

## CITY OF MIDDLETON City Council

West Highlands Ranch Subdivision  
October 30, 2019 Application  
June 17, 2020 Meeting

**Findings of Fact,  
Conclusions of Law,  
and Decision**

### SUMMARY OF THE REQUEST

Consider an application by Toll Southwest LLC to Amend the Approved Preliminary Plat on 335 acres (which includes the already built out Phases 1 through 8). The amendments are included in the property North of Willis Rd., East of Emmett Rd. and West of Cemetery Rd., Middleton, Idaho. The amendments include allowing the developer to change sequencing of the phasing plan for phases 9 to 20. Additional residential lots above the originally approved 967 are not requested. Phases 9 to 20 are proposed to include approximately 558 residential lots. Additional changes include revising the sanitary sewer system in the phase 9 to 20 to take advantage of a sewer stub which was installed East of the high school. Reconfiguration of the lots at the Northwest corner of Willis Rd. and Hartley Ln. to accommodate the proposed roundabout at that intersection. Revise several of the internal streets within the subdivision to facilitate roadway and utility changes.

### FINDINGS OF FACT

1. **APPLICANT:** The applicant is Toll Southwest LLC.
2. **APPLICATION:** The application was accepted by the City on October 30, 2019.
3. **APPLICABLE CODES AND STANDARDS:** The ordinances and standards used in evaluating the application are:
  - Idaho Code Title 67, Chapter 65
  - Middleton City Code (MCC) 1-14-5; 1-15-1; 2 and 5
  - Middleton City Code 5-4-3 and 4
  - Middleton Transportation, Schools and Recreation Map, Dec. 20, 2018 version
  - Idaho Standards for Public Works Construction (ISPWC)
  - Middleton Supplement to the ISPWC
5. The applicant very recently purchased the subject subdivision and has recently started construction on phases 9, 10, and 11 which were approved by the City in the summer of 2018.
6. City staff is cognizant that with the recent sale and almost immediate start of construction thereafter that the new owners are progressing in the right direction with this project. Construction has been absent on this subdivision since the last building



## CITY OF MIDDLETON City Council

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permit was pulled in the summer of 2018.

7. With additional phases being constructed local employment opportunities will be created, allowing City residents to remain in the City and work locally rather than commuting. Also, there is the spin off effects of local construction dollars spent in the community.
8. A neighborhood meeting was not required as it was held with the preliminary plat.
9. Development Agreement Revision No. 2 (Canyon County Recorder Instrument # 2009015525).
10. Parks Dedication Agreement (Canyon County Recorder Instrument # 2011049721).
11. West Highlands Impact Fee Agreement (Canyon County Recorder Instrument # 2011049722).
12. Addendum to Parks Dedication Agreement (Canyon County Recorder Instrument # 2016-044462).
13. A traffic impact study and development agreement on transportation improvements was previously completed and agreed upon to determine the applicant's construction requirements, pro-rata share of improvements and associated costs.
14. The City engineer provided comments on June 15, 2020. The applicant has revised the plat to accommodate these comments.

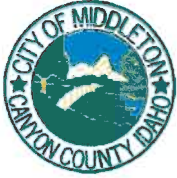
### CONCLUSIONS OF LAW

Notice of the application was given according to law. The City Council public meeting was conducted according to law, and the City has kept a record of the application and related documents.

### DECISION

The Middleton City Council approved the request for amending the preliminary plat of West Highlands Ranch Subdivision. This includes the area in phases 9 to 20 of West Highlands Ranch subdivision with the following conditions of approval:

1. Acquire Middleton Rural Fire district approval.



## CITY OF MIDDLETON City Council

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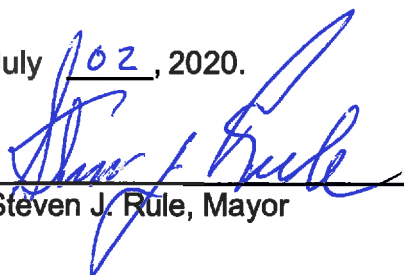
2. Accommodate the traffic buffer, right of way requirements at the Northwest corner of Willis Rd. and Hartley Ln. for the proposed roundabout at that intersection as yet to be agreed with the City.
3. Extend sanitary sewer and domestic water to and through this subdivision to accommodate for future surrounding developments per City Code.
4. Set aside gross area for open space and park improvements per previous agreements with the City of Middleton.
5. Fulfill all agreements as previously entered into with the City Of Middleton as recorded and in letter form.

DECISION APPROVED BY CITY COUNCIL ON: June 17, 2020.


### NOTICE

This decision is deemed by Idaho law to be a final decision. An affected person aggrieved by a final decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code. The applicant has a right in writing to request in writing to the city a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

July 10<sup>2</sup>, 2020.

  
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Steven J. Rule, Mayor

Attest:

  
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Bruce Bayne  
Planning and Zoning Official

# **Toll Brothers<sup>®</sup>** **LAND DEVELOPMENT**

PAVING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

June 10, 2020

Bruce Bayne  
Public Works Superintendent  
Planning and Zoning Official  
City of Middleton  
1103 W. Main St.  
Middleton, ID 83644

RE: Conformance to section 3.2.2.2 of the West Highlands Ranch Subdivision DA

Dear Mr. Bayne:

This letter is in response to your request that Toll Brothers confirm conformance to section 3.2.2.2 of the West Highlands Ranch Subdivision Development Agreement, Revision #2. After review, we have confirmed that the amended preliminary plat meets the standards in Section 3.2.2.2 of the Development Agreement. Specifically, the amended preliminary plat has:

- (i) 275 lots (28.8%) less than 70' wide;
- (ii) 336 lots (35.3%) with a width of 70'–79';
- (iii) 245 lots (25.7%) with a width of 80'–89';
- (iv) 97 lots (10.2%) with a width of 90' or greater

These widths were calculated in conformance with the Development Agreement language and the City Code's definition of "lot width", which provides that lot width is measured as the distance between side lot lines for lots with parallel side lot lines and from the front yard setback for lots without parallel side lot lines.

If you have any questions or need additional information, please let me know.

Sincerely,



Adam R. Capell  
Senior Land Development Manager  
Toll Brothers

CC: Sabrina Durtschi, Land Entitlement Manager  
Kris Moncada, Land Development Manager  
Keith Morse, Site Development Project Engineer  
Jennica Reynolds, City of Middleton

# **Toll Brothers** **LAND DEVELOPMENT**

PAYING THE WAY FOR AMERICA'S LUXURY HOMEBUILDER

June 16, 2020

Bruce Bayne  
Public Works Superintendent  
Planning and Zoning Official  
City of Middleton  
1103 W. Main St.  
Middleton, ID 83644

RE: West Highlands Ranch Subdivision Parks, North/South Road, and Permits

Dear Mr. Bayne:

This letter is in response to your request that Toll Brothers memorialize the understanding between the City and Toll Brothers as it relates to clarification of certain Parks, Civil Improvement, and Development Agreement items.

The City agrees that Park Nos. 1 South and 1-5 North as shown on the attached Parks Exhibit will satisfy the required 12.8 acres of qualifying parks required for West Highlands, and Toll will accept as a condition of approval of the amended preliminary plat to provide one major and three minor amenities at each of these parks and to submit proposed amenities with the landscape plans for each applicable phase at the time of civil improvement submittals for City approval. The pond located in Park No. 5 will not be considered an amenity.

At the time Toll constructs Phase 13, Toll will construct N. Vaquero Way from Highland Ranch Parkway to W. Roper Drive and W. Roper Drive from N. Vaquero Way to West Highland's northern boundary as shown on the amended preliminary plat. The road segments within phases 14 and 16 will be final platted and dedicated to the city with the applicable phases 14 and 16. Until the road is dedicated to and accepted by the City, Toll will provide an easement to allow ingress and egress to the property to the north and the City will maintain the road.

Pursuant to the Development Agreement, 3.4.1, West Highlands is allowed to receive up to five building permits in a phase prior to the recording of each final plat. Toll understands and agrees that this is at Toll's exclusive risk that the final plat may be modified before approval by the City. Toll understands that a modification of the final plat may require a modification of the building permits or create a situation where a variance is required, and Toll accepts this risk.

If you have any questions or need additional information, please let me know.

Sincerely,



Adam R. Capell  
Senior Land Development Manager  
Toll Brothers

CC: Sabrina Durtschi, Land Entitlement Manager  
Kris Moncada, Land Development Manager  
Keith Morse, Site Development Project Engineer  
Jennica Reynolds, City of Middleton