEYOND ANY PUBLIC RIGHT-OF-WAY. ALL IRRIGATION AND DRAINAGE FACILITIES SHALL BE LOCATED OUTSIDE OF THE RIGHT-OF-WAY.
9. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
10. THE OWNER WILL PROVIDE IRRIGATION WATER TO EACH LOT THROUGH A PRESSURIZED IRRIGATION SYSTEM TO BE OWNED AND MAINTAINED BY THE REED'S LANDING SUBDIVISION HOMEOWNERS ASSOCIATION IN COMPLIANCE WITH THE IDAHO CODE SECTION 31-3006(1)(B). ALL LOTS WILL BE SUBJECT TO ASSESSMENTS OF THE MIDDLETON WILL DITCH IRRIGATION DISTRICT.
11. THE NORTHERN PORTIONS OF BLOCKS 1 AND 2 ARE WITHIN ZONE X, AND THE SOUTHERN PORTIONS OF BLOCKS 1 AND 2 AND ALL OF BLOCK 3 IS WITHIN FLOOD ZONE AE OF THE FLOOD INSURANCE RATE MAP NO. 1602702253L COMMUNITY PANEL NO. 0253 L WHICH BEARS AN EFFECTIVE DATE OF 06/07/2019 AND IS NOT IN A SPECIAL FLOOD HAZARD AREA.
12. ALL EXISTING WELLS SHALL BE ABANDONED PER EPRM REGULATIONS. ALL SEPTIC SYSTEMS SHALL BE COMPLETELY REMOVED AND THE AREA RECOMPACTED PER GEOTECHNICAL REPORT.
13. UTILITIES SHOWN ARE BASED ON THE BEST AVAILABLE INFORMATION. FINAL DESIGN MAY VARY SLIGHTLY TO ACCOMMODATE FACTORS NOT KNOWN AT THE TIME THIS PRELIMINARY PLAT WAS PREPARED. FINAL DESIGN SHALL MEET ALL CITY OF MIDDLETON REQUIREMENTS.
14. SANITARY SEWER SERVICE WILL BE PROVIDED BY CITY OF MIDDLETON.
15. SEWER AND WATER CAPACITY WILL BE REVIEWED AT THE TIME CITY APPROVES THE CONSTRUCTION DRAWINGS AND IS SYSTEM CAPACITY DEPENDENT.
16. ALL LOTS HAVE A PERMANENT EASEMENT FOR PUBLIC UTILITIES AND PEDESTRIAN WALKWAYS OVER THE 10' ADJACENT TO ANY PUBLIC RIGHT OF WAY. THIS EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HAND-SURFACED DRIVEWAYS AND WALKWAYS TO EACH LOT.
17. UNLESS OTHERWISE SHOWN AND DIMENSIONED, ALL LOTS ARE HEREBY DESIGNATED AS HAVING A PERMANENT EASEMENT FOR PUBLIC UTILITIES, DRAINAGE, AND IRRIGATION OVER THE 5'-FEET ADJACENT TO ANY INTERIOR SIDE LOT LINE (WITH EXCEPTION TO TOWNSHIP LOTS) AND OVER 10'-FEET ADJACENT TO ANY REAR LOT LINE OR SUBDIVISION BOUNDARY.
18. MAILBOX CLUSTER TO BE INSTALLED BY OWNER AS SHOWN ON PRELIMINARY PLAT.
19. HYDRANT LOCATION AND CONFIGURATION TO BE REVIEWED AND APPROVED BY MIDDLETON RURAL FIRE PROTECTION DISTRICT.
20. FENCING REQUESTED FOR REQUIREMENT THAT FENCING BE LOCATED ON SUBDIVISION PERMETER BOUNDARY (MCC 5-6-4-11-2) IN ORDER TO ACCOMMODATE DITCH.
21. NEW 12" IRRIGATION EASEMENT LOCATED ON NORTH SIDE OF BLOCK 2.
22. DITCHES TO CONTAIN PROVISION REQUIRING HOA TO MAINTAIN 15' WIDE IRRIGATION EASEMENT AREA BETWEEN REAR FENCES ON LOTS 1-4, BLOCK 2 AND THE CANAL/DITCH.
23. THERE IS A "BLANKET" RIGHT OF WAY ACROSS LOT 6, BLOCK 3 IN THE EVENT IT DENIES ACCESS TO THE COMMERCIAL LOT AND ACCESS NEEDS TO PROCEED THROUGH THE COMMON LOT AND RESIDENTIAL AREA.
24. PARCEL NO. R17780001 IS OWNED BY JOAN REED AND IS TO BE DEDICATED TO (DAVID) TRANSPORTATION DEPARTMENT OF CITY OF MIDDLETON AT FINAL PLAT.
25. SEWER PIPE WILL BE REQUIRED TO BE C-900 PIPE AND/OR PULL PLACES ACROSS THE SITE TO ACHIEVE AT LEAST 3FT OF COVER.
26. EXISTING STRUCTURES WILL BE REMOVED AS A CONDITION OF FINAL PLAT UNLESS ALL CODE REQUIREMENTS INCLUDING SETBACKS AND DIMENSIONS ARE MET.
27. THE HOME OWNERS ASSOCIATION (HOA) OWNS AND MANAGES THE COMMON AREAS WHICH INCLUDES STORMWATER FACILITIES. A PLAN FOR OPERATION, MAINTENANCE, AND REPAIR OF STORMWATER FACILITIES (O&M PLAN) WILL BE PREPARED FOR ALL STORMWATER FACILITIES MAINTAINED BY THE HOA. THE O&M PLAN SHALL BE RECORDED WITH THE DECLARATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS (CC&R). THE O&M PLAN SHALL BE USED FOR MAINTENANCE AND OPERATION OF THE STORMWATER FACILITY.
28. COMMERCIAL ACCESS TO SH-44 AND LANDSCAPE IMPROVEMENTS TO BE COMPLETED DURING PHASE 2 DEVELOPMENT.
29. EXISTING 12" IRRIGATION DITCH TO BE PIPED AT TIME OF CONSTRUCTION.

Curve Table					
CHRG	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	120.82'	75.00'	092.30°	N44°24'21"W	108.17'
C2	120.82'	75.00'	092.30°	N44°24'21"W	108.17'
C3	120.82'	75.00'	092.30°	N44°24'21"W	108.17'
C4	104.71'	65.00'	092.30°	S44°24'23"E	93.78'
C5	20.90'	25.00'	004.58°	S49°57'14"W	33.62'
C6	43.74'	25.00'	096.88°	N44°13'10"W	37.08'
C7	28.15'	20.50'	083.52°	N46°11'28"E	28.84'
C8	28.15'	20.50'	083.52°	N46°11'28"E	28.84'
C9	11.84'	53.00'	012.80°	N10°48'54"E	11.81'
C10	32.91'	53.00'	035.58°	N35°51'17"E	32.38'
C11	33.94'	53.00'	036.40°	N37°08'31"E	33.30'
C12	18.09'	25.00'	043.46°	N20°58'54"W	18.51'
C13	33.94'	53.00'	036.40°	N37°08'31"E	33.30'
C14	46.82'	50.00'	053.43°	N52°40'48"E	40.13'
C15	125.73'	50.00'	144.08°	S72°00'25"E	96.13'
C16	72.73'	50.00'	089.04°	S44°28'16"W	70.14'
C17	72.73'	50.00'	089.04°	S44°28'16"W	70.14'
C18	106.14'	71.50'	090.05°	S49°58'38"W	96.88'
C19	106.14'	71.50'	090.05°	S49°58'38"W	96.88'
C20	106.14'	71.50'	090.05°	S49°58'38"W	96.88'
C21	41.90'	33.00'	096.17°	S43°38'10"E	37.21'
C22	41.90'	33.00'	096.17°	S43°38'10"E	37.21'

LINE TABLE		
LINE	BEARING	LENGTH
L-1	S70°46'47"	18.1900
L-2	S48°54'27"	50.4400
L-3	N01°55'37"	40.0000



1 50' ROAD SECTION
SCALE: NTS



2 37' ROAD SECTION
SCALE: NTS



NO	DATE BY	DESCRIPTION
1	1/17/22	24 CITY COMMENTS
2	2/27/22	10 CITY PLANNER COMMENTS

THIS DOCUMENT AND THE INFORMATION CONTAINED HEREIN MAY NOT BE COPIED OR REPRODUCED IN ANY FORM, WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
UNLAWFUL TO REPRODUCE OR TRANSMIT IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER.
CITY OF MIDDLETON, IDAHO
CITY ENGINEER
1/17/22, 2/27/22

REED'S LANDING SUBDIVISION

PRELIMINARY PLAT

CITY OF MIDDLETON,
CANYON COUNTY, IDAHO

PROJECT NO.: PR21-0363
DESIGNED BY: T. GRENZ
DRAWN BY: T. GRENZ
DWG QC BY: J. WARD
DESIGN QC BY: J. EISENBERGER



PRELIMINARY PLAT

NOTES & DETAILS

C1.01

SHEET 2 OF 2

EXHIBIT "B"

Proposed Development Agreement

Once recorded, send to
Middleton City Hall
1103 W. Main Street
Middleton, ID 83644

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and BST DEV, LLC, an Idaho Limited Liability Company and GORDON and PENNY REED, husband and wife, individually and collectively referred to as Developer (**Developer**).

RECITALS

WHEREAS, Developer owns approximately 9.68 acres of real property located at 880 W. Main Street, Middleton, Canyon County, Idaho, which parcel is commonly referred to in the Canyon County Assessor's records as Parcel No. 17900010 and legally described in Exhibit A attached hereto and incorporated herein (**Property**); and

WHEREAS, Developer has applied to the City to annex the Property and rezone the property from Canyon County "Agricultural" to City of Middleton C-3 (2.54 acres "Heavy Commercial"), M-F (3.04 acres "Multi-Family") and R-3 (4.09 acres Single Family Residential; 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 C-3 (approximately 2.54 acres “Heavy Commercial”), M-F (approximately 3.04 acres “Multi-Family”) and R-3 (approximately 4.09 acres Single Family Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform at the city’s expense and with the Developer’s cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Zoning. The Property shall be zoned C-3 (approximately 2.54 acres “Heavy Commercial”), M-F (approximately 3.04 acres “Multi-Family”) and R-3 (approximately 4.09 acres Single Family Residential).

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

3.3 Setbacks, Dimensions & Uses. Setbacks, dimensions and uses shall be those setbacks, dimensions and uses in effect at the time a building permit is issued by the City.

3.4 Townhome Design & Design Review. The Townhomes constructed shall generally match the style and quality of the townhome concept renderings attached hereto as Exhibit C and incorporated herein by this reference. Each style of townhome structure shall undergo Design Review by the Middleton Design Review Committee pursuant to the procedures set forth in MCC 1-15-8 prior to building permit application submittal.

3.5 Floodplain/LOMR Requirements. Developer shall comply with all FEMA requirements in connection with completion of a letter of map revision (LOMR) to remove all buildable lots out of the flood plain, and Developer shall comply fully with MCC 4-3-7-5(D), which requires elevation certificates for individual lots after the LOMR is approved.

3.6 Amenities. Developer shall provide a park with playground, at least three benches, and a shade structure with two or more picnic tables as community amenities.

3.7 Right of Way Dedication. Developer shall cause the title to the .24 acre parcel owned by Joan B. Reed located at 0 Hwy 44 and commonly referred to in the Canyon County Assessor's records as Parcel No. 17900011 to be transferred to the Idaho Transportation Department ("ITD"), or otherwise dedicated to ITD, as right of way prior to, or at, approval of final plat for the phase including such property. If ITD does not accept the dedication of said parcel, Developer shall dedicate said property to City prior to, or at, approval of final plat for the phase including such property.

3.8 Non-Conforming Use. A residential home and residential outbuildings owned by Gordon and Penny Reed are currently located on the portion of the Property to be rezoned to C-3 ("Heavy Commercial"). Once rezoned, the residential use will be a non-conforming use on the commercial lots. Therefore,

3.8.1 Developer agrees that the residential non-conforming use cannot be changed or intensified beyond what is permitted by Middleton City Code Section 5-1-3.

3.8.2 Once the Reed family vacates the premises, the commercial parcels may not be rented or sold to another party for any residential purpose. Instead, said parcels may be rented or sold for only commercial uses set forth in the City's Land Use Table for the C-3 Zone (MCC 5-4-1, Table 1).

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

3.9.1 Developer may obtain a one (1) year extension to obtain the City Engineer's signature on the Phase 1 final plat by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the initial two-year period, which approval shall not be withheld if Developer submits its request in a timely manner. Thereafter, City Council may approve an additional time extension of one (1) year if developer submits a written request for extension prior to the expiration of the previous extension period. Neither approval shall require a public hearing before City Council.

3.9.2 If Developer does not obtain City Engineer's signature on the Phase 1 final plat within the time frame noted above, City may, at its sole discretion, terminate the entire Development Agreement after complying with the Middleton City Code provisions for legal notice and public hearing. The zoning for the property shall be changed as follows: all the property north of the east/west through-road ("Lion Heart Street") shall be changed to R-3 zoning. All the property south of the through-road ("Lion Heart Street") shall be changed to C-3 zoning. No M-F "Multi-Family" zoning shall remain on the Property. Additionally, the preliminary plat will automatically become null and void. City may seek termination of the Development Agreement at any time after the noted time periods expire, and City's delay in terminating the Development Agreement shall not constitute a waiver of its right to terminate the Development Agreement.

3.9.3 After final plat approval for the first phase, Developer shall obtain City Engineer's signature on the final plat for each subsequent phase in two (2) year intervals (subject to the requirement by the City to process such applications expeditiously and in no event later than six months from the time Developer submits a fully completed "Completion Packet" application and final plat application). Developer may obtain a one (1) year extension to obtain the City Engineer's signature on the final plat for the subsequent phase by submitting an administrative written request for extension to the Middleton Planning & Zoning Official before the expiration of the previous time period, which approval shall not be withheld if Developer submits its request in a timely manner. Developer may request City Council to approve an additional time extension of one (1) year, which approval will not be unreasonably withheld if developer submits the request prior to the expiration of the previous extension. If Developer fails to comply with said timelines, the portions of the preliminary plat yet to be final platted will become null and void. City may also, at its sole discretion, terminate the Development Agreement, after complying with the Middleton City Code provisions for legal notice and public hearing, to the extent of the property not final platted. The zoning for the unplatted area shall revert as set forth in Section 3.9.2, above.

3.10 Street Connectivity. Developer agrees that if City requires a street or drive aisle connection between the commercial parcel(s) and residential parcels to the north as a result of ITD's denial of access to State Highway 44, Developer shall construct a street off Horsetail Court. Street intersection shall meet common engineering geometric standards and may require vacation of a portion of the cul-de-sac if already constructed.

3.11 Cross-Access Easement. Developer shall grant a cross-access easement for vehicular and pedestrian traffic to ensure that none of the commercial parcels are land-locked, with such cross-access only to be effective in the event ITD denies access to State Highway 44.

3.12 Pathway Connectivity. As a condition of Phase 1 final plat approval, Developer shall construct a temporary five (5) foot wide asphalt pathway that will cross the commercial lots to connect the residential lots to State Hwy 44. Public access must be granted over and across the pathway via the cross-access easement noted in section 3.11 above or by some other temporary public easement grant. Developer may choose the appropriate location for the asphalt pathway. With the development and final plat approval of the Commercial lots (currently Phase 2), Developer may remove the asphalt pathway and accompanying easement so long as ADA compliant pedestrian connectivity from the residential lots to State Hwy 44 is provided.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

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

4.3 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.

4.4 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.

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

ARTICLE V GENERAL PROVISIONS

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

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

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

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

Developer: BST Dev LLC
1016 W. Sanetta St.
Nampa, ID 83651

Developer: Gordon and Penny Reed

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 City.

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

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

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

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

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

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

[end of text; signatures on following page]

Dated this ____ day of _____, 2022 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 2022, personally appeared before me Steven J. Rule, who, being first duly sworn, declared that he is the Mayor of the City of Middleton, Idaho and signed it as Mayor of the City of Middleton.

Notary Public
My Commission Expires: _____

BST DEV LLC

Notary Public
My Commission Expires: _____

Notary Public
My Commission Expires: _____

EXHIBIT A

Legal Description and Sketch of the Property

A portion of Blocks 6, 7 and 8, Hawthorn Plat of Middleton as filed in Book 3 of Plats at Page 22, records of Canyon County, Idaho, lying in the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 4 North, Range 3 West, Boise Meridian, Canyon County, Idaho more particularly described as follows:

Commencing at the Section corner common to Sections 1 and 12, T.4N., R.3W., B.M., and Sections 6 and 7, T.4N., R.2W., B.M., from which the 1/4 corner common to said Sections 1 and 12 bears South 89°44'07" West, 2,702.83 feet; thence on south boundary line of said Section 1, South 89°44'07" West, 575.94 feet to the **REAL POINT OF BEGINNING**;

thence continuing South 89°44'07" West, 199.43 feet to the southerly extension of the east boundary line of Wellstone Subdivision as filed in Book 39 of Plats at Page 42, records Canyon County, Idaho;

thence on said east boundary line and the southerly extension thereof and the east boundary line of Sherwood Estates Subdivision as filed in Book 37 of Plats at Page 28, records of Canyon County, Idaho, North 00°21'31" East, 1,327.36 feet to the north boundary line of the Southeast 1/4 of the Southeast 1/4 of said Section 1;

thence on said north boundary line coincident with the south boundary line of Nottingham Greens Subdivision No. 2 as filed in Book 32 of Plats at Page 18 and westerly boundary line of Westwood Subdivision as filed in Book 39 of Plats at Page 5, records of Canyon County, Idaho, North 89°43'55" East, 384.41 feet to the Northwest corner of Lot 14, Block 3 of said Westwood Subdivision;

thence continuing on said the westerly boundary line the following two (2) courses and distances:

South 01°46'43" West, 330.83 feet;

South 04°34'57" West, 316.66 feet;

thence continuing on said the westerly boundary line and the westerly boundary line of The Cottages Subdivision as filed in Book 42 of Plats at Page 36, records of Canyon County, Idaho the following two (2) courses and distances:

South 04°40'35" West, 210.93 feet;

South 03°08'47" West, 18.19 feet;

thence leaving said westerly boundary line, North 88°25'59" West, 81.98 feet;

thence South 03°00'38" West, 215.09 feet;

thence South 48°54'27" West, 50.44 feet;

thence South 02°52'52" West, 168.00 feet to the north right-of-way line of W. Main Street (S.H. 44);

thence leaving said north right-of-way line, South 00°15'53" East, 40.00 feet to the **REAL POINT OF BEGINNING**.

Containing 421,497 square feet or 9.68 acres, more or less.

End of Description.

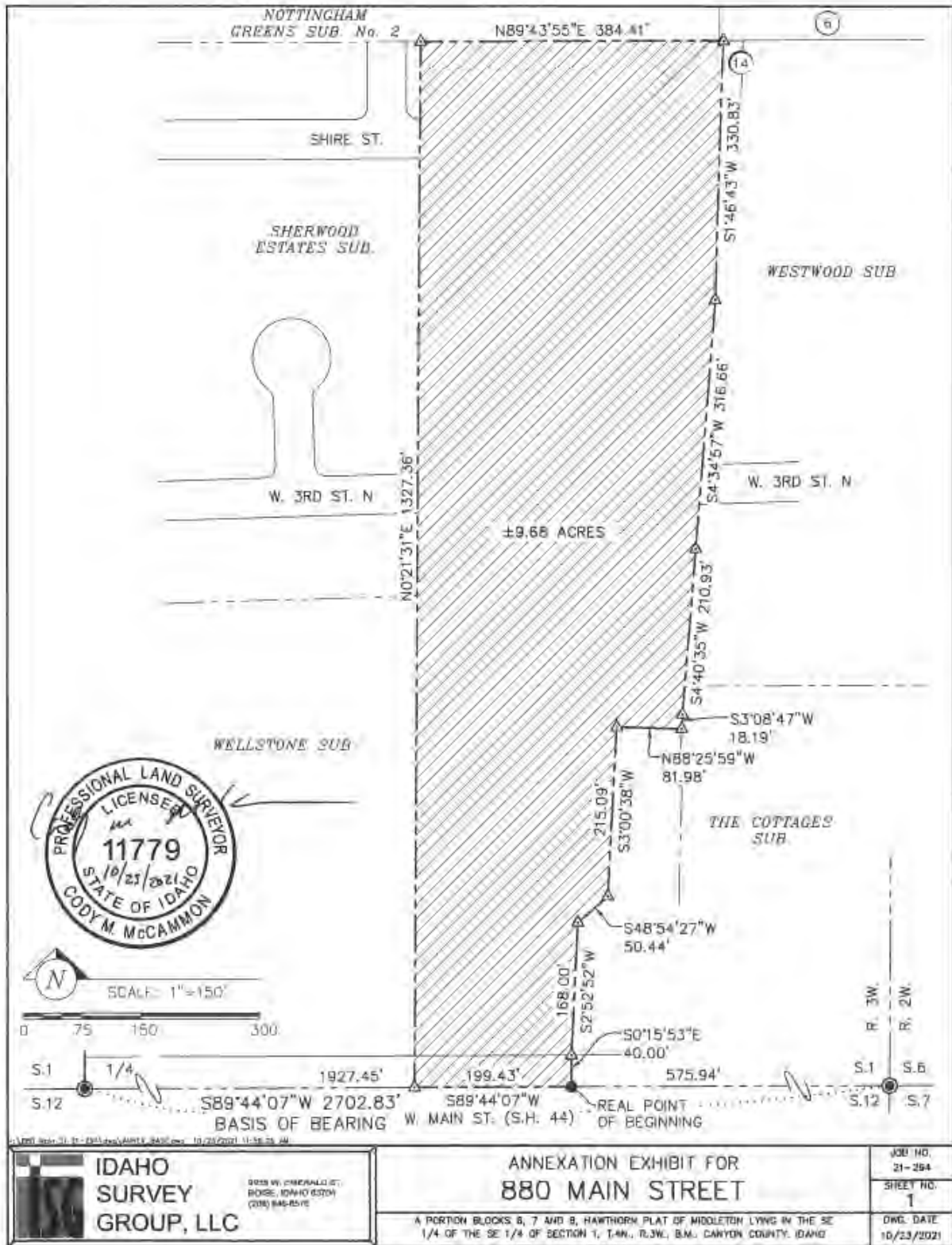


EXHIBIT B

Approved Concept Plan

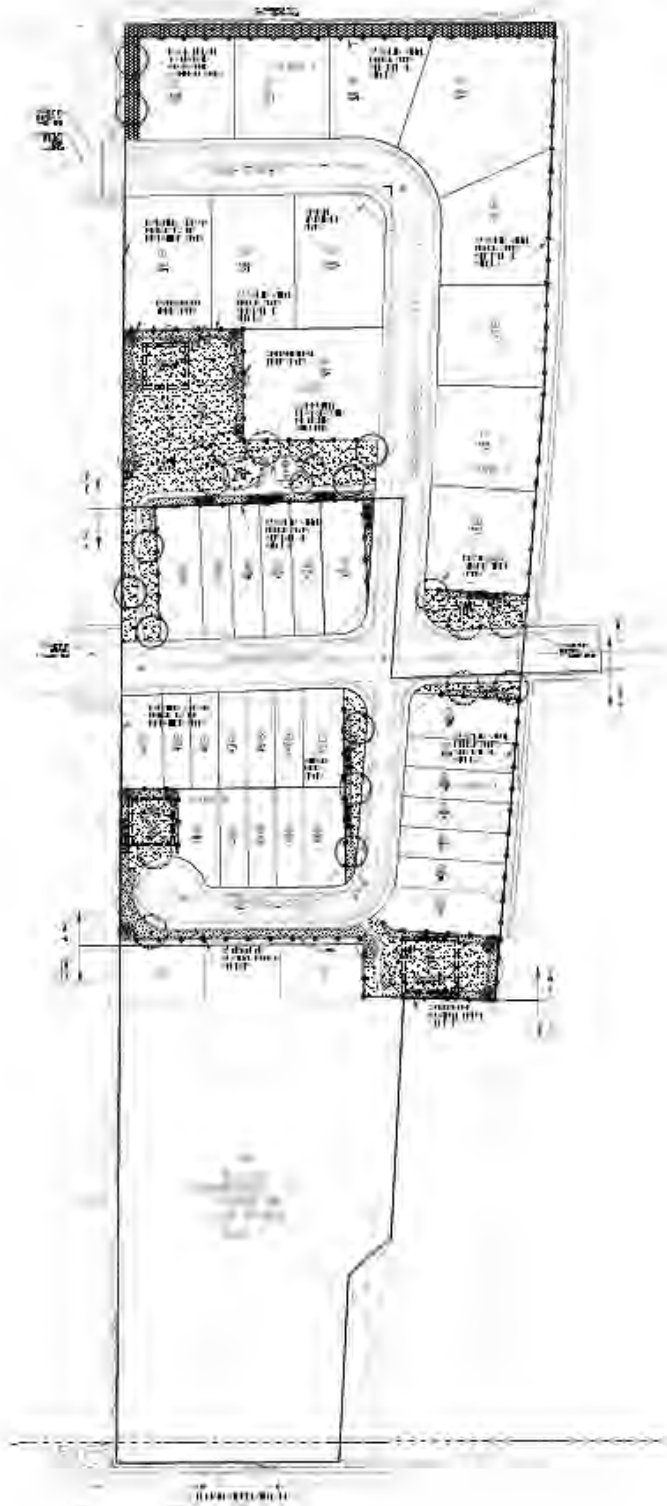


EXHIBIT C

Townhome Concept Elevations



Reed's Landing Elevation Examples



EXHIBIT "C"

Public Comments

South 2 Northwest LLC (an Idaho Limited Liability Company)

P. O. Box "E"
198 SW 3rd Avenue
Ontario, Oregon 97914-0106
Office: (541) 889-3147/Salem, OR: 503-930-9304 cell/text
July 16, 2022

**City of Middleton
P.O. Box 487, 1103 W. Main Street
Middleton, ID 83644**

In re: Annexation/Rezone – Reed's Landing Subdivision

To Whom it may Concern:

My name is R. Thomas Butler—the Managing Member of South 2 Northwest LLC owning commercial and residential property located at 903 West Main Street, Middleton, Idaho.

South 2 Northwest LLC has no objections to the proposal coming before the public on Wednesday August 3, 2022. We commend BST DEV LLC!

We do, however express concern that our Mill Ditch and Canyon Hills irrigation water rights and duty of irrigation waters being delivered from the canal north of this proposed subdivision and passing through much of this subdivision to the south (crossing underneath Hwy. 44) and then south to the north berm of The Hartley (?) Canal as it enters onto our property to provide our duty of irrigation water (approx. 3A of water right).

We'd like assurance that there will be no interruption of our ability to continue this vital water delivery to our parcels.

Please confirm with the developers and written assurances to vouch safe these water rights and water delivery concerns.

Yours very truly,


R. Thomas Butler, LLC Managing Member

EXHIBIT "D"

Agency Comments



GMPRD Directors

Elizabeth Weaver, President
Mike Okamura, Vice President
Jon Roth, Treasurer
Deborah Sandborgh, Director
Randy Powell, Director

To Whom It May Concern:
RE: Growth in Middleton, Idaho

On behalf of Greater Middleton Parks & Recreation District Board of Directors, we wanted to reach out and let you know that GMPRD is taking a stance on the growth happening in Middleton and the surrounding areas.

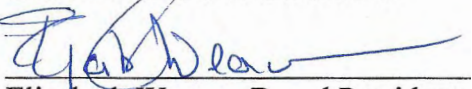
We are opposed to any further developments coming into Middleton at this time. Not only are the parks and recreation districts affected, but the school district and cemetery district as well, are all struggling to keep up with the growth. The legislature has not added parks and recreation districts,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

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

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

Thank you for listening to our concerns.

Best Regards,
GMPRD Board of Directors


Elizabeth Weaver, Board President

310 N. Hawthorne Ave. Middleton, Idaho 83644
Ph.# 208-585-3461 FAX: 208-585-6198
gmprdjulie@gmail.com www.gmprd.org

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

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

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

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

Monday, May 09, 2022

David P. Claiborne

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera

Brian A. Faria

Patxi Larrocea-Phillips

John A. Richards

Matthew A. Sturzen

**Katie L. Vandenberg-Van
Vliet**

James R. Bennetts
(retired)

City of Middleton

Attn: Roberta Stewart

P.O. Box 487

Middleton, Idaho 83644

Re: Reed's Landing Subdivision

Dear Ms. Stewart:

The Canyon Hill Ditch Company, the Middleton Mill Ditch Company and Middleton Irrigation Association (collectively referred to as "Ditch Companies") have ditches and easements that run through or abuts this property. The easement is 25 feet each side from the top of bank. 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 occur. The Ditch Companies must review 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 an exception on a case-by-case basis, which requires the developers/owners to obtain written permission from the Ditch Companies for existing trees to remain.

www.sawtoothlaw.com



Please contact me if you have any questions.

Yours very truly,

A handwritten signature in black ink, appearing to read "S. Bryce Farris", followed by a long horizontal flourish.

S. Bryce Farris

SBF:krk

cc: Canyon Hill Ditch Company/MM-MI



Middleton School District #134

Every Child Learning Every Day

July 26, 2022

Marc Gee

Superintendent

RE: Reed's Landing

Lisa Pennington

Assistant Superintendent

Mayor Rule and City Council Members,

Alicia Krantz

Business Manager/Treasurer

I wanted to share with you as a group that I was able to meet with developers of the Reed's Landing project in Middleton. During that meeting, Steve and Taylor Schmidt, along with Hethe Clark were very supportive of the school district and the requests we had made.

Paige Goodson

Director of Curriculum and
Assessment

We walked through the concerns we had for safe routes to school and they were able to assure us of the abilities of their project to tie into existing sidewalk networks so that potential students who live in the area will be able to walk to Heights and/or the middle school. We also addressed bus access for high school aged students who potentially could live in the area and have no concerns regarding the ability of a school bus to navigate the necessary areas.

Sharlea Watkins

Director of Special Services

As we have mentioned previously, we are supportive of increased commercial options and the infrastructure and stability that they bring to our community. In addition, we are supportive of reasonable numbers of entry level homes for new families, as we feel that will be beneficial for many of our staff members.

Nick Davis

Network Administrator

We feel that Reed's Landing developers have made a good faith effort to address the needs of the school district. We appreciate the efforts by city Planning and Zoning members to certify that school district needs are addressed by new developers and hope that support will continue.

Please reach out if you have any further questions.

Sincerely,

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

Marc C. Gee
Superintendent
Middleton School District
mgee@msd134.org

5 South Viking Avenue
Middleton, ID 83644

(208) 585-3027
msd134.org



Middleton School District #134

Every Child Learning Every Day

Middleton School District #134

City of Middleton--Public Hearing Notice Response

General Response for All New Development

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

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

We encourage the city to be judicious in their approval process recognizing that each new development brings new students to our school and will increase the burden placed on taxpayers within the school district. New facilities, primarily an elementary school, are needed now, but additional students could continue to increase that need. As a school district, we support any kind of pause that could be taken on these processes and the formation of a community council that would assist in the strategic planning for the growth in our district.

Reed's Landing Subdivision

Elementary students living in the proposed areas as planned would be in the attendance zone for Middleton Heights Elementary School. With 37 lots, we would anticipate, upon completion, an increase of approximately 21 students between Heights Elementary, Middleton Middle School, and Middleton High School. See above statement for impact on district resources.

Bussing services would most likely not be provided to families in this area for elementary and middle school students because of its proximity to Heights Elementary and Middle School. We would ask that the council ensure that appropriate and safe sidewalk access to existing sidewalk network be required so that elementary students are able to safely walk to school. Bussing would be provided to the high school with our current Safety Bussing Plan, though it is within a range that could change based on continued development within the community.

As a district we are supportive of the responsible development of commercial properties within the community and the accompanying infrastructure.

Marc Gee
Superintendent

Lisa Pennington
Assistant Superintendent

5 South Viking Avenue
Middleton, ID 83644

(208) 585-3027
msd134.org

EXHIBIT "E"

Engineering & Planner Comments

July 28, 2022

TO: Roberta Stewart, Planner

Cc: Travis Grenz, PE – HECO Engineers

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



RE: Reed's Landing Subdivision - Preliminary Plat Recommendation of Approval

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

We recommend Mayor and City Council approve the preliminary plat.



March 18, 2022

TO: Roberta Stewart, Planner

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

RE: REEDS LANDING SUBDIVISION

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

Request the applicant review MCC 5-4-4 and confirm in writing to the City that each item listed has been included on the preliminary plat submittal.

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

MCC 5-4-4.2. c. Adding phasing plan if applicable or note all lots developed in one phase.

MCC 5-4-4.2. f. Revise topography to clearly show existing.

1. Show existing topography including SH44.
2. Dimension and clearly identify every lot. Add lot and block numbers.
3. Add benchmark information.

MCC 5-4-4.2. h.

1. Dimension existing rights of way and clearly label/name.
2. Show improvements on SH44.

MCC 5-4-4.2. i. Label owners adjacent to boundary.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. Label boundary.

MCC 5-4-4.2. n

1. Show hydrants.
2. Add note hydrant location and configuration to be reviewed and approved by Middleton Rural Fire Protection District.
3. Streetlights required every 400ft and at intersections.

MCC 5-4-4.3. a

1. Label/identify all sewer– existing and proposed. 400 ft is maximum spacing between manholes.
2. Extend an 8" sewer main in 20 ft easement south to the commercial lot or sewer commercial lot to SH44.
3. Add flow directional arrows.

MCC 5-4-4.3. b




1. Water corridor is north and east, sewer is south and west.



2. Show fully the water connection to existing in 3rd Street and Shire Street. Valves at every leg. Label both existing and proposed line sizes. Label water main in SH44.
3. How does the commercial area receive water service?
4. What is the line west of the parcel? No water in that area.

MCC 5-4-4.3.c

1. 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 0.60, the rights of way/impervious (all) are 0.95 – use a composite of both. All stormwater management facilities require pretreatment, all infrastructure to be shown on preliminary plat. Stormwater facilities are owned by HOA and the provisions for maintenance laid out in CCRs. Identify lots to be used for stormwater management and show pretreatment.
1. Add a note: exterior boundary is required to be fenced in accordance with approved fencing plan.
2. Correct street names. Street is east/west. Avenue is north/south. Cul-de-sac is Court.
3. Add centerline radii and intersection radii.
4. Remove the parking spaces from adjacent to Horsetail and develop them out of the right of way if parking is desired.
5. Provide pedestrian access to SH44 through commercial lot.
6. Identify all lots to be held in common or non-residential, the use and ownership.
7. Note 7. Delete.
8. Note 6 and Note 13. Combine. Expand to address Idaho Code 31-3805. Identify the irrigation district. Show the irrigation system layout and point of diversion/pump station location.
9. Note 16. If wells or septic are present, identify.
10. Add note regarding easements. Show existing easements. Review attached Schedule B excerpt and identify easement areas on the plat.
11. Show mail box/USPS location.
12. Develop sidewalks each side of Horsetail.
13. Add typical street section.
14. Confirm in writing with Idaho Transportation Department access for the commercial lot.
15. Provide access to commercial area from the north.

14. Provisions, reservations and restrictions as shown by the several contracts between the United States of America and Black Canyon Irrigation District, and the amendments thereto, or between the present owner or past owners of the real property herein described and the Black Canyon Irrigation District or the United States of America, whether said contracts be of record in the office of the Recorder of Canyon County, Idaho, or on file with the Secretary of Black Canyon Irrigation District.
15. Ditch, road and public utility easements as the same may exist over said premises.
16. Rights of the public in and to that portion of the premises lying within West Main Street, also known as Highway 44.
17. Right-of-way for John B. Smith Lateral and the rights of access thereto for maintenance of said lateral.
18. An easement for the purpose shown below and rights incidental thereto as set forth in document:
Granted To: Idaho Power Company
Purpose: Public Utilities
Recorded: January 21, 1992
Instrument No.: [9201219](#)
19. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Agreement for Sanitary Sewer Easement
Recorded: April 22, 2005
Instrument No.: [200521623](#)
20. Easements reservations and dedications, as shown on record of survey.
Recorded: December 20, 2007
Instrument No.: [2007081965](#)
21. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Granted To: City of Middleton, a municipal corporation
Purpose: for installation of sidewalks and related improvements, including but not limited to the relocation of utilities, irrigation, drainage, fences and vegetation as needed.
Recorded: September 9, 2013
Instrument No.: [2013-041556](#)
22. Easements reservations and dedications, as shown on record of survey.
Recorded: March 5, 2014
Instrument No.: [2014-007955](#)
23. Terms, provisions, covenants, conditions, definitions, options, obligations and restrictions, contained in a document
Purpose: Consent
Recorded: July 26, 2017
Instrument No.: [2017-031144](#)
24. Rights, interests or claims which may exist or arise by reason of the following matters disclosed by an inspection or survey:
 - a. Any rights and/or interest of adjacent property owners, any easement and/or agreement for the maintenance thereof for a shared driveway.
25. An easement for the purpose shown below and rights incidental thereto as set forth in a document:
Granted To: Gordon Reed and Penny Read, husband and wife, their heirs, successors, assigns, purchasers, or transferees of any kind
Purpose: A Non-Exclusive perpetual access easement for utilities, ingress and egress, for pedestrian travel and vehicle travel
Recorded: July 9, 2019
Instrument No.: 2019-030440



April 20, 2022

TO: Roberta Stewart, Planner

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

RE: REEDS LANDING SUBDIVISION

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

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

MCC 5-4-4.2. i. Label owners adjacent to boundary.

MCC 5-4-4.2 a and i. The boundary is required to be surveyed and stamped by PLS including ties to corners. Label boundary.

MCC 5-4-4.2. n

1. Hydrant spacing per MRFPD.
2. Add note regarding fiber Installation.

MCC 5-4-4.3. a

1. Extend an 8" sewer main in 20 ft easement south to the commercial lot or sewer commercial lot to SH44. The commercial lot is required to have sewer. It may take both.

MCC 5-4-4.3. b

1. How does the commercial area receive water service? Need to extend an 8" main from Horsetail
2. What is the line west of the parcel? No water in that area.

MCC 5-4-4.3.c

1. Need stormwater management plan per code. Contributing areas, volume calculations.
2. Is the stormwater inlet to L11B1 at the project high point?
3. Locate O/S boxes adjacent to the rights of way. For proximity to clean and inspect.
1. Dimension and clearly identify every lot. Number lots consistently clockwise. No Block 4 or Block 5. All lots are consecutive in that area.
2. Why is the fence offset from north boundary? Irrigation ditch not identified. What is 12" irrigation north of boundary if there is a ditch in 15 ft area?
3. Minimum centerline radii is 90ft.
4. Provide pedestrian access to SH44 through commercial lot.



5. Note 6 and Note 26. Combine. Expand to address Idaho Code 31-3805b. Identify the irrigation district and whether lots are subject to assessment. Irrigation cannot locate in the rights of way.
6. **Note 16. If wells or septic are present, identify.** How does Reed parcel water and sewer now if not septic?
7. Confirm in writing with Idaho Transportation Department access for the commercial lot. This a condition of preliminary plat. Phase 2 will not go through hearing so the access needs to be established at this time.
8. Provide access to commercial area from the north. This is required. How do L1 and L2 B5 access?
9. Note 24: delete. Show easements on the actual plat and label instrument #. I don't need easement location on adjacent parcels.
10. Water and sewer should be roadway, not under curb/gutter section. Revisit linework where needed.
11. Revisit dimensioning Block 4.
12. Coordinate with Planners (Roberta) regarding base flood elevations and whether needed for preliminary plat.
13. Before resubmitting a 3rd time, print the plat and review the notes above against the printed version.



May 4, 2022

TO: Roberta Stewart, Planner

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

RE: REEDS LANDING SUBDIVISION – 3rd Review

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

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

MCC 5-4-4.2 a and I. The boundary is required to be surveyed and stamped by PLS including ties to corners. Label boundary.

MCC 5-4-4.3. a

1. Extend an 8" sewer main in 20 ft easement south to the commercial lot or sewer commercial lot to SH44. The commercial lot is required to have sewer. You will need to show the sewer - presumed to be in the 18ft sewer easement if it is in place. Add invert elevations.
2. Why is the water in Lionheart shown as existing?

MCC 5-4-4.3.c

1. The stormwater management will need to be calculated and developed per code. No revision needed but the submittal doesn't match the city's requirement.
3. Is the stormwater inlet to L11B1 at the project high point?
4. Add 20ft easement to west side L1B1 and L1B4 for the stormwater pipe and box
1. Dimension and clearly identify every lot. Number lots consistently clockwise. There is no Block 4 or Block 5. All lots are consecutive and will be Block 3.
2. Why is the fence offset from north boundary? Why are two fences shown in 15ft easement area? Irrigation ditch not identified. What is 12" irrigation north of boundary if there is a ditch in 15 ft area?
3. Minimum centerline radii is 90ft. LABEL CENTERLINE. Revise radii if not 90ft.
4. Note 6 and Note 26. Combine. Expand to address Idaho Code 31-3805b. Identify the irrigation district and whether lots are subject to assessment. Irrigation cannot locate in the rights of way.
5. **Note 13. If wells or septic are present, identify.** How does Reed parcel water and sewer now if not septic?
6. Confirm in writing with Idaho Transportation Department access for the commercial lot. This a condition of preliminary plat. Phase 2 will not go through hearing so the access needs to be established at this time.



7. How do L1 and L2 B5 access?
8. Water and sewer should be roadway, not under curb/gutter section. Revisit linework where needed. The configuration shown near L9B3 is not approvable.
9. Revisit dimensioning Block 4. The dimensioning is not approvable as submitted.

New comments:

Dimension culdesac. Geometry not approvable as shown.

Note 3. All lots are not residential. The table in lower right needs moved up and larger so it is legible. Identify by L/B the common lots to be used for stormwater management and common lots – other.

Add a typical section for Horsetail south of intersection.

What is Joan Reed callout in the SH44 right of way?

The 12ft easement on west boundary of L1B1 isn't large enough.

The street names are so small they are not legible.



CITY OF MIDDLETON

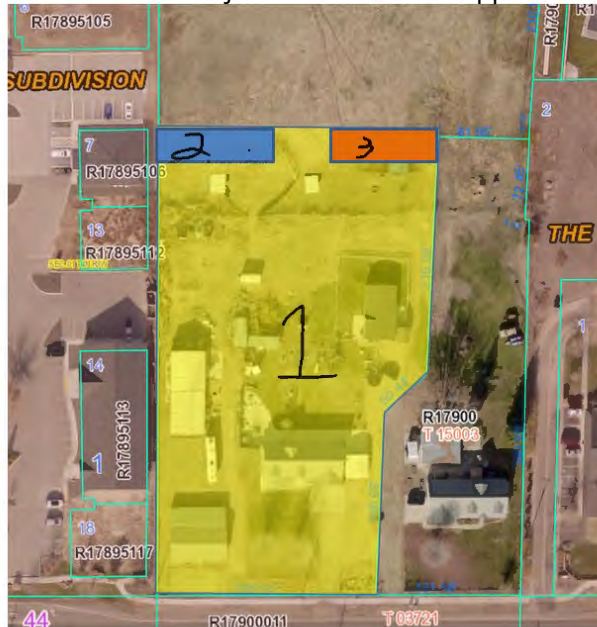
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citmid@middletonidaho.us | www.middleton.id.gov

Reed's Landing Subdivision – Planner Comments (Review of Preliminary Plat received November 18, 2021)

March 23, 2022

1. Townhomes are not an “allowed” use in the M-F zone. (See MCC 5-4-1, Table 1 “single family-attached”). Instead, they require a special use permit. Therefore, we need to add a special use permit application to your application packet. It has a \$550 application fee. Please remit that payment to the City at your very earliest convenience.
2. I will begin the draft of your Development Agreement. It will be pretty simple and streamlined. Basically it will set forth the zoning and a concept plan that you will have to build to. The concept plan will be your pre-plat. However, I want to add a provision regarding the non-conforming use created by Mr. Reed's home in the C-3 lot. The DA will provide that the home and outbuildings can remain in the commercial zone, but the City will not allow any intensity or other residential permits on that lot. In other words, the non-conforming use can remain on the lot so long as absolutely nothing changes. For instance, the owner cannot apply for a permit to build an accessory building because that will intensify the non-conforming residential use. Also, we are consulting with our attorney to determine if we can restrict the sale of the non-conforming residential lot to another residential user. If so, this would mean that once Mr. Reed vacates his home, the lot can only be sold and used for a commercial purpose. I'll send that DA to you soon.
3. Looks like you already reserved Papyrus Street with the County. Please get the name changed to Papyrus “Avenue” since it runs north to south. Also, revise the pre-plat to show the correct spelling of the Avenue. It is “Papyrus” not “Papyrous”.
4. Change Horsetail Street to Horsetail “Court” since it is a cul-de-sac.
5. Change “3rd Street” to match the existing street name of Lionheart Street to the west. We have an awkward transition to Huckleberry Street at that same location. The City will change Huckleberry street to Lionheart Street so there will be only one street name in that area. That won't be your problem. Just our problem.
6. Please contact ITD and request information on what type of frontage improvements they require for Hwy 44, then have them pass that information on to us.
7. Provide evidence that you have a proper approach permit from ITD for the commercial lot.
8. You may want to consider creating at least two or maybe three lots out of the single commercial lot in the C-3 zone. Just create three parcels in any fashion and then plan on moving the parcel boundaries around via a lot line adjustment when you figure out what the commercial users will be. You have to stub sewer and water to each lot, so create the lots toward the northern or southern border depending on whatever is the easiest. This just gives you flexibility in the future without having to do a resubdivision of the commercial lot. There

is no minimum lot size in the C-3 zone so it is easy to create dummy lots that will be useful for future lot line adjustments. See snippet.



9. Show street section on the pre-plot. All your streets are the 50' local roadway section found in the appendix to the Supplement to ISPMC. You can find the ISPMC Supplement on our website under the "Government" tab.
10. Add lot width dimensions to all lots. We need to ensure that all frontage widths match the dimensions found in MCC 5-4-1, Table 2. R-3 lots must be 75' at the front set back line. Townhome lots must be a minimum of 20' wide.
11. Add lot square footage to each lot. Do not put the information in a table. Add it to every single lot. R-3 lots must be a minimum of 8000 s.f. Townhome lots must be a minimum of 1600 sf.
12. You will need to have a lot and block for each parcel. Currently you have the lots, but I cannot find any "block" designations.
13. The commercial lot needs both a lot number and a block number.
14. We'll need to ask for a waiver to the code standards to put the perimeter fence on the rear boundary of lots flanking the ditch easement. Add a note as follows: *"Waiver requested for requirement that fencing be located on subdivision perimeter boundary (MCC 5-4-11-2) in order to accommodate ditch easement."*
15. You are required to call out all common lots and clarify their purpose if they involve utilities or drainage. Your Note 3 is not calling these out very well. Re-Do. We can't check the accuracy because the block designations are not clear.
16. And to note 3 language that states who owns the common lots. Usually the HOA owns all common lots.
17. Show location of proposed mailbox.
18. Delete note 7 regarding right to farm.
19. Change note 7 to state *"Building setbacks and dimensional standards shall be in accordance with the City of Middleton's zoning code that is in effect at the time of building permit issuance."*
20. I think note 14 regarding floodplain zone may be inaccurate. You're in zone AE – 100 year floodplain. Please double-check.
21. Remove Note 15. There is a waiver regarding fencing.
22. Add note that sanitary sewer service will be provided by City of Middleton.

23. Work with Amy on a note regarding stormwater management and the new responsibilities of the HOA under the City's MS4 permit.
24. Add a note: *"Sewer and water capacity will be reserved at the time City approves the construction drawings."*
25. Add note: *"All lots have a permanent easement for public utilities and pedestrian walkways over the 10' adjacent to any public right of way. This easement shall not preclude the construction of hard-surfaced driveways and walkways to each lot."*
26. Add note: *"Unless otherwise shown and dimensioned, all lots are hereby designated as having a permanent easement for public utilities, drainage, and irrigation over the 5-feet adjacent to any interior side lot line and over 10-feet adjacent to any rear lot line or subdivision boundary."*
27. Add note: *"Mailbox cluster to be installed by owner as shown on preliminary plat."*
28. Put the revision date on the revised preliminary plat you will be submitting.

Roberta L. Stewart

Middleton Planning & Zoning Director



CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644

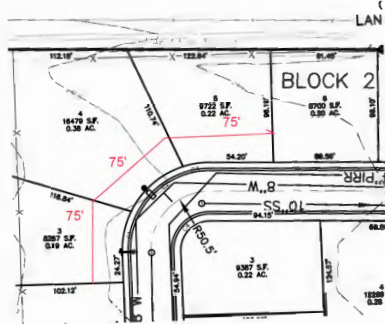
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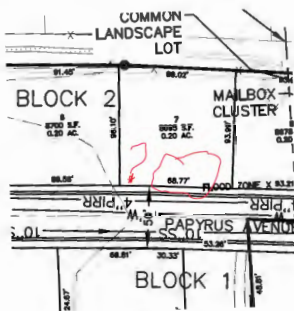
Reed's Landing Subdivision – Planner Comments (Review of revised Preliminary Plat received on 4/12/2022)

April 19, 2022

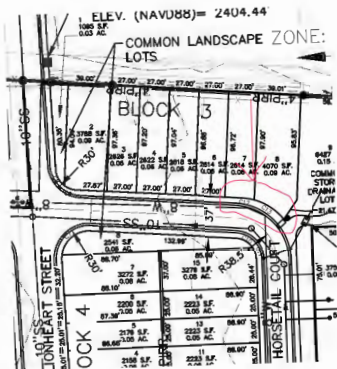
1. Show the 75' wide frontage at the 25' setback line for Lots 3, 4, and 5 Block 2. It should look like this below. Not sure what widths really are, but they need to be a minimum of 75'.



2. Please fix erroneous frontage number on Lot 7, Block 2. It's probably not 68.77'. Looks like it's 89.2'. You can get to the 75' frontage minimum by measuring at the 25' front setback line.



3. Add the frontage widths on lots 7 and 8, Block 3. If you can't get to at least 20', you can measure from 20' front setback line to get a wider measurement.



4. Delete Footnote 11. It is duplicative of note 8.
5. Delete either note 7 or 13 on irrigation facility ownership. They are duplicative. Ask Amy which one she prefers. My guess in #13 is the best version.
6. Add note: *"CC&Rs to contain provision requiring HOA to maintain 15' wide irrigation easement area between rear fences on lots 1 – 4, Block 2 and the canal/ditch."*
7. Please continue to work with ITD to determine what frontage improvements and possible right of way they want on the frontage of Hwy 44.
8. Also, continue to keep City Planner and City Engineer apprised of your efforts to get a proper approach permit from ITD for commercial lots.
9. Put the revision date on the revised preliminary plat you will be submitting.
10. I'm assuming there is only 1 phase. I can't see phasing lines, but I may not be looking correctly at the pre-plat.
11. Transfer the entirety of Lot R177900011 for HWY 44 Right of Way. Currently Joan Reed is the owner of that .24 acre lot. Just deeding the portion in front of the subdivision will not be enough, and it will make a non-conforming lot of the portion in front of the lot to the east. Consult with Amy Woodruff on the best way to get that done.

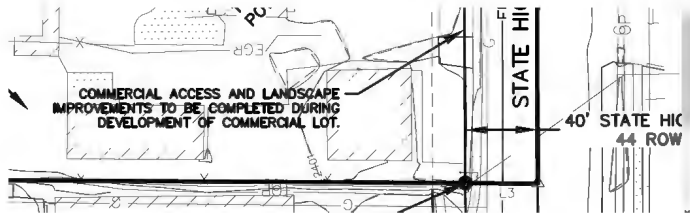


Roberta L. Stewart

Middleton Planning & Zoning Director

From: [Roberta Stewart](#)
To: [Taylor Schmidt](#); jessec@hecoengineers.com
Cc: [Amy Woodruff](#)
Subject: Another little clean-up for Reed's Landing
Date: Monday, April 25, 2022 2:43:00 PM
Attachments: [image001.png](#)
[image002.png](#)

Hey Taylor and Jesse: I need you to remove the note on the Reed's Landing preliminary plat that states "commercial access and landscape improvements to be completed during development of commercial lots."



It does not look like you have a phasing plan, so that means all frontage improvements, infrastructure, and landscaping have to be done prior to getting final plat approval for the entire project. You can't cherry pick portions of the plat and indicate that infrastructure will be installed at a later date. It needs to be tied to a final plat.

Even if you change the commercial plat into Phase 2, you will only have 2 years from final plat for phase 1 to bring phase 2 to final plat. This will be a little troublesome if the Reed family stays on site. If they intend to stay on site more than 4 years, then the infrastructure improvements on the commercial parcels will have to be completed around them. I'm not sure how that would work? They will have to allow the asphalt pathway connecting to Hwy 44 cross their non-conforming residential lot. Additionally, they will have to allow Hwy 44 improvements to occur in front of their home.

Right now the pre-plat before the City looks like you have only 1 phase, so all the Hwy 44 frontage work and pathways will have to be completed before final plat. Even if you break down the plat into two phases, the note about completing landscaping and access at a later date does not fit in with the procedures set forth in the code and needs to be removed. That infrastructure work will be tied to phase 2 final plat under those circumstances.

Thanks,

Roberta L. Stewart

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



CITY OF MIDDLETON

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Reed's Landing Subdivision – Planner Comments (Review of revised Preliminary Plat dated 4/27/2022)

May 2, 2022

1. I think you're going to need to get the entire plat on at least one page. I'll wait to see what Amy says about this, and I'll defer to her opinion.
2. Update the Land Use Summary on the pre-plat to reflect exactly what square footage is dedicated to each zone.
3. Update the Land Use Summary to break down individually the number of townhome lots, common lots, commercial lots, and single family lots.
4. You will need to change the annexation/rezone survey data and exhibits to reflect the revised boundaries of the M-F zone and C-3 zone now that the cul de sac has been enlarged.
5. Still need traffic study update.

Roberta L. Stewart

Middleton Planning & Zoning Director

EXHIBIT "F"

P&Z Commission's FCO/FCR



Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, Recommendation & Order

In the Matter of the applications of Taylor Schmidt/BST DEV LLC for annexation/rezone, preliminary plat, development agreement and special use permit with respect to the Reed's Landing Subdivision located at 880 W. Main Street and 0 Hwy 44 (Tax Parcel Nos. R17900010 and R17900011):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of May 9, 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 May 9, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of May 9, 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, 5-2, 5-3 & 5-4 and Idaho Code Title 67, Chapter 65 & Title 50, Chapters 2 and 13: See Staff Report for the hearing date of May 9, 2022, Exhibit "A".

B. Conclusions of Law:

1. That the City of Middleton has exercised the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards pertinent to the application are 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 Title 67, Chapter 65 and Idaho Code Title 50, chapters 2 and 13.
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.

C. Decision & Recommendation:

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


1. City Council approve the application of Taylor Schmit/BST DEV LLC for Annexation/Rezone to C-3, M-F and R-3 subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
2. City Council approve the application of Taylor Schmidt/BST DEV LLC for Development Agreement subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
3. City Council approve the application of Taylor Schmidt/BST DEV LLC for preliminary plat subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.

D. Decision & 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 Ordered that:

1. The application of Taylor Schmidt/BST DEV LLC for Special Use Permit to construct townhomes be approved subject to the following conditions:
 - a. Developer/Owner meet with the staff of Middleton School District 134 to determine if there are any measures or actions Developer/Owner can take to mitigate any impacts on the school district.
 - b. No windows shall be located on the 2nd floor rear of the townhomes located in Block three on the east boundary of the project.
 - c. Approval is subject to the conditions of approval set forth in the Staff Report for the May 9, 2022, public hearing.
2. The application of Taylor Schmidt/BST DEV LLC for waiver of perimeter fencing requirement (MCC 5-4-11-2) is approved subject to the condition that the HOA maintain the swath of land between the rear fences and the canal/ditch as set forth in the conditions of approval of the Staff Report for May 9, 2022.

WRITTEN RECOMMENDATION AND ORDER APPROVED ON: June 13, 2022.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:



Roberta Stewart
Planning and Zoning Official

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

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