Middleton City Council

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

In the Matter of the Request of Breckon Land Design for Drake Investments LLC, Robert Brian Burnett, Deep River Investments and Deep Waters LLC (the "Applicant') for Annexation/Rezone, Preliminary Plat, Development Agreement Modification and Comprehensive Plan Map Amendment with respect to the River Pointe Subdivision located at 10481 Hwy 44, 0 Hwy 44, and 0 Duff Lane, Tax Parcels Nos. R33935010A0, R339200, & R3392001 (the "Property"):

A. **Findings of Fact: The Middleton City Council reviewed the facts as outlined in the staff reports for the hearing date of July 7, 2021 and September 1, 2021, which Staff Reports are attached hereto as Exhibit "A" and incorporated herein by this reference and made a part hereof as if set forth in full. Middleton City Council additionally considered public testimony and reviewed applicant submittals and submittals by other interested parties. Additionally, all pertinent portions of the Idaho State Code and City Ordinances, Standards, and Codes were used in evaluating the applications.**

1. **Hearing Facts:**

   i. See Staff Report for the hearing date of September 1, 2021.

   ii. See Planning Staff presentation for the September 1, 2021, public hearing, which presentation is attached hereto as Exhibit "B" and incorporated herein by this reference and made a part hereof as if set forth in full.

   iii. During Planning Staff's presentation, Staff recommended the addition of item 3.30 to the Reformed and Restated Development Agreement, which item requires Developer/Owner to construct the portion of E. Sawtooth Lakes Street that connects to Duff Lane prior to final plat approval for Phase 4 rather than final plat approval for Phase 8.

2. **Procedural Status and Planning and Zoning Commission Recommendation:** See the facts in the Staff Report for the hearing date of September 1, 2021.

3. **Application and Property Facts:** See the facts outlined in the Staff Report for the hearing dates of September 1, 2021.

B. **Conclusions of Law: The Middleton City Council has the authority to hear these applications and order that they be approved or denied. The public notice requirements were met, the hearing was legally noticed and posted, and the hearing was held and**

conducted under the requirement of Idaho Code and City ordinances. Specifically, based upon the findings of fact, the Middleton City Council finds the following:

1. That the City of Middleton has the authority to exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).

2. That the City of Middleton properly exercised said authority.

3. That due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction and other comments from the public received in written form and through public testimony.

4. That notice of the application and public hearing were given according to law.

5. That Planning and Zoning Commission's and City Council's public hearings were conducted according to law, and the City has kept a record of the application and related documents.

6. That codes and standards applicable to the applications are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, an Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329, and 50-222.

C. Order of Decision:

Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the Findings of Fact and Conclusions of Law, the Mayor and City Council hereby make the following order:

1. The application for Annexation and Rezone is approved subject to the conditions of approval set forth in the Middleton Planning Department Staff Report for the public hearing conducted on September 1, 2021.
2. The application for Development Agreement Modification is approved subject to the conditions of approval set forth in the Middleton Planning Department Staff Report for the public hearing conducted on September 1, 2021.
3. Proposed Item 3.30 of the Reformed and Restated Development Agreement shall be made a part of the Reformed and Restated Development Agreement.
4. The application for Preliminary Plat is approved subject to the conditions of approval set forth in the Middleton Planning Department Staff Report for the public hearing conducted on September 1, 2021.
5. The application for Comprehensive Plan Map Amendment is approved subject to the

conditions of approval set forth in the Middleton Planning Department Staff Report for the public hearing conducted on September 1, 2021.

D. Right to Request Regulatory Taking Analysis

The Applicants are hereby notified of their right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

WRITTEN ORDER AND DECISION APPROVED ON: September 16, 2021.

Steven J. Rule, Mayor
Middleton City Council

Attested by:

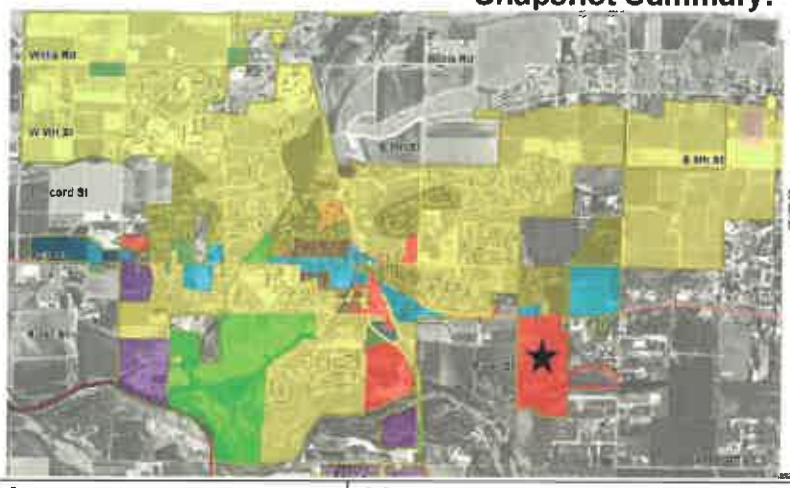
Roberta Stewart
Planning and Zoning Department

STAFF REVIEW AND REPORT
Middleton Planning and Zoning Commission

River Pointe Subdivision (Remand)

City Council Public Hearing after P&Z Remand date: September 1, 2021

Snapshot Summary:



Acreage	88.5 acres
Current Zoning	Middleton City Mixed Use "M-U" & County "Agricultural"
Proposed Zoning	M-U remains the same. 14 acre county parcel rezone to R-3
Current Land Use	Residential / Restaurant, Retail & Recreation / Transit Station
Proposed Land Use	"Residential" for 14 acre Duff Parcel / "Commercial" and "Residential" for the 74 acre M-U parcels
Lots	7 commercial lots --- 92 single family homes --- 28 garden/patio homes for 55+ homebuyer --- 39 garden homes with no 55+ restriction --- 30 single story townhomes for 55+ homebuyer --- 85 two-story townhomes with no 55+ restrictions --- 44 common lots
Density	3.51 M-U Zone (density allowed is 12 units per gross acre). Density for the 14 acre Duff parcel is .54. (Density allowed is 3 per acre)
Open Space	14.86 acres / 16.79%
Amenities	5 pickleball courts – swimming pool facility – playground – 2 large ponds – extensive 10' pathways – open common lots with shade structure

A. **Procedural History of Application and Remand Order:** On June 7, 2021, the Planning & Zoning Commission conducted a full public hearing on the River Pointe Subdivision applications for (1) annexation/rezone, (2) preliminary plat, (3) development agreement modification, and (4) Comprehensive Plan map amendment. At the end of the public hearing, the Commission recommended to City Council the approval of all four applications subject to the conditions of approval set forth in the June 7, 2021, Staff Report.

On July 7, 2021, Planning Staff presented the same four applications and the Commission's recommendation to City Council at a public hearing. After considering all the Findings of Facts and Conclusions of Law, City Council remanded the four applications back to the Planning & Zoning Commission to consider three specific things:

1. Reconsideration of the terms of the Development Agreement Modification ("Amended DA") once the amended DA has been formatted into a contractual document using the City's Development Agreement template or form.
2. Consideration of the improvements planned for Duff Lane, if any. City Council requested Planning Staff to obtain more information on this specific topic from Canyon Highway District #4 ("CHD4").
3. Confirmation of the specific preliminary plat under consideration.

On August 9, 2021, Planning Staff presented the four applications to the P&Z Commission on remand to consider the three specific issues mandated by City Council. Planning Staff submitted a contractually formatted Amended DA. Staff also presented two comment letters from CHD4 discussing planned improvements to Duff Lane, and Staff presented a preliminary plat dated 7/16/2021.

After a proper public hearing was conducted, the Planning & Zoning Commission made the following recommendations to City Council:

1. City Council should approve the four separate applications for (1) annexation/rezone, (2) preliminary plat, (3) Comprehensive Plan map amendment, and (4) Development Agreement modification subject to the same standard Conditions of Approval set forth in the Staff Report for the August 9, 2021, Public Hearing.
2. City Council should require these additional conditions of approval to apply to all four applications:
    ii. Developer shall construct a 15' wide landscaped berm between the River Pointe Subdivision and the Riverbend Ranch Subdivision to the south to create more distance and privacy between the two subdivisions.
    iii. E. Sawtooth Lakes Street shall remain barricaded and restricted to only emergency vehicle access on to Duff Lane until Developer provides an updated Traffic Impact Study that shows that improvements to Duff Lane and Hwy 44 intersection, which improvements should include the construction of a traffic light, are sufficient to handle the traffic impacts

from the subdivision.

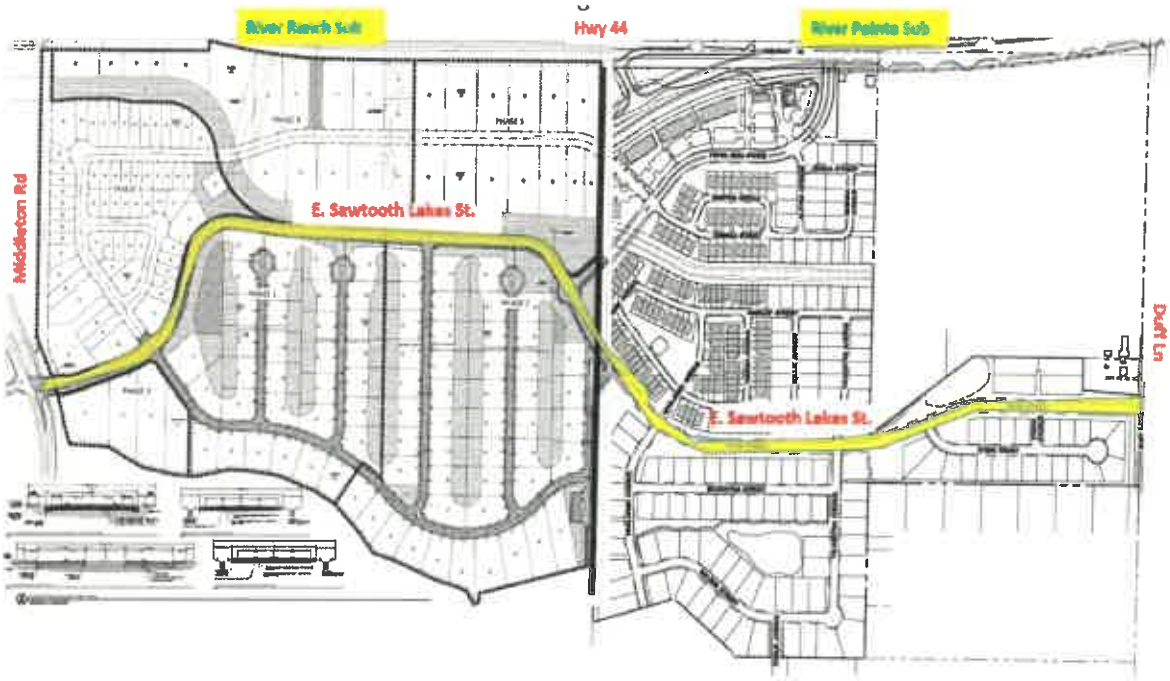
iv. Section 3.26 of the proposed Development Agreement modification shall be changed to recommend Developer to provide 4 design elements, rather than just 3 elements, on all commercial buildings.

A copy of the 8/9/2021 executed *Findings of Facts, Conclusion of Law, and Recommendations* is attached to this Staff Report as Exhibit "A".

B. Project Description: See "Snapshot Summary" on first page. Additionally, attached to this Staff Report as Exhibit "B" is a copy of the original Staff Report (minus the very large appendix) from the previous July 7, 2021, hearing for the purpose of providing more background detail or "a refresher" for the current remanded applications.)

C. Duff Lane Considerations:

At the City Council public hearing on this project, members of the public voiced concerns about whether Duff Lane and the intersection at Duff Lane and Hwy 44 have the capacity to handle the traffic that would be crossing back and forth on E. Sawtooth Lake Street.



In response to these concerns, City Council remanded the River Pointe applications back to the P&Z Commission to consider the future planning for Duff Lane and to consider how that planning might affect the current applications. City Council further tasked Planning Staff with gathering information from CHD4 on future planning for Duff Lane.

Prior to any public hearings on this project, CHD4 had already reviewed the preliminary plat in issue. See CHD4 comments dated 5/27/2021 attached hereto as Exhibit "C". Specifically, CHD4 noted that the Sawtooth Lakes Street met CHD4's spacing policy. It then made only two recommendations: (1) Middleton should ensure the improved Right of Way on Duff Lane is dedicated to the City and (2) Middleton should collect proportionate share fees for intersections impacted by the Project. CHD4 did not disapprove of the Project in the 5/27/21 comment letter.

After the July 7, 2021, City Council hearing, Planning Staff contacted CHD4 again for more information on planned improvements to Duff Lane, if any, and the timing for those improvements. CHD4 responded on July 13, 2021, and stated that the intersection of SH-44 and Duff Lane is on the new Mid-Star Capital Improvement Plan (Traffic Impact Schedule) that was recently recommended for approval by the P&Z Commission and soon to be considered by City Council. This means that all new development in the City of Middleton, development in Canyon County surrounding Middleton, and Star development in Canyon County will be paying millions of dollars in Traffic Impact Fees towards a fund that will be used to improve multiple City intersections and roadways, including the intersection of SH 44 and Duff Lane.

Chris Hopper of CHD4 further noted that CHD4 has no specific plan to widen Duff Lane in the next 10 years. (See July 13, 2021, Email from CHD4 attached hereto as Exhibit "D".) It should be further noted that the City of Middleton does not have any plans to widen Duff Lane within the next 10 years. However, again, the intersection of Duff Lane and Hwy 44 is on the Mid-Star Capital Improvement Plan to be improved sometime in the future. The date has not been determined.

Chris Hopper of CHD4 supplemented his comments noted above in an August 5, 2021, comment letter. (See letter attached at Exhibit "E"). In the letter, Mr. Hopper noted that both the River Pointe Subdivision and River Walk Crossing Subdivisions will impact surrounding intersections of Middleton Road/Sawtooth Lakes, Middleton Road/SH-44, Duff Lane/SH-44, and Middleton Road/Lincoln Road. He noted that all four intersections are on the current Mid-Star Traffic Impact Capital Improvement Plan, but there will be a few years of lag time before the monies collected will be sufficient to improve these four intersections.

Mr. Hopper also reiterated that there are no plans to widen Duff Lane. He stated that River Pointe's Traffic Study shows that the subdivisions peak hour traffic is handled "well within the typical operational capacity" of a 2 lane road like Duff, but he questioned the accuracy of the Traffic Study.

Mr. Hopper than went on to recommend that the governing bodies delay access to Duff Lane off of Sawtooth Lakes Street until there is adequate capacity at the intersection of Duff Lane & SH-44 for the River Pointe Subdivision. He made no mention of the need to widen Duff Lane. (Exhibit "E")

Although City Council specifically requested Planning Staff to obtain information from CHD4 on plans for future improvements to Duff Lane, it should be noted that CHD4 is **not** the agency typically tasked with improving or constructing roads. Its main responsibility with respect to roads in and around Middleton is to maintain the roads once they are built and/or improved by others.

In Middleton, roads are primarily built and improved by Developers. As projects are approved and begin to develop, the Developers, at their own cost, improve ½ portions of the roadway fronting their respective projects. For instance, the River Pointe Developer, at its own cost, will widen Duff Lane by approximately 37' along all frontage areas. This will include paving, curb and gutter, and sidewalks. As other development projects begin construction along Duff Lane, Duff Lane will get improved along their frontages until Duff Lane is eventually complete and widened to the 100' width required by the City.

The bottom line is this: Developers and Developments are the primary way that needed infrastructure is built. Developers must pay for any impacts on the surrounding community by improving the roads, utilities, parks…etc., so that the taxpayer is not burdened with these improvements.

A second very important way that Developers help build the needed infrastructure in Middleton is through Traffic Impact Fees and Traffic Proportionate Share Fees. Under the new Mid-Star Traffic Impact Schedule, the River Pointe development will pay $1,383,700 traffic impact fees for improvements to surrounding intersections and roadways (274 residential lots x $5050). It will pay approximately $70,000 to $100,000 impact fees for the seven commercial lots. These fees are collected at Building Permit issuance.

In addition to this $1.4 million in Traffic Impact Fees, Developer will pay further "Traffic Proportionate Share" fees for impacts on a variety of intersections not covered by the Mid-Star Traffic Impact Schedule. ITD will be re-reviewing these fees if the Mid-Star Impact Schedule is approved by City Council in the near future. Although not clear right now, the total traffic fees this developer will pay to improve local intersections and roadways could total approximately $2 million.

Part of that $2,000,000 will be allocated to improving multiple intersections along Hwy 44, including the intersection of Duff Lane and Hwy 44. The timing for that improvement work, however, remains to be seen. The decision will be made primarily by ITD as it determines the priority of improvements, although Middleton and CHD4 could weigh in on that decision too.

The only other way to get these improvements completed prior to the development of River Pointe Subdivision is through a traffic improvement bond voted on and approved by the citizens of Middleton. **Barring this, traffic improvements will necessarily lag behind the development.**

City Council is now left with the task of making *Findings of Facts* regarding whether the River Pointe Subdivision will be materially detrimental to the health, safety and welfare of Middleton residents. Council may find that the Developer's payment of approximately $2,000,000 in traffic fees to improve surrounding intersections and roadways, and Developer's frontage improvements to Hwy 44 and Duff Lane, are sufficient mitigation of any adverse impacts. Therefore, the Subdivision development is in the best interest of the City.

City Council should also consider the Planning & Zoning's recommendations on the matter since the Commission is a "recommending body." The Planning & Zoning Commission **recommended approval** of all four applications subject to the standard conditions of approval in the accompanying Staff Report. But they also recommended three additional conditions of approval:

1. Developer shall install a 15' wide landscaped berm between the River Pointe Subdivision and the Riverbend Ranch Subdivision to the south.
2. Developer shall barricade the E. Sawtooth Lakes Street access onto Duff Lane after the road is constructed, and the barricade should remain until Developer conducts an updated Traffic Impact Study that shows that the intersection of SH-44 and Duff Lane can aptly handle the traffic that will move east and west on the E. Sawtooth Lakes roadway. (Exhibit A)

3. The DA should state that all commercial buildings have four different design elements rather than just three design elements.

Items 1 and 3 are easy. Developer has already added to the Development Agreement provisions to install the required 15' wide landscaped berm and the "4-design element" requirement for commercial buildings. This is no longer an issue for City Council to consider.

The real issue is the P&Z Commission's recommendation to barricade a brand new road immediately after it is built. The City of Middleton is not in the habit of having large collector roads built so the road could be barricaded for an indefinite period of time. E. Sawtooth Lakes is a road that is critical to Middleton's transportation plan. It will move traffic east and west and relieve pressure off the Hwy 44 downtown corridor. Barricading such an important road will put a "crimp" and an "obstacle" in Middleton's transportation system.

More importantly, the City may not want to abdicate its control over its public roads to a private developer and the developer's traffic engineer. The decision of when to barricade and when to remove a barricade from a City-owned street should be left to only the City. Private citizens and their traffic engineers should have no part in that decision.

For these reasons, Planning Staff recommends that the City Council not heed the recommendation of the P&Z Commission and, instead, decide whether the Project as a whole is in the best interest of the City of Middleton or whether it will be detrimental to the health, safety and welfare of the Middleton Citizens. **Planning Staff highly recommends that City Council consider the fact that this single developer shall pay close to $2,000,000 in traffic impact and proportionate share fees to improve a wide number of surrounding intersections and roadways. This developer, at its own cost, will also be building one of the more critical east/west roadways in the City of Middleton. The developer will be widening Duff Lane by 37 feet along all frontage areas and will be improving a large section of Hwy 44 to the north. This developer will be constructing a variety of needed residential dwellings and commercial lots, and finally, the Developer has helped design the new River Walk Loop pedestrian pathway that will be enjoyed by thousands of Middleton residents for years to come.**

D. Preliminary Plat:

At the July 7, 2021, public hearing before City Council, a Council Member stated that the record was unclear about the exact preliminary plat that was under review. At the August 9, 2021, Planning & Zoning public hearing, the Commission declared that a preliminary plat dated July 16, 2021, is the preliminary plat under review.

However, since that 8/9/2021 hearing, City engineer has requested the River Pointe developer to improve the connection roads between River Pointe and the River Walk

Crossing subdivision to the west. This resulted in a new preliminary plat dated August 26, 2021, which is attached to this Staff Report as Exhibit "F".

The City Engineer has approved the preliminary plat, and her "recommendation for approval" letter is attached to this Staff Report as Exhibit "I".

FINDINGS:

As to the 74 acres that is zoned M-U, Planning Staff still finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, Idaho State Statute, and Supplement to ISPWC except for those dimensions and items set forth in the modified DA as a "waiver or exception" to the Code as allowed in MCC 1-15-2.

As to the portion of the preliminary plat on the 14 acre Duff parcel, Planning Staff still finds that the preliminary plat complies with the dimensional standards of the R-3 Zone and other requirements of the Middleton City Code. No variances or waivers are requested with respect to this portion of the preliminary plat.

Planning Staff further finds that City Services are nearby and accessible to the development. Finally, as already discussed in the previous Staff Report attached hereto as Exhibit "B", the preliminary plat is still in harmony with the Middleton Comprehensive Plan and is in the best interest of the City of Middleton.

E. **Modified Development Agreement:** Developer voluntarily inserted two of the three "recommendations" of the Planning & Zoning Commission into the Amended DA. Specifically, Planning & Zoning recommended that a 15' wide landscape berm be installed between River Pointe Subdivision and Riverbend Ranch Subdivision. It also recommended that the commercial buildings in River Pointe have a requirement to include 4 different design elements on the front and rear elevations rather than just three design elements.

Both of these "recommendations" are now inserted in the amended DA as items 3.26 and 3.29. See proposed copy of the amended DA (aka "*Reformed and Restated Development Agreement")* attached hereto as Exhibit "G".

F. **Comments from landowners:** Since the time of the last City Council meeting, Planning Staff received two objection letters from attorney Matthew Johnson, who is the attorney for the residents of the County subdivision, Riverbend Ranch. See copies of the two letters attached as Exhibit "H".

G. **Comments from Agencies:** Comments from CHD4 dated May 27, 2021, July 13, 2021, and August 5, 2021, are discussed above and attached as Exhibits "C", "D", and "E" respectively.

H. Applicant Information: Application was received and accepted on September 15, 2020. The Applicant is Breckon Land Design for Drake Investments LLC, Robert Brian Burnett, Deep River Investments & Deep Waters LLC / 6661 N. Glenwood, Garden City, ID 88714 / 208.376.5153 / mwall@breckonld.com.

I. Notices & Neighborhood Meeting:

	Dates:
Newspaper Notification	08/15/2021
Radius notification mailed to Adjacent landowners within 300'	08/13/2021
Circulation to Agencies	08/13/2021
Sign Posting property	08/13/2021
Neighborhood Meeting	08/18/2020, 3/8/2021 & 4/12/2021

Planning Staff finds that public notice was appropriate and given according to law.

J. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65 and Title 50 Chapters 2 and 13
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

K. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission has recommended approval of Developer's applications for (1) annexation/rezone, (2) preliminary plat, (3) development agreement modification, and (4) comprehensive plan map amendment with recommended conditions of approval.

City Council has already fully considered the matter with the exception of the additional comment letters provided by CHD4. City Council must now make findings of facts, conclusions of laws, and a final order with respect to each application.

Findings of Facts: Planning Staff has set forth in this Staff Report and the earlier 7/7/2021 Staff Report numerous findings of facts. (See findings of facts in parentheses). In summary, Planning Staff has found that the Developer's significant traffic impact fees and road improvements will aptly mitigate Developer's adverse impacts on surrounding intersections. Additionally, developer's project will (1) create a variety of needed housing types, (2) add needed commercial pads, (3) construct a needed east/west connecter roadway, and (4) help create a large portion of the River Walk Loop for all Middleton residents to enjoy. *Therefore, Planning Staff finds that the*

River Pointe Subdivision is in the best interest of the City and will not be materially detrimental to the health, welfare, and safety of Middleton residents.

As to Conclusions of Law, *Planning Staff finds that City Council has the authority to hear these applications in order that they may be denied or approved and that the public notice requirements were met. Furthermore, Planning Staff finds that the above noted Findings of Facts are in compliance with Idaho State law and Middleton City Code.* If Council agrees with Staff's stated Conclusions of Law, Council may state on the record that it accepts the Conclusions of Law set forth in this Staff Report.

As to the Order, If Council is inclined to approve the applications based upon the noted *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be subject to the conditions set forth below:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.
5. All Floodplain Administrator review comments are to be completed and approved.
6. Developer to comply with all terms of the proposed Reformed and Restated Development Agreement as set forth in the Staff Report for the public hearing date of September 1, 2021.
7. Sewer and water capacity are reserved at the time City approves the construction drawings for each individual subdivision phase.

Finally, if Council denies any of the applications, pursuant to Middleton City Code 1-14(E)(8), Council must state on the record what Applicant can do, if anything, to gain approval of the application(s).

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

APPENDIX

Exhibit "A"

Middleton Planning & Zoning Commission

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

In the Matter of the Request of Breckon Land Design for Robert Brian Burnett, Drake Investments, Deep River Investments & Deep Water LLC for Annexation/Rezone, Preliminary Plat, Development Agreement Modification, and Comprehensive Plan Map Amendment for the River Pointe Subdivision located at 10481 Highway 44, 0 Highway 44, and 0 Duff Lane (Tax Parcel Nos. R3392000, R3392001 and R33935010A):

A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)

2. Commission considered the comment letters from CHD4 dated August 5, 2021 and July 13, 2021.

3. Commission clarified the exact preliminary plat under review (dated 7/16/2021).

4. Commission read and reviewed the draft Reformed and Restated Development Agreement which formatted the Development Agreement in contractual format.

5. Process Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)

6. Application and Property Facts: (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)

7. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A' and incorporated herein by this reference.)

B. Conclusions of Law:

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).

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 were given according to law.

4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.

5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.

6. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

7. That this recommendation is subject to the Conditions of Approval set forth in the attached Staff Report for the hearing date of August 9, 2021, which Report is incorporated herein by reference.

C. Decision and Recommendation:

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

1. City Council approve the annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
2. City Council approve the preliminary plat application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
3. City Council approve the Development Agreement Modification application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
4. City Council approve the comprehensive plan map amendment subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
5. Additional conditions of approval applicable to all four applications include:
    i. Developer shall construct a 15' wide landscaped berm between the River Pointe Subdivision and the Riverbend Ranch Subdivision to the south.
    ii. E. Sawtooth Lakes Street shall remain barricaded and restricted to only emergency vehicle access until Developer provides an updated Traffic Impact Study that shows Duff Lane and Hwy 44 intersection improvements and constructed traffic light are sufficient to handle the traffic impacts from the subdivision.
    iii. Section 3.26 of the proposed Development Agreement shall be changed to recommend Developer to provide 4 design elements, rather than just 3 elements, on all commercial buildings.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: August 9, 2021.

Ray Waitemate, Chairman
Planning and Zoning Commission

Attest:

Roberta Stewart
Planning and Zoning Department

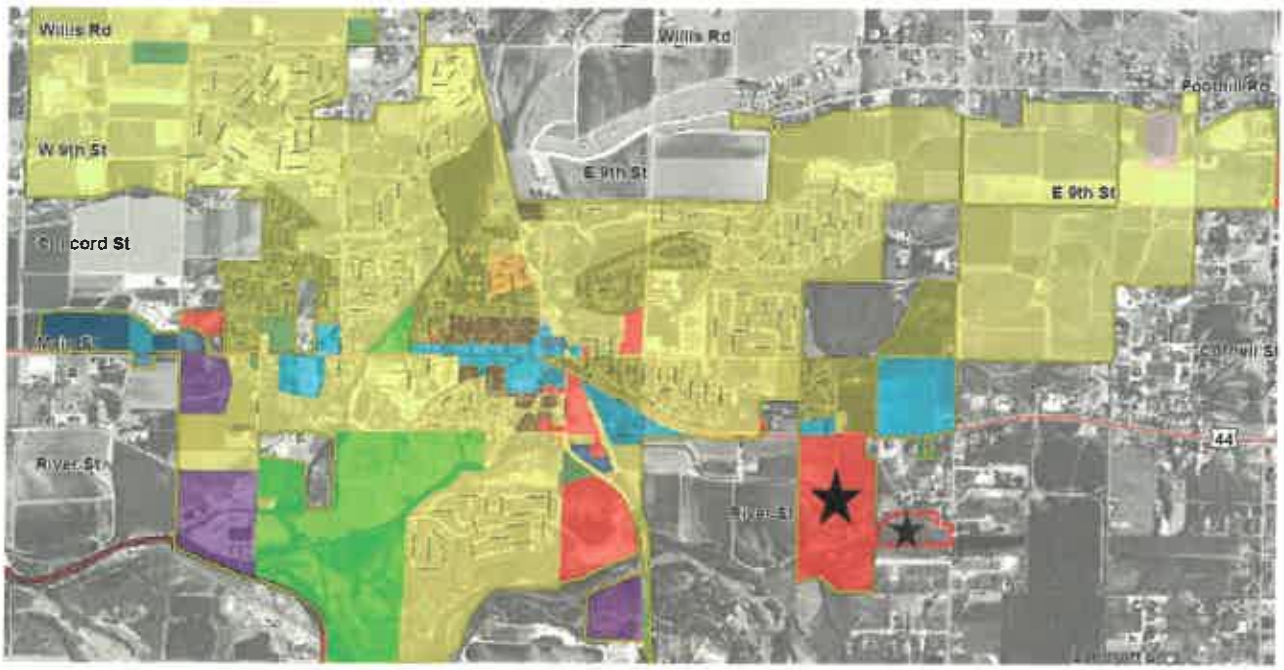
Exhibit "B"

STAFF REVIEW AND REPORT
Middleton City Council

River Pointe Subdivision

City Council Public Hearing Date: July 7, 2021

Snapshot Summary:



Acreage	88.5 acres
Current Zoning	Middleton City Mixed Use "M-U" & County "Agricultural"
Proposed Zoning	M-U remains the same. 14 acre county parcel rezone to R-3
Current Land Use	Residential / Restaurant, Retail & Recreation / Transit Station
Proposed Land Use	"Residential" for 14 acre Duff Parcel / "Commercial" & "Residential" for 74 acre parcel.
Lots	7 commercial lots --- 92 single family homes --- 28 garden/patio homes for 55+ homebuyer --- 39 garden patio homes -- 30 single-story townhomes for 55+ homebuyer --- 85 two-story townhomes --- 44 common lots
Density	3.51 M-U Zone (density allowed is 12 units per gross acre). Density for the 14 acre Duff parcel is .54. (Density allowed is 3 per acre)
Open Space	14.86 acres / 16.79%
Amenities	5 pickleball courts – swimming pool – playground – large pond – open grassy lots and shade structure

A. **Application Requests:** Applicant submitted four applications: (1) preliminary plat, (2) annexation and rezone from Canyon County "Agricultural" zone to R-3 with respect to only 14 of the total 88.5 acres, (3) Development Agreement Modification and (4) Comprehensive Plan Map Amendment to change the Future Land Use Map. Applicant has also submitted a floodplain application that is proceeding administratively along with these applications.

B. **Project Description:** Subdivision with (a) 7 commercial lots, (b) 92 single family homes, (c) 28 "Garden/Patio homes" for 55+ homebuyers, (d) 39 Garden/Patio homes that are not set aside for 55+ (e) 30 single story townhomes for 55+ homebuyers, and (e) 85 two-story townhomes on 88.5 acres of vacant land located at 10481 Highway 44 and 0 Duff Lane (Tax Parcel Nos. R33935010A0, R3392 & R3392001).

Amenities include five pickleball courts, swimming pool facility, large common areas and playground, and two community ponds.

Applicant is proposing that only a portion of the townhomes and patio homes be designated 55+. Specifically, applicant is requesting that the 55+ restriction be applied only to townhomes and patio homes north of the Kennedy Drain. The townhomes south of the drain would have no such restrictions.

The requirement for a 55+ community will be created by a deed restriction in compliance with Idaho State law. This will ensure that the single-story townhome/garden home portions of the project remain a 55+ community.

In order to ensure that the townhomes and garden homes south of the drain remain orderly and keep a high caliber of maintenance, Applicant is proposing strict provisions in the CC&Rs, including

- requirement that HOA maintains the front yard of all townhomes,
- prohibition against short term rentals,
- limit of rentals to 20% of the townhomes.
- strict fine schedule to enforce community rules

C. **History, Current Zoning & Property Condition:** 74 acres of the project was annexed into the City of Middleton in 2006, and the property was rezoned M-U ("Mixed Use") at that time. Mixed Use zoning accommodates a variety and mixture of medium and high density residential uses combined with commercial uses.

At the time zoning was change in 2006, A Development Agreement ("DA") was also executed. The DA entitled Applicant to narrower setbacks and smaller lots than allowed by the 2006 Code and the current 2021 Code for M-U zoning.

Based on the zoning and the contents of the DA, the earlier Governing Boards intended this project area to include commercial uses along with residential uses that are more intensive than normally found in Middleton subdivisions.

The 14-acre portion of the project located off Duff Lane is currently in Canyon County and zoned "Agricultural," and it is the subject of the annexation/rezone application before the Council. A few years ago, the P&Z and Council designated the 14 acre project site "Transit Station" and "Transit Oriented Development" on the Future Land Use Map. The Comprehensive Plan defines "Transit-Oriented Development" as "high density residential and light commercial uses in close proximity to a high-capacity public transportation network system...etc.". Again, it appears that earlier governing bodies intended this area near the intersection of Duff and Hwy 44 to be an intensive project site that would serve numerous needs and uses.

As to the surrounding property, property to the south of the 14 acre Duff parcel is a County Subdivision known as River Bend Place. This newer subdivision began development around 2018/2019. It should be noted that River Pointe's M-U zoning and intensive land uses had already been planned and set in place for about 14 years prior to the development of the River Bend subdivision to the south.

Property to the north of River Pointe matches the intensity of River Pointe with Middleton C-2 Commercial Zoning and higher density R-4 Residential. Property generally to the east is County Rural Residential and R-1. Property to the west is County Agricultural, but it is in the process of being zoned R-2 Residential, C-3 "Heavy Commercial" and M-U "Mixed Use".

River Pointe is being developed in collaboration with another large subdivision to the west known as River Walk Crossing (formerly known as "River Ranch Crossing). River Walk Crossing is a 118 acre project with 35+ acres of commercial property and 83 acres of single family home sites. River Walk Crossing is finalizing plans, and the annexation and preliminary plat for that project should come before this Council soon. If both projects are approved and completed, they will create a new and vibrant commercial center for Middleton along with a new multi-mile River Walk Loop that will provide numerous gathering places for social and recreational uses.

D. **City Services:** Domestic water and sanitary sewer run along Highway 44 and are accessible by Developer for the project. However, as to sewer service, the Hwy 44 mains will be able to service only the northern portion of the project. The southern portion of the project will be serviced by bringing sewer from Middleton Road through the River Walk Crossing project to the west. (See diagram concept below for sewer access.) If sewer is ultimately not extended from Middleton Road through the River Walk project, Applicant will be required to construct a lift station to facilitate sewer service from the Highway 44 location.

FINDINGS:

Planning Staff finds that City services are adequate to serve the proposed project, and the annexation will permit the orderly development of the City and ability to provide efficient and economical city services to the extended area.

E. **Traffic, Access & Streets:** Access to the project is via Highway 44 and Duff Lane. When the neighboring River Walk project is completed to the west, River Pointe will also have access to Middleton Road via a new east-west collector road called E. Sawtooth Lakes Street.

It is important to recognize that E. Sawtooth Lakes Street is a collector street that is a "planned" street set forth in the Comprehensive Plan "*Transportation, Schools & Recreation Map*". (See snippet of Map below. The Collector was previously named "River Street" on the Map, but Canyon County has since requested that we choose another name, so the name was recently changed to "E. Sawtooth Lakes Street"). E. Sawtooth Lakes Street is an important street that will facilitate circulation and relieve pressure off Hwy 44. Therefore, it will have no driveway access, and parking will not be allowed on the Street.

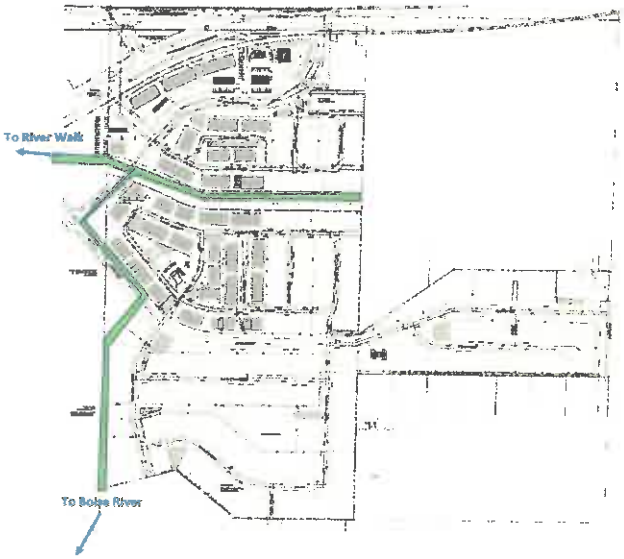
Applicant's preliminary plat and Traffic Study has been reviewed by ITD. ITD has recommended that Applicant be required to pay proportionate share fees in the approximate amount of $280,000. (**ITD and the City are still clarifying minor details on two intersections, so the final amount will probably be determined in the next few days, and the final amount will be inserted into the Development Agreement to ensure payment.)

ITD has also recommended the following improvements to Hwy 44: (1) construction of a right turn lane at the entrance to River Pointe off of Hwy 44, (2) construction of a 14' wide two-way left turn lane (suicide lane) between Greenlinks Avenue and Duff Lane, and (3) restriping of Greenlinks Avenue for left and right turn lanes. Finally, ITD is requiring Developer to obtain an Approach Permit for access onto Hwy 44.

CHD4 noted that the Sawtooth Lakes access point on to Duff Lane is appropriate and approved, and CHD4 recommended only that proportionate share fees be collected and right of way on Duff Lane be dedicated to the City.

Planning Staff recommends that payment of +/- $280,000 proportionate share fee, construction and dedication of all street frontage improvements, and procurement of ITD approach permit should be made a condition of preliminary plat approval and/or be made a part of the DA.

F. **Pathway & Sidewalks:** Per Code, Applicant has provided 5' wide sidewalks along all roads in the Subdivision. Applicant has also provided a 10' wide asphalt paved pathway in compliance with Middleton's Comprehensive Plan and "Transportation, Schools & Recreation Map." This pathway connects the pathways along the Kennedy Drain to the southwest corner of the project where it will connect to a future greenbelt trail and River Walk Loop.



G. **Open Space & Amenities:** Applicant has exceeded the 5% Open Space requirement by providing 14.86 acres of open space in the form of a swimming pool facility, five pickle ball courts, large common area park with play facility, community pond, extensive 10' pathways on common lots, and open grassy common lots with shade structure. The percentage of open space totals 16.79%.

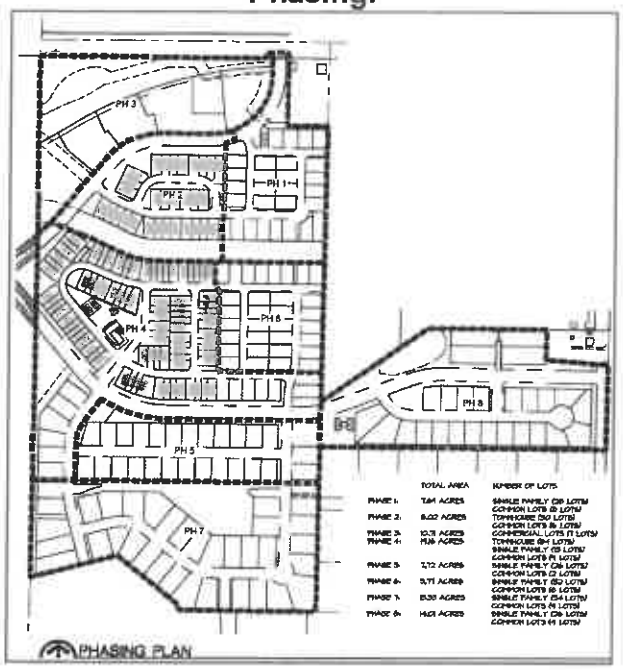
The 10' asphalt pathways that are located on both sides of the Kennedy Lateral and along the southwest corner of the project will be part of the intricate "River Walk Loop". This pathway will essentially create a public recreational "River Walk" loop with multiple plazas and parks that will wind through Middleton City and along the Boise River greenbelt trails.

H. **Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided in the preliminary plat and are approved by the City Engineer.

I. **Middleton Rural Fire District:** The Middleton Rural Fire District has reviewed the preliminary plat multiple times. Deputy Chief Islas approved the preliminary plat with the standard comments. He further noted that improvements may occur north of the Kennedy lateral without a 2nd access; however, no improvement may occur south of the lateral unless a 2nd access is provided. He noted that E. Sawtooth Lakes Street as shown on the preliminary plat is a sufficient 2nd access.

J. **Preliminary Plat Application:** Developer is proposing eight phases for the development of the plat:

Phasing:



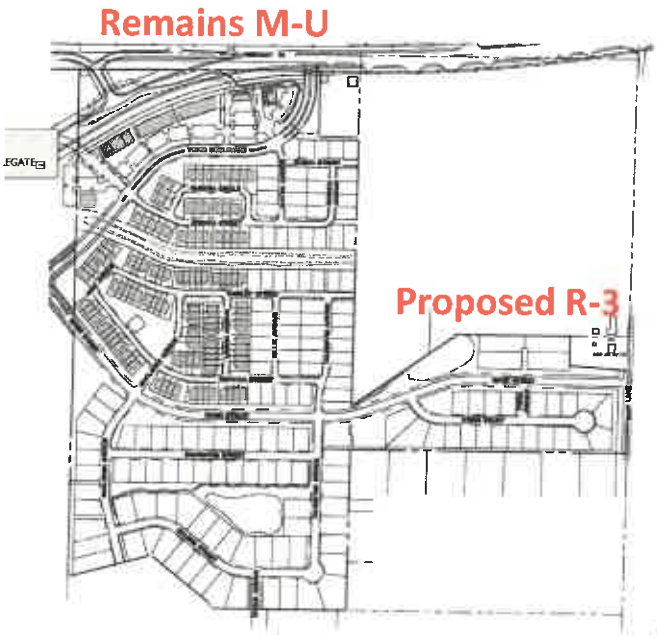
FINDINGS:

As to the 74 acres that is zoned M-U, Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code and Supplement to ISPWC except for those dimensions and items set forth in the DA as a "waiver or exception" to the Code as allowed in MCC 1-15-2. See more discussion on these waivers and exceptions to the Code in Section L below.

As to the portion of the preliminary plat on the 14 acre Duff parcel, Planning Staff finds that the preliminary plat complies with the dimensional standards of the R-3 Zone and other requirements of the Middleton City Code. No variances are requested with respect to this portion of the preliminary plat.

Planning Staff further finds that the preliminary plat as a whole is not materially detrimental to the public health, safety and welfare, and the City is able to provide services without compromising the quality of service delivery to current residents. Finally, as will be discussed at length below in section M, the preliminary plat is also in harmony and compliance with the Middleton Comprehensive Plan.

K. **Annexation and Rezone**: 74 acres of the project were annexed into the City of Middleton and rezoned M-U in 2006. Applicant is not requesting a change to that M-U zoning designation. However, Applicant has applied to annex in and rezone to R-3 a 14 acre parcel off of Duff Lane. See below



As to Annexation there are primarily four requirements or findings: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, (3) the property is in the City's area of impact and (4) the annexation is in the best interest of the City and not adverse to the public health and welfare.

As to a rezone request, City Council must make two findings before approving such a request: (1) the rezone will not adversely affect the City's delivery of services, including sewer, water, and schools, and (2) the rezone request is in harmony with the Comprehensive Plan.

FINDINGS:

Planning Staff finds that Applicant's project meets all four of the annexation requirements. (1) The property is contiguous; (2) sewer and water are available as shown above, and the City has sewer and water capacity to serve the Project, (3) the property is in the area of impact; and (4) the City will benefit from the variety of housing and commercial lots made available to its citizens and benefit from the extensive recreational paths created by the project. Planning and design has also made safe streets for vehicle and pedestrian circulation and will relieve pressure off of Highway 44, so the project will not adversely affect the public health and welfare.

Planning Staff finds that as to the rezone request, the rezone will not adversely affect the City's ability to deliver services. And, as *will be shown in more detail in section M below, Planning Staff finds that the rezone is in harmony with the City's Comprehensive Plan.*

L. **Development Agreement:** This project was annexed and rezoned in 2006, and a Development Agreement was recorded with that application. The DA is 15 years old, and it contains a lot of outdated style requirements and old circumstances that are no

longer of concern. Planning Staff is recommending that these outdated provisions regarding roofing, siding, fencing...etc., be entirely removed and replaced with the DA provisions that are more relevant to the current conditions.

Before listing all the specific DA provisions to be considered, however, special attention should be given to setbacks in the proposed DA. The 2006 DA allowed Developer narrower setbacks and smaller lots sizes than required by the stricter standards in the code for R-3. For example, in the DA, single family homesites had a minimum lot size of 6000 s.f., and rear yard setback of 15 feet. Current code is 8000 s.f. lots with 20 foot rear setbacks. The DA also allowed small single family homesites with 0' side yard setbacks and front yard setback of 20 feet. Current R-3 zoning requires 10' side yard setback and 25' front yard setback.

In the spirit of cooperation, Applicant has worked with Planning Staff to put together a compromised plan for setbacks. This compromise brings some of the setbacks and lot dimensions up to the stricter standards for current R-3 zoning while allowing Developer the more narrower dimensions previously entitled in the DA. Both sides have compromised to find that middle ground between the DA's loose entitlements and the stricter standards of the current code.

The proposed setbacks are as follows:

Home Type	Interior Side Setback	Side Street Setback	Front Yard Setback	Rear Yard Setback
Townhomes	12' exterior and 0' for common wall	20'	20'	15'
Garden Homes	5'	20'	20'	15'
Traditional Homes	10'	20'	25'	20'

Other proposed provisions for the DA are as follows:

1. 14 acre Duff parcel to be rezoned to R-3.

2. Density for 74 acre M-U parcel to be in compliance with current M-U zoning of 12 dwelling units per acre.

3. A concept plan generally matching the current preliminary plat shall be attached to the DA and incorporated by reference, and all future development must be generally consistent with the concept plan.

4. In the townhome section, minimum lot size and frontage width shall be in compliance with Middleton City Code 5-5-1, Table 2.

5. Townhomes may have no more than five units per townhome structure. Any structure with more than four units must have fire sprinklers. Townhomes above the Kennedy Drain shall not exceed one story. Townhomes below the Kennedy Drain may not exceed two stories.

6. Parking for Townhomes and Garden/Patio homes must meet the current code standard of 3 spaces per dwelling unit.

7. The 55+ homebuyer requirement for townhomes and patio homes above the Kennedy Drain shall be created by deed restriction in compliance with the laws of the State of Idaho. *[Note: Developer is requesting that the townhomes below the Kennedy Drain not be limited to 55+ purchasers and occupants.]*

8. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm between the commercial lots and residential lots. Instead, Developer shall provide a 20' wide landscaped buffer between the commercial lots and residential lots.

9. Garden/55+ homes may have a minimum lot width of 60 feet and minimum lot size of 6,000 s.f. (Please note this 6000 s.f. lot size was already allowed in the old DA for garden homes and also the traditional single family homes. Applicant has agreed to bring the traditional single family homesites up to 8000 s.f., in keeping with the current code rather than the 6000 s.f. size they are actually entitled to.)

10. Because the Garden Homes are adjacent to the townhome lots and integrated to some degree, the 36' wide Townhome Road Section may also be constructed through the Garden Home portions of the plat. Parking will not be allowed on the 36' roadway, and parking signs to that effect must be posted.

11. Developer may develop the lots in Phases 1 through 3 above the Kennedy Drain without providing a second access (*as also approved by the Middleton Fire Dept).* The 2nd access off of Duff Lane and/or Middleton Road must be completed with Phase 4 as part of the Phase 4 final plat approval.

12. Developer shall obtain an approach permit from ITD for access on to Highway 44.

13. Developer will, at its own cost, improve all City required street frontages on Hwy 44 and Duff Lane and dedicate the same to the City of Middleton. The improvements must be completed as a condition of approval for Phase 1 final plat. Frontage improvements to Duff Lane must be improved before approval of final plat for Phase 8.

14. Developer to complete a Traffic Study and shall pay City required pro-rata or proportionate share traffic fees in the approximate amount of +/- $280,000 (although the fine-tuning of the amount has yet to occur.)

15. Developer will be allowed a minimum centerline radius of 90'. (Please note that the code currently requires 125', but in light of the many variance requests from developers recently, the City is in the process of amending the code to lower the 125' to 90'. Staff will shortly bring an application to change the Middleton Code accordingly.) As to the intersections of Coleen & Sag and Chena & Chena, the radius may be less than 90' in light of the bulb that was designed into those intersections.

16. Developer shall provide an east/west collector connecting to Duff Lane. Parking shall not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector. (Please note that Developer has met this provision by designing "E. Sawtooth Lakes Street" as shown on the proposed preliminary plat.)

17. Developer shall show on the preliminary plat a 50' right of way on the western perimeter to be able to connect the off-site portions of Yetna Avenue and E. Sawtooth Lakes Street in the event the River Ranch project to the west is not ultimately developed. Alternatively, Developer may enter into an agreement with the Developer of River Walk Crossing to complete the off-site portions of Yetna Avenue and Sawtooth Lakes Street in the event the River Ranch project does not develop.

18. If the River Ranch project to the west is not developed, Developer will design and construct a sewer lift station to allow sewer service to the southern portion of the project.

19. Developer shall provide a swimming pool facility, five pickleball courtsk, ponds, and park facilities as generally shown on the concept plan.

20. All 10' pathways and sidewalk sections needed to connect the 10' pathways along the Kennedy Drain to the Boise River greenbelt trail, River Walk Loop and Duff Pond shall be encumbered with a public access easement.

21. Developer must execute and record a cross-access easement for all commercial lots that are landlocked and residential lots abutting a private lane to ensure access to the public.

22. Only black wrought iron fencing will be allowed in the project.

23. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building elevations on Highway 44.

24. Developer is allowed two wall signs on each commercial unit in light of the fact that the rear elevation fronts Hwy 44.

A full copy of the proposed Development Agreement is attached to the Appendix for this Staff Report.

FOR FINDINGS: See Section M below.

M. **Comprehensive Plan & Land Use Map:** As to the 14 acre Duff parcel, the City's Future Land Use Map shows "Transit Station," and "Transit Oriented Development" designations along with a "Mixed Use" designation. Applicant's 14 acre Duff parcel is strictly residential. Therefore, Applicant is requesting a change to "Residential" designation.

As to the 74 acre M-U parcel, the Future Land Use Map shows "Restaurants, Retail & Recreation" and a sliver of "Residential". Applicant is requesting that the Future Land Use Map be revised to show a commercial designation for the proposed C-3 zone and "residential" designation for the proposed M-U and R-2 zones.

In order for City Council to approve the Comprehensive Plan Map Amendments, City Council must find that the requested revisions to the Future Land Use Map are in harmony with the Comprehensive Plan. Additionally, in order for the City Council to approve the other three applications for annexation/rezone, DA Modification, and preliminary plat, the Council must find that the applications are also in harmony with the Comprehensive Plan and the Plan's "Goals, Objectives, and Strategies."

FINDINGS:

Planning Staff finds that the project and four applications are in harmony with the Comprehensive Plan as follows:

a. *Goal 3: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It also will reduce traffic trips because of the close proximity to commercial/retail development. Designing E. Sawtooth Lakes Street without driveway access also greatly assists with traffic flow and safety. It will also help relieve pressure off of Highway 44 as an alternate route.*
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. The project also provides a buffer between residential and commercial development. Commercial development is encouraged to be near major roads. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
c. *Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.*
d. *Goal 7: Project promotes commercial development and employment opportunities.*
e. *Goal 8: the project establishes new commercial area without detracting from existing businesses.*
f. *Goal 10: Project provides parks and open space. The project also aggregates open space in large open spaces rather than dispersing open space into smaller sections.*
g. *Goal 16: The public pathways along the Kennedy Drain create a scenic and usable waterfront on the north side of the Boise River.*

Finally, Planning Staff finds that the pathways and streets proposed are in compliance with the Comprehensive Plan Maps, including the Transportation, Schools, and Recreation Map.

N. Comments Received from Surrounding Landowners: There have been numerous written comments submitted with respect to this proposed projects. All comments are located in the Council's packets and attached to this Staff Report. The general comments involve the following:

a. Project will increase traffic
b. Project is too dense and intensive for a "rural area."
c. Developer should pay fair share of impacts on community
d. Developer's gravel pit is a nuisance.
e. Criticism of process at June 7, 2021 P&Z Commission public hearing.

Additionally, Neighborhood Meeting minutes & notes may be found in the "Application" folder of the Councils' packet.

O. **Comments from Agencies:** Comments have already been discussed above. Comments from ITD, CHD4, Middleton Rural Fire District, and COMPASS are attached to this Staff Report and included in the Council's packet.

P. **Comments from City Engineer, Planning Staff & Floodplain Administrator:** Comments have already been discussed above. Copies of comments from City Engineer, Planner and the Floodplain Administrator are contained in Council's packet and also attached to this staff report.

Q. **Applicant Information:** Application was received and accepted on September 15, 2020. The Applicant is Breckon Land Design for Drake Investments LLC, Robert Brian Burnett, Deep River Investments & Deep Waters LLC / 6661 N. Glenwood, Garden City, ID 88714 / 208.376.5153 / mwall@breckonld.com.

R.

Notices & Neighborhood Meeting:	**Dates:**
Newspaper Notification	06/20/2021
Radius notification mailed to Adjacent landowners within 300'	06/15/2021
Circulation to Agencies	06/14/2021
Sign Posting property	06/15/2021
Neighborhood Meeting	08/18/2020, 3/8/2021 & 4/12/2021

***It is abnormal for an applicant to hold three neighborhood meetings. Applicant's first Neighborhood Meeting is sufficient for this public hearing, but Planning Staff, nevertheless, requested Applicant to conduct a 2nd Neighborhood Meeting because of the passage of time since the initial meeting and because Staff had received numerous telephone calls from nearby residents about the project. A third meeting occurred about one month later because a neighboring landowner raised a claim that the mailing list was incomplete for the April 2021 meeting. In light of this, Planning Staff requested Applicant to complete a 3rd neighborhood meeting to ensure there were no irregularities or controversy remaining at the time of the Public Hearing.

FINDINGS:

Planning Staff finds that Notice for the City Council Public Hearing was appropriate and given according to law. Notice for the Planning & Zoning Commission's Public Hearing was also appropriate and given according to law as follows: (1) Newspaper notice 5/23/2021; (2) Agency Notice 5/18/2021,; (3) Landowner notice within 300' 5/19/2021 and (4) Post box notice 5/19/2021.

S. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

T. Planning & Zoning Commission's Conclusions and Recommendations: At the June 7, 2021, public hearing before the Planning & Zoning Commission, the Commission recommended approval of all four applications subject to the conditions of approval set forth in the Staff Report for the hearing date of June 7, 2021.

A copy of the minutes from that meeting are attached in the Appendix to this Report.

U. Conclusions and Recommended Conditions of Approval:

The City Council is tasked with considering four separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement Modification, and (4) Comprehensive Plan Map Amendment. In considering the applications, City Council must ultimately make (a) findings of facts, (b) conclusions of law, and (c) an order.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. (See findings of facts above in parentheses.) If Council agrees with the findings of facts in the Staff Report, and after hearing public testimony, Council may state on the record that it accepts the findings of fact in the Staff Report and all, or a portion, of the facts stated during public testimony, setting the foundation for the order.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear these applications in order that they may be denied or approved and that the public notice requirements were met. Furthermore, Planning Staff finds that the above noted Findings of Facts are in compliance with Idaho State law and Middleton City Code. If Council agrees with Staff's stated Conclusions of Law, Council may state on the record that it accepts the Conclusions of Law set forth in the Staff Report.

Additionally, if the July 7th, public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then Council may additionally state that conclusion of law on the record.

As to the Order, if Council denies any of the applications, pursuant to Middleton City Code 1-14(E)(8), Council must state on the record what Applicant can do to gain approval of the application(s).

If Council is inclined to approve the applications based upon the noted Findings of Facts and Conclusions of Law, then Planning Staff recommends the approval be subject to the conditions set forth below:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.
5. All Floodplain Administrator review comments are to be completed and approved.
6. Owner/Developer shall pay all City required impact fees and traffic proportionate share fees.
7. Developer to comply with all terms of the proposed Reformed and Restated Development Agreement as set forth in the Staff Report for the public hearing date of July 7, 2021 except…, (if the Council is not inclined to approve portions of the DA, those discrete portions can be removed or excepted from the DA via a motion calling out the specific provisions to be removed.)

Prepared by Middleton City Planner, Robert Stewart Dated: July 2, 2021

Exhibit "C"

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

May 27, 2021

Middleton City Planning and Zoning
1103 West Main Street
Middleton, ID 83644
Attention: Roberta Stewart, P&Z

Drake Investments, LLC
c/o Breckon Land Design
6661 N. Glenwood Street
Garden City, Idaho 83714

RE: River Pointe Subdivision
Preliminary Plat
Duff Lane

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for the proposed River Pointe Subdivision dated "illegible" (included in the application materials available on the city website), and offers the following comments:

General
CHD4 has jurisdiction over, and operates and maintains Duff Lane adjacent to the proposed development on the easterly boundary. By policy, CHD4 may consider adopting adjacent city standards for road section, access controls, and other urban features for projects within city area of impact and within one mile of city limits. This subject property is proposed for annexation into into the City of Middleton.

CHD4 requests that the City include as part of any development agreement for the project a clause requiring dedication of public right-of-way for Duff Lane (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.

The City should, through exactions or other fees, determine and require a proportionate share of the costs necessary to improve capacity at local intersections affected by new traffic from the development, including but not limited to Duff Lane/SH 44. No other local funding sources for these improvements is currently available to CHD4.

Access
Duff Lane is designated as a major collector on the functional classification maps adopted by CHD4, Canyon County, and the City of Middleton. The proposed local road access (River Street) to Duff Lane approximately meets the 500-foot desirable local road spacing for a collector road under CHD4 policy, and is acceptable to the District.

Please feel free to contact me with any questions on these comments.
Respectfully,

Chris Hopper, P.E.
District Engineer

CC: File: Middleton_Duff Lane- River Pointe Subdivision

Exhibit "D"

From:	Chris Hopper
To:	Becky Crofts
Cc:	Roberta Stewart
Subject:	RE: River Pointe Subdivision at Duff and Hwy 44
Date:	Thursday, July 15, 2021 1:21:09 PM
Attachments:	image002.png

I will put this on our list for review; it is likely about 30 days out.

Respectfully,

Chris Hopper, P.E.
District Engineer

Canyon Highway District No. 4
15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135

From: Becky Crofts <bcrofts@middletoncity.com>
Sent: Thursday, July 15, 2021 1:14 PM
To: Chris Hopper <CHopper@canyonhd4.org>
Cc: Roberta Stewart <rstewart@middletoncity.com>
Subject: RE: River Pointe Subdivision at Duff and Hwy 44

Chris – attached is the TIS for the project. I am not an engineer and certainly not a traffic engineer, I expect this document will give us some guidance on when Duff should be widened to 3 lanes. Looking forward to your response and thanks for your assistance.

From: Chris Hopper <CHopper@canyonhd4.org>
Sent: Tuesday, July 13, 2021 5:23 PM
To: Becky Crofts <bcrofts@middletoncity.com>
Subject: RE: River Pointe Subdivision at Duff and Hwy 44

Yes, the SH 44/Duff intersection is on the CIP.
No, CHD4 does not have any plans for adding additional lane capacity to Duff within 10 years, nor was is included on the CIP. Does the TIS for the subdivision show a projected volume using Duff Lane?

Respectfully,

Chris Hopper, P.E.
District Engineer

Canyon Highway District No. 4

15435 Hwy 44
Caldwell, Idaho 83607
208-454-8135

From: Becky Crofts <bcrofts@middletoncity.com>
Sent: Tuesday, July 13, 2021 5:21 PM
To: Roberta Stewart <rstewart@middletoncity.com>; Chris Hopper <CHopper@canyonhd4.org>
Subject: RE: River Pointe Subdivision at Duff and Hwy 44

Chris --

Is Duff Lane intersection on the impact fee CIP? Does CHD4 have plans to widen Duff in the next 10 years?

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Tuesday, July 13, 2021 8:27 AM
To: Chris Hopper <CHopper@canyonhd4.org>; Lenny Riccio <LRiccio@canyonhd4.org>
Cc: Becky Crofts <bcrofts@middletoncity.com>; Jennica Reynolds <jreynolds@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>
Subject: River Pointe Subdivision at Duff and Hwy 44

Hi Chris and Lenny: thank you for joining us last night at the hearing. We appreciate your input. But that's not why I'm writing right now. We need your expertise and help on Burnett's project, River Pointe, at Duff and Hwy 44. It went before City Council last week, and Council remanded it back down to P&Z to flesh out some more information on the status of Duff Lane. At the Council meeting, there were a large number of county residents who testified that they are concerned about Duff Lane and whether it can handle the traffic accessing it from the new east/west collector known at "E. Sawtooth Lakes St." See most recent pre-plat under consideration attached.

Council instructed me to ask CHD4 about what improvement plans are scheduled for the portions of Duff Lane near the project, particularly the portion of Duff Lane on the south side of Hwy 44. Also, they are interested in knowing the time-line for any of those planned improvements.

We're going back to P&Z on August 9th. I was hoping you could shoot me over a quick email describing planned improvements and time-line before that date so I have time to incorporate it into my staff report.

Thanks again for your help.

Roberta L. Stewart

PLANNER
City of Middleton, Planning & Zoning

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

Tele - (208) 585-3133
Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov

Exhibit "E"

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

August 5, 2021

Middleton City Council & Planning and Zoning Commission
1103 West Main Street
Middleton, ID 83644
Attention: Roberta Stewart, P&Z

RE: River Pointe Subdivision Preliminary Plat
River Walk Crossing Subdivision Preliminary Plat
Middleton Rd & Duff Lane

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the following items related to preliminary plats for the proposed River Pointe Subdivision and River Walk Crossing Subdivision:
River Pointe:

- Preliminary Plat dated May 5, 2021
- Revised Traffic Impact Study dated April 14, 2021
- Updated Technical Report from ITD dated February 14, 2021

River Walk Crossing:

- Preliminary Plat dated June 2, 2021
- Traffic Impact Study dated November 24, 2021
- Technical Report from ITD dated March 4, 2021

CHD4 provides the following comments on these applications:

General
By agreement with the City, CHD4 operates and maintains Middleton Road and Duff Lane adjacent to the proposed developments. It is our understanding that the subject properties are or will be annexed into the City of Middleton.

The City is currently considering significant revisions to the comprehensive plan and transportation planning maps, including removal of a bypass route for SH 44 south of the existing city center. The River Point plat shows area reserved for right-of-way for this bypass, while the River Walk Crossing plat does not. It is difficult to provide comprehensive comments on traffic impacts from these developments given the uncertainty of the SH 44 principal arterial corridor. Comments provided below are general in nature due to this uncertainty, and additional comment may be provided in the future.

CHD4 requests that the City include as part of any development agreement for the projects a clause requiring dedication of public right-of-way for Middleton Road or Duff Lane (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.

Traffic Impacts

The two developments combine to produce a reported 16,866 trips per average weekday at buildout, with three (or possibly four) connections to the existing highway system at Middleton Rd, SH 44, and Duff Lane. This increase in traffic will have a significant impact on all three highways adjacent to the development, and on adjacent and downstream intersections.

Middleton Rd along the west boundary of the developments is a two lane rural road between the city center and Lincoln Rd. The existing road is nearing capacity with current 2021 traffic volumes. The Mid-Star Capital Improvement Plan adopted by the City in July 2021 includes projects to widen Middleton Rd to 5 lanes, and to construct roundabouts at the intersections of Lincoln Rd and Sawtooth Drive. This plan is not currently funded, although the city is considering modification to its impact fee ordinance to enact development impact fees sufficient to make these improvements. Construction of any improvements included under the Mid-Star CIP will take place well after traffic impacts from the proposed developments are experienced. CHD4 has no capacity projects programmed for this corridor in the next five years.

Duff Lane along the east boundary of the developments is a two lane rural road with narrow shoulders and limited right-of-way width between the proposed Watkins Street access from the developments. No capacity improvements to Duff Lane are currently programmed by CHD4, nor are included in the Mid-Star CIP. The TIS for River Pointe estimates a total of 73 trips in the 2025 PM peak hour using the Duff Lane/Watkins Street intersection, and 114 trips using Duff Lane at SH 44. These volumes are well within the typical operational capacity of a two-lane highway (300 trips/hr), however it represents only approximately 4% of the total peak hour trips generated by the site. This estimate may not accurately represent usage of this intersection, and the Duff Lane corridor between Watkins St and SH 44, when only two or three other points of access to the highway system are available to the developments. CHD4 recommends re-evaluation of the estimated usage of this approach to Duff Lane when a decision on the SH 44 alternative route is finalized, and timing of development of the Marjorie Ave approach to SH 44 is clarified.

Numerous intersections nearby or affected by the developments are already operating near or below acceptable Levels of Service (average vehicle delay) during the peak hour periods, including SH 44/Middleton, SH 44/Duff, Middleton/Sawtooth, and Middleton/Lincoln. Each of these (except SH 44/Middleton) is included on the Mid-Star CIP for capacity improvements, and will be eligible for funding through development impact fees. Implementation of these projects may lag years behind the traffic impacts generated by the developments, as the fees are not collected until building permit issuance, and traffic associated with building construction can equal or exceed that from the finished development. Levels of service at these surrounding intersections should be expected to further degrade from the current conditions unless these projects can be advanced through other funding sources to occur in sequence with development of the subject properties.

The TIS for River Pointe states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

The TIS for River Walk Crossing states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.

Comments previously provided by CHD4 for River Walk Crossing (June 28, 2021) and River Point (May 27, 2021) are still applicable to these projects.

CHD4 requests the City Council and Planning & Zoning Commission consider these comments, and condition the proposed development to address impacts to the area's transportation system.

Please feel free to contact me with any questions on these comments.

Respectfully,

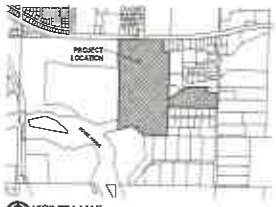
Chris Hopper, P.E.
District Engineer

CC: File: Middleton_Duff Lane- River Pointe Subdivision/ River Walk Crossing Subdivision

Exhibit "F"

RIVER POINTE SUBDIVISION

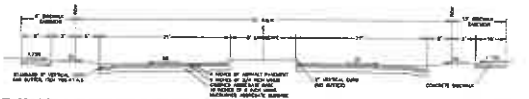
LOCATED IN THE SW1/4 OF THE NE1/4 AND ALL OF GOVERNMENT LOT 2 OF SECTION 8,T. 4 N, R. 2 W. B.M.
CANYON COUNTY, IDAHO
2021



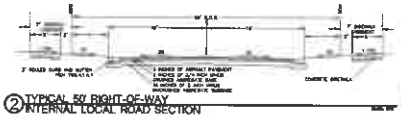
VICINITY MAP

DRAWING INDEX

SHEET NUMBER	SHEET DESCRIPTION	SHEET TITLE
PP11	PRELIMINARY PLAT	COVER
TOPO		TOPOGRAPHIC SURVEY
PP12	PRELIMINARY PLAT	OVERALL
PP13	PRELIMINARY PLAT	AREA A
PP14	PRELIMINARY PLAT	AREA B
PP15	PRELIMINARY PLAT	AREA C
PP16		BFE EXHIBIT
UT11		PRELIMINARY UTILITY PLAN

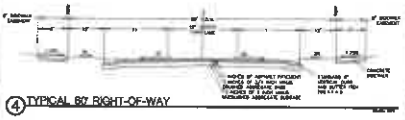


1 60' RIGHT OF WAY ENTRANCE BOULEVARD ROAD SECTION

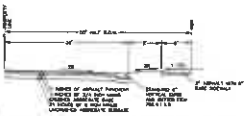


2 TYPICAL 50' RIGHT-OF-WAY INTERNAL LOCAL ROAD SECTION

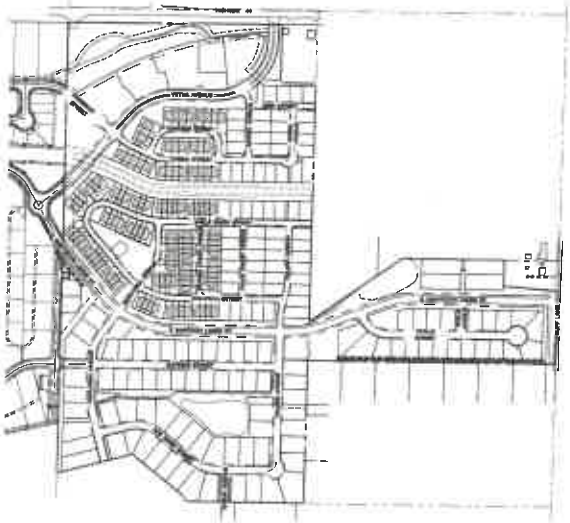
3 TYPICAL 36' RIGHT-OF-WAY TOWNHOUSE & GARDEN HOME COMMUNITY ROAD SECTION



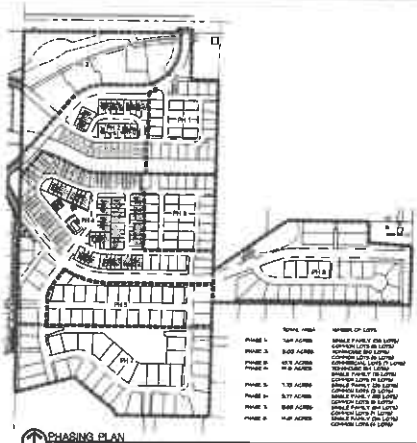
4 TYPICAL 80' RIGHT-OF-WAY



5 TYPICAL HALF 100' RIGHT-OF-WAY DUFF LANE



OVERALL SITE PLAN



PHASING PLAN

PRELIMINARY PLAT DEVELOPMENT FEATURES:

TOTAL ACRES	48.897 AC
EXISTING ZONING	PUD (PARCEL 1) PUD (PARCEL 2) R-3 (PARCEL 3) R-3 (PARCEL 4)
PROPOSED ZONING	PUD (PARCEL 1) PUD (PARCEL 2) R-3 (PARCEL 3) R-3 (PARCEL 4)
MINIMUM SPACE (CANYON COUNTY)	R-3 (SINGLE FAMILY RESIDENTIAL) R-3 (SINGLE FAMILY RESIDENTIAL) NA
LOW DENSITY COMMERCIAL LOTS	4.629 ACRES 11 LOTS
TOWNHOUSES (LEFTOVER) TOWNHOUSE LOTS SUBTOTAL LOTS OPEN SPACE TOTAL OPEN SPACE REQUIRED PARKING REQUIRED PARKING PROVIDED	2.06 ACRES 50 LOTS 50 LOTS 1.55 AC (75.0%) 0.41 AC (20%) 2 SPACES PER UNIT 2 GARAGE + 2 DRIVEWAY SPACES
TOWNHOUSES (SUBAREA) TOWNHOUSE LOTS SUBTOTAL LOTS OPEN SPACE TOTAL OPEN SPACE REQUIRED PARKING REQUIRED PARKING PROVIDED	1.78 ACRES 54 LOTS 54 LOTS 0.4 AC (22%) 0.36 AC (20%) 2 SPACES PER UNIT 2 GARAGE + 2 DRIVEWAY SPACES
SUBAREA HOMES SINGLE FAMILY LOTS COMMON AREA LOTS OPEN SPACE TOTAL OPEN SPACE REQUIRED	14.00 ACRES 47 LOTS 11 LOTS 3.25 AC (23.2%) 2.75 AC (20%)
SINGLE FAMILY SINGLE FAMILY (SFD) LOTS COMMON AREA LOTS OPEN SPACE TOTAL OPEN SPACE REQUIRED	16.00 ACRES 62 LOTS 11 LOTS 5.05 AC (31.6%) 3.2 AC (20%)
RESIDENTIAL GROSS DENSITY	6.24 (SINGLE FAMILY (SFD)/ RESIDENTIAL ACRES)
TOTAL OPEN SPACE	14.45 ACRES (29.74%)

PHYSICAL DIMENSIONS OF PROPOSED PUD AND R-3 DISTRICT ARE PER THE DEVELOPMENT AGREEMENT.

BENCHMARK & DATUM

[illegible]

CONTACTS

[illegible]

NOTES

[illegible]

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
COVER

PRELIMINARY PLAT

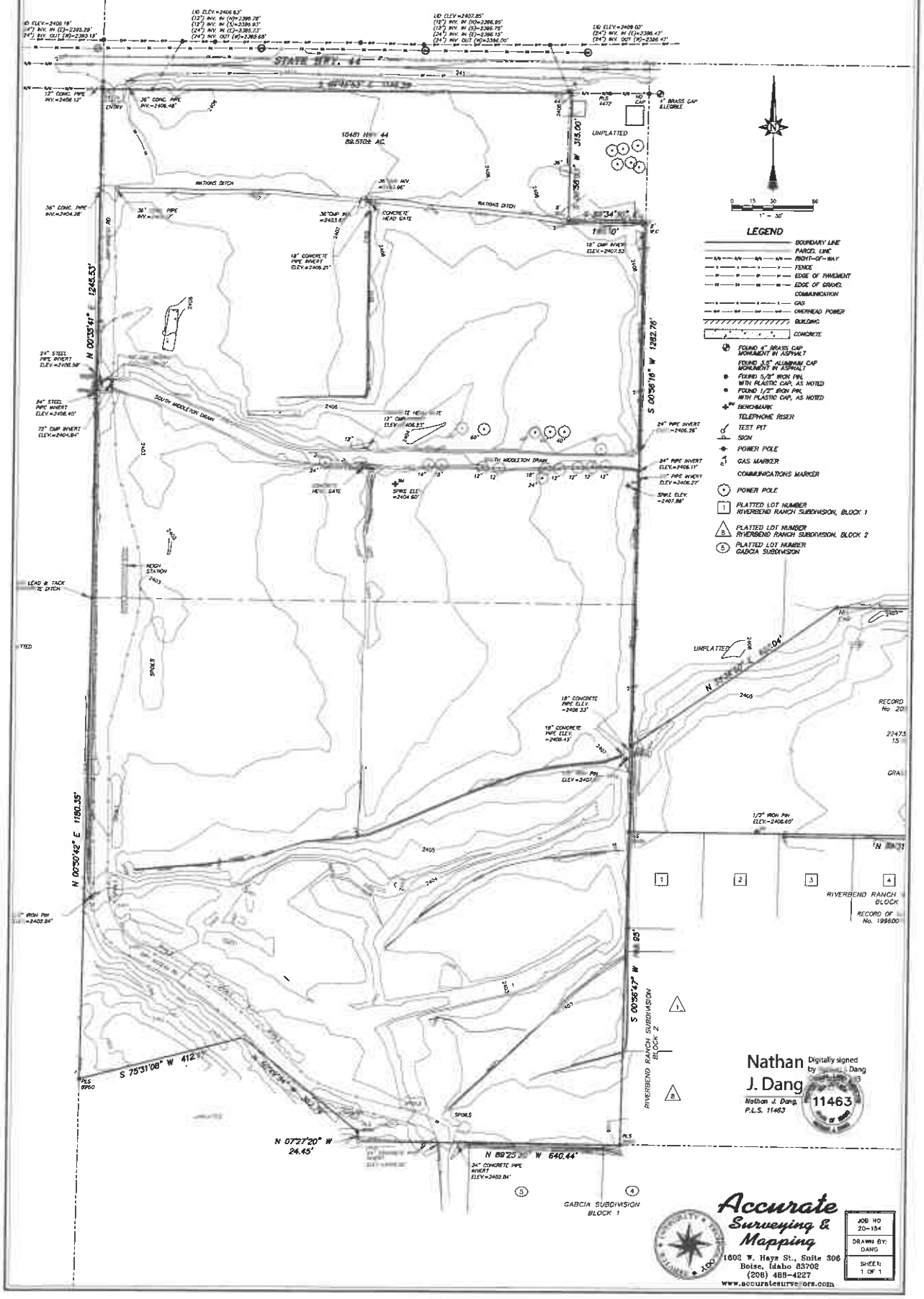
PROJECT NO.
DRAWN BY
CHECKED BY
DATE
10/05/21

SHEET NUMBER
PP11

TOPOGRAPHIC MAP

A PORTION OF THE SW 1/4 OF THE NE 1/4, GOVT. LOT 2 (NW 1/4 OF THE SE 1/4)
AND A PORTION OF THE NE 1/4 OF THE SE 1/4 SECTION 8, T.4N., R.2W., B.M.

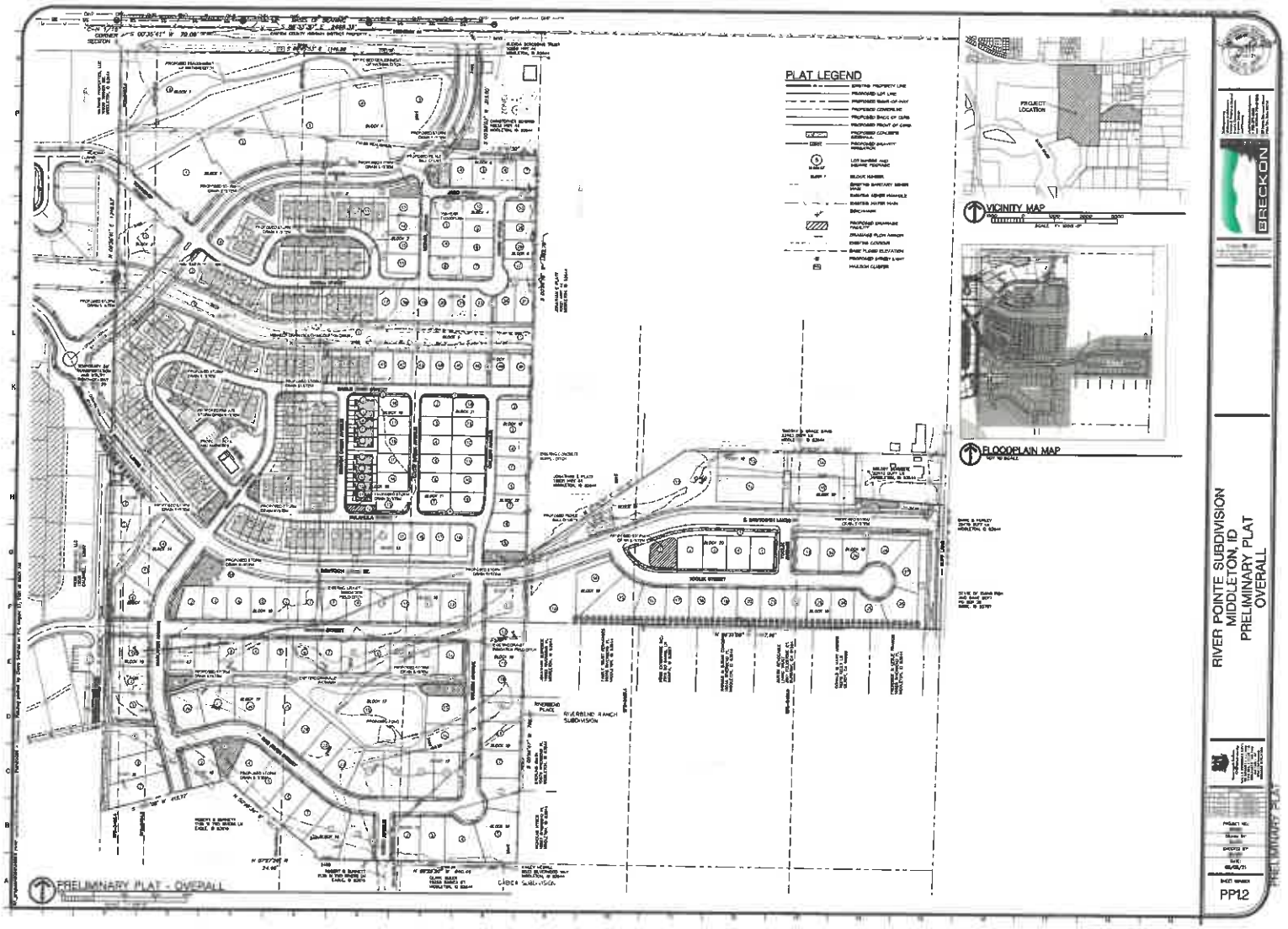
CITY OF MIDDLETON—CANYON COUNTY—STATE OF IDAHO

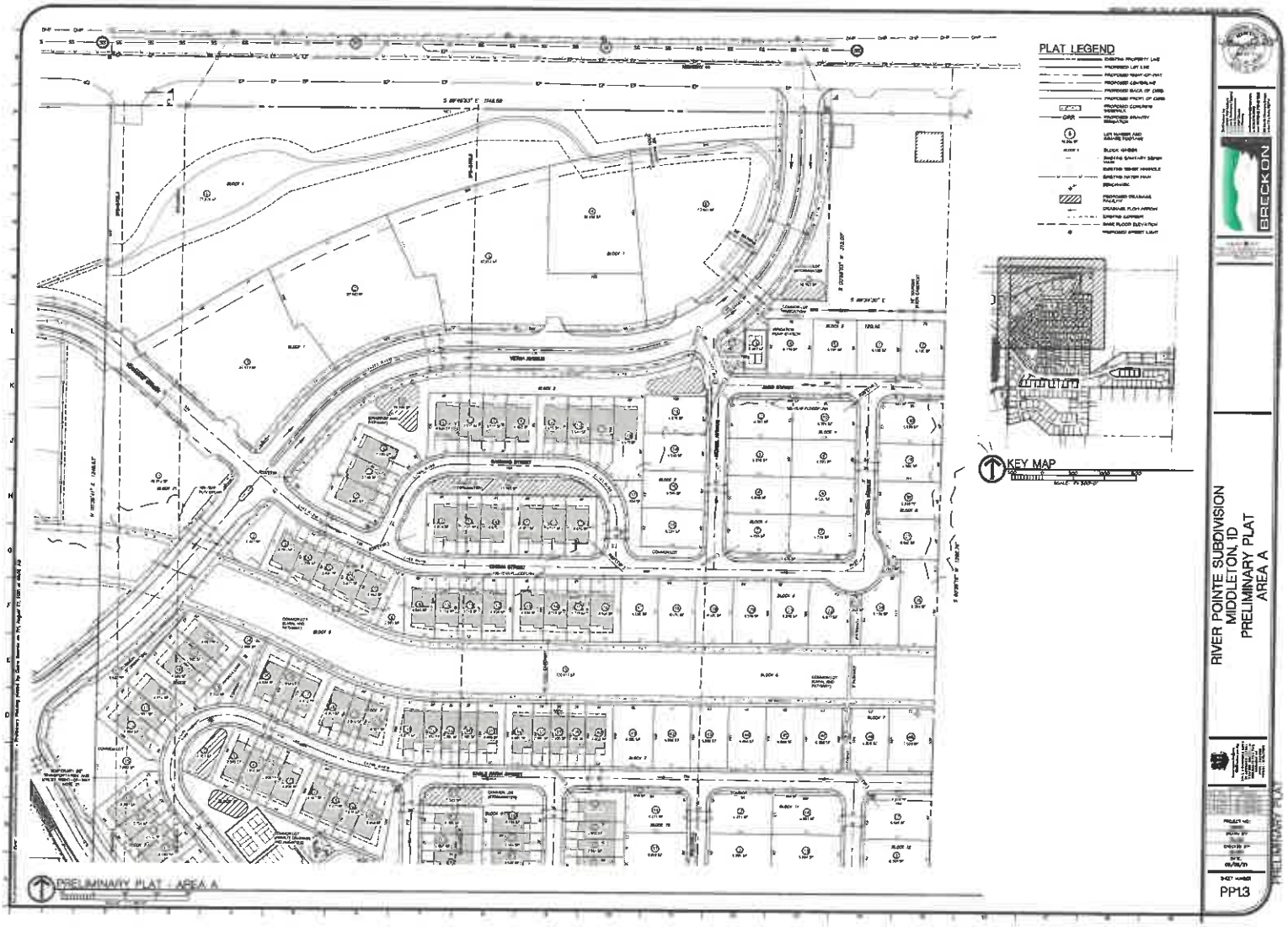


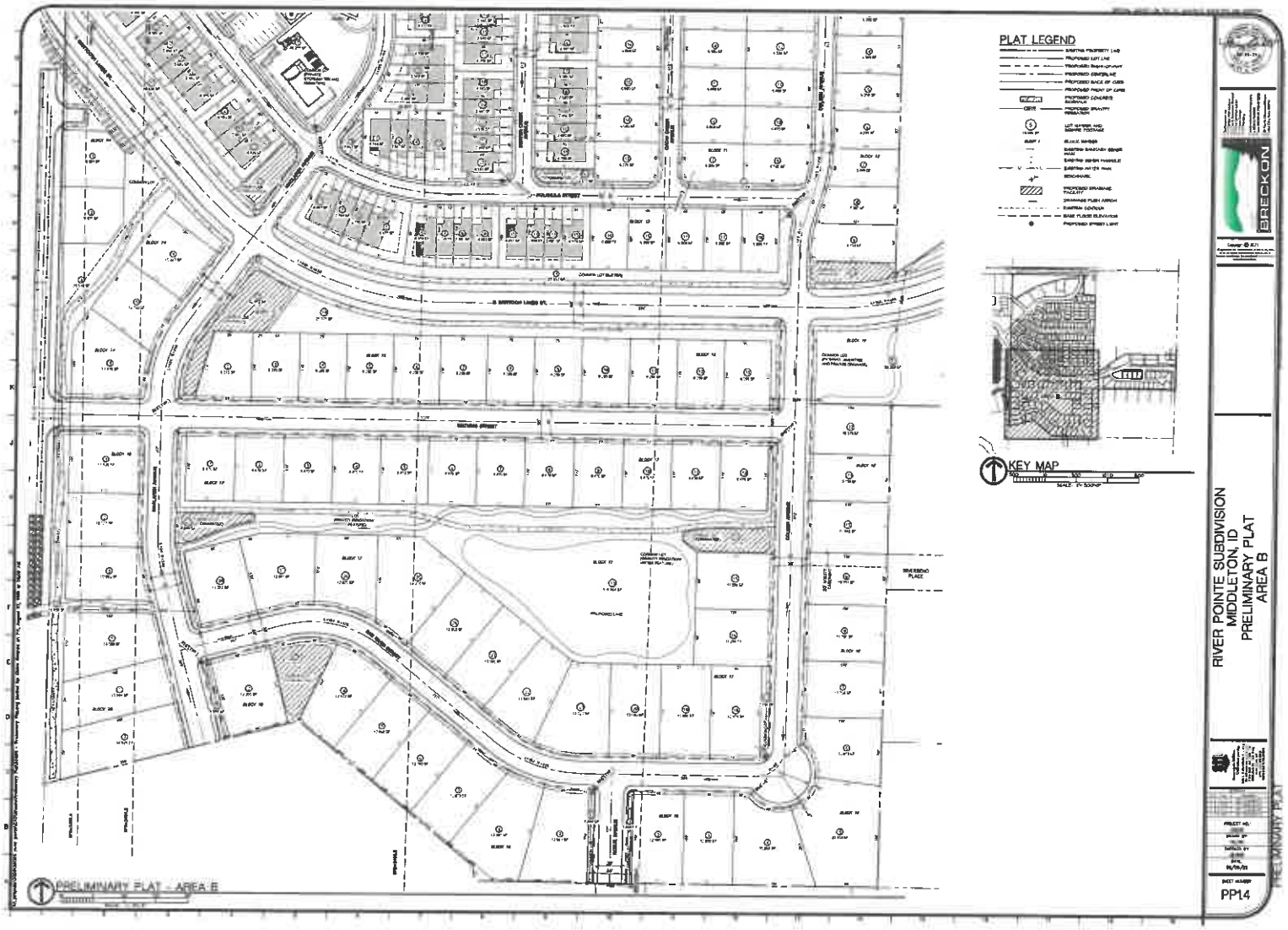
Nathan J. Dang
Digitally signed by Nathan J. Dang
Nathan J. Dang
P.L.S. 11463
11463

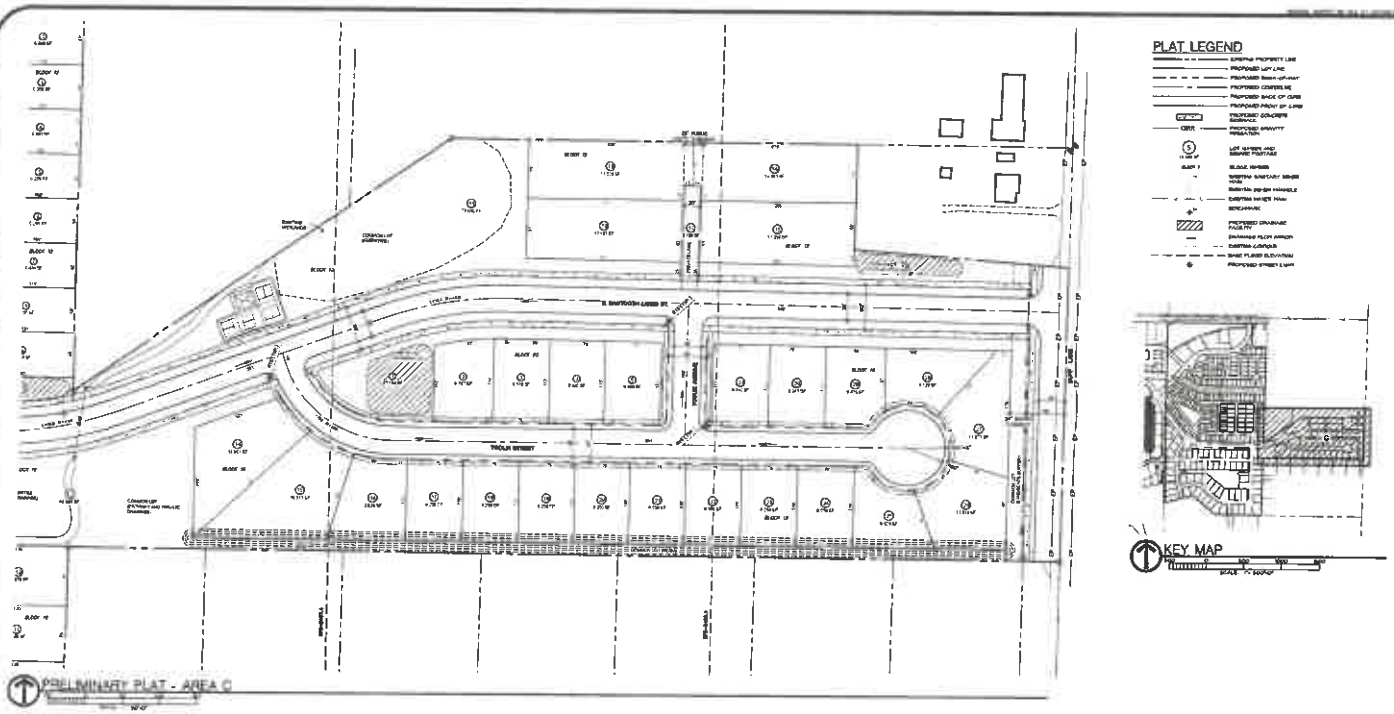
Accurate Surveying & Mapping
1602 W. Hays St., Suite 306
Boise, Idaho 83702
(208) 488-4227
www.accuratesurveyors.com

JOB NO 20-154
DRAWN BY: DANG
SHEET: 1 OF 1


PLAT LEGEND
VICINITY MAP
FLOODPLAIN MAP
PRELIMINARY PLAT - OVERALL
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
OVERALL
BRECKON
PP12


PLAT LEGEND
KEY MAP
PRELIMINARY PLAT - AREA A
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA A
BRECKON
PP13

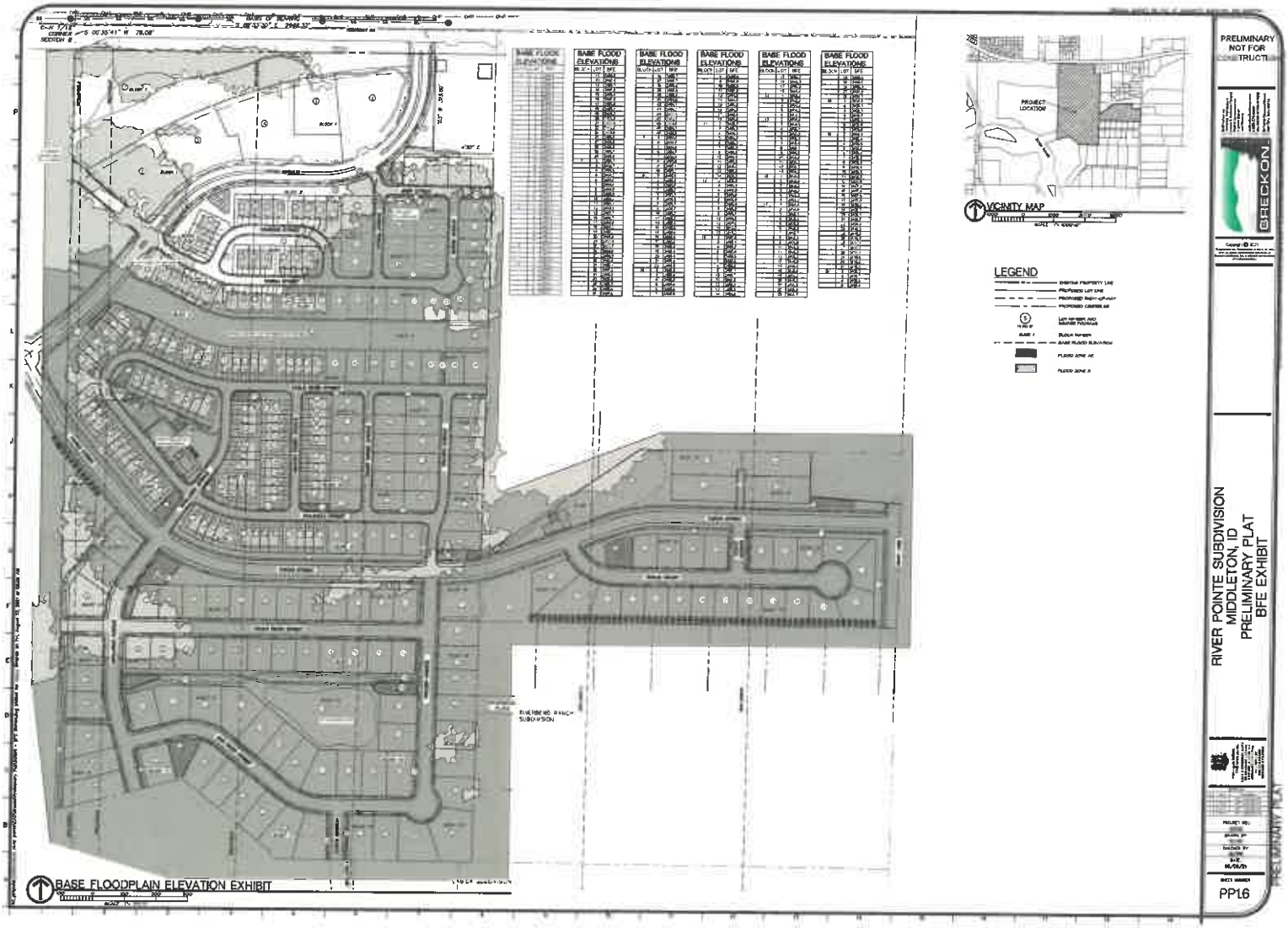

PLAT LEGEND
KEY MAP
PRELIMINARY PLAT - AREA B
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA B
BRECKON
PP14
PRELIMINARY PLAT

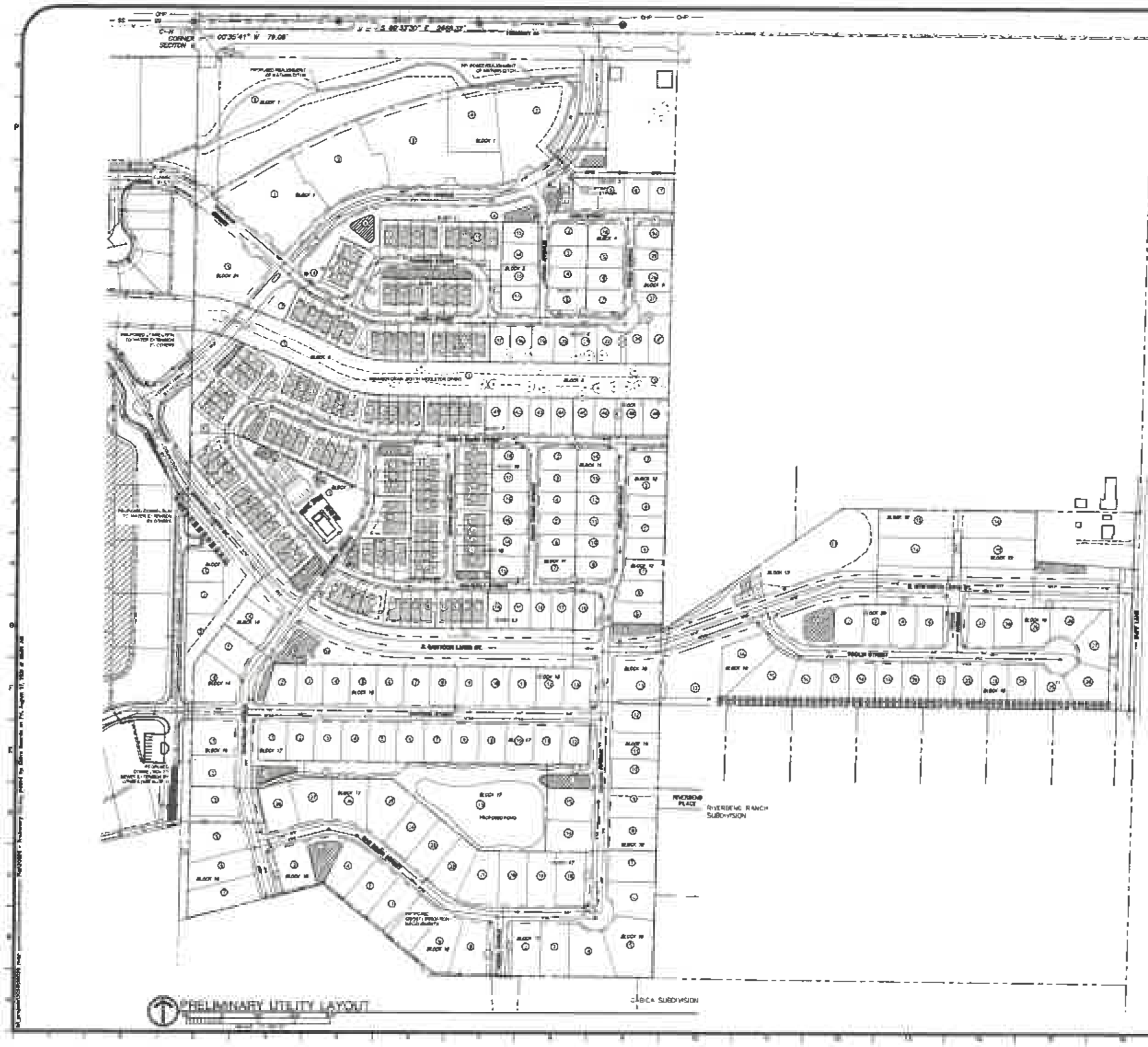


RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA C

PRELIMINARY PLAT

PP15


BASE FLOOD ELEVATIONS
VICINITY MAP
PROJECT LOCATION
LEGEND
BASE FLOODPLAIN ELEVATION EXHIBIT
RIVERBEND RANCH SUBDIVISION
PRELIMINARY NOT FOR CONSTRUCTION
GRECKON
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
BFE EXHIBIT
PP16



PLAT LEGEND

- PROPERTY LINE
- LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED BACK OF CURB
- PROPOSED FRONT OF CURB
- PROPOSED GUTTER
- PROPOSED CONCRETE SIDEWALK
- PROPOSED GRAVITY IRRIGATION
- PROPOSED PRESSURE IRRIGATION
- PROPOSED SANITARY SEWER MAIN (SIZE PER PLANS)
- PROPOSED SANITARY SEWER MANHOLE
- PROPOSED WATER MAIN (SIZE PER PLANS)
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- EXISTING SANITARY SEWER MAIN
- EXISTING SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING TREE
- BENCHMARK
- PROPOSED DRAINAGE FACILITY
- DRAINAGE FLOW ARROW

NOTES

PRELIMINARY SEWER CALCULATIONS:

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
PRELIMINARY UTILITY PLAN

UT1.1

Exhibit "G"

After Recording
Return to:

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

REFORMED AND RESTATED DEVELOPMENT AGREEMENT

City of Middleton, Idaho
1103 West Main Street, Middleton, ID 83644

This Reformed and Restated Development Agreement (this "Agreement") is entered into effective this ____ day of _____, 2021, by and between the City of Middleton, Idaho, an Idaho municipal corporation of 1103 West Main Street, Middleton, ID 83644 ("City") and Drake Investments LLC, an Idaho limited liability company, and Deep River Investments LLC, an Idaho limited liability company, (collectively referred to as "Developer"). The City and the Developer are sometimes collectively referred to herein as the "Parties" and individually as a "Party."

RECITALS

WHEREAS, Developer owns approximately 88.5 acres of real property located, approximately, on the south side of Hwy 44, to the west of Duff Lane, Middleton, Canyon County, Idaho, commonly referred to in Canyon County Assessor's records as Parcel Nos. R33935010A0, R3392 & R3392001, said property being more particularly described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, Parcel Nos. R339200 and R3392001 were annexed into the City of Middleton on or about June 2006, and were zoned Middleton City Mixed Use "M-U";

WHEREAS, a Development Agreement was entered into between the parties, or their predecessors in interest, in connection with said annexation, dated June 12, 2006, which Development Agreement was recorded on June 13, 2006, as Instrument No. 200646456, in the records of the Canyon County Recorder;

WHEREAS, said Development Agreement was amended by way of that certain "First Amendment to Development Agreement" entered into between the parties, or their predecessors in interest, on February 12, 2007, which Amendment was recorded on March 2, 2007, as Instrument No. 2007015495;

WHEREAS, the parties desire that said Development Agreement be further amended by replacing the existing Development Agreement, as amended, with this Reformed and Restated Development Agreement, it being the intent that this instrument become the controlling instrument with respect to the agreement between the parties;

WHEREAS, Developer has requested annexation of adjacent real property, comprising approximately fourteen (14) acres, more or less, commonly referred to in the Canyon County Assessor's records as Parcel No. R33935010A0, said property being more particularly described in Exhibit B, attached hereto and incorporated herein by this reference, and has requested that said property be rezoned from County Agricultural to City R-3 zone;

WHEREAS, the parties desire that said property, described in Exhibit B, be added to the property described in Exhibit A, so that both properties (hereinafter referred to collectively as the "Property" or the "Subject Property") be included within and subject to the terms and conditions of this Reformed and Restated Development Agreement;

WHEREAS, Developer proposes that the Property be developed pursuant to and in accordance with the City's Comprehensive Plan and Zoning Ordinance in effect on the date of application, and in accordance with the terms and conditions of this Agreement and any amendments hereto;

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, all public hearings pursuant to notice as required by law or other action required to be held or taken prior to the adoption and execution of this Agreement have been held and/or taken.

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 Parcel R33935010A0 from County "Agricultural" to City of Middleton "R-3." 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. Parcels R3392 and R3392001 shall remain zoned as M-U.

ARTICLE III
CONDITIONS OF DEVELOPMENT

3.1 Setbacks. All setbacks shall comply with Middleton City Code at the time of building permit issuance, except as modified by table 3.1.1 below:

Table 3.1.1

Home Type	Interior Side Setback	Side Street Setback	Front Yard Setback	Rear Yard Setback
Townhomes	12' exterior and 0' for common wall	20'	20'	15'
Garden Homes	5'	20'	20'	15'
Traditional Homes	10'	20'	25'	20'

Setback encroachments for unenclosed porches and patios and for eaves, cornices, and canopies shall be as allowed by Middleton City Code in the R-3 zone.

For Traditional Homes, the minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet

3.2 Irrigation License. Developer shall enter into a license agreement with Middleton Irrigation District #2 for the pathway running along the Kennedy Lateral prior to the approval of final plat for Phase 2. Providing the City with a copy of the executed license agreement shall be a condition of final plat approval for Phase 2.

3.3 Concept Plan. The Concept Plan attached hereto as Exhibit C is hereby incorporated herein. Developer shall be bound to abide by said Concept Plan and shall develop the Property generally consistent with the Concept Plan.

3.4 Townhome Lot Size and Frontage. The Minimum lot size and frontage widths for the townhomes to be developed on the Property shall be in compliance with Middleton City Code 5-5-1, Table 2.

3.5 Townhome Unit Requirements. Townhomes may have no more than five dwelling units per townhome structure. Any structure with more than four units shall have fire sprinklers installed pursuant to applicable City Code and Fire Code standards. Townhomes north of the Kennedy Lateral shall not be taller than a single story. Townhomes south of the Kennedy Lateral shall not exceed two stories.

3.6 Townhome and Garden/Patio Home Parking. Parking for Townhomes and Garden/Patio homes shall comply with the current code standard of three (3) spaces per dwelling unit.

3.7 Deed Restrictions. The Townhome and garden/patio home portion of the project north of the Kennedy Lateral shall be deemed a 55+ community. The 55+ homebuyer requirement shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho.

3.8 Design Review for Townhomes. Prior to submittal of the building permit application for the townhome section of the project, Developer shall apply for design review approval of the design for the single-story townhomes and two-story townhomes. Design Review approval is not required for every single building permit. Instead, Design Review approval is required for only each design that will be used in the Townhome section of the project.

3.9 CC&R requirements. The CC&Rs applicable to the Townhome portions of the project shall provide that the Homeowners Association shall maintain, at the very least, the front yard landscape of the individual Townhomes in order to keep a neat and uniform appearance in the community. Additionally, the CC&Rs shall include a fine schedule that includes fines for not maintaining a neat and orderly patio or landscape area on the individual lots. The CC&Rs shall also prohibit short term rentals of any Townhome less than six (6) months, and the CC&Rs shall limit the number of rentals to a maximum of 20% of all Townhomes.

3.10 Landscaping and Berm Between Residential and Commercial Lots. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm/fence between the commercial lots and residential lots. Instead, Developer shall provide a 20' wide landscaped buffer between the commercial lots and residential lots. If a street separates the commercial use from the residential use, the 20' wide landscape buffer may be on either side of the street, but the required 20' width must all be on one side.

3.11 Lot Size Requirements. Garden and Patio homes shall have a minimum lot width of sixty (60) feet and minimum lot size of six thousand (6,000) square feet. The traditional single-family homes shall have a minimum lot width of seventy five (75) feet and minimum lot size of eight thousand (8000) square feet.

3.12 Townhome and Garden Home Road Section Requirements. The roads through the Townhome and Garden Home portions of the plat (Phases 1, 2, 4 & 6 except Yetna Ave., and E. Sawtooth Lakes) shall be 36' wide and constructed in compliance with the

Townhome Road Section found in the Supplement to the ISPWC. Parking shall not be allowed on any 36' roadway sections, and parking signs to that effect must be posted.

3.13 Second Access. Developer may develop the lots in Phases 1 through 3, above the Kennedy Lateral, without providing a second access. The 2nd access provided by E. Sawtooth Lake Street connecting to Duff Lane or to Middleton Road must be completed to obtain final plat approval for Phase 4. If E. Sawtooth Lakes Street is not completed to Middleton Road by the time Developer seeks final plat approval for Phase 4, the phasing plan may be amended, without a public hearing application, to expand Phase 4 to add portions of E. Sawtooth Lakes Street access to Duff Lane. Instead, the revised phasing plan may be administratively approved through the Middleton City Planning Department with the payment of an administrative review fee of $1000.00.

3.14 Street Frontages. Developer shall, at its own cost, improve all City required street frontages on Hwy 44 prior to Phase 1 final plat approval, and such improvements shall be a requirement of Phase 1 final plat approval. The road and frontage improvements to Duff Lane may be completed with Phase 8 as shown on the preliminary plat, and completion of the improvements shall be a condition of approval for Phase 8 final plat. Developer shall dedicate all improved right of way to the City.

3.15 Approach Permit. Developer shall obtain an approach permit from ITD for access on to Highway 44.

3.16 Traffic Mitigation. Developer shall complete a Traffic Study and shall pay all City required pro-rata or proportionate share fees for traffic impacts to nearby intersections.

All pro-rata share fees must be paid as a condition of final plat approval for phase 1.

3.17 Centerline Radius. Developer shall be allowed a roadway minimum centerline radius of 90' except Developer shall be allowed a turning radius of 46.5' at Coleen Avenue & Sag River Street and a turning radius of 37.5' at Chena Avenue & Chena Street because of the large bulb-outs designed at those intersections

3.18 Duff Lane Connection. Developer shall provide an east/west collector connecting to Duff Lane, as set forth on the Concept Plan (E. Sawtooth Lake Street). Parking shall not be allowed on said roadway, and signs to that effect shall be posted. No driveway access shall be allowed onto said roadway.

3.19 Western Perimeter Right of Way. Developer shall show on the preliminary plat (and final plat if dedicated) a 50' right of way on the western perimeter for the connection of Yetna Avenue and E. Sawtooth Lake Street, which right of way may be developed and dedicated in the event the River Walk Crossing project to the west is not developed by the time Developer submits construction drawings for Phase 4 or the first phase below the Kennedy Lateral. Developer may enter into an agreement with the Developer of River Walk Crossing to complete the off-site portions of Yetna Avenue and E. Sawtooth Lake Street in the event the River Walk project does not develop. Said agreement shall be

recorded. If Developer chooses to enter said agreement with the Owner of River Walk, Developer must present to the City a copy of said executed and recorded agreement between Developer and River Walk Owner as a condition of approval for Phase 4 final plat. If Developer and the owner of River Walk Crossing have not entered into said agreement by phase 4 final plat approval, then Developer must dedicate the 50' right of way as shown on the western boundary of the preliminary plat in order to gain approval of Phase 4 final plat.

3.20 Sewer Lift Station. If the River Walk Crossing project to the west is not developed by the time Developer begins developing Phase 4 or the first phase to be developed below the Kennedy Lateral, Developer shall design and construct a sewer lift station to allow sewer service to the portion of the Property south of the Kennedy Lateral. Such construction shall include offsite infrastructure required. The lift station may be required to be sized to accommodate property other than River Pointe.

3.21 Amenities. Developer shall provide a swimming pool facility, five pickleball courts, and associated park facilities, as generally shown on the concept plan.

3.22 Kennedy Drain Pathway Connectivity & Public Access. All 10' pathways and sidewalk sections needed to connect the 10' pathways along the Kennedy Drain to the Boise River greenbelt trail, River Walk Loop, and Duff Pond shall be encumbered with a public access easement. Developer and/or its successors and assigns shall be responsible for all maintenance and repairs of the 10' pathways and sidewalks encumbered with the public access easement.

3.23 Cross-Access and Utility Easements. Developer shall execute and record a cross-access easement for vehicular and pedestrian travel and utility easement that will apply to all commercial lots that gain access via drive aisles and to all residential lots abutting a private lane. This will ensure public and utility access and will avoid any land-locked parcels. Such easements must be shown on the final plat for the phase in which the easements are required or created by separate instrument document. Proof of the easement executed and recorded easement shall be a condition of approval for final plat for the respective phase.

3.24 Agreement to Complete E. Sawtooth Lake Street. Developer shall enter into an agreement with the owner(s) of the River Walk Crossing subdivision immediately to the west to allow River Walk Crossing to complete the portion of E. Sawtooth Lake Street on the River Pointe parcels in the event Developer is unable to complete the River Pointe project. Said agreement shall be recorded. A copy of said agreement shall be provided to the City prior to Phase 1 final plat approval, and said agreement shall be a condition of final plat approval for Phase 1.

3.25 Fencing. Only black wrought iron fencing shall be allowed in and around the project except perimeter fencing along the common boundary between the Riverbend Ranch Subdivision and the River Pointe Development shall be a six (6) foot high vinyl privacy fence. All other perimeter fencing made of wrought iron may be

less than the six (6) foot height prescribed in MCC 5-4-11-2, but the fence height must be a minimum height of four (4) feet. These fencing requirements do not apply to any privacy walls constructed around patios or near the building structure.

3.26 Design Requirements for Commercial Structures/Uses. Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least four (4) different design elements. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt, modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

3.27 Signage. Developer may exceed the one wall sign limit found in the Middleton City Code and may be permitted signs on both the rear elevation and front elevation of a commercial building that has its rear elevation fronting Highway 44.

3.28 Two Year intervals for Final Plat. Developer shall be required to obtain the City Engineer's signature on each phase's final plat within two years of final plat approval on the previous phase. Upon written request prior to the expiration of said two year period, Developer may apply administratively with a written request for a one year extension to obtain City Engineer's signature on the final plat under consideration. If Developer does not timely apply for a one year extension or does not subsequently obtain the Engineer's signature on the final plat within the one year extension time period, then the preliminary plat for said phase and all subsequent phases shall become null and void, and Developer must resubmit the preliminary plat for said phases in order to continue to develop the Property.

3.29 15' Wide Berm Between Riverbend Ranch Subdivision and River Pointe Subdivision. When Developer constructs and improves Phase 8 (the 14 acre Duff Parcel), Developer shall construct a fifteen foot (15') wide landscaped berm on the common lot that separates the southern boundary of the 14 acre Duff parcel from the northern lot line of the Riverbend Ranch Subdivision (shown as common lot 13, Block 19 of the 8/20/2021 preliminary plat).

ARTICLE IV
FAILURE TO COMPLY WITH AGREEMENT

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

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

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

4.2 Termination. If after a breach, the City Council determines that the zoning should be reverted to the prior, underlying zones, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such reversion or other action and will cease uses not allowed or permitted in said prior zones.

4.3 Additional Remedies. 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 Failure to Perform. 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 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 Amendments. 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 Notices. 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: _____
_____
_____
_____
_____

5.4 Attorneys Fees. 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. 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 Obligations Run with the Land. 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. 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.

Any 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 to only such owner's lot or parcel.

5.7 Choice of Law. 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 the 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 is 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 day and year first above written.

Dated this _____ day of _____, 2021 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON **ATTEST**

By: _____ By: _____
Steven J. Rule, Mayor Becky Crofts, City Clerk

State of IDAHO)
ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2021, 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: _____

DEVELOPER:

By: _____ Its: _____

State of Idaho)
ss.
County of _____)

I, a notary public, do hereby certify that on this ___ day of _____, 2021, personally appeared before me _____ who, being first duly sworn, declared that they signed

_____
Notary Public
My Commission Expires: _____

Exhibit "H"

WHITE PETERSON

ATTORNEYS AT LAW

MARC J. BYBEE
WM. F. GIGRAY, III
DAVID A. HEIDA
MATTHEW A. JOHNSON
JAY J. KIIHA **
WILLIAM F. NICHOLS *
BRIAN T. O'BANNON *

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PHILIP A. PETERSON
WILLIAM L. PUNKONEY

TERRENCE R. WHITE
OF COUNSEL
WILLIAM F. "BUD" YOST
OF COUNSEL

* Also admitted in OR
** Also admitted in WA

August 9, 2021

To: Planning and Zoning Commission
City of Middleton
1103 West Main Street
Middleton, ID 83644
Hand-delivered at public hearing
Also delivered electronically to *citymid@middletoncity.com*

Public Comment: River Pointe (Remand)

Dear Commissioners,

We represent the Riverbend Place Homeowners, a group of concerned community members living adjacent and proximate to the proposed River Pointe annexation and development. Riverbend Place is located to the southeast of the 75-acre MU property and directly south of the 14-acre parcel proposed for annexation.

Since our previous comments are already on the Record and a part of your considerations, we will seek to keep this comment letter focused on particularly relevant items to this remand. We are also presuming that the Commission has been provided the comment letters provided to the City Council as part of the Record in this matter since these Applications were remanded.

The Commission Should Require a Fiscal Impact Analysis

The Applicant has still not provided substantial analysis or information supporting a finding that annexation of the 14-acre parcel is efficient and economically viable, or that the overall Project remains viable for orderly and efficient development of the City. The actual fiscal impacts of the Project still remain in question. Paraphrasing one City police officer who publicly commented at the Council hearing: how is the City going to be able to pay to for the public safety services needed for this Project when the City is already stretched trying to keep up with existing demand? These types of questions need to be professionally addressed, not assumed with blanket statements.

The impact of House Bill 389 on the fiscal impacts for the City also has still not been addressed. The 8% cap could definitely impact the City's ability to accommodate and handle growth with a project of this size.

The Commission should require a fiscal impacts analysis of the Project before proceeding to a recommendation on annexation of the 14-acre parcel or amendment of the

existing Development Agreement. This is well within the authority of the City to require, and is necessary so the Commission can actually ascertain the fiscal impacts this Project will have on tax revenues, costs for services, and provision of City services.

If Annexing, the City Should Zone the 14-acre Parcel as R-1.

The Applicant's request that the 14-acre parcel be zoned R-3 is a major jump in land use intensity, is not orderly, and is not in line with the nature of the surrounding area. An R-1 designation would be more appropriate for the character and development of this area.

It is important to note that this area is at the rural interface. The property to the north and east is agricultural. The Riverbend residential development to the south is low density, one-acre plus lots. This area should preserve an orderly transition from rural. Instead, Applicant's proposed zoning designation creates a dagger of higher density single-family residential – drastically altering the nature and character of this interface area.

R-1 zoning is more appropriate to preserve the nature and character of the City of Middleton and this area. R-1 would soften the transition area and help reduce and balance impacts that come with intensifying density. R-1 zoning is also more in line with the existing residential development to the south of the 14-acres. In particular, the traffic impacts – a major comment and concern in the proceedings to date – could be mitigated by lower density zoning of the 14-acre parcel. A R-1 zoning, as may likely be shown by a fiscal impact analysis, also more likely balances the increase in services and demands (such as traffic).

Please see our prior comment letters on this issue for further analysis. We strongly recommend if the City proceeds with annexation of the 14-acres that it zone the Property as R-1 (or at least R-2[1]) to better preserve orderly land use transition. The preliminary plat should then be required to be updated to comply with this more appropriate zoning.

Another alternative would be to require an adjustment to the preliminary plat to reduce the quantity and size of lots on the south side of the 14-acre parcel. The purpose of such an adjustment would be to put such lots closer in line with the number and size of the Riverbend development to the south to provide for a more orderly and smooth transition into the much higher density to the northwest.

Traffic Impacts Still Require More Analysis

As discussed in previous staff reports, the development of utilities and traffic services for River Pointe are heavily contingent on other developments. This is problematic planning, as multiple contingencies come into play without clear assurances for access and safe travel.

We strongly recommend the Commission fully exhaust these contingencies, in particular the impacts if River Ranch does not proceed. The Commission should also more fully evaluate and ask for study on the impact of the connector/bypass road and particularly its interface with Duff Road and then on north to 44 or south to other potential routes or future routes. These impacts remain under-evaluated, particularly in light of information suggesting this route is now being considered as a potential bypass. Those issues should be more fully vetted and answered before approval of these Applications. At minimum, the Development Agreement still needs strengthening to address the traffic concerns.

Additionally, it appears clear that the traffic concerns and impacts as to Duff Lane have

[1] The River Walk Crossing Subdivision, the major development proposed to the west of River Pointe has R-2 zoning on its single-family residential areas that are more analogous to the River Pointe 14-acre parcel.

still not been fully evaluated and addressed. A condition should be added to the DA that specifically requires the Developer to comply with the recommended conditions of Canyon Highway District's May 27, 2021 comment letter (Exhibit C)

Additionally, the CHD correspondence identifies that there remain significant unknowns with respect to Duff Lane and that CHD has not yet fully vetted the TIS or completed its comments (Exhibit D). Therefore, the consideration and hearing of these Applications should be continued to a later date to allow the Commission to be fully vetted on CHD's analysis and position with respect to Duff Lane. Otherwise the Commission can only speculate on any recommendations. Speculation is not good practice.

The Development Agreement Should Require Buffering on the South Side of the 14-acre Parcel.

In order to mitigate the noise, light, and visibility impacts on neighboring properties, buffering in the form of a berm should be required on the south side of the 14-acre Parcel. This will provide for more orderly development and appropriate transition between these areas.

The conditions on stormwater/drainage should also be adjusted so as to provide that the berm buffer be designed so as to prevent drainage from the 14-acre parcel onto the neighboring properties. This will mitigate the significant concerns about the 14-acre parcel dumping its drainage and stormwater onto properties to the south.

Conditions addressing these should be recommended by the Commission for addition to the Development Agreement.

The DA Should Require Performance Commitments

The Project is installing certain infrastructure and improvements. In order to ensure that such is not only partially completed (and then left to the City as a mess to clean up), the DA should be updated to include language specifying that such infrastructure and improvements will require performance commitments (such as performance bonds or letters of credit) to ensure the full completion of the improvements. This is within the authority of the City to require, and is a best practice for ensuring timely and appropriate infrastructure completion for a development of this size and scope.

Further Specific DA Comments:

- A CC&Rs requirement with respect to the 14-acre parcel development should be included to ensure ongoing preservation and maintenance of that portion of the development (See Provision 3.9 which is only applicable to the townhomes portion).

- Provision 3.10 should be updated to include a berm requirement between the 14-acre parcel development and Riverbend to the south.

- Provision 3.11 should be updated as to the 14-acre parcel to accurately reflected a lower density zoning designation.

- Provision 3.13: Why is a potential development agreement amendment being allowed without a public hearing? This appears to be in conflict with Idaho Code.

- Provision 3.16 is sparse and of minimal effect. It requires merely a traffic study, with no provision for having to actually take any action to mitigate traffic impacts based on what the study shows. Traffic mitigation, particularly as to Duff Lane, needs to be much more specifically addressed with commitments to take actual action based on the results of any traffic study. At minimum, language should be added whereby Developer commits to comply with any ITD and CHD mitigation requirements identified as a result of the traffic study.

- Provision 3.28 needs to specify a deadline for the Phase 1 final plat approval. The provision should also require that if the deadlines are not met that the DA must also be amended (not just a new preliminary plat submission) so as to ensure the City an appropriate opportunity to discuss and potentially address all concerns caused by the delay.

For the reasons stated above, we encourage the Commission to reconsider the Staff Report recommendation and either directly amend, or table and direct staff to revise and amend, the Development Agreement and other components of the Application to address the above-designated issues before issuing the Commission's recommendations to the City Council

Respectfully submitted,

Matthew A. Johnson

From:	Matthew A. Johnson
To:	Roberta Stewart
Cc:	Mark Hilty; Becky Crofts; Amy Woodruff; Jon Breckon; Brian Burnett (invest1977@yahoo.com); Mary Wall
Subject:	RE: River Pointe: street access
Date:	Monday, August 23, 2021 1:48:31 PM
Attachments:	image001.png

Thank you Roberta.

I understand and appreciate you can not simply add to the DA. To clarify my request, I had presumed, perhaps wrongly, that at least some draft language would be under preparation to be able to immediately insert into the DA if the Council were to approve the P&Z recommendations and conditions of approval. I figured City staff and the developer were likely discussing what that language might reasonably look like so that it could be easily incorporated on the contingency Council follows the P&Z recommendation (rather than have to wait for another Council meeting to have the language drafted and added). It would seem to make sense that this language would be included in the staff report at the very minimum as an alternative to consider, particularly since P&Z specifically recommended and the Council should be acting on that recommendation.

It seems to me that it would be much more efficient to have this language prepared, knowing about the P&Z recommendation and since the development team has verbally indicated they are agreeable to both those conditions. Otherwise we are facing a situation where (1) my clients have to bring a much higher level of opposition because there is too much unknown and (2) the City is facing likely delay as if the DA is being rewritten on the spot with no advance notice then that likely constitutes a material change which may prompt the need for additional hearings/meetings – not to mention the preliminary plat potentially having to be updated to address the gating/barrier issue. I think we all would like to avoid further delays and hearings at this point, so I'm surprised to hear these language additions aren't under development.

So with that said, I reiterate my request for a disclosure of the proposed alternative/addition language if/when such is prepared. If reasonable language following up on P&Z's recommendations is prepared and shared in advance, then it is highly likely my client group can make a reduced comment simply encouraging the Council to follow the P&Z recommendation – a much reduced level of opposition. If such language is not prepared and shared in advance, then my clients will again have to take a more adversarial opposition approach (something I had hoped we were past) and likely object on procedure (again something I had hoped we were past).

Matthew A. Johnson
WHITE PETERSON GIGRAY & NICHOLS, P.A.
Canyon Park at the Idaho Center
5700 E. Franklin Rd., Ste. #200
Nampa, ID 83687-7901
208.466.9272 (tel)
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mjohnson@whitepeterson.com

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that any use, dissemination, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender. Thank you for your cooperation. --

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Monday, August 23, 2021 9:59 AM
To: Matthew A. Johnson <mjohnson@WHITEPETERSON.com>
Cc: Mark Hilty <mhilty@nampalaw.com>; Becky Crofts <bcrofts@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Jon Breckon <jbreckon@breckonld.com>; Brian Burnett (invest1977@yahoo.com) <invest1977@yahoo.com>; Mary Wall <mwall@breckonld.com>
Subject: RE: River Pointe: street access

Hello Matt: The P&Z Commission's decision on River Pointe's barricaded access to Duff Lane is only a "recommendation" at this point in time. It will not go into the DA or on an Order until the City Council takes the recommendation and makes it an order. At that time, you will see me add it to a FCO after the hearing, and I will also place a corresponding provision in the DA for more clarity and backup. But I will not add that provision to the DA unless the City Council orders it. I don't have that authority. Also, the developer does not have the authority to put a barricade on a public street. Only the City Council can make that call. We will all have to "wait and see" on the issue. Sorry.

As to the berm between River Pointe and River Bend, if the River Pointe team confirms that they are amenable to the berm, then I can add it to the DA before the City Council hearing. I heard Jon Breckon indicate a willingness to install a berm, but I need to hear confirmation from the owner of the property before I will change the DA. I think the parties need to understand the difficulty of putting a large berm right next to privacy fencing that will surely be on the River Bend properties. It creates a "no-man's land" on the backside of the slope that is difficult to maintain. It's up to you guys, though. Just let me know.

Roberta L. Stewart

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

Tele - (208) 585-3133
Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov

From: Matthew A. Johnson <mjohnson@WHITEPETERSON.com>
Sent: Thursday, August 19, 2021 11:45 AM
To: Roberta Stewart <rstewart@middletoncity.com>; Jon Breckon <jbreckon@breckonld.com>
Cc: Mark Hilty <mhilty@nampalaw.com>
Subject: River Pointe: street access

Roberta, Jon, and Mark –
The P&Z meeting on August 9 made some productive headway in moving this project along and also addressing concerns of my clients. Jon – I appreciate your team's willingness to be cooperative with respect to the berming condition and the Sawtooth Lakes St. access condition. I felt that language regarding limiting access until an updated TIS show Duff Lane capacity was a quite reasonable compromise.

As we look ahead to the Council meeting, can you please share information with me (for my clients) as to how these conditions will be incorporated into the final DA. Could you also please provide the proposal/plan for how the barricading/gating will work on Sawtooth Lakes St, including proposed location and any comments/approvals from the fire district or police on emergency access. An ability to share that information in advance would go a long way to further reducing my clients' concerns and potential opposition. If these items haven't been fully addressed yet I can understand that too, but would ask for the information to please be shared when they are resolved between development team and staff so we have a reasonable chance to review before the Council meeting (as I said it may really help with the tone of my clients' comments).

Roberta – If necessary as a formality, please further consider this as a public records request for any records connected to these topics that have been provided/developed since the 8/9 P&Z meeting. If there are no records yet, please let me know if you want me to file subsequent requests or if we can just be cooperative on this to share the information/records as they do come in.

Appreciate your work and assistance,
Matt

Matthew A. Johnson
WHITE PETERSON GIGRAY & NICHOLS, P.A.
Canyon Park at the Idaho Center
5700 E. Franklin Rd., Ste. #200
Nampa, ID 83687-7901
208.466.9272 (tel)
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Exhibit "I"

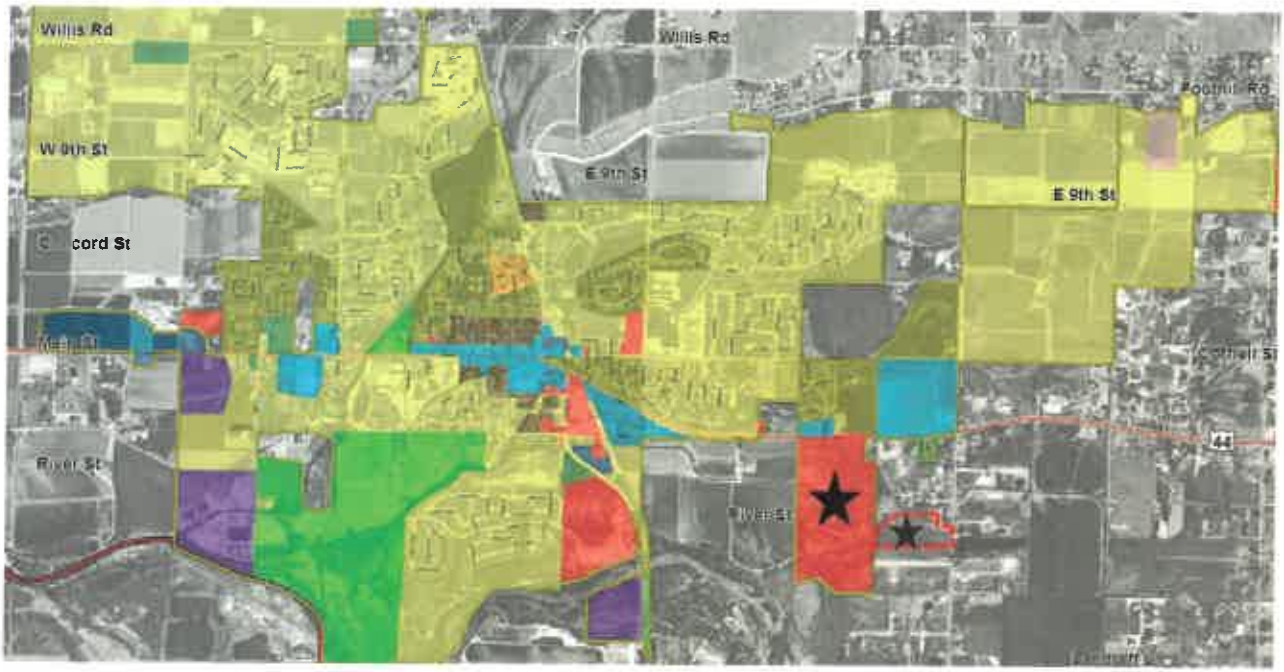
City Engineer "Recommendation Letter" will be submitted prior to, or at, the 9/1/2021 Public Hearing on this matter.

STAFF REVIEW AND REPORT
Middleton City Council

River Pointe Subdivision

City Council Public Hearing Date: July 7, 2021

Snapshot Summary:



Acreage	88.5 acres
Current Zoning	Middleton City Mixed Use "M-U" & County "Agricultural"
Proposed Zoning	M-U remains the same. 14 acre county parcel rezone to R-3
Current Land Use	Residential / Restaurant, Retail & Recreation / Transit Station
Proposed Land Use	"Residential" for 14 acre Duff Parcel / "Commercial" & "Residential" for 74 acre parcel.
Lots	7 commercial lots --- 92 single family homes --- 28 garden/patio homes for 55+ homebuyer --- 39 garden patio homes -- 30 single-story townhomes for 55+ homebuyer --- 85 two-story townhomes --- 44 common lots
Density	3.51 M-U Zone (density allowed is 12 units per gross acre). Density for the 14 acre Duff parcel is .54. (Density allowed is 3 per acre)
Open Space	14.86 acres / 16.79%
Amenities	5 pickleball courts – swimming pool – playground – large pond – open grassy lots and shade structure

A. **Application Requests:** Applicant submitted four applications: (1) preliminary plat, (2) annexation and rezone from Canyon County "Agricultural" zone to R-3 with respect to only 14 of the total 88.5 acres, (3) Development Agreement Modification and (4) Comprehensive Plan Map Amendment to change the Future Land Use Map. Applicant has also submitted a floodplain application that is proceeding administratively along with these applications.

B. **Project Description:** Subdivision with (a) 7 commercial lots, (b) 92 single family homes, (c) 28 "Garden/Patio homes" for 55+ homebuyers, (d) 39 Garden/Patio homes that are not set aside for 55+ (e) 30 single story townhomes for 55+ homebuyers, and (e) 85 two-story townhomes on 88.5 acres of vacant land located at 10481 Highway 44 and 0 Duff Lane (Tax Parcel Nos. R33935010A0, R3392 & R3392001).

Amenities include five pickleball courts, swimming pool facility, large common areas and playground, and two community ponds.

Applicant is proposing that only a portion of the townhomes and patio homes be designated 55+. Specifically, applicant is requesting that the 55+ restriction be applied only to townhomes and patio homes north of the Kennedy Drain. The townhomes south of the drain would have no such restrictions.

The requirement for a 55+ community will be created by a deed restriction in compliance with Idaho State law. This will ensure that the single-story townhome/garden home portions of the project remain a 55+ community.

In order to ensure that the townhomes and garden homes south of the drain remain orderly and keep a high caliber of maintenance, Applicant is proposing strict provisions in the CC&Rs, including

- requirement that HOA maintains the front yard of all townhomes,
- prohibition against short term rentals,
- limit of rentals to 20% of the townhomes.
- strict fine schedule to enforce community rules

C. **History, Current Zoning & Property Condition:** 74 acres of the project was annexed into the City of Middleton in 2006, and the property was rezoned M-U ("Mixed Use") at that time. Mixed Use zoning accommodates a variety and mixture of medium and high density residential uses combined with commercial uses.

At the time zoning was change in 2006, A Development Agreement ("DA") was also executed. The DA entitled Applicant to narrower setbacks and smaller lots than allowed by the 2006 Code and the current 2021 Code for M-U zoning.

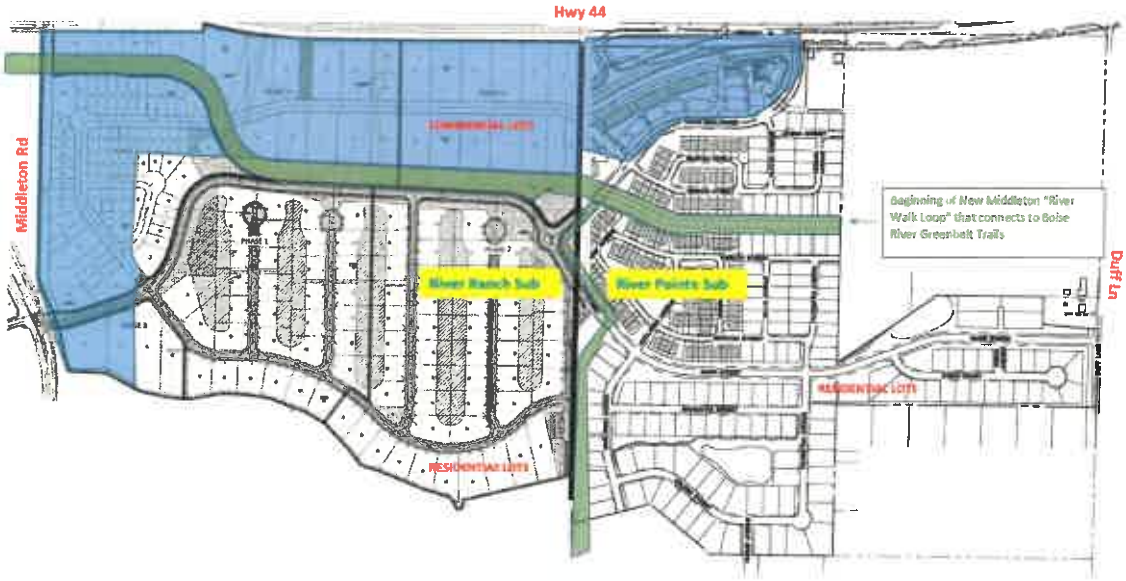
Based on the zoning and the contents of the DA, the earlier Governing Boards intended this project area to include commercial uses along with residential uses that are more intensive than normally found in Middleton subdivisions.

The 14-acre portion of the project located off Duff Lane is currently in Canyon County and zoned "Agricultural," and it is the subject of the annexation/rezone application before the Council. A few years ago, the P&Z and Council designated the 14 acre project site "Transit Station" and "Transit Oriented Development" on the Future Land Use Map. The Comprehensive Plan defines "Transit-Oriented Development" as "high density residential and light commercial uses in close proximity to a high-capacity public transportation network system...etc.". Again, it appears that earlier governing bodies intended this area near the intersection of Duff and Hwy 44 to be an intensive project site that would serve numerous needs and uses.

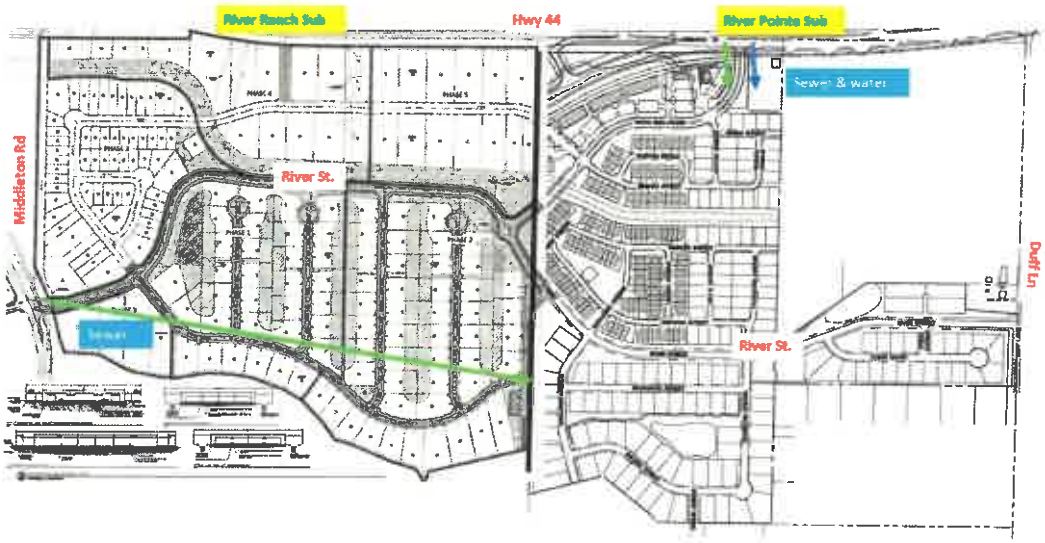
As to the surrounding property, property to the south of the 14 acre Duff parcel is a County Subdivision known as River Bend Place. This newer subdivision began development around 2018/2019. It should be noted that River Pointe's M-U zoning and intensive land uses had already been planned and set in place for about 14 years prior to the development of the River Bend subdivision to the south.

Property to the north of River Pointe matches the intensity of River Pointe with Middleton C-2 Commercial Zoning and higher density R-4 Residential. Property generally to the east is County Rural Residential and R-1. Property to the west is County Agricultural, but it is in the process of being zoned R-2 Residential, C-3 "Heavy Commercial" and M-U "Mixed Use".

River Pointe is being developed in collaboration with another large subdivision to the west known as River Walk Crossing (formerly known as "River Ranch Crossing). River Walk Crossing is a 118 acre project with 35+ acres of commercial property and 83 acres of single family home sites. River Walk Crossing is finalizing plans, and the annexation and preliminary plat for that project should come before this Council soon. If both projects are approved and completed, they will create a new and vibrant commercial center for Middleton along with a new multi-mile River Walk Loop that will provide numerous gathering places for social and recreational uses.



D. **City Services:** Domestic water and sanitary sewer run along Highway 44 and are accessible by Developer for the project. However, as to sewer service, the Hwy 44 mains will be able to service only the northern portion of the project. The southern portion of the project will be serviced by bringing sewer from Middleton Road through the River Walk Crossing project to the west. (See diagram concept below for sewer access.) If sewer is ultimately not extended from Middleton Road through the River Walk project, Applicant will be required to construct a lift station to facilitate sewer service from the Highway 44 location.



FINDINGS:

Planning Staff finds that City services are adequate to serve the proposed project, and the annexation will permit the orderly development of the City and ability to provide efficient and economical city services to the extended area.

E. **Traffic, Access & Streets:** Access to the project is via Highway 44 and Duff Lane. When the neighboring River Walk project is completed to the west, River Pointe will also have access to Middleton Road via a new east-west collector road called E. Sawtooth Lakes Street.

It is important to recognize that E. Sawtooth Lakes Street is a collector street that is a "planned" street set forth in the Comprehensive Plan "*Transportation, Schools & Recreation Map*". (See snippet of Map below. The Collector was previously named "River Street" on the Map, but Canyon County has since requested that we choose another name, so the name was recently changed to "E. Sawtooth Lakes Street"). E. Sawtooth Lakes Street is an important street that will facilitate circulation and relieve pressure off Hwy 44. Therefore, it will have no driveway access, and parking will not be allowed on the Street.

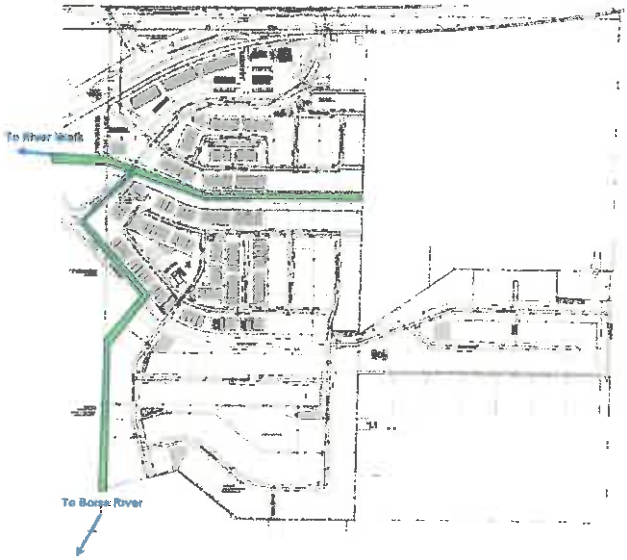
Applicant's preliminary plat and Traffic Study has been reviewed by ITD. ITD has recommended that Applicant be required to pay proportionate share fees in the approximate amount of $280,000. (**ITD and the City are still clarifying minor details on two intersections, so the final amount will probably be determined in the next few days, and the final amount will be inserted into the Development Agreement to ensure payment.)

ITD has also recommended the following improvements to Hwy 44: (1) construction of a right turn lane at the entrance to River Pointe off of Hwy 44, (2) construction of a 14' wide two-way left turn lane (suicide lane) between Greenlinks Avenue and Duff Lane, and (3) restriping of Greenlinks Avenue for left and right turn lanes. Finally, ITD is requiring Developer to obtain an Approach Permit for access onto Hwy 44.

CHD4 noted that the Sawtooth Lakes access point on to Duff Lane is appropriate and approved, and CHD4 recommended only that proportionate share fees be collected and right of way on Duff Lane be dedicated to the City.

Planning Staff recommends that payment of +/- $280,000 proportionate share fee, construction and dedication of all street frontage improvements, and procurement of ITD approach permit should be made a condition of preliminary plat approval and/or be made a part of the DA.

F. **Pathway & Sidewalks:** Per Code, Applicant has provided 5' wide sidewalks along all roads in the Subdivision. Applicant has also provided a 10' wide asphalt paved pathway in compliance with Middleton's Comprehensive Plan and "Transportation, Schools & Recreation Map." This pathway connects the pathways along the Kennedy Drain to the southwest corner of the project where it will connect to a future greenbelt trail and River Walk Loop.



G. **Open Space & Amenities:** Applicant has exceeded the 5% Open Space requirement by providing 14.86 acres of open space in the form of a swimming pool facility, five pickle ball courts, large common area park with play facility, community pond, extensive 10' pathways on common lots, and open grassy common lots with shade structure. The percentage of open space totals 16.79%.

The 10' asphalt pathways that are located on both sides of the Kennedy Lateral and along the southwest corner of the project will be part of the intricate "River Walk Loop". This pathway will essentially create a public recreational "River Walk" loop with multiple plazas and parks that will wind through Middleton City and along the Boise River greenbelt trails.

H. **Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided in the preliminary plat and are approved by the City Engineer.

I. **Middleton Rural Fire District:** The Middleton Rural Fire District has reviewed the preliminary plat multiple times. Deputy Chief Islas approved the preliminary plat with the standard comments. He further noted that improvements may occur north of the Kennedy lateral without a 2nd access; however, no improvement may occur south of the lateral unless a 2nd access is provided. He noted that E. Sawtooth Lakes Street as shown on the preliminary plat is a sufficient 2nd access.

J. **Preliminary Plat Application:** Developer is proposing eight phases for the development of the plat:

Phasing:

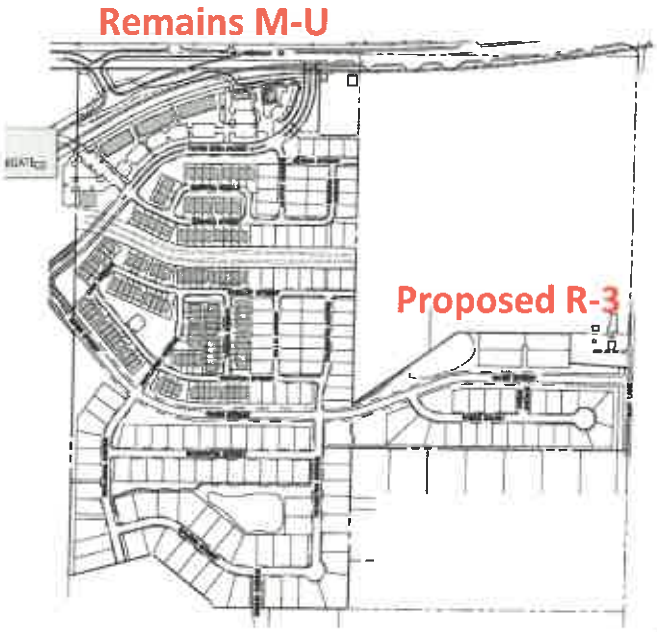
FINDINGS:

As to the 74 acres that is zoned M-U, Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code and Supplement to ISPWC except for those dimensions and items set forth in the DA as a "waiver or exception" to the Code as allowed in MCC 1-15-2. See more discussion on these waivers and exceptions to the Code in Section L below.

As to the portion of the preliminary plat on the 14 acre Duff parcel, Planning Staff finds that the preliminary plat complies with the dimensional standards of the R-3 Zone and other requirements of the Middleton City Code. No variances are requested with respect to this portion of the preliminary plat.

Planning Staff further finds that the preliminary plat as a whole is not materially detrimental to the public health, safety and welfare, and the City is able to provide services without compromising the quality of service delivery to current residents. Finally, as will be discussed at length below in section M, the preliminary plat is also in harmony and compliance with the Middleton Comprehensive Plan.

K. **Annexation and Rezone**: 74 acres of the project were annexed into the City of Middleton and rezoned M-U in 2006. Applicant is not requesting a change to that M-U zoning designation. However, Applicant has applied to annex in and rezone to R-3 a 14 acre parcel off of Duff Lane. See below



As to Annexation there are primarily four requirements or findings: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, (3) the property is in the City's area of impact and (4) the annexation is in the best interest of the City and not adverse to the public health and welfare.

As to a rezone request, City Council must make two findings before approving such a request: (1) the rezone will not adversely affect the City's delivery of services, including sewer, water, and schools, and (2) the rezone request is in harmony with the Comprehensive Plan.

FINDINGS:

Planning Staff finds that Applicant's project meets all four of the annexation requirements. (1) The property is contiguous; (2) sewer and water are available as shown above, and the City has sewer and water capacity to serve the Project, (3) the property is in the area of impact; and (4) the City will benefit from the variety of housing and commercial lots made available to its citizens and benefit from the extensive recreational paths created by the project. Planning and design has also made safe streets for vehicle and pedestrian circulation and will relieve pressure off of Highway 44, so the project will not adversely affect the public health and welfare.

Planning Staff finds that as to the rezone request, the rezone will not adversely affect the City's ability to deliver services. And, as *will be shown in more detail in section M below, Planning Staff finds that the rezone is in harmony with the City's Comprehensive Plan.*

L. **Development Agreement:** This project was annexed and rezoned in 2006, and a Development Agreement was recorded with that application. The DA is 15 years old, and it contains a lot of outdated style requirements and old circumstances that are no

longer of concern. Planning Staff is recommending that these outdated provisions regarding roofing, siding, fencing...etc., be entirely removed and replaced with the DA provisions that are more relevant to the current conditions.

Before listing all the specific DA provisions to be considered, however, special attention should be given to setbacks in the proposed DA. The 2006 DA allowed Developer narrower setbacks and smaller lots sizes than required by the stricter standards in the code for R-3. For example, in the DA, single family homesites had a minimum lot size of 6000 s.f., and rear yard setback of 15 feet. Current code is 8000 s.f. lots with 20 foot rear setbacks. The DA also allowed small single family homesites with 0' side yard setbacks and front yard setback of 20 feet. Current R-3 zoning requires 10' side yard setback and 25' front yard setback.

In the spirit of cooperation, Applicant has worked with Planning Staff to put together a compromised plan for setbacks. This compromise brings some of the setbacks and lot dimensions up to the stricter standards for current R-3 zoning while allowing Developer the more narrower dimensions previously entitled in the DA. Both sides have compromised to find that middle ground between the DA's loose entitlements and the stricter standards of the current code.

The proposed setbacks are as follows:

Home Type	Interior Side Setback	Side Street Setback	Front Yard Setback	Rear Yard Setback
Townhomes	12' exterior and 0' for common wall	20'	20'	15'
Garden Homes	5'	20'	20'	15'
Traditional Homes	10'	20'	25'	20'

Other proposed provisions for the DA are as follows:

1. 14 acre Duff parcel to be rezoned to R-3.

2. Density for 74 acre M-U parcel to be in compliance with current M-U zoning of 12 dwelling units per acre.

3. A concept plan generally matching the current preliminary plat shall be attached to the DA and incorporated by reference, and all future development must be generally consistent with the concept plan.

4. In the townhome section, minimum lot size and frontage width shall be in compliance with Middleton City Code 5-5-1, Table 2.

5. Townhomes may have no more than five units per townhome structure. Any structure with more than four units must have fire sprinklers. Townhomes above the Kennedy Drain shall not exceed one story. Townhomes below the Kennedy Drain may not exceed two stories.

6. Parking for Townhomes and Garden/Patio homes must meet the current code standard of 3 spaces per dwelling unit.

7. The 55+ homebuyer requirement for townhomes and patio homes above the Kennedy Drain shall be created by deed restriction in compliance with the laws of the State of Idaho. *[Note: Developer is requesting that the townhomes below the Kennedy Drain not be limited to 55+ purchasers and occupants.]*

8. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm between the commercial lots and residential lots. Instead, Developer shall provide a 20' wide landscaped buffer between the commercial lots and residential lots.

9. Garden/55+ homes may have a minimum lot width of 60 feet and minimum lot size of 6,000 s.f. (Please note this 6000 s.f. lot size was already allowed in the old DA for garden homes and also the traditional single family homes. Applicant has agreed to bring the traditional single family homesites up to 8000 s.f., in keeping with the current code rather than the 6000 s.f. size they are actually entitled to.)

10. Because the Garden Homes are adjacent to the townhome lots and integrated to some degree, the 36' wide Townhome Road Section may also be constructed through the Garden Home portions of the plat. Parking will not be allowed on the 36' roadway, and parking signs to that effect must be posted.

11. Developer may develop the lots in Phases 1 through 3 above the Kennedy Drain without providing a second access (*as also approved by the Middleton Fire Dept)*. The 2nd access off of Duff Lane and/or Middleton Road must be completed with Phase 4 as part of the Phase 4 final plat approval.

12. Developer shall obtain an approach permit from ITD for access on to Highway 44.

13. Developer will, at its own cost, improve all City required street frontages on Hwy 44 and Duff Lane and dedicate the same to the City of Middleton. The improvements must be completed as a condition of approval for Phase 1 final plat. Frontage improvements to Duff Lane must be improved before approval of final plat for Phase 8.

14. Developer to complete a Traffic Study and shall pay City required pro-rata or proportionate share traffic fees in the approximate amount of +/- $280,000 (although the fine-tuning of the amount has yet to occur.)

15. Developer will be allowed a minimum centerline radius of 90'. (Please note that the code currently requires 125', but in light of the many variance requests from developers recently, the City is in the process of amending the code to lower the 125' to 90'. Staff will shortly bring an application to change the Middleton Code accordingly.) As to the intersections of Coleen & Sag and Chena & Chena, the radius may be less than 90' in light of the bulb that was designed into those intersections.

16. Developer shall provide an east/west collector connecting to Duff Lane. Parking shall not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector. (Please note that Developer has met this provision by designing "E. Sawtooth Lakes Street" as shown on the proposed preliminary plat.)

17. Developer shall show on the preliminary plat a 50' right of way on the western perimeter to be able to connect the off-site portions of Yetna Avenue and E. Sawtooth Lakes Street in the event the River Ranch project to the west is not ultimately developed. Alternatively, Developer may enter into an agreement with the Developer of River Walk Crossing to complete the off-site portions of Yetna Avenue and Sawtooth Lakes Street in the event the River Ranch project does not develop.

18. If the River Ranch project to the west is not developed, Developer will design and construct a sewer lift station to allow sewer service to the southern portion of the project.

19. Developer shall provide a swimming pool facility, five pickleball courtsk, ponds, and park facilities as generally shown on the concept plan.

20. All 10' pathways and sidewalk sections needed to connect the 10' pathways along the Kennedy Drain to the Boise River greenbelt trail, River Walk Loop and Duff Pond shall be encumbered with a public access easement.

21. Developer must execute and record a cross-access easement for all commercial lots that are landlocked and residential lots abutting a private lane to ensure access to the public.

22. Only black wrought iron fencing will be allowed in the project.

23. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building elevations on Highway 44.

24. Developer is allowed two wall signs on each commercial unit in light of the fact that the rear elevation fronts Hwy 44.

A full copy of the proposed Development Agreement is attached to the Appendix for this Staff Report.

FOR FINDINGS: See Section M below.

M. **Comprehensive Plan & Land Use Map:** As to the 14 acre Duff parcel, the City's Future Land Use Map shows "Transit Station," and "Transit Oriented Development" designations along with a "Mixed Use" designation. Applicant's 14 acre Duff parcel is strictly residential. Therefore, Applicant is requesting a change to "Residential" designation.

As to the 74 acre M-U parcel, the Future Land Use Map shows "Restaurants, Retail & Recreation" and a sliver of "Residential". Applicant is requesting that the Future Land Use Map be revised to show a commercial designation for the proposed C-3 zone and "residential" designation for the proposed M-U and R-2 zones.

In order for City Council to approve the Comprehensive Plan Map Amendments, City Council must find that the requested revisions to the Future Land Use Map are in harmony with the Comprehensive Plan. Additionally, in order for the City Council to approve the other three applications for annexation/rezone, DA Modification, and preliminary plat, the Council must find that the applications are also in harmony with the Comprehensive Plan and the Plan's "Goals, Objectives, and Strategies."

FINDINGS:

Planning Staff finds that the project and four applications are in harmony with the Comprehensive Plan as follows:

a. *Goal 3: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It also will reduce traffic trips because of the close proximity to commercial/retail development. Designing E. Sawtooth Lakes Street without driveway access also greatly assists with traffic flow and safety. It will also help relieve pressure off of Highway 44 as an alternate route.*
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. The project also provides a buffer between residential and commercial development. Commercial development is encouraged to be near major roads. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
c. *Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.*
d. *Goal 7: Project promotes commercial development and employment opportunities.*
e. *Goal 8: the project establishes new commercial area without detracting from existing businesses.*
f. *Goal 10: Project provides parks and open space. The project also aggregates open space in large open spaces rather than dispersing open space into smaller sections.*
g. *Goal 16: The public pathways along the Kennedy Drain create a scenic and usable waterfront on the north side of the Boise River.*

Finally, Planning Staff finds that the pathways and streets proposed are in compliance with the Comprehensive Plan Maps, including the Transportation, Schools, and Recreation Map.

N. Comments Received from Surrounding Landowners: There have been numerous written comments submitted with respect to this proposed projects. All comments are located in the Council's packets and attached to this Staff Report. The general comments involve the following:

a. Project will increase traffic
b. Project is too dense and intensive for a "rural area."
c. Developer should pay fair share of impacts on community
d. Developer's gravel pit is a nuisance.
e. Criticism of process at June 7, 2021 P&Z Commission public hearing.

Additionally, Neighborhood Meeting minutes & notes may be found in the "Application" folder of the Councils' packet.

O. **Comments from Agencies:** Comments have already been discussed above. Comments from ITD, CHD4, Middleton Rural Fire District, and COMPASS are attached to this Staff Report and included in the Council's packet.

P. **Comments from City Engineer, Planning Staff & Floodplain Administrator:** Comments have already been discussed above. Copies of comments from City Engineer, Planner and the Floodplain Administrator are contained in Council's packet and also attached to this staff report.

Q. **Applicant Information:** Application was received and accepted on September 15, 2020. The Applicant is Breckon Land Design for Drake Investments LLC, Robert Brian Burnett, Deep River Investments & Deep Waters LLC / 6661 N. Glenwood, Garden City, ID 88714 / 208.376.5153 / mwall@breckonld.com.

R.

Notices & Neighborhood Meeting:	**Dates:**
Newspaper Notification	06/20/2021
Radius notification mailed to Adjacent landowners within 300'	06/15/2021
Circulation to Agencies	06/14/2021
Sign Posting property	06/15/2021
Neighborhood Meeting	08/18/2020, 3/8/2021 & 4/12/2021

***It is abnormal for an applicant to hold three neighborhood meetings. Applicant's first Neighborhood Meeting is sufficient for this public hearing, but Planning Staff, nevertheless, requested Applicant to conduct a 2nd Neighborhood Meeting because of the passage of time since the initial meeting and because Staff had received numerous telephone calls from nearby residents about the project. A third meeting occurred about one month later because a neighboring landowner raised a claim that the mailing list was incomplete for the April 2021 meeting. In light of this, Planning Staff requested Applicant to complete a 3rd neighborhood meeting to ensure there were no irregularities or controversy remaining at the time of the Public Hearing.

FINDINGS:

Planning Staff finds that Notice for the City Council Public Hearing was appropriate and given according to law. Notice for the Planning & Zoning Commission's Public Hearing was also appropriate and given according to law as follows: (1) Newspaper notice 5/23/2021; (2) Agency Notice 5/18/2021; (3) Landowner notice within 300' 5/19/2021 and (4) Post box notice 5/19/2021.

S. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

T. Planning & Zoning Commission's Conclusions and Recommendations: At the June 7, 2021, public hearing before the Planning & Zoning Commission, the Commission recommended approval of all four applications subject to the conditions of approval set forth in the Staff Report for the hearing date of June 7, 2021.

A copy of the minutes from that meeting are attached in the Appendix to this Report.

U. Conclusions and Recommended Conditions of Approval:

The City Council is tasked with considering four separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement Modification, and (4) Comprehensive Plan Map Amendment. In considering the applications, City Council must ultimately make (a) findings of facts, (b) conclusions of law, and (c) an order.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. (See findings of facts above in parentheses.) If Council agrees with the findings of facts in the Staff Report, and after hearing public testimony, Council may state on the record that it accepts the findings of fact in the Staff Report and all, or a portion, of the facts stated during public testimony, setting the foundation for the order.

As to Conclusions of Law, Planning Staff finds that City Council has the authority to hear these applications in order that they may be denied or approved and that the public notice requirements were met. Furthermore, Planning Staff finds that the above noted Findings of Facts are in compliance with Idaho State law and Middleton City Code. If Council agrees with Staff's stated Conclusions of Law, Council may state on the record that it accepts the Conclusions of Law set forth in the Staff Report.

Additionally, if the July 7th, public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then Council may additionally state that conclusion of law on the record.

As to the Order, if Council denies any of the applications, pursuant to Middleton City Code 1-14(E)(8), Council must state on the record what Applicant can do to gain approval of the application(s).

If Council is inclined to approve the applications based upon the noted Findings of Facts and Conclusions of Law, then Planning Staff recommends the approval be subject to the conditions set forth below:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.
5. All Floodplain Administrator review comments are to be completed and approved.
6. Owner/Developer shall pay all City required impact fees and traffic proportionate share fees.
7. Developer to comply with all terms of the proposed Reformed and Restated Development Agreement as set forth in the Staff Report for the public hearing date of July 7, 2021 except…, (if the Council is not inclined to approve portions of the DA, those discrete portions can be removed or excepted from the DA via a motion calling out the specific provisions to be removed.)

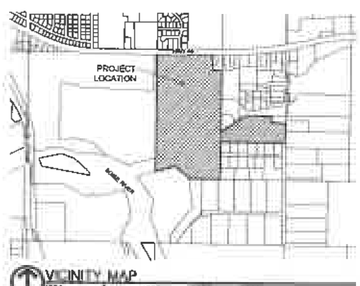
Prepared by Middleton City Planner, Robert Stewart Dated: July 2, 2021

APPENDIX

PRELIMINARY PLAT

RIVER POINTE SUBDIVISION

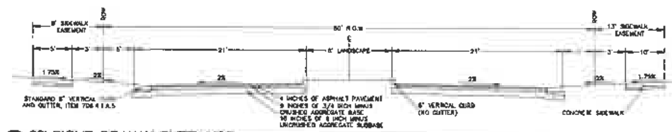
LOCATED IN THE SW1/4 OF THE NE1/4 AND ALL OF
GOVERNMENT LOT 2 OF SECTION 8,T. 4 N., R. 2 W., B.M.,
CANYON COUNTY, IDAHO
2021



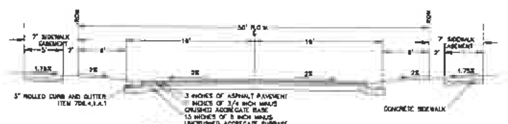
VICINITY MAP
SCALE: 1" = 1000'-0"

DRAWING INDEX

SHEET NUMBER	SHEET DESCRIPTION	SHEET TITLE
PP1.1	PRELIMINARY PLAT	COVER
TOPO		TOPOGRAPHIC SURVEY
PP1.2	PRELIMINARY PLAT	OVERALL
PP1.3	PRELIMINARY PLAT	AREA A
PP1.4	PRELIMINARY PLAT	AREA B
PP1.5	PRELIMINARY PLAT	AREA C
UT1.1		PRELIMINARY UTILITY PLAN

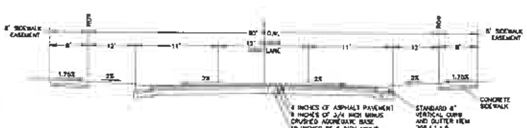


1 60' RIGHT OF WAY ENTRANCE BOULEVARD ROAD SECTION

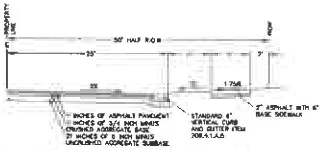


2 TYPICAL 50' RIGHT-OF-WAY INTERNAL LOCAL ROAD SECTION

3 TYPICAL 36' RIGHT-OF-WAY TOWNHOUSE & GARDEN HOME COMMUNITY ROAD SECTION



4 TYPICAL 60' RIGHT-OF-WAY



5 TYPICAL HALF 100' RIGHT-OF-WAY DUFF LANE

OVERALL SITE PLAN
SCALE: 1" = 200'-0"

	TOTAL AREA	NUMBER OF LOTS
PHASE 1:	7.84 ACRES	SINGLE FAMILY (26 LOTS) COMMON LOTS (8 LOTS)
PHASE 2:	8.02 ACRES	TOWNHOUSE (50 LOTS) COMMON LOTS (6 LOTS)
PHASE 3:	10.71 ACRES	COMMERCIAL LOTS (7 LOTS)
PHASE 4:	11.16 ACRES	TOWNHOUSE (84 LOTS) SINGLE FAMILY (15 LOTS) COMMON LOTS (11 LOTS)
PHASE 5:	7.12 ACRES	SINGLE FAMILY (28 LOTS) COMMON LOTS (7 LOTS)
PHASE 6:	5.71 ACRES	SINGLE FAMILY (52 LOTS) COMMON LOTS (6 LOTS)
PHASE 7:	6.58 ACRES	SINGLE FAMILY (34 LOTS) COMMON LOTS (1 LOTS)
PHASE 8:	14.01 ACRES	SINGLE FAMILY (26 LOTS) COMMON LOTS (4 LOTS)

PHASING PLAN
SCALE: 1" = 250'-0"

PRELIMINARY PLAT DEVELOPMENT FEATURES:

TOTAL ACRES	88.510 AC.
EXISTING ZONING	M-U (MIXED USE) AG (AGRICULTURAL)
PROPOSED ZONING	M-U (MIXED USE) R-3 (SINGLE FAMILY RESIDENTIAL)
ADJACENT ZONING (CANYON COUNTY)	R-1 (SINGLE FAMILY RESIDENTIAL) R-R (RURAL RESIDENTIAL) AG
COMMERCIAL:	10.68 ACRES
COMMERCIAL LOTS	7 LOTS
TOWNHOUSES (NORTH):	6.18 ACRES
TOWNHOUSE LOTS	50 LOTS
COMMON LOTS	6 LOTS
OPEN SPACE TOTAL	1.23 AC (19.9%)
OPEN SPACE REQUIRED	0.41 AC (5%)
PARKING REQUIRED	3 SPACES/PER UNIT
PARKING PROVIDED	2 GARAGE + 2 DRIVEWAY SPACES
TOWNHOUSES (SOUTH):	8.72 ACRES
TOWNHOUSE LOTS	84 LOTS
COMMON LOTS	12 LOTS
OPEN SPACE TOTAL	2.11 AC (10.0%)
OPEN SPACE REQUIRED	0.58 AC (5%)
PARKING REQUIRED	3 SPACES/PER UNIT
PARKING PROVIDED	2 GARAGE + 2 DRIVEWAY SPACES
GARDEN HOMES:	14.81 ACRES
SINGLE FAMILY LOTS	67 LOTS
COMMON AREA LOTS	10 LOTS
OPEN SPACE TOTAL	3.09 AC (20.8%)
OPEN SPACE REQUIRED	0.74 AC (5%)
SINGLE FAMILY:	40.25 ACRES
SINGLE FAMILY (R-3) LOTS	42 LOTS
COMMON AREA LOTS	17 LOTS
OPEN SPACE TOTAL	8.40 AC (21.0%)
OPEN SPACE REQUIRED	2.01 AC (5%)
RESIDENTIAL GROSS DENSITY	3.51 (SINGLE FAMILY UNITS/ RESIDENTIAL ACRES)
TOTAL OPEN SPACE	14.06 ACRES (16.3%)

DIMENSIONAL STANDARDS OF PROPOSED M-U AND R-3 DISTRICT ARE PER THE DEVELOPMENT AGREEMENT

BENCHMARK & DATUM

SURVEY WAS CONDUCTED BY ACCURATE SURVEYING AND MAPPING.
BENCHMARK 1: SPIKE
NAVD 88 EL. 2494.99
BENCHMARK 2: SPIKE
NAVD 88 EL. 2497.97
BENCHMARK 3: 1/2" IRON PIN
NAVD 88 EL. 2443.24
BENCHMARK 4: 1/2" IRON PIN
NAVD 88 EL. 2487.33

ESTABLISHED ON THE NAVD88 DATUM.

CONTACTS

CIVIL ENGINEER:
BRECKON LAND DESIGN
CONTACT: MARY WALL
PHONE: 208-376-5153

OWNER/DEVELOPER:
DRAKE INVESTMENTS, LLC
PHONE: 208-891-1597

SURVEYOR:
ACCURATE SURVEYING AND MAPPING
CONTACT: NATHAN DANG
PHONE: 208-488-4227

SEWER:
CITY OF MIDDLETON
PHONE: 208-585-3133

WATER:
CITY OF MIDDLETON
PHONE: 208-585-3133

SCHOOL DISTRICT:
MIDDLETON SCHOOL DISTRICT

IRRIGATION DISTRICT:
DRAINAGE DISTRICT 2
CANYON COUNTY WATER CO.

NOTES

1. ALL LOT LINES COMMON TO A PUBLIC RIGHT-OF-WAY AND THE SUBDIVISION EXTERIOR BOUNDARY HAVE A TEN-FOOT (10') WIDE PERMANENT PUBLIC UTILITY, AND DRAINAGE EASEMENT. THE EASEMENT SHALL NOT PRECLUDE THE CONSTRUCTION OF HARD SURFACE DRIVEWAYS FROM THE PUBLIC RIGHT-OF-WAY TO EACH LOT. NO IRRIGATION OR DRAINAGE FACILITIES SHALL OCCUPY FRONT PUBLIC UTILITY EASEMENT.
2. THE INTERIOR SIDE YARD LOT LINE SHALL HAVE A FIVE-FOOT (5') WIDE PERMANENT PUBLIC UTILITIES, PROPERTY DRAINAGE AND PRESSURIZED IRRIGATION EASEMENT UNLESS DIMENSIONED OTHERWISE. SAID DRAINAGE AND IRRIGATION EASEMENTS ARE RESERVED FOR HOMEOWNERS ASSOCIATION AND ASSIGNS.
3. ALL REAR LOT LINES SHALL HAVE A TEN-FOOT (10') WIDE PUBLIC UTILITIES, PROPERTY DRAINAGE, AND PRESSURIZED IRRIGATION EASEMENT.
4. LOT 11, BLOCK 2; LOTS 1 AND 6, BLOCK 4; LOT 9, BLOCK 5; LOTS 1, 2, 8, 28, AND 51, BLOCK 6; LOTS 15, 24, AND 47, BLOCK 7; LOT 1, BLOCK 8; LOT 22, BLOCK 9; LOT 1, BLOCK 10; LOTS 1 AND 9, BLOCK 11; LOTS 1 AND 8, BLOCK 12; LOT 1, BLOCK 13; LOTS 1 AND 14, BLOCK 14; LOT 14, BLOCK 15; LOTS 10, AND 17, BLOCK 16; LOT 10, BLOCK 17; AND LOTS 1, AND 15, BLOCK 18 ARE DESIGNATED AS COMMON AREA LOTS AND WILL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND/OR ASSIGNS.
5. LOT 4, BLOCK 2; LOT 1, BLOCK 3; LOTS 1 AND 2, BLOCK 5; LOTS 1 AND 22, BLOCK 7; LOT 2, BLOCK 8; LOTS 1 AND 12, BLOCK 9; LOT 12, BLOCK 10; LOTS 10 AND 17, BLOCK 13; LOT 1, BLOCK 15; LOTS 14, AND 24, BLOCK 16; AND LOT 1, BLOCK 19 ARE DESIGNATED AS COMMON AREA/STORMWATER LOTS AND WILL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND/OR ASSIGNS.
6. LOT 8, BLOCK 14 IS DESIGNATED AS COMMON AREA LOTS AND WILL BE OWNED BY THE HOMEOWNERS ASSOCIATION AND/OR ASSIGNS. THIS LOT SHALL HAVE A BLANKET PUBLIC UTILITIES EASEMENT OVER THE ENTIRETY OF THE LOT.
7. THIS DEVELOPMENT RECOGNIZES SECTION 31-3805(b), IDAHO CODE. PRESSURE IRRIGATION SYSTEM TO BE PROVIDED. THE SYSTEM WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE IRRIGATION WATER FOR THE SYSTEM WILL BE SUPPLIED BY EXISTING SURFACE AND GROUNDWATER RIGHTS. THE IRRIGATION DISTRICT IS CANYON COUNTY WATER CO.
8. ANY RE-SUBDIVISION OF THIS PLAT SHALL BE IN COMPLIANCE WITH THE MIDDLETON CODE AND STANDARDS AT TIME OF RESUBDIVISION.
9. MINIMUM BUILDING SETBACK LINES FOR THE M-U ZONED PORTION SHALL BE IN ACCORDANCE WITH THE DEVELOPMENT AGREEMENT. MINIMUM BUILDING SETBACK LINES FOR THE R-3 ZONED PORTION OF THE PROJECT (14 ACRE DUFF PARCEL) SHALL BE IN ACCORDANCE WITH THE R-3 SETBACKS SET FORTH IN THE MIDDLETON CITY CODE AT THE TIME OF BUILDING PERMIT ISSUANCE.
10. PORTIONS OF THIS SUBDIVISION LIE WITHIN THE 100-YEAR FLOOD PLAIN (AS SHOWN HEREON)
11. ALL EXISTING SEPTIC SYSTEMS AND WELLS (NOT USED FOR IRRIGATION) SHALL BE ABANDONED IN ACCORDANCE WITH CENTRAL DISTRICT HEALTH DEPARTMENT, IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY AND IDAHO DEPARTMENT OF WATER RESOURCES REQUIREMENTS.
12. FIBER WILL BE PROVIDED TO THE SUBDIVISION.
13. DIRECT VEHICULAR ACCESS TO TO LOTS ALONG DUFF LANE AND E SAWTOOTH LAKES ST. IS PROHIBITED.
14. ALL PROPOSED DRAINAGE FACILITIES SHALL HAVE A DEDICATED CITY OF MIDDLETON DRAINAGE EASEMENT ASSOCIATED WITH THE FACILITY.
15. IF GRAVITY SEWER IS NOT AVAILABLE FOR CONNECTION SOUTH OF THE KENNEDY DRAIN BY FINAL OF PHASE 5, THE DEVELOPER WILL COMPLETE A SEWER DESIGN AND CONSTRUCTION, INCLUDING A LIFT STATION, TO BE INSTALLED SOUTH OF THE KENNEDY DRAIN AS NEEDED TO SERVE RIVER POINTE SUBDIVISION REMAINING PHASES.
16. IRRIGATION AND DRAINAGE SHALL BE RELOCATED OUT OF THE RIGHT OF WAY.
17. PEDESTRIAN ACCESS THROUGHOUT THE DEVELOPMENT WILL BE PROVIDED INCLUDED PEDESTRIAN RAMPS WHERE NECESSARY.
18. ALL LOTS REFERRED TO AS "PRIVATE LANE" SHALL HAVE A BLANKET PUBLIC ACCESS EASEMENT.
19. A CROSS ACCESS AGREEMENT SHALL BE REQUIRED FOR LOTS 1 THROUGH 7, BLOCK 1; SEE INSTRUMENT #________________
20. ALL BUILDABLE LOTS EXCLUDING LOT 6, BLOCK 1; LOTS 2, 3, 5, 6, 7, 8, 9, AND 10, BLOCK 2; AND LOTS 2, 3, AND 4, BLOCK 3 ARE WITHIN THE ZONE AE OR ZONE X SPECIAL FLOOD HAZARD AREAS (SFHA). ALL LOTS WITHIN THE SFHA MUST MEET CITY CODE 4-3 STANDARDS. THE LOWEST FLOOR AND UTILITIES OF RESIDENTIAL LOTS LOCATED WITHIN THE SFHA SHALL BE BUILT TO MINIMUM OF 1'-0" ABOVE BASE FLOOD ELEVATION. THE LOWEST FLOOR AND UTILITIES OF COMMERCIAL LOTS LOCATED WITHIN THE SFHA SHALL BE BUILT TO MINIMUM OF 2'-0" ABOVE BASE FLOOD ELEVATION OR FLOODPROOFED TO 2'-0" ABOVE BFE. ALL STRUCTURES BUILT WITHIN THE SFHA MUST OBTAIN ELEVATION CERTIFICATES.
21. TEMPORARY 50' TRANSPORTATION AND PUBLIC UTILITY RIGHT-OF-WAY BETWEEN YETNA BLVD AND E SAWTOOTH LAKES DR. SHALL BE UTILIZED IF THE PROPERTY TO THE WEST IS NOT SUBDIVIDED PRIOR TO FINAL PLAT OF PHASE 2 (OR CITY APPROVED OTHER). IF CONNECTIVITY IS PROVIDED BY THE PROPERTY TO THE WEST, THEN THE RIGHT-OF-WAY SET ASIDE WILL NOT BE REQUIRED AND MAY BE DEVELOPED AS SHOWN. EVEN IF USED TEMPORARILY, THE RIGHT-OF-WAY MAY BE VACATED AND REDEVELOPED IF FUTURE CONNECTIVITY IS PROVIDED.
22. IF THE DEVELOPMENT HAS ANY IMPACT ON WETLANDS OR OTHER NATURAL WATERWAYS, THE APPLICANT SHALL OBTAIN APPROVAL FROM THE CORPS OF ENGINEERS AND THE IDAHO DEPARTMENT OF WATER RESOURCES, AND/OR ANY OTHER JURISDICTIONAL AGENCY PRIOR TO THE CITY ENGINEER SIGNATURE ON THE FINAL PLAT.
23. SIDEWALKS OUTSIDE OF THE PROPOSED RIGHT-OF-WAY SHALL BE SUBJECT TO A PUBLIC ACCESS EASEMENT

BRECKON

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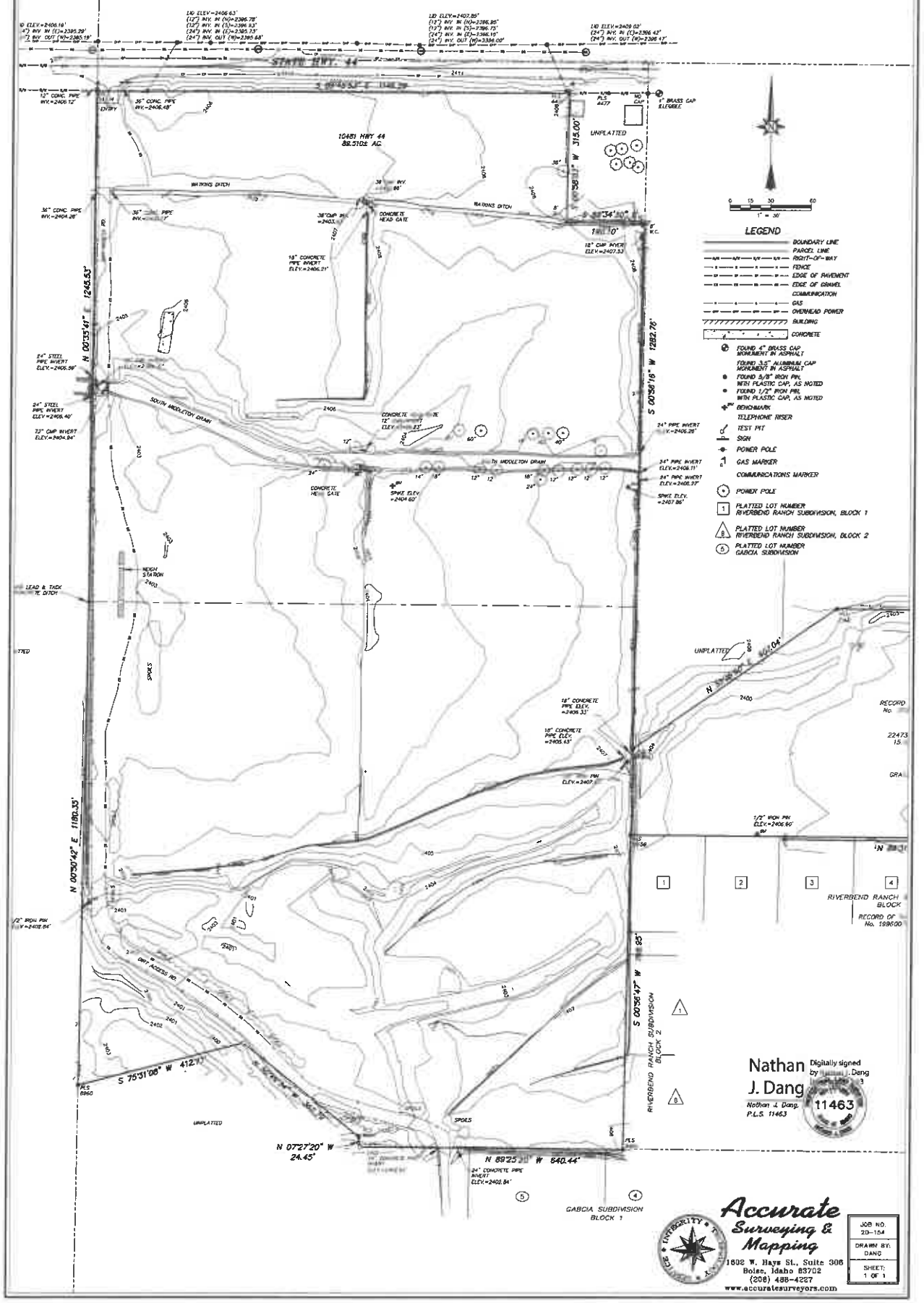
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
COVER

PROJECT NO.
DRAWN BY:
CHECKED BY:
DATE: 06/08/21
SHEET NUMBER
PP1.1

PRELIMINARY PLAT

TOPOGRAPHIC MAP

A PORTION OF THE SW 1/4 OF THE NE 1/4, GOVT. LOT 2 (NW 1/4 OF THE SE 1/4)
AND A PORTION OF THE NE 1/4 OF THE SE 1/4 SECTION 8, T.4N., R.2W., B.M.
CITY OF MIDDLETON---CANYON COUNTY---STATE OF IDAHO



Accurate Surveying & Mapping
1602 W. Hays St., Suite 306
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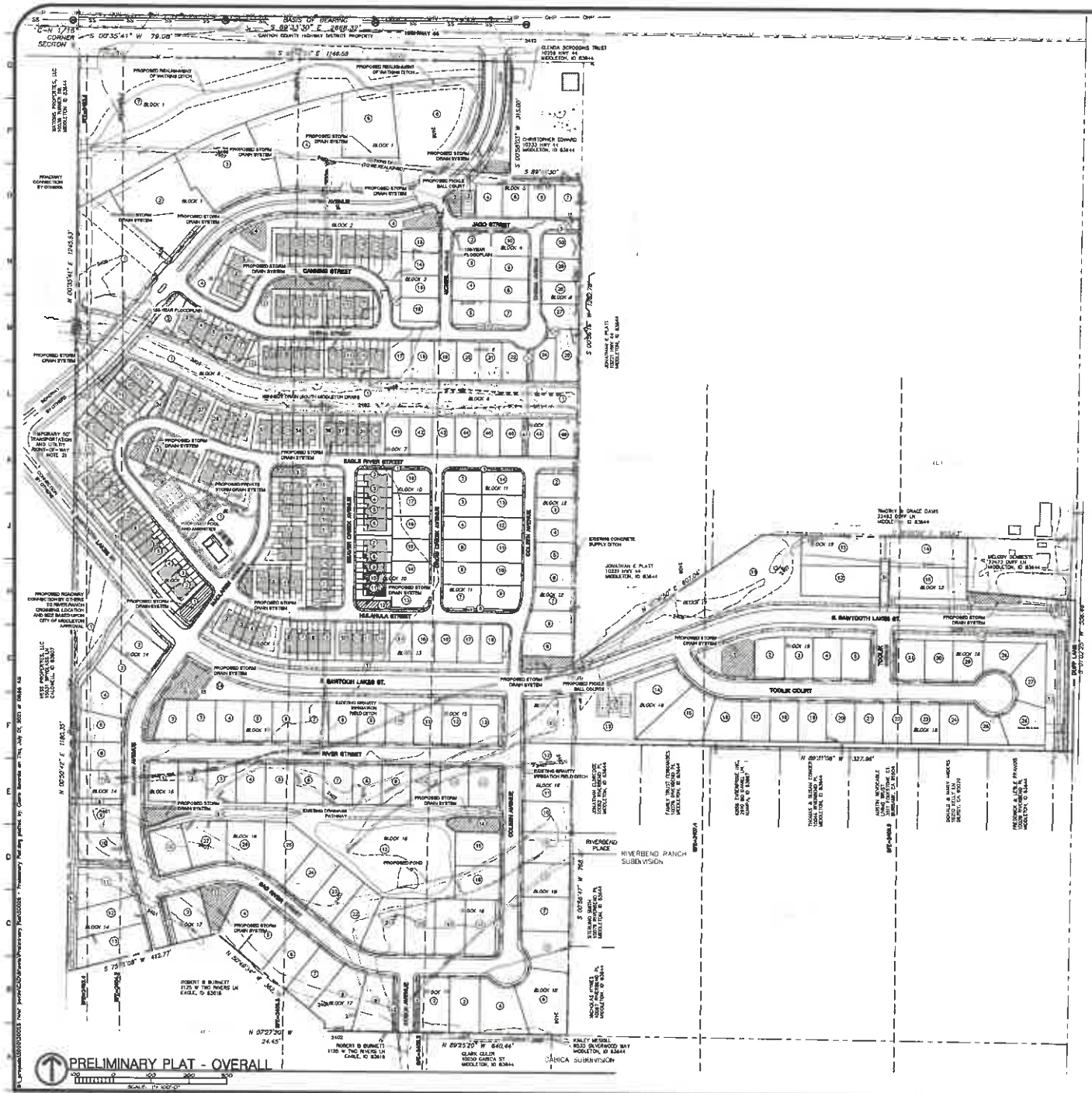
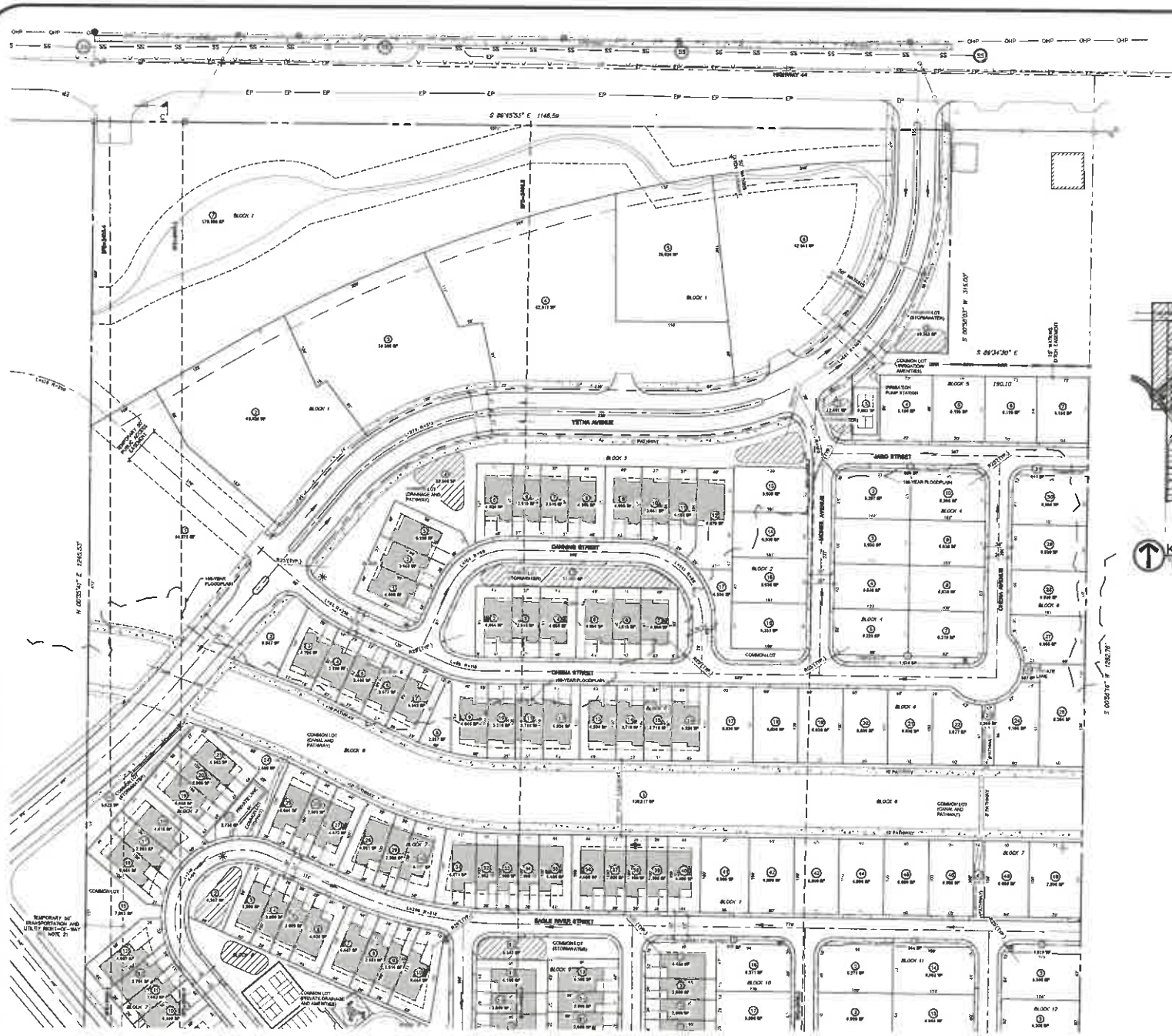
SHEET:	1 OF 1


PRELIMINARY PLAT - OVERALL
SCALE: 1"=100'-0"
CANYON COUNTY HIGHWAY DISTRICT PROPERTY
HIGHWAY 44
CANYON STREET
EAGLE RIVER STREET
HELENA STREET
S. SAWTOOTH LAKES ST.
RIVER STREET
TOOLIE COURT
RIVERBEND PLACE
RIVERBEND RANCH SUBDIVISION
CANICA SUBDIVISION
PROPOSED POND
PROPOSED PICKLE BALL COURT
PROPOSED STORM DRAIN SYSTEM
EXISTING IRRIGATION PIPELINE
EXISTING DRAINAGE PATHWAY
EXISTING CONCRETE SUPPLY DITCH
PROPOSED REALIGNMENT OF NAMPA DITCH
PROPOSED PRIVATE STORM DRAIN SYSTEM
PROPOSED ROADWAY CONNECTION BY OTHERS
TEMPORARY 50' TRANSPORTATION AND UTILITY RIGHT-OF-WAY NOTE 21
100-YEAR FLOODPLAIN
BLOCK 1
BLOCK 2
BLOCK 3
BLOCK 4
BLOCK 5
BLOCK 6
BLOCK 7
BLOCK 8
BLOCK 9
BLOCK 10
BLOCK 11
BLOCK 12
BLOCK 13
BLOCK 14
BLOCK 15
BLOCK 16
BLOCK 17
BLOCK 18
BLOCK 19
BLOCK 20
BLOCK



RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA A

BRECKON

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REVISIONS

PROJECT NO: 20086

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DATE: 06/09/21

SHEET NUMBER

PP1.3

PRELIMINARY PLAT

PLAT LEGEND

- EXISTING PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED BACK OF CURB
- PROPOSED FRONT OF CURB
- PROPOSED CONCRETE SIDEWALK
- PROPOSED GRAVITY IRRIGATION
- LOT NUMBER AND SQUARE FOOTAGE
- BLOCK NUMBER
- EXISTING SANITARY SEWER MAIN
- EXISTING SEWER HANDHOLE
- EXISTING WATER MAIN
- BENCHMARK
- PROPOSED DRAINAGE FACILITY
- DRAINAGE FLOW ARROW
- EXISTING CONTOUR
- BASE FLOOD ELEVATION
- PROPOSED STREET LIGHT

KEY MAP

SCALE: 1"= 500'-0"

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA B

PRELIMINARY PLAT

PROJECT NO.: 300036
DRAWN BY: [illegible]
CHECKED BY: [illegible]
DATE: 06/05/21

SHEET NUMBER
PP1.4

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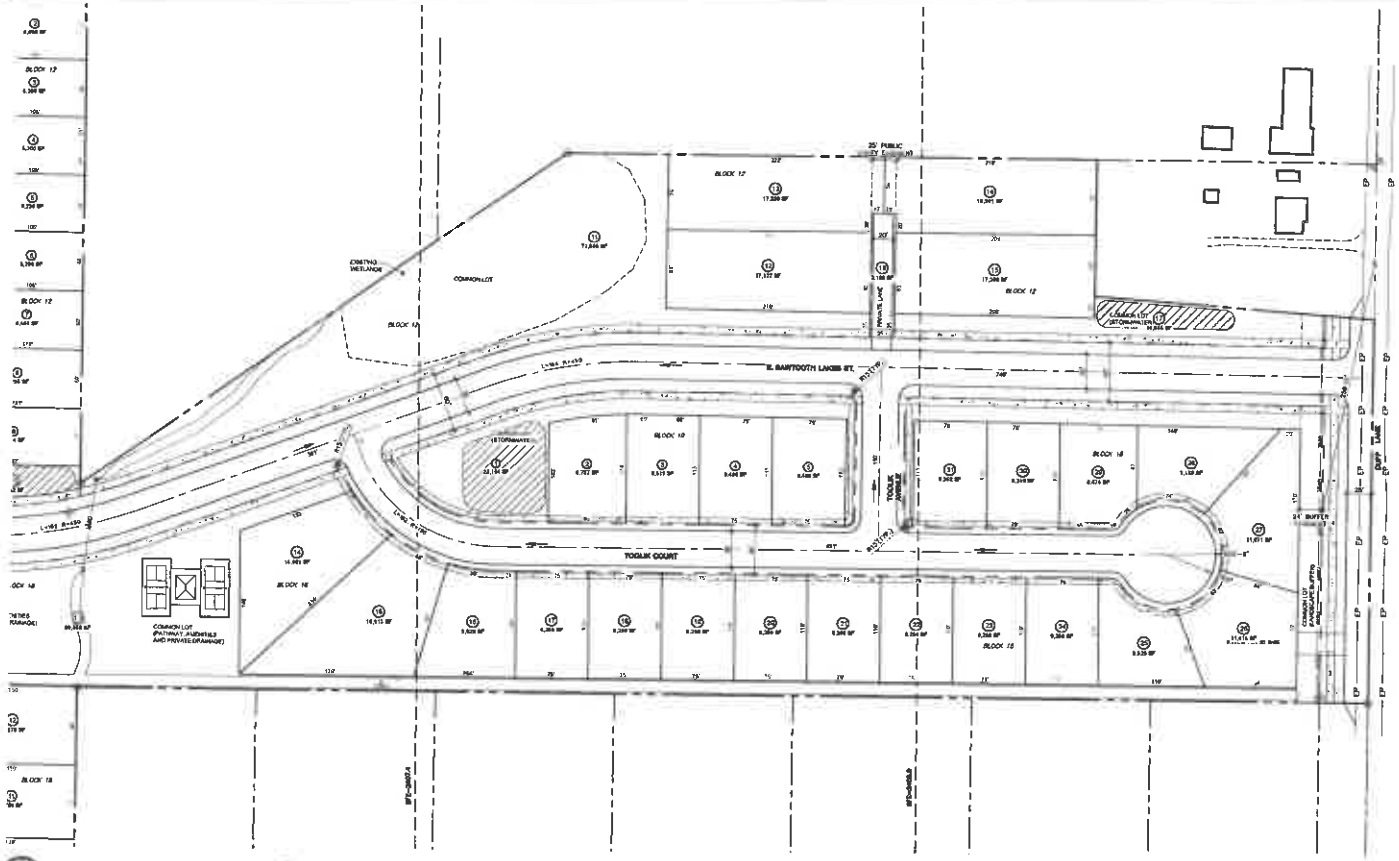

PLAT LEGEND

- EXISTING PROPERTY LINE
- PROPOSED LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED BACK OF CURB
- PROPOSED FRONT OF CURB
- PROPOSED CONCRETE SIDEWALK
- CIRR — PROPOSED GRAVITY IRRIGATION
- 5 — LOT NUMBER AND SQUARE FOOTAGE
- BLOCK 1 — BLOCK NUMBER
- EXISTING SANITARY SEWER MAIN
- EXISTING SEWER MANHOLE
- EXISTING WATER MAIN
- BENCHMARK
- PROPOSED DRAINAGE FACILITY
- DRAINAGE FLOW ARROW
- EXISTING CONTOUR
- BASE FLOOD ELEVATION
- PROPOSED STREET LIGHT

KEY MAP

SCALE: 1"= 500'-0"

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RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA C

REVISIONS

No.	Date	By
1	06/21	JOHNSON
2	06/21	JOHNSON
3	10/21	

PROJECT NO: 20088

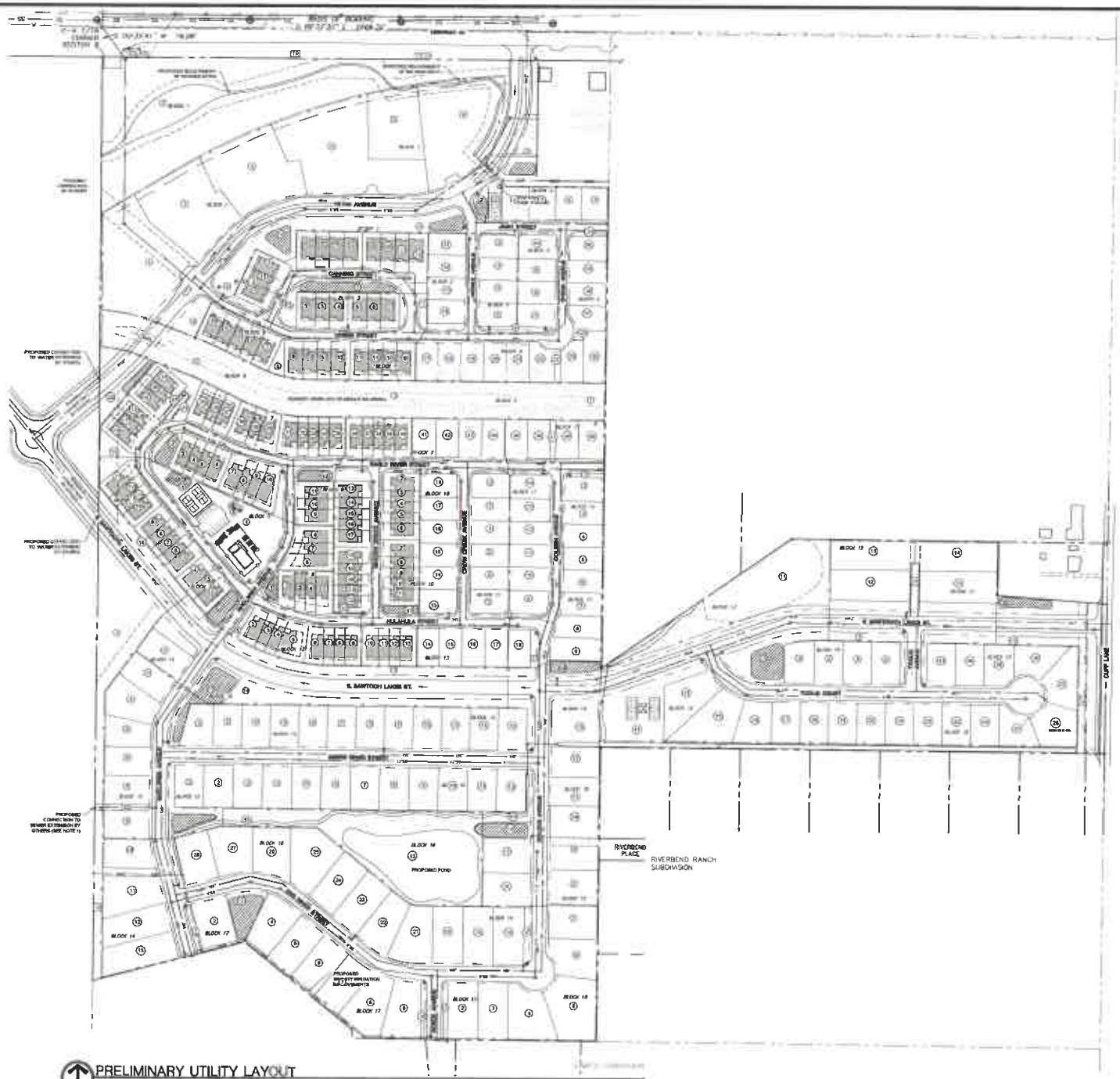
DRAWN BY: [illegible]

CHECKED BY: [illegible]

DATE: 06/09/21

SHEET NUMBER: PP1.5

PRELIMINARY PLAT



PLAT LEGEND

- PROPERTY LINE (VERIFY)
- LOT LINE
- PROPOSED RIGHT-OF-WAY
- PROPOSED CENTERLINE
- PROPOSED BACK OF CURB
- PROPOSED FRONT OF CURB
- PROPOSED GUTTER
- PROPOSED CONCRETE SIDEWALK
- GRR — PROPOSED GRAVITY IRRIGATION
- IR — PROPOSED PRESSURE IRRIGATION
- 8"SS — PROPOSED SANITARY SEWER MAINLINE (SIZE PER PLANS)
- PROPOSED SANITARY SEWER MANHOLE
- W — PROPOSED WATER MAIN (SIZE PER PLANS)
- PROPOSED FIRE HYDRANT
- PROPOSED STREET LIGHT
- EXISTING SANITARY SEWER MAIN
- EXISTING SEWER MANHOLE
- EXISTING WATER MAIN
- EXISTING TREE
- BENCHMARK
- PROPOSED DRAINAGE FACILITY
- DRAINAGE FLOW ARROW
- EXISTING CONTOUR
- BASE FLOOD ELEVATION

NOTES

1. SEWER CALCULATIONS FOR CONNECTION TO EXISTING MAIN IN MIDDLETON ROAD HAS NOT BEEN CONFIRMED. THE ABILITY TO GRAVITY SEWER THE SITE SHALL BE DEPENDENT ON THE ALIGNMENT AND SLOPE OF THE PROPOSED SEWER MAIN BY OTHERS FROM THE NEW A LIFT STATION AT THE HISTORIC PROPERTY BOUNDARY MAY BE NECESSARY.
   1.1 BASED ON PRELIMINARY ANALYSIS OF THE SITE, THE SEWER INVERT AT THE CONNECTION POINT ON THE WEST BOUNDARY HILL NEED TO BE 2294.4 TO GRAVITY SEWER THE ENTIRE SITE. THE HALLOWEST RUN HILL BE TO THE LOTS ON KING AVE. THIS RUN IS BASED ON AN 8" SEWER MAIN IN KING AND NORTHA, RUN AT 0.46% AND A 8" SEWER MAIN IN HALLAREN AVE. RUN AT 0.23%. OTHER ASSUMPTIONS INCLUDE A MINIMUM 4-FEET OF COVER AND MANHOLE RIM 6" ABOVE BASE FLOOD ELEVATION.
2. PUBLIC WATER SUPPLY WILL BE PROVIDED BY THE CITY OF MIDDLETON WATER.
3. PUBLIC SEWER SYSTEM WILL BE PROVIDED BY THE CITY OF MIDDLETON SEWER.
4. ALL STORMWATER TO BE MANAGED ON-SITE THROUGH THE USE OF INFILTRATION GALLERY AND OTHER RETENTION MEASURES.
5. PRESSURE IRRIGATION WILL BE PROVIDED. THE PROPERTY HAS WATER RIGHTS PROVIDED BY SURFACE WATER FROM WATKINS DITCH. THE PRESSURE IRRIGATION SYSTEM SHALL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

PRELIMINARY SEWER CALCULATIONS:

COMMERCIAL AVERAGE DAILY FLOW:
360 PARKING SPACES @ 15 GPD = 5,400 GPD
TOWNHOME AVERAGE DAILY FLOW:
80 TOWNHOME @ 200 GPD = 16,000 GPD
SINGLE FAMILY RESIDENTIAL AVERAGE DAILY FLOW:
47 SARATOGA HOMES @ 200 GPD = 9,400 GPD
72 MID-SIZE HOMES @ 250 GPD = 18,000 GPD

TOTAL AVERAGE DAILY FLOW = 68,200 GPD

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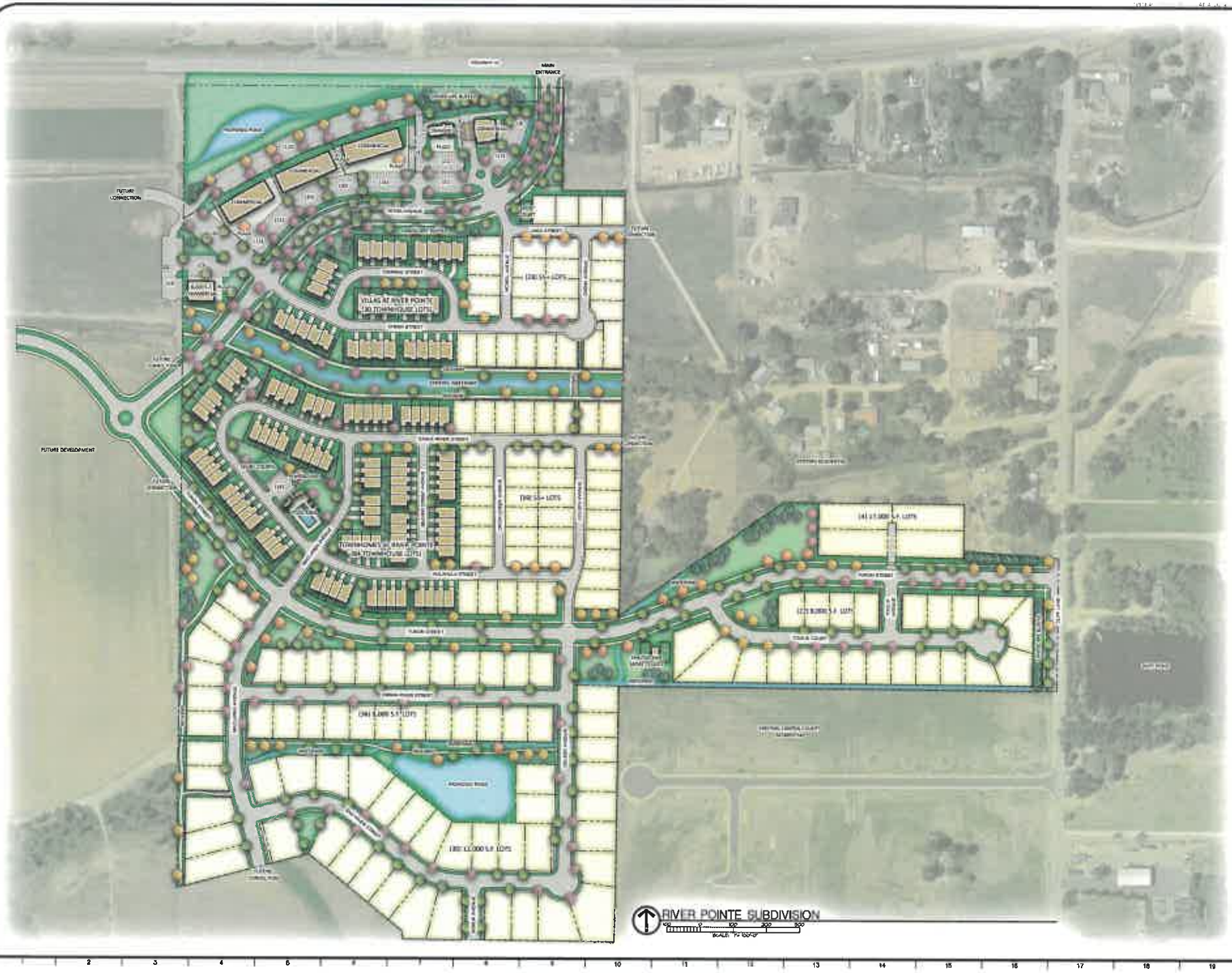
RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
PRELIMINARY UTILITY PLAN

REVISIONS

1	06/01/21	PRELIMINARY PLAT

PROJECT NO.: 20036
DRAWN BY: [illegible]
CHECKED BY: [illegible]
DATE: 06/03/21

SHEET NUMBER
UT1.1



BRECKON

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
LANDSCAPE PLAN

REVISIONS
No. Date Description
1 06/21 CITY COMMENTS

PROJECT NO: 20026
DRAWN BY: TC/DS
CHECKED BY: JB/MW
DATE: 06/02/21

SHEET NUMBER
PP2.1

PRELIMINARY PLAT

LANDSCAPE NOTES:

1. CONTRACTOR SHALL REPORT TO LANDSCAPE ARCHITECT ALL CONDITIONS WHICH IMPAIR AND/OR PREVENT THE PROPER EXECUTION OF THIS WORK, PRIOR TO BEGINNING WORK.
2. NO MATERIAL SUBSTITUTIONS SHALL BE MADE WITHOUT THE LANDSCAPE ARCHITECTS PRIOR WRITTEN APPROVAL. ALTERNATE MATERIALS OF SIMILAR SIZE AND CHARACTER MAY BE CONSIDERED IF SPECIFIED PLANT MATERIALS CAN NOT BE OBTAINED.
3. COORDINATE ALL WORK WITH ALL OTHER SITE RELATED DEVELOPMENT DRAWINGS.
4. COORDINATE WORK SCHEDULE AND OBSERVATIONS WITH LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION START-UP.
5. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DETAILS.
6. ALL PLANT MATERIAL SHALL CONFORM TO THE AMERICAN NURSERYMAN STANDARDS FOR TYPE AND SIZE SHOWN. PLANTS WILL BE REJECTED IF NOT IN A SOUND AND HEALTHY CONDITION.
7. IN THE EVENT OF A PLANT COUNT DISCREPANCY, PLANT SYMBOLS SHALL OVERRIDE SCHEDULE QUANTITIES AND CALL OUT SYMBOL NUMBERS.
8. ALL PLANTING BEDS SHALL BE COVERED WITH A MINIMUM OF 3" DEPTH OF LARGE (2" MINUS) BARK MULCH. SUBMIT SAMPLE FOR APPROVAL.
9. ALL PLANT MATERIAL SHALL BE GUARANTEED FOR A PERIOD OF ONE YEAR BEGINNING AT THE DATE OF ACCEPTANCE BY THE OWNER. REPLACE ALL PLANT MATERIAL FOUND DEAD OR NOT IN A HEALTHY CONDITION IMMEDIATELY WITH THE SAME SIZE AND SPECIES AT NO COST TO THE OWNER.
10. FINISH GRADES SHALL PROVIDE A SMOOTH TRANSITION WITH ADJACENT SURFACES AND ENSURE POSITIVE DRAINAGE IN ACCORDANCE WITH THE SITE GRADING PLAN.
11. AMEND EXISTING APPROVED TOPSOIL AT A RATIO OF THREE CUBIC YARDS OF APPROVED COMPOST PER 1000 SQUARE FEET. ROTO-TILL ORGANIC MATTER A MINIMUM OF 6 INCHES INTO TOPSOIL.
12. FERTILIZE ALL TREES AND SHRUBS WITH 'AGRIFORM' PLANTING TABLETS. QUANTITY PER MANUFACTURER'S RECOMMENDATIONS.
13. ALL PLANTING BEDS SHALL HAVE A MINIMUM 18" DEPTH OF TOPSOIL. LAWN AREAS SHALL HAVE A MINIMUM 12" DEPTH OF TOPSOIL. SPREAD, COMPACT, AND FINE GRADE TOPSOIL TO A SMOOTH AND UNIFORM GRADE 3" BELOW ADJACENT SURFACES OF PLANTER BED AREAS, 1-1/2" BELOW ADJACENT SURFACES OF TURF SOD AREAS AND 1" BELOW ADJACENT SURFACES OF TURF SEED AREAS.
14. REUSE EXISTING TOPSOIL STOCKPILED ON THE SITE. SUPPLEMENT WITH IMPORTED TOPSOIL WHEN QUANTITIES ARE INSUFFICIENT. VERIFY SUITABILITY AND CONDITION OF TOPSOIL AS A GROWING MEDIUM. PERFORM SOIL TEST/ ANALYSIS AND PROVIDE ADDITIONAL AMENDMENT AS DETERMINED BY SOIL TESTS. TOPSOIL SHALL BE A LOOSE, FRIABLE, SANDY LOAM, CLEAN AND FREE OF TOXIC MATERIALS, NOXIOUS WEEDS, WEED SEEDS, ROCKS, GRASS OR OTHER FOREIGN MATERIAL AND A HAVE A PH OF 5.5 TO 7.0. IF ONSITE TOPSOIL DOES NOT MEET THESE MINIMUM STANDARDS, CONTRACTOR IS RESPONSIBLE TO EITHER:
    A) PROVIDE APPROVED IMPORTED TOPSOIL, OR
    B) IMPROVE ON-SITE TOPSOIL WITH METHODS APPROVED BY THE LANDSCAPE ARCHITECT.
15. IF IMPORTED TOPSOIL FROM OFF-SITE SOURCES IS REQUIRED, ENSURE IT IS FERTILE, FRIABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS AND OTHER LITTER, AND FREE OF ROOTS, STUMPS, STONES LARGER THAN 2 INCHES IN ANY DIMENSION, AND OTHER EXTRANEOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH.
    A) OBTAIN TOPSOIL FROM LOCAL SOURCES OR FROM AREAS HAVING SIMILAR SOIL CHARACTERISTICS TO THOSE FOUND ON THE PROJECT SITE. OBTAIN TOPSOIL ONLY FROM NATURALLY, WELL-DRAINED SITES WHERE TOPSOIL OCCURS AT A DEPTH OF NOT LESS THAN 4 INCHES.
    B) REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY, TOXICITY, AND GENERAL TEXTURE BY A RECOGNIZED COMMERCIAL OR GOVERNMENT AGENCY AND COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE FURNISHED TO THE OWNER'S REPRESENTATIVE BY THE CONTRACTOR. NO TOPSOIL SHALL BE DELIVERED IN A FROZEN OR MUDDY CONDITION. ACIDITY/ALKALINITY RANGE - PH 5.5 TO 7.6.
16. IMMEDIATELY CLEAN UP ANY TOPSOIL OR OTHER DEBRIS ON THE SITE CREATED FROM LANDSCAPE OPERATIONS AND DISPOSE OF PROPERLY OFF SITE.
17. SEEPAGE BEDS AND OTHER STORM DRAINAGE FACILITIES MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.
18. IN THE EVENT OF A DISCREPANCY, NOTIFY THE DESIGN PROFESSIONAL IMMEDIATELY.

LANDSCAPE PLAN NOTES

1. CONTRACTOR TO VERIFY LOCATION OF ALL UTILITIES PRIOR TO INITIATION OF ANY DEMOLITION OR CONSTRUCTION OPERATIONS. ANY DAMAGE TO EXISTING UTILITIES SHALL BE CONTRACTOR'S RESPONSIBILITY.
2. ALL PLAN MATERIAL SHALL CONFORM TO THE CURRENT AMERICAN ASSOCIATION OF NURSERYMANS NATIONAL STANDARD SPECIFICATIONS.
3. ALL PLANT MATERIAL SHALL BE INSTALLED AS PER DETAILS AND CONTRACT SPECIFICATIONS.
4. CONTRACTOR SHALL COORDINATE PLANTING WITH IRRIGATION CONTRACTOR.
5. NO SUBSTITUTIONS WILL BE ALLOWED WITHOUT THE WRITTEN CONSENT OF THE LANDSCAPE ARCHITECT.
6. REFER TO MATERIALS PLAN FOR EXTENT OF SEEDING, SODDING, RIVER ROCK, AND BARK PLACEMENT.
7. REFER TO SHEET L1.00 FOR PROJECT PHASING, ALTERNATES, AND COORDINATION WITH WORK BY OTHERS.
8. IN THE EVENT OF A PLANT COUNT DISCREPANCY, PLANT SYMBOLS SHALL OVERRIDE SCHEDULE QUANTITIES AND SYMBOL NUMBERS.
9. IN THE EVENT OF A DISCREPANCY, NOTIFY THE LANDSCAPE ARCHITECT IMMEDIATELY.
10. TREES SHALL NOT BE PLANTED WITHIN THE 10'-0" CLEAR ZONE OF ALL AREA STORM DRAIN PIPE, STRUCTURES, OR FACILITIES.
11. SEEPAGE BEDS AND OTHER STORM DRAINAGE FACILITIES MUST BE PROTECTED FROM ANY AND ALL CONTAMINATION DURING THE CONSTRUCTION AND INSTALLATION OF THE LANDSCAPE IRRIGATION SYSTEM.

LANDSCAPE AREA PREPARATION NOTES:

1. LIMIT TURF SUBGRADE PREPARATION TO AREAS TO BE PLANTED.
2. NEWLY GRADED SUBGRADES. LOOSEN SUBGRADE TO A MINIMUM DEPTH OF 4 INCHES. REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
    A. SPREAD PLANTING SOIL TO A DEPTH OF 12 INCHES IN TURF AREAS AND 18 INCHES AT SHRUB BED AREAS BUT NOT LESS THAN REQUIRED TO MEET FINISH GRADES AFTER LIGHT ROLLING AND NATURAL SETTLEMENT. DO NOT SPREAD IF PLANTING SOIL OR SUBGRADE IS FROZEN, MUDDY, OR EXCESSIVELY WET.
    B. SPREAD PLANTING SOIL OVER LOOSENED SUBGRADE.
    C. REDUCE ELEVATION OF PLANTING SOIL TO ALLOW FOR SOIL THICKNESS OF SOD OR SEED.
3. UNCHANGED SUBGRADES. IF TURF IS TO BE PLANTED IN AREAS UNALTERED OR UNDISTURBED BY EXCAVATING, GRADING, OR SURFACE-SOIL STRIPPING OPERATIONS, PREPARE SURFACE SOIL AS FOLLOWS.
    A. REMOVE EXISTING GRASS, VEGETATION, AND TURF. DO NOT MIX INTO SURFACE SOIL.
    B. LOOSEN SURFACE SOIL TO A DEPTH OF AT LEAST 6 INCHES. APPLY SOIL AMENDMENTS AND FERTILIZERS ACCORDING TO PLANTING SOIL MIX PROPORTIONS AND MIX THOROUGHLY INTO TOP 6 INCHES OF SOIL. TILL SOIL TO A HOMOGENEOUS MIXTURE OF FINE TEXTURE.
    C. APPLY SOIL AMENDMENTS DIRECTLY TO SURFACE SOIL BEFORE LOOSENING.
    D. REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, TRASH, AND OTHER EXTRANEOUS MATTER.
    E. LEGALLY DISPOSE OF WASTE MATERIAL, INCLUDING GRASS, VEGETATION, AND TURF, OFF OWNER'S PROPERTY.
4. FINISH GRADING. GRADE PLANTING AREAS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. GRADE TO WITHIN PLUS OR MINUS 1/2 INCH OF FINISH ELEVATION. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES. LIMIT FINISH GRADING TO AREAS THAT CAN BE PLANTED IN THE IMMEDIATE FUTURE.
5. MOISTEN PREPARED AREA BEFORE PLANTING IF SOIL IS DRY. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE PLANTING. DO NOT CREATE MUDDY SOIL.
6. BEFORE PLANTING, OBTAIN LANDSCAPE ARCHITECT'S ACCEPTANCE OF FINISH GRADING; RESTORE PLANTING AREAS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING.
7. DO NOT SOW IMMEDIATELY FOLLOWING RAIN, OR WHEN GROUND IS TOO DRY. TEMPERATURE SHALL BE BETWEEN 55 F AND 90 F FOR A 24 HOUR PERIOD. WIND SHALL BE LESS THAN 5 MPH.

TURF AREA PREPARATION NOTES:

1. LIMIT TURF SUBGRADE PREPARATION TO AREAS TO BE PLANTED.
2. NEWLY GRADED SUBGRADES. LOOSEN SUBGRADE TO A MINIMUM DEPTH OF 4 INCHES. REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, RUBBISH, AND OTHER EXTRANEOUS MATTER AND LEGALLY DISPOSE OF THEM OFF OWNER'S PROPERTY.
3. SPREAD PLANTING SOIL OVER LOOSENED SUBGRADE.
4. REDUCE ELEVATION OF PLANTING SOIL TO ALLOW FOR SOIL THICKNESS OF SOD.
5. UNCHANGED SUBGRADES. IF TURF IS TO BE PLANTED IN AREAS UNALTERED OR UNDISTURBED BY EXCAVATING, GRADING, OR SURFACE-SOIL STRIPPING OPERATIONS, PREPARE SURFACE SOIL AS FOLLOWS.
    A. REMOVE EXISTING GRASS, VEGETATION, AND TURF. DO NOT MIX INTO SURFACE SOIL.
    B. LOOSEN SURFACE SOIL TO A DEPTH OF AT LEAST 6 INCHES. APPLY SOIL AMENDMENTS AND FERTILIZERS ACCORDING TO PLANTING SOIL MIX PROPORTIONS AND MIX THOROUGHLY INTO TOP 6 INCHES OF SOIL. TILL SOIL TO A HOMOGENEOUS MIXTURE OF FINE TEXTURE.
6. APPLY SOIL AMENDMENTS DIRECTLY TO SURFACE SOIL BEFORE LOOSENING.
    A. REMOVE STONES LARGER THAN 1 INCH IN ANY DIMENSION AND STICKS, ROOTS, TRASH, AND OTHER EXTRANEOUS MATTER.
    B. LEGALLY DISPOSE OF WASTE MATERIAL, INCLUDING GRASS, VEGETATION, AND TURF, OFF OWNER'S PROPERTY.
7. FINISH GRADING. GRADE PLANTING AREAS TO A SMOOTH, UNIFORM SURFACE PLANE WITH LOOSE, UNIFORMLY FINE TEXTURE. GRADE TO WITHIN PLUS OR MINUS 1/2 INCH OF FINISH ELEVATION. ROLL AND RAKE, REMOVE RIDGES, AND FILL DEPRESSIONS TO MEET FINISH GRADES. LIMIT FINISH GRADING TO AREAS THAT CAN BE PLANTED IN THE IMMEDIATE FUTURE.
8. MOISTEN PREPARED AREA BEFORE PLANTING IF SOIL IS DRY. WATER THOROUGHLY AND ALLOW SURFACE TO DRY BEFORE PLANTING. DO NOT CREATE MUDDY SOIL.
9. BEFORE PLANTING, OBTAIN LANDSCAPE ARCHITECT'S ACCEPTANCE OF FINISH GRADING; RESTORE PLANTING AREAS IF ERODED OR OTHERWISE DISTURBED AFTER FINISH GRADING.

LANDSCAPE REQUIREMENTS

TRAFFIC BUFFER
Requirements: A COMBINATION OF THE FOLLOWING SHALL BE USED: A) SOLID FENCE OR WALL, B) BERM AND C) LANDSCAPING.
LANDSCAPE BUFFER
Requirements: COMMERCIAL USE ZONES SHALL CONTAIN A MINIMUM EIGHT FOOT (8') HIGH PERIMETER LANDSCAPED BERM, OR LANDSCAPED BERM AND FENCE, BUFFER BETWEEN IT AND A RESIDENTIAL USE OR ZONE.
OPEN SPACE
Requirements: 5% OPEN SPACE

PLANT SCHEDULE

DECIDUOUS SHADE/CONIFER/ORNAMENTAL TREES

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	MATURITY	CLASS
	[illegible]	[illegible] platanoides [illegible]	[illegible] Norway [illegible]	[illegible]	[illegible] H x W	[illegible]
	AR	Acer platanoides 'Royal Red'	Royal Red Norway Maple	2" Cal.	40'-35' H x W	[illegible]
	AF	Acer x freemanii 'Jeffersred' TM	Autumn Blaze Freeman Maple	2" Cal.	50'-40' H x W	[illegible]
	CD	Cedrus deodara 'Aurea'	Golden Deodar Cedar	6'-8' Ht.	30'-15' H x W	
	CC	Cercis canadensis	Eastern Redbud	2" Cal.	20'-20' H x W	[illegible]
	LT	Liriodendron tulipifera	Tulip Tree	2" Cal.	60'-30' H x W	[illegible]
	MS	Malus x 'Spring Snow'	Spring Snow Crabapple	2" Cal.	20'-20' H x W	[illegible]
	PA	Picea abies	Norway Spruce	6'-8' Ht.	50'-25' H x W	
	PG	Picea pungens 'Glauca'	Colorado Blue Spruce	6'-8' Ht.	60'-20' H x W	
	QR	Quercus rubra	Red Oak	2" Cal.	50'-35' H x W	[illegible]
	TT	Tilia tomentosa 'Sterling'	Sterling Silver Linden	2" Cal.	45'-35' H x W	[illegible]

SHRUBS/PERENNIALS/ORNAMENTAL GRASSES

QTY.	KEY	BOTANICAL NAME	COMMON NAME	SIZE	MATURITY
	[illegible]	[illegible] x [illegible]	Karl Foerster [illegible]	[illegible]	[illegible] H x W
	CH	Cornus alba 'Bailhalo' TM	Ivory Halo Dogwood	#5	5'-5' H x W
	EA	Euonymus alatus	Winged Euonymus Burning Bush	#5	6'-6' H x W
	HS	Hemerocallis x 'Stella de Oro'	Stella de Oro Daylily	#1	2'-2' H x W
	LA	Lavandula angustifolia 'Hidcote'	Hidcote Lavender	#2	2'-3' H x W
	MA	Mahonia aquifolium 'Compacta'	Compact Oregon Grape	#2	3'-4' H x W
	PM	Pinus mugo 'Compacta'	Dwarf Mugo Pine	#5	5'-5' H x W
	SJ	Spiraea japonica 'Goldflame'	Goldflame Spirea	#2	3'-4' H x W
	VB	Viburnum x 'Burkwoodii'	Burkwood Viburnum	#5	6'-6' H x W
	WF	Weigela florida 'Dark Horse'	Dark Horse Weigela	#2	3'-3' H x W

TOPSOIL NOTES

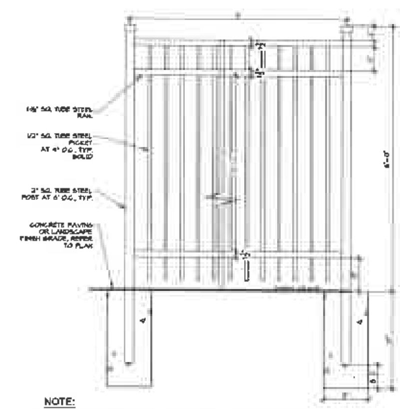
1. TOPSOIL REQUIREMENTS: ASTM D 5268, PH RANGE OF 5.5 TO 7, FOUR PERCENT ORGANIC MATERIAL MINIMUM, FREE OF STONES 1/2 INCH OR LARGER IN ANY DIMENSION, AND OTHER EXTRANEOUS MATERIALS HARMFUL TO PLANT GROWTH.
2. TOPSOIL SOURCE: STRIP EXISTING TOPSOIL FROM ALL AREAS OF THE SITE TO BE DISTURBED. TOPSOIL SHALL BE FERTILE, FRIABLE, NATURAL LOAM, SURFACE SOIL, REASONABLY FREE OF SUBSOIL, CLAY LUMPS, BRUSH, WEEDS AND OTHER LITTER, AND FREE OF ROOTS, STUMPS, ORGANIC MATTER LARGER THAN 2 INCHES IN ANY DIMENSION, AND OTHER EXTRANEOUS OR TOXIC MATTER HARMFUL TO PLANT GROWTH. TOPSOIL SHALL BE SCREENED TO ACHIEVE THIS REQUIREMENT.
3. REPRESENTATIVE SAMPLES SHALL BE TESTED FOR ACIDITY, FERTILITY AND GENERAL TEXTURE BY A RECOGNIZED COMMERCIAL OR GOVERNMENT AGENCY AND COPIES OF THE TESTING AGENCY'S FINDINGS AND RECOMMENDATIONS SHALL BE FURNISHED TO THE ARCHITECT'S REPRESENTATIVE BY THE CONTRACTOR. ALL TOPSOIL SHALL BE AMENDED TO ACHIEVE SPECIFIED PH AND ORGANIC REQUIREMENTS. RE-TEST TOPSOIL PRIOR TO FINAL COMPLETION TO ENSURE REQUIREMENTS HAVE BEEN MET. NO TOPSOIL SHALL BE PLACED WHILE IN A FROZEN OR MUDDY CONDITION.
4. PLACE TOPSOIL IN AREAS WHERE REQUIRED TO OBTAIN THICKNESS AS SCHEDULED. PLACE TOPSOIL DURING DRY WEATHER. PROVIDE ADDITIONAL IMPORTED TOPSOIL REQUIRED TO BRING SURFACE TO PROPOSED FINISH GRADE, AS REQUIRED.
5. COMPACTED TOPSOIL THICKNESS AT THE FOLLOWING AREAS:
    A. LAWN AREAS: 6 INCHES MINIMUM OR AS NECESSARY TO ACHIEVE EVEN GRADES WITH SURROUNDING LAWN AREAS.
    B. PLANTER BEDS: 18 INCHES MINIMUM
6. FINE GRADE TOPSOIL TO SMOOTH, EVEN SURFACE WITH LOOSE, UNIFORMLY FINE TEXTURE, REMOVE RIDGES AND FILL DEPRESSIONS, AS REQUIRED TO MEET FINISH GRADES. FINISH GRADE OF TOPSOIL SHALL BE 2" BELOW FINISH GRADE OF PAVEMENTS AREAS FOR SOD AND 1" FOR SEED.
7. TOPSOIL STOCKPILE LOCATIONS TO BE COVERED. COORDINATE WITH EROSION AND SEDIMENT CONTROL PLAN.
8. ALL GRAVEL, SUBBASE, AND OTHER IMPORTED FILL MATERIALS OTHER THAN TOPSOIL SHALL ONLY BE STOCKPILED IN PROPOSED IMPERVIOUS AREAS. NO GRAVEL OR ROCK MATERIALS SHALL BE STOCKPILED OR TEMPORARILY PLACED IN PROPOSED LANDSCAPE AREAS TO PREVENT LANDSCAPE AREAS FROM BEING CONTAMINATED WITH ROCK MATERIALS. CONTRACTOR SHALL SUBMIT A DETAILED STOCKPILE PLAN TO LANDSCAPE ARCHITECT AND OWNER FOR APPROVAL PRIOR TO ANY EARTHWORK OPERATIONS.

WEED ABATEMENT NOTES:

1. ALL AREAS TO BE PLANTED OR HYDROSEEDED SHALL HAVE WEED ABATEMENT OPERATIONS PERFORMED ON THEM PRIOR TO PLANTING OR HYDROSEEDING.
2. CONTRACTOR SHALL SPRAY ALL EXPOSED WEEDS WITH ROUND-UP® (CONTACT HERBICIDE) OR APPROVED EQUAL.
3. DO NOT WATER FOR AT LEAST SEVEN (7) DAYS. REMOVE EXPOSED WEEDS FROM THE SITE.
4. CONTRACTOR SHALL OPERATE THE AUTOMATIC IRRIGATION SYSTEM FOR A PERIOD OF FOURTEEN (14) DAYS. AT CONCLUSION OF THIS WATERING PERIOD, DISCONTINUE WATERING FOR THREE TO FIVE (3-5) DAYS.
5. APPLY SECOND APPLICATION OF ROUND-UP® TO ALL EXPOSED WEEDS. APPLY IN STRICT CONFORMANCE WITH MANUFACTURER'S SPECIFICATIONS AND INSTRUCTIONS. DO NOT WATER FOR AT LEAST SEVEN (7) DAYS. REMOVE WEEDS FROM THE SITE.
6. IF ANY EVIDENCE OF WEED GERMINATION EXISTS AFTER TWO (2) APPLICATIONS, CONTRACTOR SHALL BE DIRECTED TO PERFORM A THIRD APPLICATION.
7. AT THE TIME OF PLANTING AND HYDROSEEDING, ALL PLANTING AREAS SHALL BE WEED FREE.

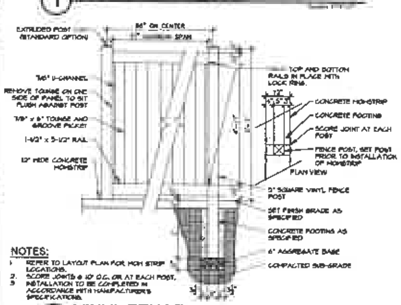
IRRIGATION NOTES:

1. ALL LANDSCAPED AREAS SHALL HAVE AN AUTOMATIC UNDERGROUND SPRINKLER SYSTEM WHICH INSURES COMPLETE COVERAGE AND PROPERLY ZONED FOR REQUIRED WATER USES. EACH HYDROZONE IS TO BE IRRIGATED WITH SEPARATE INDIVIDUAL STATIONS.
2. PLANTER BEDS AND LAWN AREAS ARE TO HAVE SEPARATE HYDRO-ZONES.
3. POP-UP SPRINKLER HEADS SHALL HAVE A MINIMUM RISER HEIGHT OF 4 INCHES AT LAWN AREAS AND 10" AT PLANTER BEDS.
4. PLANTER BEDS ARE TO HAVE DRIP IRRIGATION SYSTEM OR POP-UP SPRAY SYSTEM, ANNUALS, PERENNIALS GROUND COVERS OR SHRUB MASSINGS SHALL HAVE A POP-UP SPRAY SYSTEM.
5. ELECTRONIC WATER DISTRIBUTION/ TIMING CONTROLLERS ARE TO BE PROVIDED, MINIMUM CONTROLLER REQUIREMENTS ARE AS FOLLOWS:
    a. PROVIDE INDIVIDUAL STATION TIMING
    b. RUN TIME CAPABILITIES FOR EXTREMES IN PRECIPITATION RATES
    c. AT LEAST ONE PROGRAM FOR EACH HYDROZONE
    d. SUFFICIENT MULTIPLE CYCLES TO AVOID WATER RUN-OFF
    e. POWER FAILURE BACKUP FOR ALL PROGRAMMED INDIVIDUAL VALVED WATERING STATIONS WILL BE DESIGNED AND INSTALLED TO PROVIDE WATER TO RESPECTIVE HYDRO-ZONES.
6. INDIVIDUAL VALVED WATERING STATIONS WILL BE DESIGNED AND INSTALLED TO PROVIDE WATER TO RESPECTIVE HYDRO-ZONES.
7. THE IRRIGATION SYSTEM SHALL BE DESIGNED TO PROVIDE 100% HEAD TO HEAD COVERAGE WITH TRIANGULAR SPACING.
8. SPRINKLER HEADS SHALL BE ADJUSTED TO REDUCE OVERSPRAY ONTO IMPERVIOUS SURFACES (BUILDINGS, SIDEWALKS, DRIVEWAYS, AND ASPHALT AREAS).
9. PROVIDE MINIMUM (1) QUICK COUPLER VALVE PER EACH (4) AUTOMATIC VALVE ZONES. APPROVE Q.C.V. LOCATIONS WITH LANDSCAPE ARCHITECT.



NOTE:
1) FINISH SHALL BE MANUFACTURER'S POWDER COATING. SUBMIT COLOR SAMPLE FROM FULL COLOR PALETTE FOR OWNER APPROVAL PRIOR TO ORDERING.
2) CONCRETE POST FOOTING SHALL BE 12" MINIMUM DIAMETER X 36" DEEP (4500 PSI).
3) ALL FIELD WELDS SHALL BE GROUND SMOOTH AND POWDER COATED TO MATCH ADJACENT SURFACES.
4) CONTRACTORS ARE RESPONSIBLE FOR SHOP DRAWINGS TO BE REVIEWED BY DESIGN PROFESSIONAL PRIOR TO INSTALLATION. TUBE STEEL GATES SHALL BE POWDER COATED - COLOR AS DIRECTED BY OWNER.

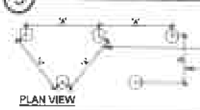
1 TUBE STEEL FENCE



NOTES:
1. REFER TO LAYOUT PLAN FOR MOW STRIP LOCATIONS.
2. SCORE JOINTS @ 10' O.C. OR AT EACH POST.
3. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.

2 VINYL FENCE PANEL

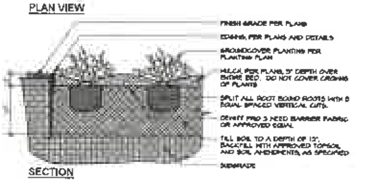
3 SHRUB PLANTING



PLAN VIEW

A = LENGTH AS SPECIFIED OR PER PLANT SCHEDULE

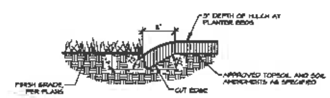
B = 86% OF 'A'



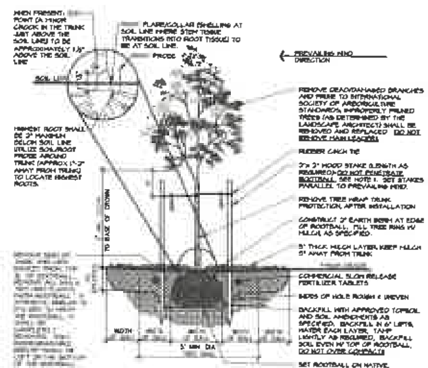
SECTION

NOTES:
1. ALL GROUNDCOVER PLANTS TO BE PLANTED ON CENTER AND IN A TRIANGULAR PATTERN.
2. APPLY SPECIFIED PRE-EMERGENT PER MANUFACTURERS RECOMMENDATIONS TO ALL GROUNDCOVER BEDS.

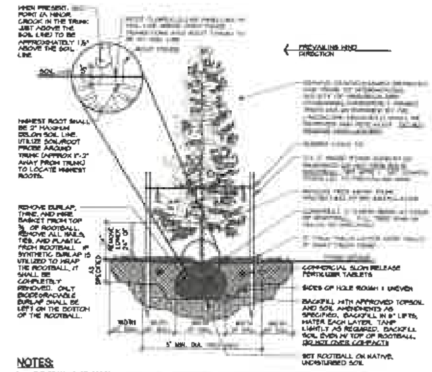
4 PERENNIAL & GROUNDCOVER PLANTING



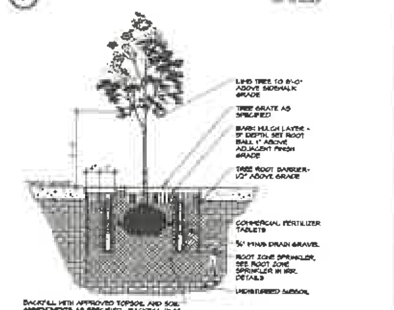
5 PLANTER BED CUT EDGE
(TYPICAL AT TREES IN TURF AREAS)



6 DECIDUOUS TREE PLANTING

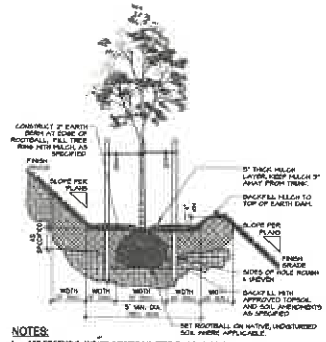


7 CONIFEROUS TREE PLANTING



NOTE:
1. PLANT TREE IN CENTER OF WELL.
2. REFER TO DECIDUOUS TREE PLANTING FOR ADDITIONAL INFORMATION AND REQUIREMENTS.

8 DECIDUOUS TREE IN PLAZA PLANTER



NOTES:
1. SEE DECIDUOUS AND/OR CONIFEROUS TREE PLANTING DETAILS FOR ADDITIONAL INFORMATION.
2. IN THE EVENT OF A QUESTION OR LACK OF CLARITY ON THE DRAWINGS, THE CONTRACTOR IS TO NOTIFY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING.
3. LANDSCAPE CONTRACTOR SHALL NOTIFY THE LANDSCAPE ARCHITECT AND OWNER PRIOR TO INSTALLATION OF PLANT MATERIAL.
4. WATER TREE TWICE WITHIN THE FIRST 24 HOURS. ENSURE EARTH DAM DOES NOT LEAK OR ERODE AND REPAIR AS REQUIRED.

9 TREE PLANTING ON BERM OR SLOPE

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
LANDSCAPE DETAILS

BRECKON

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PROJECT NO.: 20036
DATE: 06/03/21
SHEET NUMBER: PP2.2

PRELIMINARY PLAT

DEVELOPMENT AGREEMENT PROPOSED

After Recording
Return to:

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

REFORMED AND RESTATED DEVELOPMENT AGREEMENT

City of Middleton, Idaho
1103 West Main Street
Middleton, ID 83644

This Reformed and Restated Development Agreement (this "Agreement") is entered into effective this ____ day of _____, 2021, by and between the City of Middleton, Idaho, an Idaho municipal corporation of 1103 West Main Street, Middleton, ID 83644 ("City") and _____, an Idaho _____ of _____ (the "Developer"). The City and the Developer are sometimes collectively referred to herein as the "Parties" and individually as a "Party."

RECITALS

WHEREAS, Developer owns approximately 88.5 acres of real property located, approximately, on the south side of Hwy 44, to the west of Duff Lane, Middleton, Canyon County, Idaho, commonly referred to in Canyon County Assessor's records as Parcel Nos. R33935010A0, R3392 & R3392001, said property being more particularly described in Exhibit A, attached hereto and incorporated herein by this reference; and

WHEREAS, said parcels were annexed into the City of Middleton on or about June 2006, and were zoned Middleton City Mixed Use "M-U";

WHEREAS, a Development Agreement was entered into between the parties, or their predecessors in interest, in connection with said annexation, dated June 12, 2006, which Development Agreement was recorded on June 13, 2006, as Instrument No. 200646456, in the records of the Canyon County Recorder;

WHEREAS, said Development Agreement was amended by way of that certain "First Amendment to Development Agreement" entered into between the parties, or their

predecessors in interest, on February 12, 2007, which Amendment was recorded on March 2, 2007, as Instrument No. 2007015495;

WHEREAS, the parties desire that said Development Agreement be further amended by replacing the existing Development Agreement, as amended, with this Reformed and Restated Development Agreement, it being the intent that this instrument become the controlling instrument with respect to the agreement between the parties;

WHEREAS, Developer has requested annexation of adjacent real property, comprising approximately fourteen (14) acres, more or less, commonly referred to in the Canyon County Assessor's records as Parcel No. R33935010A0, said property being more particularly described in Exhibit B, attached hereto and incorporated herein by this reference, and has requested that said property be rezoned from County Agricultural to City R-3 zone;

WHEREAS, the parties desire that said property, described in Exhibit B, be added to the property described in Exhibit A, so that both properties (hereinafter referred to collectively as the "Property" or the "Subject Property") be included within and subject to the terms and conditions of this Reformed and Restated Development Agreement;

WHEREAS, Developer proposes that the Property be developed pursuant to and in accordance with the City's Comprehensive Plan and Zoning Ordinance in effect on the date of application, and in accordance with the terms and conditions of this Agreement and any amendments hereto;

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, all public hearings pursuant to notice as required by law or other action required to be held or taken prior to the adoption and execution of this Agreement have been held and/or taken.

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 Parcel R33935010A0 from County "Agricultural" to City of Middleton "R-3." 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. Parcels R3392 and R3392001 shall remain zoned as M-U.

ARTICLE III
CONDITIONS OF DEVELOPMENT

3.1 Setbacks. All setbacks shall comply with Middleton City Code at the time of building permit issuance, except as modified by table 3.1.1 below:

Table 3.1.1

Home Type	Interior Side Setback	Side Street Setback	Front Yard Setback	Rear Yard Setback
Townhomes	12' exterior and 0' for common wall	20'	20'	15'
Garden Homes	5'	20'	20'	15'
Traditional Homes	10'	20'	25'	20'

Setback encroachments for unenclosed porches and patios and for eaves, cornices, and canopies shall be as allowed by Middleton City Code in the R-3 zone.

For Traditional Homes, the minimum front setback for living space may be reduced to 20 feet if the garage setback is at least 25 feet

3.2 Irrigation License. Developer shall enter into~~negotiate and finalize~~ a license agreement with Middleton Irrigation District #2 for the pathway running along the Kennedy Lateral prior to the approval of final plat for Phase 2. Providing the City with a copy of the executed license agreement shall be a condition of final plat approval for Phase 2.

3.3 Concept Plan. The Concept Plan attached hereto as Exhibit C is hereby incorporated herein. Developer shall be bound to abide by said Concept Plan and shall develop the Property generally consistent with the Concept Plan.

3.4 Townhome Lot Size and Frontage. The Minimum lot size and frontage widths for the townhomes to be developed on the Property shall be in compliance with Middleton City Code 5-5-1, Table 2.

3.5 Townhome Unit Requirementss/~~Sprinkler Requirements~~. Townhomes may have no more than five dwelling units per townhome structure. Any structure with more than four units shall have fire sprinklers installed pursuant to applicable City Code and Fire Code standards. Townhomes north of the Kennedy Lateral shall not be taller than a single story. Townhomes south of the Kennedy Lateral shall not exceed two stories.

3.6 Townhome and Garden/Patio Home Parking. Parking for Townhomes and Garden/Patio homes shall comply with the current code standard of three (3) spaces per dwelling unit.

3.7 Deed Restrictions. The Townhome and garden/patio home portion of the project shall be deemed a 55+ community. The 55+ homebuyer requirement shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho. [*This restriction may not apply to townhomes and garden homes below the Kennedy Drain. To be discussed and determined at the City Council hearing on the matter.*]

3.8 **Design Review for Townhomes.** Prior to submittal of the building permit application for the townhome section of the project, Developer shall apply for design review approval of the design for the single-story townhomes and two-story townhomes. Design Review approval is not required for every single building permit. Instead, Design Review approval is required for only each design that will be used in the Townhome section of the project.

3.9 **CC&R requirements.** The CC&Rs applicable to the Townhome portions of the project shall provide that the Homeowners Association shall maintain, at the very least, the front yard landscape of the individual Townhomes in order to keep a neat and uniform appearance in the community. Additionally, the CC&Rs shall include a fine schedule that includes fines for not maintaining a neat and orderly patio or landscape area.

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3.10~~8~~ Landscaping and Berm Between Residential and Commercial Lots. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm/fence between the commercial lots and residential lots. Instead, Developer shall provide a 20' wide landscaped buffer between the commercial lots and residential lots. If a street separates the commercial use from the residential use, the 20' wide landscape buffer may be on either side of the street, but the required 20' width must all be on one side.

3.11~~9~~ Lot Size Requirements. Garden and Patio homes shall have a minimum lot width of sixty (60) feet and minimum lot size of six thousand (6,000) square feet. The traditional single-family homes shall have a minimum lot width of seventy five (75) feet and minimum lot size of eight thousand (8000) square feet.

3.12~~0~~ Townhome and Garden Home Road Section Requirements. The roads through the Townhome and Garden Home portions of the plat (Phases 1, 2, 4 & 6 except Yetna Ave., and E. Sawtooth Lakes) shall be 36' wide and constructed in compliance with the

Townhome Road Section found in the Supplement to the ISPWC. Parking shall not be allowed on any 36' roadway sections, and parking signs to that effect must be posted.

3.13~~1~~ Second Access. Developer may develop the lots in Phases 1 through 3, above the Kennedy Drain, without providing a second access. The 2nd access provided by E. Sawtooth Lake Street connecting to Duff Lane or to Middleton Road must be completed to obtain final plat approval for Phase 4. If E. Sawtooth Lakes Street is not completed to Middleton Road by the time Developer seeks final plat for Phase 4, the phasing plan may be amended, without a public hearing application, to expand Phase 4 to add portions of E. Sawtooth Lakes Street access to Duff Lane. Instead, the revised phasing plan may be administratively approved through the Middleton City Planning Department with the payment of an administrative review fee of $1000.00. ~~shall be completed with Phase 4 and shall be a condition of approval for Phase 4 final plat approval.~~

3.14~~2~~ Street Frontages. Developer shall, at its own cost, improve all City required street frontages on Hwy 44 prior to Phase 1 final plat approval, and such improvements shall be a requirement of Phase 1 final plat approval. ~~and Duff Lane. In Phase 1, Developer shall be required to improve only the portions of Highway 44 necessary to secure an approach permit from ITD and to create a safe and complete entrance into the project. The remaining portions of Highway 44 frontage improvements shall be completed no later than final plat for the Phase 3 (Commercial) portion of the preliminary plat.~~ The road and frontage improvements to Duff Lane may be completed with Phase 8 as shown on the preliminary plat, and completion of the improvements shall be a condition of approval for Phase 8 final plat. Developer shall dedicate all improved right of way to the City.

3.15~~3~~ Approach Permit. Developer shall obtain an approach permit from ITD for access on to Highway 44.

3.16~~4~~ Traffic Mitigation. Developer shall complete a Traffic Study and shall pay all City required pro-rata or proportionate share fees for traffic impacts to nearby intersections in the following amounts:~~.~~

SH-44 & N. Middleton Road	~~$80,741 (ITD Dev. Cond Memo 5/25/21)~~
SH-44 & Duff Lane	$154,903 (ITD Dev. Cond. Memo 5/25/21)
SH-44 & Lansing Lane	$____ (ITD reviewing this week)
Sawtooth Lakes & Middleton	$134,302 (5.3% of $2.53 Million const. cost)
TOTAL	$_____

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3.17~~5~~ Centerline Radius. Developer shall be allowed a roadway minimum centerline radius of 90' except Developer shall be allowed a turning radius of less than 90', specifically --- for the intersections of Coleen & Sage and Chena & Chena because of the bulb-outs designed at those intersections~~.~~

3.18~~6~~ Duff Lane Connection. Developer shall provide an east/west collector connecting to Duff Lane, as set forth on the Concept Plan (E. Sawtooth Lake Street). Parking shall not

be allowed on said roadway, and signs to that effect shall be posted. No driveway access shall be allowed onto said roadway.

3.19~~7~~ Western Perimeter Right of Way. Developer shall show on the preliminary plat (and final plat if dedicated) a~~dedicate a~~ 50' right of way on the western perimeter for the connection~~mpletion~~ of Yetna Avenue and E. Sawtooth Lake Street, which right of way may shall be developed and dedicated~~utilized~~ in the event the River Walk~~Ranch~~ Crossing project to the west is not developed by the time Developer submits construction drawings for~~begins developing~~ Phase 4 or the first phase below the Kennedy Lateral. ~~Alternatively,~~ Developer may~~may~~ enter into an agreement with the Developer of River Walk ~~Ranch~~ Crossing to complete the off-site portions of Yetna Avenue and E. Sawtooth Lake Street in the event the River Walk~~Ranch~~ project does not develop. Said agreement shall be recorded. If Developer chooses to enter said agreement with the Owner of River Walk, Developer must present to the City a copy of said executed and recorded agreement between Developer and River Walk Owner as a condition of approval for Phase 4 final plat. If Developer and the owner of River Walk Crossing have not entered into said agreement by phase 4 final plat approval, then Developer must dedicate the 50' right of way as shown on the western boundary of the preliminary plat in order to gain approval of Phase 4 final plat.

3.20~~18~~ Sewer Lift Station. If the River Ranch Crossing project to the west is not developed by the time Developer begins developing Phase 4 or the first phase to be developed below the Kennedy Drain, Developer shall design and construct a sewer lift station to allow sewer service to the portion of the Property south of the Kennedy Drain. Such construction shall include offsite infrastructure required. The lift station may be required to be sized to accommodate property other than River Pointe.

3.21~~19~~ Amenities. Developer shall provide a swimming pool facility, five pickleball courts, and associated park facilities, as shown on the concept plan.

3.22~~0~~ Kennedy Drain Pathway Connectivity & Public Access. All 10' pathways and sidewalk sections needed to connect the 10' pathways along the Kennedy Drain to the Boise River greenbelt trail, ~~and~~ River Walk Loop, and Duff Pond shall be encumbered with a public access easement. Developer and/or its successors and assigns shall be responsible for all maintenance and repairs of the 10' pathways and sidewalks encumbered with the public access easement.

3.23~~1~~ Cross-Access and Utility Easements. Developer shall execute and record a cross-access easement for vehicular and pedestrian travel and utility easement that will apply to all commercial lots that gain access via drive aisles and to all residential lots abutting a private lane. This will ~~to~~ ensure public and utility access ~~access to the public~~ and will~~to~~ avoid any land-locked parcels. Such easements must be shown on the final plat for the phase in which the easements are required or created by separate instrument document. Proof of the easement executed and recorded easement shall be a condition of approval for for final plat for the respective phase.

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3.242 Agreement to Complete E. Sawtooth Lake Street. Developer shall enter into an agreement with the owner(s) of the River Ranch Crossing subdivision immediately to the west to allow River Ranch Crossing to complete the portion of E. Sawtooth Lake Street on the River Pointe parcels in the event Developer is unable to complete the River Pointe project. Said agreement shall be recorded. A copy of said agreement shall be provided to the City prior to Phase 1 final plat approval, and said agreement shall be a condition of final plat approval for Phase 1. *[Contingent Provision that may ultimately not be inserted in the DA: this provision may be unnecessary if River Ranch obtains a 2nd access on to Middleton Road.]*

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3.25 **Fencing.** Only black wrought iron fencing shall be allowed in the project. This includes the perimeter fence required by MCC 5-4-11-2. The perimeter fence may be less than the six (6) feet height prescribed in MCC 5-4-11-2, but the fence height must be a minimum height of four (4) feet. These fencing requirements do not apply to any privacy walls constructed around patios or near the building structure.

3.26 **Design Requirements for Commercial Structures/Uses.** Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least three (3) different design elements. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt, modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

3.27 **Signage.** Developer may exceed the one wall sign limit found in the Middleton City Code and may be permitted signs on both the rear elevation and front elevation of a commercial building that has its rear elevation fronting Highway 44.

ARTICLE IV
FAILURE TO COMPLY WITH AGREEMENT

4.1 Failure to Comply with Development Agreement. If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code. If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this Agreement shall be amended and the Developer shall comply with the amended terms.

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

4.2 Termination. If after a breach, the City Council determines that the zoning should be reverted to the prior, underlying zones, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such reversion or other action and will cease uses not allowed or permitted in said prior zones.

4.3 Additional Remedies. 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 Failure to Perform. 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 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 Amendments. 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 Notices. 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: _____

_____

_____

_____

_____

5.4 Attorneys Fees. 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. 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 Obligations Run with the Land. 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. 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.

Any 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 to only such owner's lot or parcel.

5.7 Choice of Law. 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 the 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 is 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 day and year first above written.

Dated this _____ day of _____, 2021 and effective upon annexation and rezoning of the Property.

CITY OF MIDDLETON **ATTEST**

By: _____ By: _____

Steven J. Rule, Mayor Becky Crofts, City Clerk

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State of IDAHO)
ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2021, 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: _____

[Signature on following page]

DEVELOPER:

By: _____ Its: _____

State of Idaho)
ss.
County of _____)

I, a notary public, do hereby certify that on this ___ day of _____, 2021, personally appeared before me _____ who, being first duly sworn, declared that they signed

_____
Notary Public
My Commission Expires: _____

APPLICATION

CITY OF MIDDLETON
P O BOX 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

CITY OF MIDDLETON RECEIVED SEP 15 2020 MS

Planning and Zoning Department

Land Use Application

Rev: 4/24/2019

Fee Paid: $ 4,500 CK 1030 R. 3.105803

Application Accepted by: _____

Date Application Accepted: _____

Applicant: Breckon Land Design for:

Name	Phone	Email
Drake Investments, [redacted], LLC		invest1977@yahoo.com

Mailing Address	City, State	Zip
1125 W. Two Rivers Lane	Eagle, ID	83616

Representative:

Name	Phone	Email
Breckon Land Design Mary Wall Jon Breckon	208-376-5153	mwall@breckonld.com

Mailing Address	City, State	Zip Code
P.O. Box 44465	Boise, ID	83711

PUBLIC HEARINGS**	PUBLIC MEETINGS*	PUBLIC HEARINGS**
☐ Annexation and Zoning	☐ Design Review	☐ Development Agreement
☐ Rezone	☒ Preliminary Plat	☐ Ordinance Amendment
☐ Vacate Right-of-Way	☐ Construction Plans ***	☐ Special Use Permit
☐ Comprehensive Plan Map or Text Amendment	☐ Final Plat	☐ Variance

* **Public Meetings**: Individuals have a right to observe, not comment, at an open meeting at which the application is being considered by decision makers. Plats designed to city code and standards do not require a neighborhood meeting or public hearing.
** **Public Hearings**: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.
*** **Administratively**: reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: River Pointe Subdivision

Site Address: 10481 Highway 44 Total Acres: 74.5

Crossroads: Highway 44 across from Greenlinks Ave

Existing Zoning: Mixed Use Proposed Zoning: Mixed Use

Floodplain Zone: AE Hillside (grades exceeding 10%): None

Applicant's Printed Name	Date	Applicant's Signature
Mary B Wall	9/15/2020	Mary B Wall

CITY OF MIDDLETON
P O BOX 487
1103 W MAIN ST, MIDDLETON, ID 83644
208-585-3133, FAX: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning and Zoning Department

Land Use Application

Rev: 4/24/2019

Fee Paid: $ _____

Application Accepted by: _____

Date Application Accepted: _____

Checklist - A complete Planning and Zoning Application must include the following.

☒ **Application Form**

☐ **Application Fee** (see Fee Schedule). Note: City Engineer and City Attorney expenses incurred by the city throughout the approval process that are related to relating to this Application are billed to the applicant in addition to the Application Fee. _____ Applicant Initial

☒ **Vicinity Map:** attach an 8 ½" x 11" map showing the subject property in relation to land around it that includes the nearest public roads.

☒ **Narrative:** describe and explain your request, anticipated adverse impacts on neighbors, and other information helpful to decision-makers. Please attach the following if applicable.

Applicable	Not Applicable	
☐	☒	Describe how request is consistent with comprehensive plan (for annexation, zoning, comprehensive plan or ordinance amendments only)
☐	☒	Design review materials and information (design review application only)
☒	☐	Proposed preliminary plat, drainage calculations, traffic impact study ON THUMB DRIVE
☐	☒	Proposed construction drawings (construction plans application only)
☐	☒	Proposed final plat (for final plat application only)
☐	☒	Proposed development agreement (to be Amended)
☐	☒	Worksheet (for special use permit or variance only)

☒ **Proof of Ownership or Owner's Consent:** attach a copy of landowner's deed and; if applicable, a letter from the landowner that authorizes the applicant to file an application.

☒ **Property Boundary Description** including reference to adjoining road and waterway names that is signed and stamped by a land surveyor registered in the State of Idaho. If more than one zoning designation is being requested, separate legal descriptions are required for each zoning designation.

☒ **Neighborhood Meeting:** If applicable, attach original sign-up sheet.

☒ **Mailing Labels:** Adhesive mailing labels containing the names and addresses of property owners within 300 feet of the external boundaries of the subject property (available at Canyon County Assessor's office or title companies). Two(2) sets if application requires a public hearing.

☑ **Complete Application (City use only: check box and initial if Application is complete):** BB

CITY OF MIDDLETON
P O Box 487
1103 W Main St, Middleton, ID 83644
208-585-3133, Fax: 208-585-9601
www.middleton.id.gov

CITY OF MIDDLETON RECEIVED MAR 17 2020 KV

Planning and Zoning Department

Land Use Application

Rev: 4/24/2019

Fee Paid: $ 575.00 Rec 3.106637

Application Accepted by: _____

Date Application Accepted: March 17, 2020

Applicant:

Deep water LLC 208 994 1607 invest1977@yahoo.com

Name Phone Email

1125 W two Rivers ln Eagle, ID 83616

Mailing Address City, State Zip

Representative:

Robert Brian Burnett 208 994 1607 invest1977@yahoo.com

Name Phone Email

1125 W two Rivers ln Eagle, ID 83616

Mailing Address City, State Zip Code

PUBLIC HEARINGS**
- [x] Annexation and Zoning
- [ ] Rezone
- [ ] Vacate Right-of-Way
- [ ] Comprehensive Plan Map or Text Amendment

PUBLIC MEETINGS*
- [ ] Design Review
- [ ] Preliminary Plat
- [ ] Construction Plans ***
- [ ] Final Plat
- [ ] Canal Extension

PUBLIC HEARINGS**
- [x] Development Agreement
- [ ] Ordinance Amendment
- [ ] Special Use Permit
- [ ] Variance

* **Public Meetings**: Individuals have a right to observe, not comment, at an open meeting at which the application is being considered by decision makers. Plats designed to city code and standards do not require a neighborhood meeting or public hearing.

** **Public Hearings**: a neighborhood meeting is required before filing an application, and individuals have a right to participate in the hearing by offering comments. Plats not designed to city code and standards require a neighborhood meeting and public hearing.

*** **Administratively**: reviewed and approved by the City Engineer and Zoning Official.

Subdivision or Project Name: Deep water LLC

Site Address: 22473 Duff Ln Total Acres: 14

Crossroads: Duff & Hwy 44

Existing Zoning: AG Proposed Zoning: Mixed use

Floodplain Zone: AE Hillside (grades exceeding 10%): _____

Robert Brian Burnett 2-21-20 [signature]

Applicant's Printed Name Date Applicant's Signature

Breckon Land Design Inc.
6661 North Glenwood Street
Garden City, Idaho 83714
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

February 22, 2021

RE: Neighborhood meeting for the proposed River Pointe Subdivision and Development at 10481 Highway 44 Middleton, ID

Dear Neighbor,

Due to a delay in the development application, the City of Middleton has requested an additional neighborhood meeting between the applicant and neighbors adjacent to the proposed project. This is your notice to meet and review the proposed residential housing and commercial project. This is not a public hearing and public officials will not be present. If you have questions, please feel free to Mary Wall at 208-376-5153 extension 104, or by email at mwall@breckonld.com.

Purpose:
To conduct a neighborhood meeting to answer questions regarding the proposed residential housing and commercial development.

When:
Monday, March 8, 2021 - 6:00 PM – 7:00 PM

Where:
10481 Highway 44, Middleton, Idaho (approx. 0.5 miles west of Duff Lane on south side of Hwy 44)

Thank you,

Jon Breckon, ASLA, CLARB
BRECKON landdesign
Landscape Architect

CC: FILE, City of Middleton

S:_projects\2020\20026 Riverbend sub\Admin\Agency Correspondence\Applications

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Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

February 22, 2021 (REVISED LOCATION NOTIFICATION SENT ON 2/23/2021)

RE: Neighborhood meeting for the proposed River Pointe Subdivision and Development at 10481 Highway 44 Middleton, ID

Dear Neighbor,

Due to a delay in the development application, the City of Middleton has requested an additional neighborhood meeting between the applicant and neighbors adjacent to the proposed project. This is your notice to meet and review the proposed residential housing and commercial project. This is not a public hearing and public officials will not be present. If you have questions, please feel free to Mary Wall at 208-376-5153 extension 104, or by email at mwall@breckonld.com.

Purpose:
To conduct a neighborhood meeting to answer questions regarding the proposed residential housing and commercial development.

When:
Monday, March 8, 2021 - 6:00 PM – 7:00 PM **If you wish to sit during the meeting please bring a chair.**

Where: REVISED LOCATION: 10055 RIVERBEND ROAD, MIDDLETON

Thank you,

Jon Breckon, ASLA, CLARB
BRECKON landdesign
Landscape Architect

CC: FILE, City of Middleton

S:_projects\2020\20026 Riverbend sub\Admin\Agency Correspondence\Applications

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RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET

March 8, 2021

Name:	Address:	Phone Number:	Email:
Debbie Hundelle	10043 Riverbend Middleton	208 488 0645	dbbiehundelle@gmail
Michael Keller	10073 RIVERBEND PL.	408-761-8323 OPPOSED	OPPOSED. MIKE@THEGRID.NET
Dan & Robin Allen	9374 Blue Heron Dr		Robin_all@msn.com
Mini Victory	9370 Blue Heron DR		Mini.victory@comcast.net
Rick Francis	10028 Riverbend Pl	opposed	rick.francis904@gmail.com
ARMANDO FERNANDES	10076 Riverbend Pl.	Opposed	
Maria Fernandes	10076 Riverbend Pl.	opposed	
Greg Starkjohann	10049 RIVERBEND PL	OPPOSED	
Kathleen Kelley	10073 RIVERBEND	OPPOSED	
G. Henley	10055 Riverbend Pl.	OPPOSED 408-429-9164	ginasowt@gmail
A. SHADOAN	22568 DUFF LN	OPPOSED 425-210-7300	
GORDON SHADOAN	" "	541-330-8178	OPPOSED
John Yahnn	9394 Blue Heron Dr		
Michaela Codding	10031 Riverbend Pl.	707 321-1560	opposed
Lori Smith	10079 River bend Pl	707 372-8743	
STERLING SMITH	10079 RIVERBEND PL.	707-372-8742	ssmith613@comcast.net
D. Shadoan	22568 Duff Ln	OPPOSED 206-910-5708	OPPOSED
Camilla Shadoan	22568 Duff Ln	opposed	
Pete Codding	10031 Riverbend	707 494-9223	OPPOSED
Pam Starkjohann	10049 Riverbend	661-718-6445	OPPOSED
Susan Conger	10046 Riverbend Pl	208-921-2951	opposed !!!
DEREK BUSBY	22241 DUFF LANE	208-921-5875	OPPOSED
Rachelle Stewart	10061 Riverbend Pl	208 996 4394	opposed

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Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET

March 8, 2021

Name:	Address:	Phone Number:	Email:
BRENT G. STEWART	10061 RIVERBEND PL	208.996.4394	OPPOSED!

Also in attendance on behalf of owner:
Andrew Knowles - Keller Williams Realty
Jon Breckon
Tyler Chambers } Breckon Land Design
Mary Wall

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6661 North Glenwood Street
Garden City, Idaho 83714
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Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

Meeting Minutes – River Pointe Neighborhood Mtg

Meeting Date: March 8, 2021

Project & Project #: River Pointe Subdivision – BLD Project #20026

Location & Time: Meeting held at 10055 Riverbend Road, Middleton

Distribution List: for distribution to the City of Middleton, Idaho with project application

Present at Meeting: See attached attendance list

Submitted by: Mary Wall, Breckon Land Design

NOTES:

This meeting is the second neighborhood meeting and was held at the request of the City of Middleton because there had been several delays in scheduling the Planning & Zoning hearing and the scope of the application has changed during this time.

A 30" X 40" display board of the updated development layout was placed at the meeting site for the attendees. Neighbors were given about 15 minutes to review the layout prior to the start of the meeting. A copy of the presentation board is attached to these minutes for reference.

It should be noted that the owner/developer showed up to participate in the neighborhood meeting but was asked to leave by the homeowner that provided space for the meeting.

At 6:15 pm the meeting started with Jon Breckon, Breckon Land Design, providing a brief introduction to the proposed project as well as 1) the changes made to the plan since the last Neighborhood meeting, 2) the purpose of the Neighborhood Meeting, and 3) the next steps in the regulatory review process. Attendees were told that this meeting was an opportunity to provide feedback of any kind on the proposed project. The comments would be documented and provided to the City of Middleton with the application package. Attendees were also told that they would be notified by the City of any public hearings associated with the project.

At the conclusion of the above remarks the meeting was opened to receive comments from the attendees. The following is a summary of comments heard during the meeting. In general, the attendees appeared to agree on the concerns outlined below.

- There were questions on how we could submit the development for review, including the 14-acre parcel, when the 14-acres has not been annexed into the City. We are requesting the annexation as part of the development submittal package.

- Questions came up on the road and sewer utilities and the connection of Watkins Street and River Street with Middleton Road was presented. This caused concerns that the traffic impacts to Duff Lane would reach beyond just the new housing and would include traffic from Middleton Road. There is concern about increased traffic levels on Duff Lane, particularly at the Hwy 44 intersection.
- It was noted by neighbors that there is already a traffic issue at Duff Pond because there is insufficient parking. It was asked if the traffic impact study would address this.
- Information was requested on what the "old" traffic impact study recommended – would there be a stop light at Duff Lane and Hwy 44? What improvements would be required at the development entry on Hwy 44? What would be the traffic impacts to Duff Lane? And recommended improvements? Because immediate answers were not available the attendees were told they could email their information request to Breckon Land Design and information would be provided.
- The layout of the development and the perceived difficulty in getting from the residences south of the Middleton Drain to the Highway 44 intersection would result in all the residences south of the drain to use Duff Lane as their preferred travel route. With the previous road layout, they were only worried about the 42 homes on the 14-acre parcel but now they are worried that there will be over 130 homes impacting Duff Lane. Neighbors questioned why Ember Road was not being extended to Hwy 44 and being used as the primary access to the development. They felt a straight shot up Ember to get to Hwy 44 would be better than the entry road proposed & would reduce the potential traffic onto Duff Lane.
- Neighbors wanted clarification regarding the City wanting Watkins Road to extend to Duff Lane. After much discussion it was clarified that the location of Watkins Road has been on the City's transportation plan and is a desire of the City, but the requested residential lot size/density is at the discretion of the property owner.
- There were numerous complaints that the owner had promised to develop the 14-acres with 1-acre parcels and the neighbors feel the property owner has not been honest with them. They claimed that the promise of 1-acre parcels was most recently made after the neighborhood meeting last fall.
- One neighbor questioned whether ITD might consider requiring a stop light at the entrance to the development as a possible way to prefer that access over Duff Lane.
- There is concern about drainage and groundwater and the impact the 14-acre development will have on the neighboring yards and septic systems.
- Neighbors are concerned about the abrupt transition from 1-acre parcels to 8,000 square foot parcels. They would like to see a much more gradual transition from the larger, existing parcels to the small residential parcels. They feel that the lot sizes on the 14-acres "do not fit" and "the plan does not make sense".
- Neighbors questioned the purpose of the meeting because they had provided feedback at the last meeting but nothing had changed and the total number of houses in the development had actually increased.
- Neighbors do not believe that the proposed density of the 14-acre parcel fits in with the surrounding area which is low-density residential and agricultural property.
- There were questions about whether an environmental impact study had been done on the property and whether one would be required as part of the project approval.
- There were a few complaints about the gravel mining operation on the property. Some owners felt that the hours of operation and location of gravel piles were not in compliance with the permit. These complaints were not addressed since the issue was not a part of the proposed project.

- Neighbors requested information on the types of businesses that would be in the commercial area. No specific information was provided since planning is still in the preliminary stages. Business "types" should probably be addressed in the Development Agreement if not already outlined in the City Code.
  One person expressed concern that if a bar is allowed to open in that area it may result in inebriated people driving through the back roads (Watkins Street, Duff Lane) to avoid Hwy 44.

SUMMARY

The primary concerns presented at the meeting are as follows:

1. Proposed high-density development of the 14-acre parcel does not fit with the neighborhood and neighbors would like to see a reduction in density, preferably to 1 acre lots.
2. Big concerns about the developments impact to traffic on Duff Lane and the Hwy 44/Duff lane intersection.
3. Concerns about drainage issues on adjacent properties resulting from this development.

RIVER POINTE SUBDIVISION
MIDDLETON, IDAHO
SCALE 1"=100'

Breckon Land Design Inc.
6661 North Glenwood Street
Garden City, Idaho 83714
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

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May 5, 2021

Ms. Roberta Stewart
City of Middleton
1103 West Main Street
Middleton, Idaho 83644
P: 208-585-3133

RE: Entitlement Application for the River Pointe Subdivision –
Preliminary Plat of Parcels #R3392000000, R3392001000, and R33935010A0
Comprehensive Plan Map Amendment, Annexation and Rezone of R33935010A0
22473 Duff Lane and 10481 Hwy 44, Middleton, Idaho

Dear Ms. Stewart:

We are pleased to submit the above referenced applications for the proposed River Pointe Subdivision (hereinafter the "Project" or "Development") on behalf of our client, Drake Investments, LLC and Deep River Investments, LLC. Enclosed you will find the required application(s) and documents for the preliminary plat application for the subdivision of the above referenced parcels. Two parcels are within the Middleton city limits and are zoned Mixed Use (MU), the third parcel is 14-acres and currently in Canyon County. We are requesting a Comprehensive Plan Map Amendment, annexation and rezone of the 14-acre parcel so it can be included in the River Pointe Development. The preliminary plat includes six commercial lots with 115 townhome lots and 67 garden home lots located on both sides of the South Middleton Drain, and all located north of the proposed connector, River Street. An additional 92 residential lots are located south of the connector road and on the 14-acre Duff Lane parcel. The project will be accessed via new collector roads off Highway 44, Duff Lane and Middleton Road. River Street will extend west through the proposed River Ranch Development where it will connect with Middleton Road.

Comprehensive Plan Map Amendment (CMPA)

The 14-acre parcel (R33935010A0) is currently designated as Agricultural and Vacant Transit on the Middleton 2018 Land Use Map and is designated "Transit Station and Transit Oriented Development" on the Middleton Future Land Use Map dated 07/12/2019. Transit Oriented Development is defined as "*a type of urban development that maximizes the amount of residential, business and leisure space within walking distance of public transport*". We are proposing to change the future land use designation to Residential and develop the property as an R-3 single-family residential neighborhood. This designation is more suitable for the property than the current "transit" designation which could potentially lead to high density residential development. Approval of the CMPA will allow for the annexation and rezone to the R-3 zoning designation so this property can be developed as part of the River Pointe development.

Annexation and Rezone

The 14-acre parcel that is the subject of the Annexation and Rezone is currently zoned Agricultural (AG) in Canyon County. The property is within the City of Middleton Impact Area and is designated as agricultural, residential, and as "vacant transit" on the City of Middleton 2018 Land Use Map. Middleton Planning Department staff has indicated that changes to regional transit plans have rendered the plan for a Future Transit Stop on this property obsolete and, therefore, changing the property zoning to residential is appropriate. Annexation of the property will allow for east-west transit route included in the City of Middleton Transportation Map to be constructed as part of the development plans for this property.

The applicant is proposing an annexation into the City of Middleton and a rezone of the property to the R-3 (Residential) designation and then develop the property as part of the River Pointe Development. The property to the north and east is in Canyon County and zoned Agricultural (AG). Property to the south is in Canyon County and zoned R-1 (1-acre min.). The property to the west is zoned Mixed Use, is within the City of Middleton, and is part of the proposed River Pointe Development.

Preliminary Plat

The applicant proposes to subdivide 89-acres (75-acre plus 14-acres) into six commercial lots,115 townhome lots, 67 garden home lots, and 92 residential lots (8,000 – 21,000 SF). All of the garden home lots plus the townhome lots north of the Middleton Drain will be Active Adult targeted communities. There are37 common lots with a total area of 16.92 acres. Note that the 14-acre parcel is being developed with residential lots meeting the R-3 zoning requirements in accordance with the proposed zoning. The common lots will be used for landscaping, open space, recreational amenities, drainage facilities, a community room with a pool, and pathways throughout the development. The proposed pathways will run on both sides of the South Middleton Drain and a 10-foot-wide pathway will also connect Highway 44 to the Boise River Greenbelt area. When the greenbelt trails are developed in this area these pathways will connect to it. The proposed subdivision is in alignment with the Land Use Map for the City of Middleton.

The Development Agreement associated with this property is being amended and will include the following:

- All Garden Home residential housing and all townhomes north of the Middleton Drain will be targeted towards Active Adult Living, also known as a 55+ community.
- Reduced road widths with no on-street parking will be used throughout the townhome and garden home communities. Adequate off-street parking will be required as part of the design of each residential unit.
- The Garden Home lots will be a minimum of 6,000 square feet with a minimum 60-foot lot width and reduced setbacks as set forth in the Development Agreement.
- The townhomes north of the drain shall be limited to one-story.

The project will be developed in eight phases and will be provided with utilities as follows:

- **Sewer** service will be provided by Middleton Sewer District through an extension of the existing system located in Highway 44 for the areas north of the Middleton Drain. The areas south of the Drain will be served by a sewer extending from Middleton Road and running through the River Ranch Development to the River Pointe Development. Preliminary design review indicates that the entire project can be served through gravity feed lines, however, a more detailed review is required for confirmation.
- **Water** service will be provided by Middleton Water through an extension of the existing system located in Highway 44 as well as interconnecting with the River Ranch water infrastructure to the west. Water will be for domestic use and for fire protection.
  Streets throughout the development will be built to the City of Middleton standards and/or the sites geotechnical reports recommendations. All roads and right-of-way will be dedicated to the public. Streets will include curb, gutter and attached or detached sidewalks. An east-west collector has been coordinated with the River Ranch Development and will run through the property connecting Duff Lane to Middleton Road. A second collector, Yetna Street, will connect the east-west collector with Highway 44.
- **A pressurized irrigation system** using existing surface and groundwater rights will serve all lots and open space throughout the project. The homeowner's association with own and operate the irrigation system.

A traffic impact study (TIS) has been prepared and submitted but will require an update to reflect the new development layout. The update will be provided as soon as it is received.

The project is in a regulated flood plain and all development will meet the design requirements for developing within a flood plain. There are no known adverse health, safety, or environmental issues.

The public is not expected to financially support the services required for the development. The property taxes post-development will provide greater tax revenue to the City than continuing the agricultural use.

In summary, the proposed preliminary plat for this property will support the orderly development of the City in accordance with the City code and in manner consistent with the City's development plan. We believe this project will be an asset to the City of Middleton. If you have any further questions or comments, please contact me at 208-376-5153 or via email at mwall@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Mary B Wall, PE
Senior Civil Engineer

Enclosures – Master Application, Checklists & supporting documentation
Cc: File; Drake Investments, LLC

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Garden City, Idaho 83714
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April 12, 2021

RE: Neighborhood meeting for the proposed Riverbend Subdivision and Development at 10481 Highway 44, Middleton, ID

Dear Neighbor,

Prior to submittal of a development application, the City of Middleton requires a neighborhood meeting between the applicant and neighbors within 300-feet of the proposed project. The initial neighborhood meeting was held on 9/02/2020 prior to the initial submittal of the development application. Due to delays in scheduling the Planning & Zoning Commission hearing a second Neighborhood meeting was held on March 8, 2021. **This meeting is the 3rd Neighborhood meeting providing an opportunity for public comment.** This is not a public hearing and public officials will not be present. If you have questions, please feel free to Mary Wall at 208-376-5153 extension 104, or by email at mwall@breckonld.com. (Note: Meeting Notices were sent to the owners of record within 300-feet of development **AT THE TIME OF NOTICE MAILING**)

Purpose:
To conduct 3rd neighborhood meeting to answer questions regarding the proposed River Pointe Development.

When:
Monday, April 26, 2021 - 6:00 PM – 7:00 PM

Where: MEETING WILL BE ON-SITE @ gravel truck access road
10481 Highway 44, Middleton, Idaho (approx. 0.5 miles west of Duff Lane on south side of Hwy 44)

Thank you,

Jon Breckon, ASLA, CLARB
BRECKON landdesign
Landscape Architect

CC: FILE, City of Middleton

S:_projects\2020\20026 Riverbend sub\Admin\Agency Correspondence\Applications

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RIVERBEND NEIGHBORHOOD MTG #3 SIGN IN SHEET

April 26, 2021

Name:	Address:	Phone Number:	Email:
Pam Star Kjohann	10049 Riverbend	661-718-6445	P-Star Kjohann msn.com
Tom Conger	10046 Riverbend	208-921-2951	OPPOSED
Sue Conger	" "	" "	OPPOSED
Paul Leeman	10058 Riverbend	4084558253	Paco34@gmail.com
Gina Henley	10055 Riverbend	OPPOSED	Opposed
Maria Fernandes	10076 Riverbend	Opposed	
Fernando Fernandes	10076 Riverbend	OPPOSED	
Sterling Smith	10079 Riverbend Pl	707 372 8742	ssmith613@comcast.net
Jonathan Pratt	10247 Hwy 44	208-963-1877	jthompthome@gmail.com
Ed Christopher	10233 Hwy 44	208-871 2163	

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RIVERBEND NEIGHBORHOOD MTG #3 SIGN IN SHEET

April 26, 2021

Name:	Address:	Phone Number:	Email:
Clark Guler	10250 Gabica St.	360.430.0405	clarkhguler@gmail.com
GREG STARKJOHN	10049 RIVERBEND PL	208 697-7499	—
MARMRS Kelley	10073 " "	408-761-3323	MPK@THEGRID.NET
Michaela Codding	10031 Riverbend Pl.	707-321-1560	michaelacodding@gmail.com
Lori Smith Sterling	10079 Riverbend Pl	707-372-8742	@comcast.net, ssmith613.com
Rick Francis	10028 Riverbend Pl	661.246.5965	OPPOSED rick.francis904@gmail.com
Peter Codding	10031 Riverbend Pl	707-494-9223	Petercoddingconst.1@gmail.com
Matt Hoffman opposed	19851 Dominion Way	—	—
Kevin Hutchison	9059 Landroff Ln	208-672-1184	UptownRanch@gmail.com

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Meeting Minutes – River Pointe Neighborhood Mtg

Meeting Date: April 26, 2021

Project & Project #: River Pointe Subdivision – BLD Project #20026

Location & Time: Meeting held onsite at gravel truck entrance road, Middleton

Distribution List: for distribution to the City of Middleton, Idaho with project application

Present at Meeting: See attached attendance list

Submitted by: Mary Wall, Breckon Land Design

NOTES:

This meeting is the third neighborhood meeting and was held at the request of the City of Middleton because there had assertions that neighbors had not been properly noticed for prior neighborhood meetings. The meeting notices for this meeting were sent certified. It should be noted that when mailing notice lists were compared it was determined that all neighbors who were OWNERS AT THE TIME OF NOTICE BEING SENT were notified for each meeting in accordance with Middleton City Code.

Two 30" X 40" display boards of the updated development layout were available at the meeting site for the attendees. One board was marked up with the location of the transit route, proposed collector, proposed transit station and area designated for Transit Oriented Development as shown on the Middleton Future Land Use Map and the Transportation, Schools and Recreation Map. A copy of the presentation board is attached to these minutes for reference.

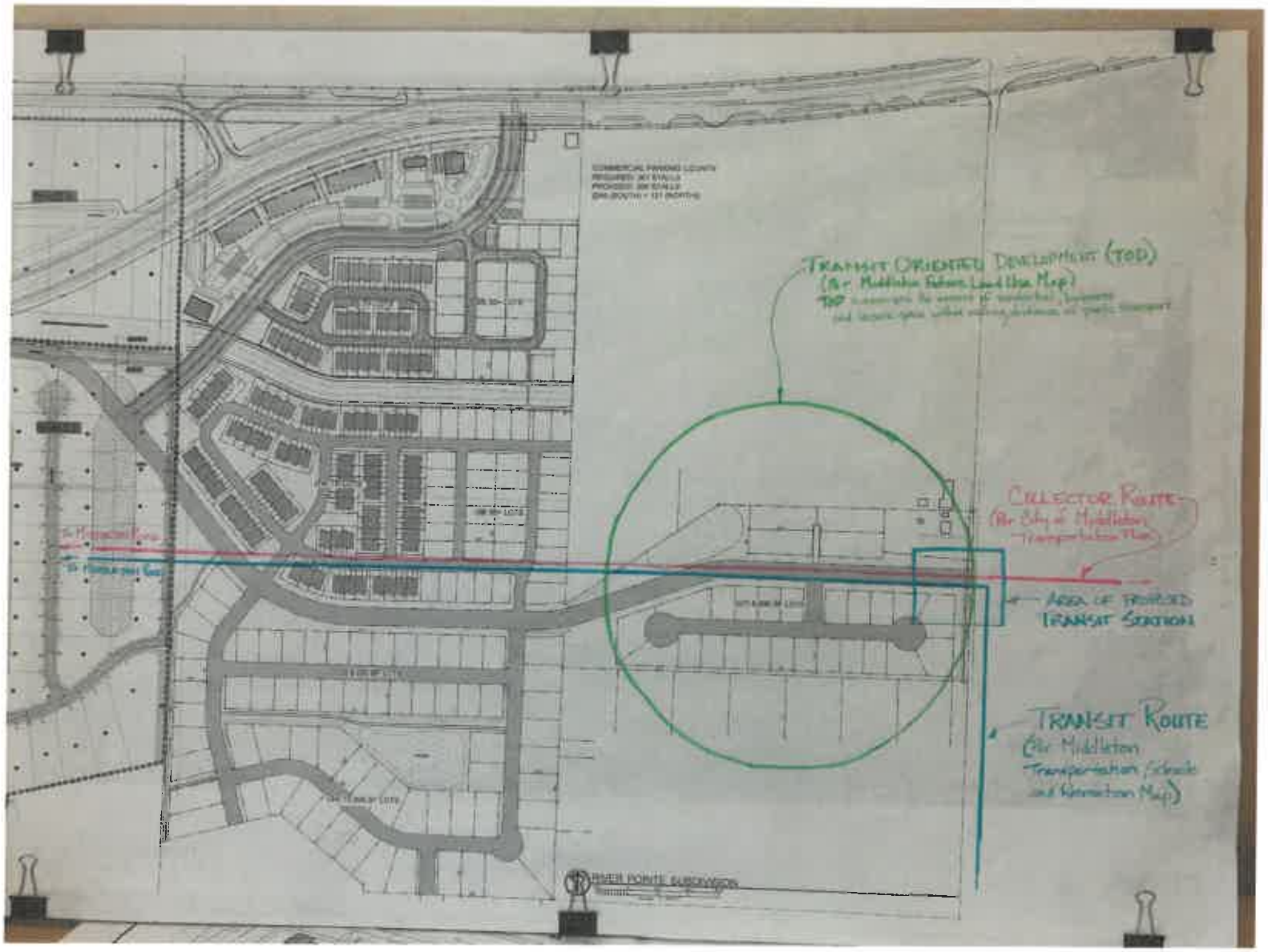
At 6:05 pm the meeting started with Jon Breckon, Breckon Land Design, providing a brief introduction to the changes to the proposed project as well as the reasons for the changes. The attendees were informed of road requirement changes made by the City of Middleton resulting in a modified layout. Information was also provided on the current Future Land Use Plan Map designation for the 14-acre property relative to what is being proposed in our project.
Attendees were told that this meeting was an opportunity to provide feedback of any kind on the proposed project. Attendees were also told that they would be notified by the City of any public hearings associated with the project.

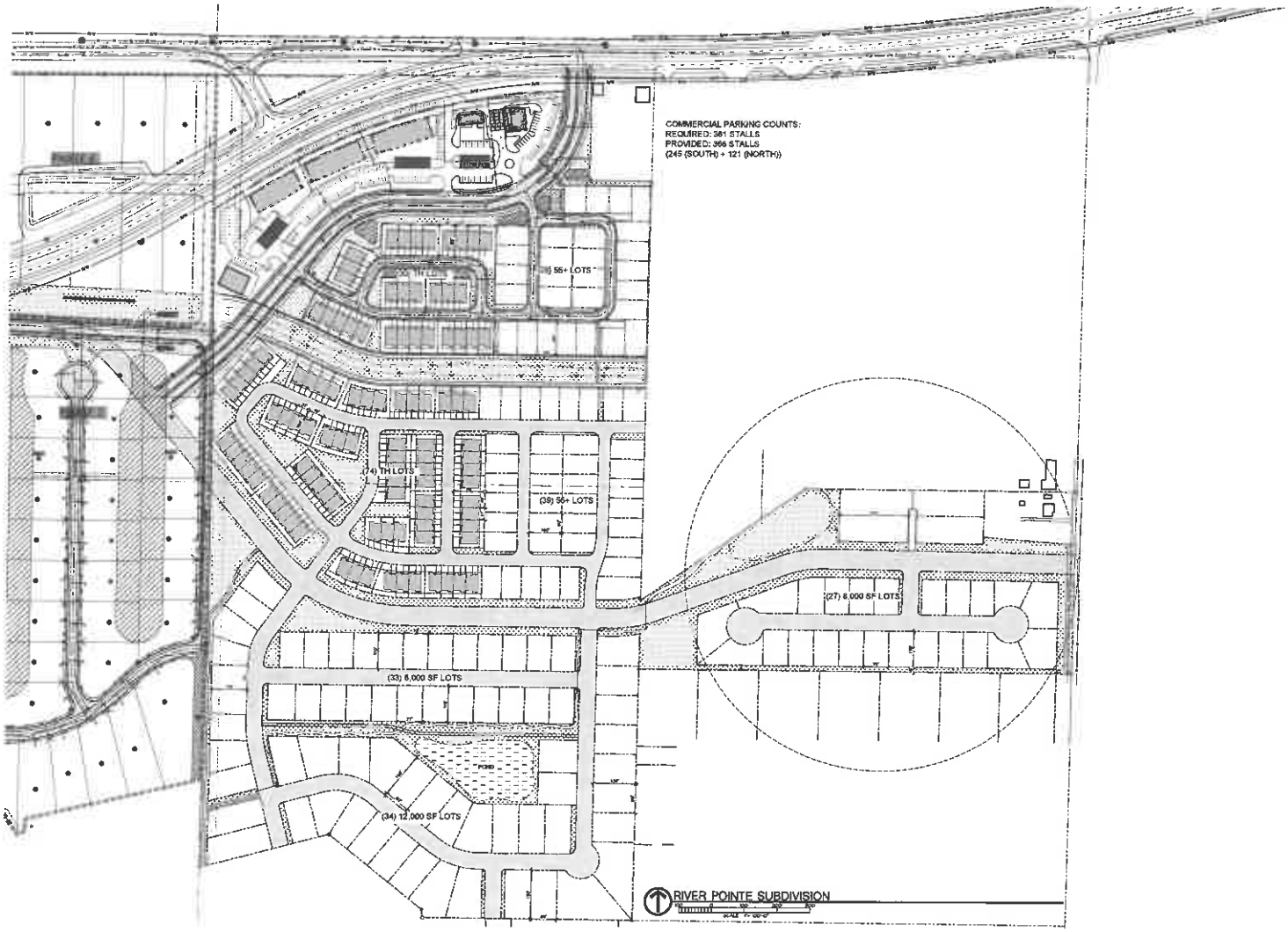
At the conclusion of the above remarks the meeting was opened to receive comments from the attendees. The following is a summary of comments heard during the meeting. In general, the attendees did not like the changes to the layout and most comments were similar to those heard at the prior neighborhood meetings. Some specific comments follow:

- "Every time you come back for another meeting the proposed plan just gets worse."

- The last layout at least proposed a landscape berm on the south boundary of the 14-acre piece. What happened to the berm?
- Attendees understand that the City of Middleton can require the collector road through the property but that the property owner determines how he develops the balance of the property. The attendees are still upset that the R-3 lots (8,000 sf) are still being proposed on the 14-acres.
- Neighbors were still concerned about Duff Lane traffic and safety and parking at Duff Pond. It was explained that we were only required to provide the collector road through our clients property and that the City Transportation Plan is to extend the road to the east in the future.

Most people did not stay long at the meeting and prior neighborhood meeting notes should be reviewed to understand the primary concerns of the neighbors. A couple neighbors did stay for the hour and asked a variety of questions about the project but did not provide specific suggestions or complaints about the project.


Transit Oriented Development (TOD)
(Per Middleton Future Land Use Map)
Collector Route
(Per City of Middleton Transportation Plan)
Area of Proposed Transit Station
Transit Route
(Per Middleton Transportation, Schools and Recreation Map)
River Pointe Subdivision


COMMERCIAL PARKING COUNTS:
REQUIRED: 361 STALLS
PROVIDED: 366 STALLS
(245 (SOUTH) + 121 (NORTH))
(5) 55+ LOTS
(4) TH LOTS
(39) 55+ LOTS
(27) 6,000 SF LOTS
(33) 6,000 SF LOTS
POND
(34) 12,000 SF LOTS
RIVER POINTE SUBDIVISION

PioneerTitleCo.
GOING BEYOND

Owner's Policy

Policy Issuing Agent For:
Old Republic National Title Insurance Company
400 Second Avenue South
Minneapolis, MN 55401

File No.: 697672

Policy No.: OX-11663382

Date of Policy: November 27, 2019 at 10:08AM
Amount of Insurance: $449,900.00
Premium: $1,691.00

Address Reference: 22473 Duff Lane, Middleton, ID 83644

Endorsement Premium: $0.00

Schedule A

1. Name of Insured:

   Deep River Investments, LLC, an Idaho Limited Liability Company

2. The estate or interest in the Land that is insured by this policy is:

   FEE SIMPLE

3. Title is vested in:

   Deep River Investments, LLC, an Idaho Limited Liability Company

4. The land referred to in the Policy is described as follows:

   See Exhibit A attached hereto and made a part hereof.

Schedule B

EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees, or expenses that arise by reason of:

1. Rights or claims of parties on possession not shown by the public records.

2. Encroachments, overlaps, boundary line disputes, and any other matters which would be disclosed by an accurate survey or inspection of the premises including, but not limited to, insufficient or impaired access or matter contradictory to any survey plat shown by the public records.

3. Easements, or claims of easements, not shown by the public records.

4. Any lien, or right to a lien, for services, labor, or material heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) water rights, claims to title to water, whether or not the matters excepted under (a), (b) or (c) are shown by the public records.

6. Taxes or special assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records. Proceedings by a public agency which may result in taxes or assessments, or notices to such proceedings, whether or not shown by the records of such agency or by the public records.

Special Exceptions:

1. General taxes for the year 2019, are paid in full.

2. Levies and assessments of the following district and the rights, powers and easements thereof as provided by law.
   District: Canyon County Water
   No delinquencies appear of record.

3. Liens and assessments of Drainage District No. 2, and the rights, powers and easements of said District as by law provided; said assessments are collected with the general taxes.
   No delinquencies appear of record.

4. Right of Way in Warranty Deed recorded September 24, 1940 as Instrument No. 254653, records of Canyon County, Idaho.

5. Terms, conditions, and provisions of Easement Agreement:
   Between: Kim A. Nelson and Tanya Pabst Nelson, a married couple and John M. Robinson, an individual, and Diane S. Hurley, an individual
   Dated: December 7, 2017
   Recorded: February 13, 2018
   Instrument No.: 2018006098

6. Terms, conditions, and provisions of Easement Agreement:
   Between: Diane S. Hurley, an individual and John M. Robinson, an individual
   Dated: December 7, 2017
   Recorded: February 13, 2018
   Instrument No.: 2018006099

END OF EXCEPTIONS

EXHIBIT A

A parcel of land situated in the Southeast Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the East Quarter corner of said Section 8, marked by a brass cap, the POINT OF BEGINNING; thence along the East line of said Section 8
South 00° 00' 00" East 556.43 feet to a point marked by a 5/8-inch diameter steel pin; thence
South 89° 26' 19" West 1,327.97 feet to a point marked by a 5/8-inch diameter steel pin; thence
North 00° 05' 50" West 209.92 feet to a point marked by a 5/8-inch diameter steel pin; thence
North 54° 35' 58" East 606.52 feet to a point on the mid-section line of said Section 8, marked by a 5/8-inch diameter steel pin; thence along said mid-section line
North 89° 26' 19" East 833.92 feet to the POINT OF BEGINNING.

Eagle Land Surveying, L.L.C.

Job No. 2020-016
J.B.F.
1-30-20

BOUNDARY DESCRIPTION
FOR
DEEP RIVER INVESTMENTS, LLC.

Annexation

Part of the Northeast ¼ of the Southeast ¼, Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho described as follows:

Commencing at a found Brass Cap marking the East Quarter corner of Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho and running thence S01°02'25"W 160.97 feet along the East line of said Section to a set 5/8" rebar with orange plastic cap labeled "PLS 12220" (said point being the Point of Beginning); thence S01°02'25"W 395.48 feet along the East line of said Section to a found 5/8" rebar marking the Northeast corner of Riverbend Ranch Subdivision; thence N89°31'08"W 1327.92 feet along the North line of Riverbend Ranch Subdivision to a found 5/8" rebar marking the Northwest corner of Riverbend Ranch Subdivision; thence N01°03'34"E 210.15 feet to a found 5/8" rebar; thence N55°36'50"E 606.49 feet to a found 5/8" rebar; thence S89°29'20"E 545.45 feet to a set 5/8" rebar with orange plastic cap labeled "PLS 12220"; thence S01°02'25"W 141.38 feet to a set 5/8" rebar with orange plastic cap labeled "PLS 12220"; thence S85°35'51"E 288.66 feet to the Point of Beginning.

Parcel contains 610,007 square feet or 14.00 acres, more or less.

PROFESSIONAL LAND SURVEYOR
REGISTERED
12220
1-30-20
STATE OF IDAHO
JEREMIAH B. FIELDING

Eagle Land Surveying, LLC.

Job No. 2020-016
J.B.F.
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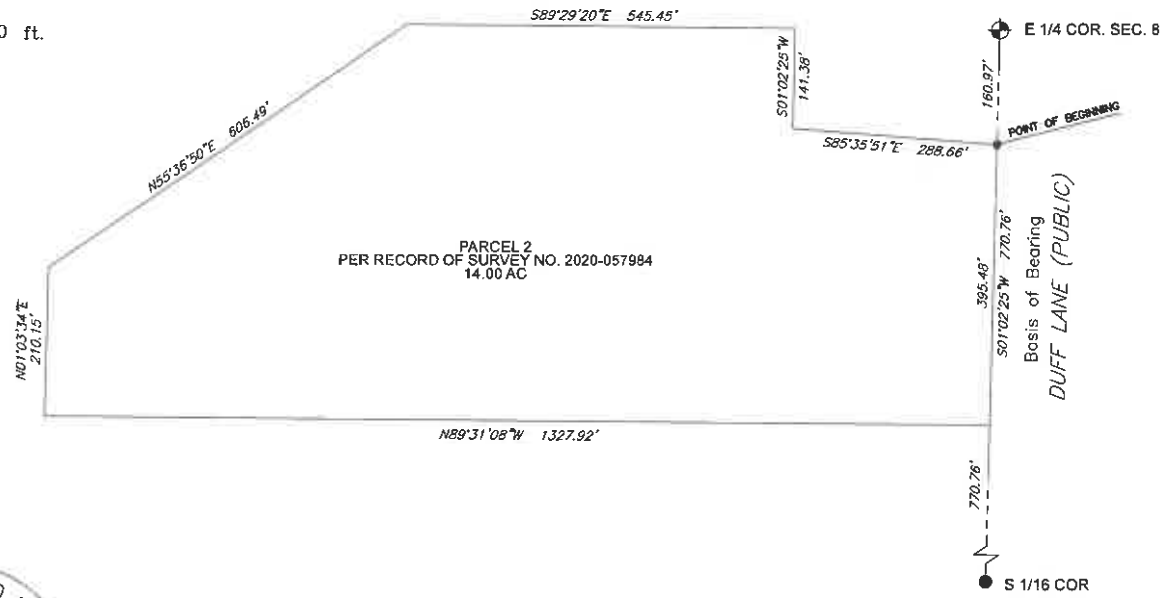
Parcel contains 610,007 square feet or 14.00 acres, more or less.

PROFESSIONAL LAND SURVEYOR
REGISTERED
12220
1-30-20
STATE OF IDAHO
JEREMIAH B. FIELDING

ANNEXATION–EXHIBIT MAP
PART OF THE NE 1/4 OF THE SE 1/4 OF
SEC. 8, T. 4 N., R. 2 W.,B.M.
CITY OF MIDDLETON, CANYON COUNTY, IDAHO

1 inch = 150 ft.



PROFESSIONAL LAND SURVEYOR
REGISTERED
12220
5-10-21
STATE OF IDAHO
JEREMIAH B. FIELDING

Jeremiah B Fielding

EAGLE LAND SURVEYING, LLC.
106 W MAIN ST UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls12220@yahoo.com

ANNEXATION–EXHIBIT MAP
PART OF THE NE 1/4 OF THE SE 1/4 OF
SEC. 8, T. 4 N., R. 2 W.,B.M.
CITY OF MIDDLETON, CANYON COUNTY, IDAHO

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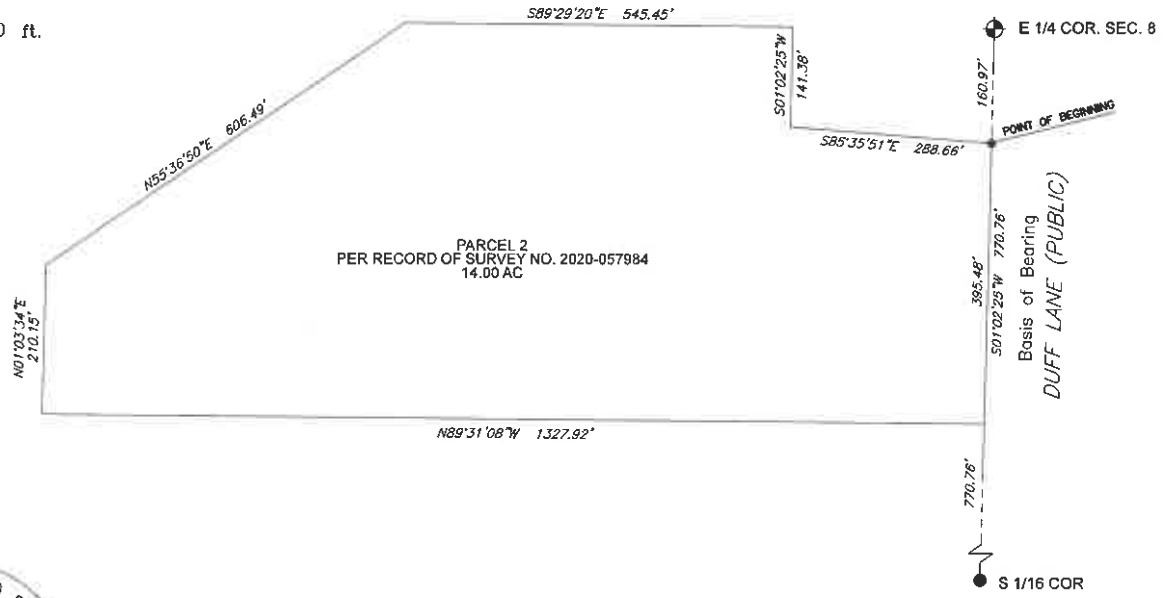


PROFESSIONAL LAND SURVEYOR
REGISTERED
12220
5-10-21
STATE OF IDAHO
JEREMIAH B. FIELDING

Jeremiah B Fielding

EAGLE LAND SURVEYING, LLC.
105 W MAIN ST UNIT D, MIDDLETON, ID 83644
(208) 861-7513; pls122200@yahoo.com

CITY OF MIDDLETON
P O Box 487
1103 W Main St, Middleton, ID 83644
208-585-3133, Fax: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning & Zoning Department

Preliminary Plat Checklist

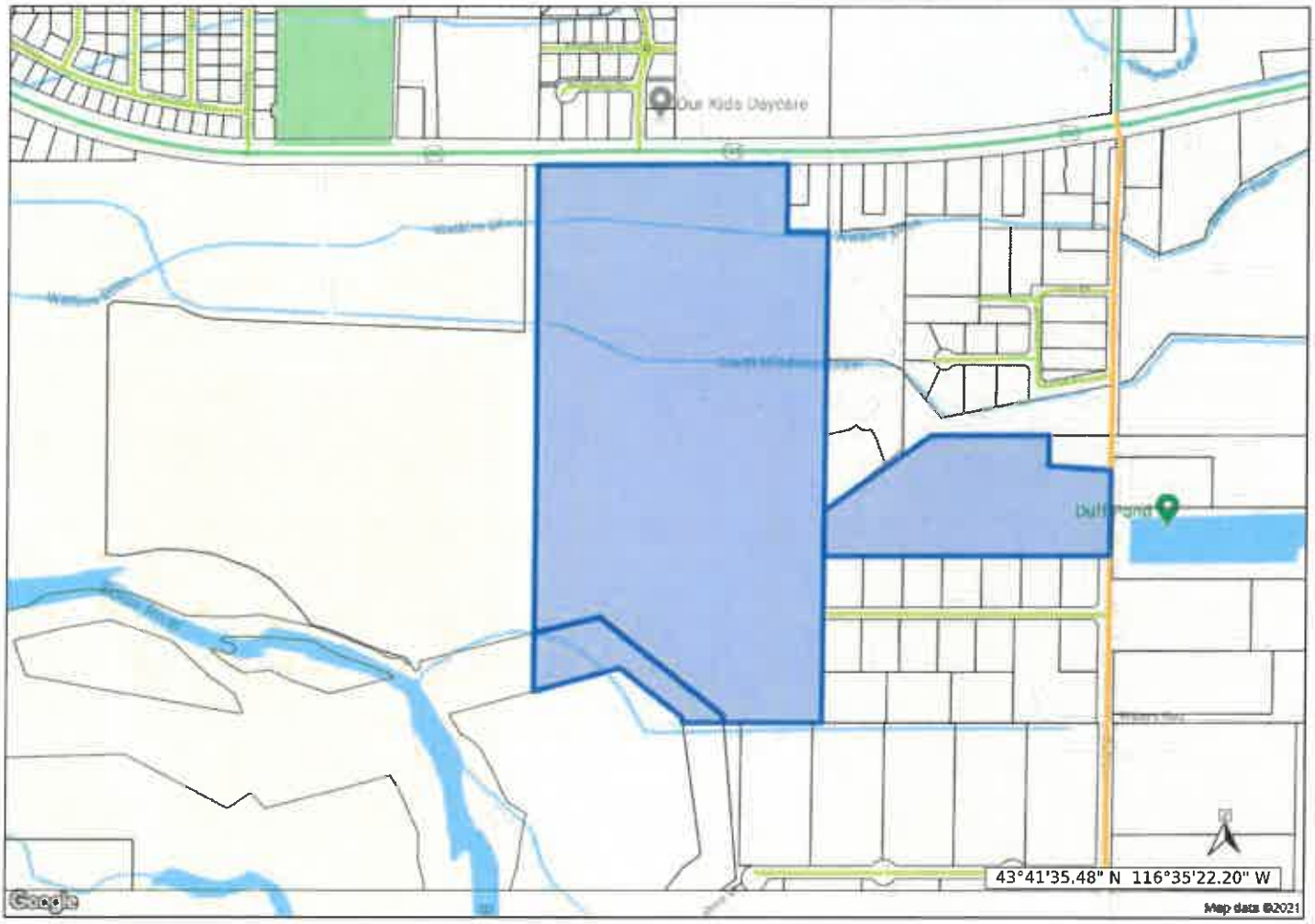
Please submit all items listed below. Applications missing the following items will be deemed incomplete, and the application will not be processed.

Applicant	Description	Staff
xx	Completed and signed Master Land Use Application	
Paid previously	Fee	
xx	Narrative fully describing the proposed project. Additionally: • Please indicate whether a variance or special use permit is being requested along with the preliminary plat. • Describe requirements imposed by any Development Agreement, Covenants or other commitments. • Describe any anticipated adverse impacts on adjoining property. • Describe how the request is consistent with the Middleton Comprehensive Plan.	
xx	Vicinity Map	
xx	Proposed Preliminary Plat (3 full-size paper copies & 1 electronic full-size copy provided on a USB)	
xx	Drainage Calculations - preliminary	
xx	Title Report/Commitment (Schedule B)	
xx	Preliminary Plat must comply with Middleton City Code 5-4-4	
xx	Warranty Deed showing proof of ownership	
xx	If owner is not the applicant, then representative must provide a letter showing the owner's authorization for representative to submit the application.	
xx	**Two sets** of adhesive mailing labels containing the names and addresses of property owners within 300 feet of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
xx	Copy of neighborhood meeting notice, sign-in sheet, and minutes summarizing discussion	
xx	Traffic Impact Study if residential subdivision with more than 25 dwelling units. Report is being updated to reflect modifications to prelim. plat.	
xx	Electronic copy of entire application on USB	

landproDATA

River Pointe Development

Vicinity Map



Mar 08, 2021 - landproDATA.com
Scale: 1 inch approx 600 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

ZONING AND SETBACKS

SCHEDULE B - SECTION 2

PRELIMINARY TITLE COMMITMENT FOR TITLE, ORDER NO. 0204-00000 (04/28) DATED AUGUST 16, 2020

(1) RESERVATIONS AND EXCEPTIONS IN A PATENT FROM THE STATE OF IDAHO, AND IN THE ACT AUTHORIZING THE ISSUANCE THEREOF RECORDED: NOVEMBER 20, 1908 AFFECTS ALL OF GOVERNMENT LOT 2 AS BLANKET EASEMENT
BOOK 3, PAGE 338

(2) AN EASEMENT FOR THE PURPOSES SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A INSTRUMENT
GRANTED TO: IDAHO POWER COMPANY FACE LINE EASEMENT
PURPOSE: POWER LINES
RECORDED: JULY 12, 1928
INSTRUMENT NO: 184668 AFFECTS ALL OF GOVERNMENT LOT 2 AS BLANKET EASEMENT AND AND AS PLOTTED HEREON

(3) REGULATIONS, CONDITIONS, RESTRICTIONS, AND ACCESS RIGHTS CONTAINED IN THE DEED TO THE STATE OF IDAHO
RECORDED: DECEMBER 11, 1964 AFFECTS LAND ADJACENT TO AND CONTIGUOUS WITH THE SOUTHWEST
INSTRUMENT NO: 404883 RIGHT-OF-WAY LINE OF HIGHWAY NO. 30(US30) AS EXISTS BEFORE AND LOCATED THEREON.

(4) AN OIL AND GAS LEASE FOR THE TERM STATED PREMISES WITH CERTAIN CONDITIONS, COVENANTS AND PROVISIONS
BETWEEN WITH CONTENTS IF ANY, AS SET FORTH BELOW
LESSOR: WILLIAM H. STEVENS
LESSEE: WILLIAM H. STEVENS AND ERNEST E. SPENCER
LEASE: SPENCER RESEARCH & LEASING, INC.
RECORDED: MAY 7, 1980
INSTRUMENT NO. 200004 AFFECTS ENTIRE PARCEL, NOT PLOTTABLE.

(5) ALL MATTERS, AND ANY RIGHTS, EASEMENTS, INTERESTS OR CLAIMS AS DISCLOSED BY RECORD OF SURVEY RECORDED
JUNE 26, 2002 AS INSTRUMENT NO. 200207876. NOT PLOTTED HEREON.

ABROGATION OF INTEREST (AFFECTING THE SURVEYED LAND) FROM THE STATE OF IDAHO TO WILLIAM AND ERNEST STEVENS
WAS RECORDED ON FEBRUARY 24, 2003 AS INSTRUMENT NO. 200303878 AFFECTS PARCEL AS PLOTTED HEREON.

(6) ALL MATTERS, AND ANY RIGHTS, EASEMENTS, INTERESTS OR CLAIMS AS DISCLOSED BY RECORD OF SURVEY RECORDED
JUNE 12, 2002 AS INSTRUMENT NO. 200215946. NOT PLOTTED HEREON.

ABROGATION OF INTERESTS (AFFECTING THE SURVEYED LAND) FROM THE STATE OF IDAHO TO WILLIAM AND ERNEST STEVENS
WAS RECORDED ON FEBRUARY 24, 2003 AS INSTRUMENT NO. 200303880. AFFECTS PARCEL AS PLOTTED HEREON.

(7) ANY ADVERSE CLAIM BASED UPON THE ASSERTION THAT:
A. SOME PART OF THE LAND FORMS THE BED OR BANK OF A NAVIGABLE RIVER OR LAKE, OR LIES BELOW THE
MEAN HIGH WATER MARK THEREOF.
B. THE BOUNDARY OF THE LAND HAS BEEN AFFECTED BY A CHANGE IN THE COURSE OR MEAN LEVEL OF A
NAVIGABLE RIVER OR LAKE.
C. THE LAND IS SUBJECT TO WATER RIGHTS, CLAIMS OR TITLE TO WATER AND TO ANY LAW OR GOVERNMENTAL
REGULATION PERTAINING TO WETLANDS. NOT PLOTTED HEREON.

(8) ANY RIGHTS, INTERESTS OR EASEMENTS IN FAVOR OF THE STATE OF IDAHO, THE OWNER STATES OF AMERICA, OR THE
PUBLIC WHICH EXISTS OR ARE CLAIMED TO EXIST IN AND OVER THE IN THE BED, AND BANKS OF THE BOISE RIVER.
NOT PLOTTED HEREON.

ZONING AND SETBACKS

ZONING DESIGNATION:
(AGRICULTURAL, CANYON COUNTY)
TAX PARCEL NO 20,N,W2,0000-8

SETBACKS:
FRONT YARD: THIRTY FEET (30')
SIDE YARD: TEN FEET (10')
REAR YARD: TWENTY FEET (20')
FRONT YARD ADJACENT TO A HIGHWAY: SEVENTY FEET (70')
MEASURED FROM THE SECTION OR QUARTER SECTION LINE.

ADDRESS: 19681 HIGHWAY 44 E., MIDDLETON, IDAHO 83644

UTILITY AUTHORITIES

Gas Service	Cable Tv Service
Intermountain Gas Co.	CableOne
7821 Emerald Blvd.	8400 Fairfarm
Nampa, Idaho 83686	Boise, Idaho 83704
(208) 468-6720	(208) 375-8288

Telephone Service	Idaho Power
Qwest	1221 W. Idaho
P.O. Box 7988	Boise, Idaho 83702
Boise, Idaho 83704	(208) 388-2200
(208) 385-2344	

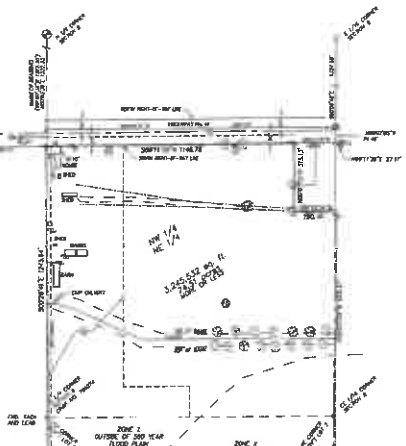
NOTES

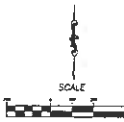
1. THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

2. PER COMMUNITY PANEL NO 16027C0215 REVISED DECEMBER 3 1983, THE NORTHERN PORTION OF THIS SITE IS IN ZONE X (AREA NOT WITHIN A FLOOD PLAIN) THE MAJORITY OF THIS SITE IS IN ZONE X (AREA WITHIN A 500-YEAR FLOOD PLAIN) THIS AREA IS SUBJECT TO 100-YEAR FLOOD WITH A AVERAGE DEPTH OF 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 100-YEAR FLOOD. THE SOUTHERN OF THIS SITE IS IN AREAS OF THE 100 YEAR FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED. SEE DRAWING FOR APPROXIMATE LOCATION OF FLOOD PLAIN LINES.

3 THERE ARE NO ENCROACHMENTS ONTO THIS PROPERTY

A PARCEL LAND LOCATED IN A PORTION OF GOVERNMENT LOT 2 AND A PORTION OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 WEST BOISE MERIDIAN, CANYON COUNTY, IDAHO.





LEGEND

- FOUND 3/8" REBAR (UNLESS OTHERWISE NOTED)
- SET 5/8" REBAR W/ PLASTIC CAP MARKED "LS 7314"
- CALCULATED POINT NO PIN SET
- BRASS CAP MONUMENT
- RIGHT-OF-WAY MONUMENT
- PROPERTY LINE
- CENTERLINE
- ADJACENT RIGHT-OF-WAY
- SECTIONAL LINE
- INC LINE
- TOP OF BANK
- BARBED WIRE FENCE
- FLOOD PLAIN DESIGNATION LINE
- EXISTING STRUCTURE

LEGAL DESCRIPTION

COMMITMENT FOR TITLE INSURANCE ISSUED FOR THE PREMISES BY TITLONE CORPORATION , AUTHORIZED AGENT FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY, COMMITMENT NO. CH0200801, EFFECTIVE AUGUST 16, 2020.

A PARCEL OF LAND BEING A PORTION OF GOVERNMENT LOT 2 AND A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 8, TOWNSHIP 4 NORTH, RANGE 2 WEST OF THE BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF GOVERNMENT LOT 2 OF SAID SECTION 8; THENCE SOUTH 00°31'40" EAST A DISTANCE OF 1186.30 FEET ALONG THE WEST BOUNDARY OF SAID GOVERNMENT LOT 2; THENCE LEAVING SAID WEST LINE AND ALONG THE SOUTH AND WESTERN LINE OF THAT TRACT OF LAND DESCRIBED BY THE STATE OF IDAHO IN INSTRUMENT NO. 200007981, RECORDS OF CANYON COUNTY, THE FOLLOWING COURSES AND DISTANCES: NORTH 74°28'24" EAST, 410.33 FEET; SOUTH 51°57'10" EAST, 362.79 FEET; SOUTH 08°29'38" EAST, 24.45 FEET TO A POINT ON THE SOUTHERLY LINE OF SAID GOVERNMENT LOT 2; THENCE ALONG SAID SOUTHERLY LINE NORTH 88°28'54" EAST A DISTANCE OF 840.44 FEET; THENCE ALONG THE EASTERN LINE OF SAID GOVERNMENT LOT 2, NORTH 00°05'48" WEST A DISTANCE OF 1328.63 FEET TO THE NORTHEAST CORNER OF SAID GOVERNMENT LOT 2; THENCE ALONG THE EASTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8, NORTH 00°05'10" WEST A DISTANCE OF 838.81 FEET; THENCE SOUTH 88°25'54" WEST A DISTANCE OF 190.00 FEET; THENCE NORTH 00°05'00" WEST A DISTANCE OF 113.13 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF HIGHWAY NUMBER 44; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY NUMBER 44, SOUTH 88°17'09" WEST A DISTANCE OF 1146.78 FEET TO A POINT ON THE WESTERLY LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8; THENCE ALONG THE WESTERLY LINE OF SAID SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 8, SOUTH 00°26'41" EAST A DISTANCE OF 1245.64 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 74.51 ACRES MORE OR LESS.

SURVEYORS CERTIFICATION

TO: TITLONE CORPORATION, AUTHORIZED AGENT FOR FIDELITY NATIONAL TITLE INSURANCE COMPANY, MCCABE PROPERTIES, LLC, A NEVADA LIMITED LIABILITY COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (1) IN ACCORDANCE WITH "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM, AND NSPS IN 1998, AND INCLUDING ITEMS 2, 3, 4, 6, 7(a), 7(c), 8, 9, 13, AND 14 OF TABLE A THEREOF; AND (2) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA, NSPS, AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION). THE UNDERSIGNED FURTHER CERTIFIES THAT PROPER FIELD PROCEDURES, INSTRUMENTATION, AND ADEQUATE SURVEY PERSONNEL WERE EMPLOYED IN ORDER TO ACHIEVE RESULTS COMPARABLE TO THOSE OUTLINED IN THE "MINIMUM ANGLE, DISTANCE, AND CLOSURE REQUIREMENTS FOR SURVEY MEASUREMENTS WHICH CONTROL LAND BOUNDARIES FOR ALTA/ACSM LAND TITLE SURVEY."

GORDON H. ANDERSON — PROFESSIONAL LAND SURVEYOR REGISTERED 7314 STATE OF IDAHO GORDON H. ANDERSON — IDAHO P.L.S. NUMBER 7314

Anderson Survey Group, Inc.
Land Surveying Services
207 Matthews St., Ste. F
Nampa, Idaho 83687
(208) 466-1318

McCABE PROPERTIES
© ANDERSON SURVEY GROUP, INC.

ALTA/ACSM LAND TITLE SURVEY

CITY OF MIDDLETON , CANYON COUNTY IDAHO
SCALE: 1"=200'
PROJECT NO: 03-187
DRAWING FILE NAME: 03187alt.DWG

DRAWN BY: GHA	CHECKED BY:		
SURVEYED BY:	FIELD DATE:		
REVISION	BY	DATE	
DATE	BY		

SHEET 1/1
1

Fidelity National Title

485 East Riverside Dr., Suite 200
Eagle, ID 83616
Phone: (208)377-3190 / Fax: 866-671-3899

Date: May 31, 2019
Order No.: 34601911211-LD
Buyer(s): Drake Investments LLC
Seller(s): Middleton Land, LLC
Property: 10481 Hwy 44
Middleton, ID 83644

Drake Investments LLC
1026 W. Two Rivers Lane
Eagle, ID 83616

Please find enclosed:

Original recorded Warranty Deed

Owners Policy of Title Insurance

Thank you for allowing us to be of service.

Sincerely,

Lynn Darling
AVP/Senior Advisory Title Officer
Lynn.Darling@fnf.com

Fidelity National Title

Escrow No.: 3460191121 1-KY

2019-018630
RECORDED
05/03/2019 08:31 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=8 LBERG $15.00
TYPE: DEED
FIDELITY NATIONAL TITLE - BOISE
ELECTRONICALLY RECORDED

WARRANTY DEED

FOR VALUE RECEIVED

Middleton Land, LLC, an Idaho limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

Drake Investments, LLC, an Idaho limited liability company

GRANTEE(S), whose current address is: **1026 W. Two Rivers Lane, Eagle, ID 83616**

the following described real property in Canyon County, Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Electronically Recorded
Stamped First Page Now
Incorporated As Part of
The Original Document

Fidelity National Title

Escrow No.: 34601911211-KY

WARRANTY DEED

FOR VALUE RECEIVED

Middleton Land, LLC, an Idaho limited liability company

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WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this .

Middleton Land, LLC

BY:_____
Michael T. Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Woolf
Trustee

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

WARRANTY DEED
(continued)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this 30th day of April, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael T Keller, known or identified to me to be the person whose name is subscribed to the within instrument, as the Manager of Middleton Land, LLC, a LimitedLiabilityCompany and acknowledged to me that he executed the same as such Manager.

Signature: Debra L Walters
Name: Debra L. Walters
Residing at: Boise, Idaho
My Commission Expires: 10/18/24

DEBRA L WALTERS
COMMISSION #13388
NOTARY PUBLIC
STATE OF IDAHO

(SEAL)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this 30th day of April, 2019, before me, a Notary Public in and for said State, personally appeared Michael T. Keller, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the President of Keller Investments, Inc. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

DEBRA L WALTERS
COMMISSION #13388
NOTARY PUBLIC
STATE OF IDAHO

Debra L Walters
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 10/18/24

STATE OF Idaho, COUNTY OF Ada, -ss.

On this ____ day of April, 2019, before me, a Notary Public in and for said State, personally appeared Dirk McNamee and Kathleen McNamee, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the Trustees of the Dirk and Kathleen McNamee Revocable Trust Dated February 15, 2006. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

Notary Public of Idaho
Residing at _____
Commission Expires: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On April 27, 2019 before me, Elizabeth V. Early, Notary Public
Date *Here Insert Name and Title of the Officer*

personally appeared Jeffrey M. Woolf
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ELIZABETH V. EARLY
Notary Public – California
Los Angeles County
Commission # 2184714
My Comm. Expires Mar 2, 2021

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Elizabeth V. Early
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

Signer's Name: _____
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator
☐ Other: _____
Signer Is Representing: _____

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WARRANTY D[illegible]
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this .

Middleton Land, LLC

BY:_____
Michael T Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Wo[illegible]
Trustee

ELIZABETH V EARLY
Notary Public - California
Los Angeles County
Commission # 2184714
My Comm. Expires Mar 2, 2021

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this . 4-26-19

Middleton Land, LLC

BY:_____
Michael T Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Woolf
Trustee

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

WARRANTY DEED
(continued)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this _____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael T Keller, known or identified to me to be the person whose name is subscribed to the within instrument, as the Manager of Middleton Land, LLC, a LimitedLiabilityCompany and acknowledged to me that he executed the same as such Manager.

Signature: _____
Name: _____
Residing at: _____
My Commission Expires: _____

(SEAL)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this ____ day of April, 2019, before me, a Notary Public in and for said State, personally appeared Michael T. Keller, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the President of Keller Investments, Inc. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

_____
Notary Public of Idaho
Residing at _____
Commission Expires: _____

STATE OF ~~Idaho~~ California, COUNTY OF ~~Ada~~ Orange, -ss.

On this 26 day of April, 2019, before me, a Notary Public in and for said State, personally appeared Dirk McNamee and Kathleen McNamee, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the Trustees of the Dirk and Kathleen McNamee Revocable Trust Dated February 15, 2006. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

Steven Annunziata
Notary Public of ~~Idaho~~ California
Residing at Corona Del Mar, CA
Commission Expires: 2/26/22

STEVEN JOSEPH ANNUNZIATA
MY COMMISSION EXPIRES
NOTARY PUBLIC
COMM. #2212525
FEBRUARY 26, 2022
ORANGE COUNTY, CA
NSP1 NSP1

ALTA OWNER'S POLICY OF TITLE INSURANCE

Issued By:

Fidelity National Title
Insurance Company

Policy Number:

34601911211

Any notice of claim and any other notice or statement in writing required to be given to the Company under this Policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B, AND THE CONDITIONS, FIDELITY NATIONAL TITLE INSURANCE COMPANY, a Florida corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
   (a) A defect in the Title caused by
      (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
      (ii) failure of any person or Entity to have authorized a transfer or conveyance;
      (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
      (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
      (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
      (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
      (vii) a defective judicial or administrative proceeding.
   (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
   (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (a) the occupancy, use, or enjoyment of the Land;
   (b) the character, dimensions, or location of any improvement erected on the Land;
   (c) the subdivision of land; or
   (d) environmental protection

   if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

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7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
   (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
   (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
      (i) to be timely, or
      (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this Policy, but only to the extent provided in the Conditions.

IN WITNESS WHEREOF, FIDELITY NATIONAL TITLE INSURANCE COMPANY has caused this policy to be signed and sealed by its duly authorized officers.

Fidelity National Title Insurance Company

By:

President

Attest:

Secretary

Fidelity National Title Company
485 East Riverside Dr., Suite 200
Eagle, ID 83616

Countersigned By:

Authorized Officer or Agent

SEAL

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EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
   (i) the occupancy, use, or enjoyment of the Land;
   (ii) the character, dimensions, or location of any improvement erected on the Land;
   (iii) the subdivision of land; or
   (iv) environmental protection;
   or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
   (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
   (a) created, suffered, assumed, or agreed to by the Insured Claimant;
   (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   (c) resulting in no loss or damage to the Insured Claimant;
   (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
   (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
   (a) a fraudulent conveyance or fraudulent transfer; or
   (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

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SCHEDULE A

Name and Address of Title Insurance Company: Lynn Darling
Fidelity National Title Company
485 East Riverside Dr., Suite 200
Eagle, ID 83616

Address Reference: 10481 Hwy 44, Middleton, ID 83644

Date of Policy	Amount of Insurance	Premium
May 3, 2019 at 08:31 AM	$1,490,800.00	$4,142.00

1. Name of Insured:

   Drake Investments LLC

2. The estate or interest in the Land that is insured by this policy is:

   Fee Simple

3. Title is vested in:

   Drake Investments, LLC, an Idaho limited liability company

4. The Land referred to in this policy is described as follows:

   SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THIS POLICY VALID ONLY IF SCHEDULE B IS ATTACHED

END OF SCHEDULE A

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EXHIBIT "A"

Legal Description

A parcel of land being a portion of Government Lot 2 and a portion of the Southwest Quarter of the Northeast Quarter of Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 2 of said Section 8; thence
South 00°11'40" East a distance of 1180.30 feet along the Wet boundary of said Government Lot 2; thence
leaving said West line and along the South and Westerly line of that tract of land disclaimed by the State of Idaho in Instrument No. 200341780, records of Canyon County, the following courses and distances:
North 74°28'32" East, 412.73 feet;
South 51°52'10" East, 362.79 feet;
South 08°29'56" East, 24.45 feet to a point on the Southerly line of said Government Lot 2; thence along said Southerly line
North 89°32'04" East a distance of 640.44 feet; thence along the Easterly line of said Government Lot 2,
North 00°05'49" West a distance of 1325.65 feet to the Northeast corner of said Government Lot 2; thence along the Easterly line of the Southwest quarter of the Northeast quarter of said Section 8
North 00°07'05" West a distance of 935.91 feet; thence
South 89°22'54" West a distance of 190.00 feet; thence
North 00°07'05" West a distance of 315.13 feet to a point on the Southerly right of way line of Highway Number 44; thence along the Southerly right of way line of said Highway Number 44,
South 89°11'28" West a distance of 1146.78 feet to a point on the Westerly line of the Southwest quarter of the Northeast quarter of said Section 8; thence along the Westerly line of said South quarter of the Northeast quarter of said Section 8,
South 00°28'41" East a distance of 1245.64 feet to the point of beginning.

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SCHEDULE B
EXCEPTIONS FROM COVERAGE

This policy does not insure against loss or damage, and the Company will not pay costs, attorneys' fees or expenses that arise by reason of:

GENERAL EXCEPTIONS

1. Any facts, rights, interests, or claims that are not shown by the Public Records but that could be ascertained by an inspection of the Land or that may be asserted by persons in possession of the Land.

2. Easements, liens or encumbrances, or claims thereof, not shown by the Public Records.

3. Any encroachment, encumbrance, violation, variation or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the land and not shown by the Public Records.

4. Any lien or right to a lien for services, labor or material not shown by the Public Records.

5. (a) Unpatented mining claims; (b) reservations or exceptions in patents or in Acts authorizing the issuance thereof; (c) Indian treaty or aboriginal rights, including, but not limited to, easements or equitable servitudes; or, (d) water rights, claims or title to water, whether or not the matters excepted under (a), (b), (c) or (d) are shown by the public records.

6. (a)Taxes or assessments that are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; (b) proceedings by a public agency that may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.

7. Any service, installation, connection, maintenance or construction charges for sewer, water, electricity, or garbage collection or disposal or other utilities unless shown as an existing lien by the public records.

SPECIAL EXCEPTIONS

8. Water rights, claims or title to water, whether or not disclosed by the Public Records.

9. Any off record facts, encumbrances, easements or possessory claims, a survey or inspection would disclose.

10. Property taxes, which are a lien not yet due and payable, including any assessments collected with taxes to be levied for the fiscal year 2019.

11. Liens, levies and assessments of the CITY OF MIDDLETON.

12. Liens and assessments of DRAINAGE DISTRICT NO. 2, and the rights, powers and easements of said district as by law provided; said assessments are collected with the general taxes.

13. Liens, levies and assessments of FLOOD CONTROL DISTRICT NO. 10, and the rights, powers and easements of said district as by law provided; said assessments are collected with the general taxes.

14. Rights of the public to any portion of the Land lying within the area commonly known as

    State Highway 44.

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SCHEDULE B
EXCEPTIONS FROM COVERAGE
(continued)

15. Rights of way for ditches, tunnels, telephone and transmission lines constructed by authority of the United States, as granted to the United States under the provisions of Section 58-604 Idaho Code 1947.

16. Right of way for Watkins Drain, and the rights of access thereto for maintenance of said drain; and any adverse claim made on the assertion that the drain has moved.

17. Right of way for (unnamed) drainage ditch, and the rights of access thereto for maintenance of said ditch; and any adverse claim made on the assertion that the drainage ditch has moved.

18. Rights, if any, of the United States Government, the State of Idaho, and any other governmental entity, riparian owners, the public or private persons existing in, or with respect to, the present and past bed, bank, bottomland, and waters of the Boise River. Rights or claims of parties in possession now shown of record.

    A portion of this property appears to have been acquired by accretion or avulsion in the changes of the mean high waterline of the Boise River. This Commitment/Policy/Guarantee is issued and accepted upon the assumption that title to the alluvion follows that of the abutting property and liability thereon is excepted.

    Any question that may arise due to shifting or change in the course of the Boise River or due to the Boise River having shifted or changed its course.

    Any prohibition or limitation on the use, occupancy, or improvements of the land resulting from the rights of the public or riparian owners to use any waters which may cover the land or to use any portion of the land which is now or may formerly have been covered by water.

    The right of use, control, or regulation by the United States of America in exercise of the power over navigation.

19. Reservations, exceptions and provisions contained in the patent from the United States of America, and in the acts authorizing the issuance thereof.

    Recording Date: November 20, 1896
    Recording No: Book 3 of Patents at Page 379

20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

    Granted to: Idaho Power Company
    Purpose: public utilities
    Recording Date: July 17, 1928
    Recording No: 164426

21. Covenants, conditions, restrictions and easements contained in Deed to the State of Idaho
    Recorded: December 11, 1954
    Instrument No: 416655

22. Matters as disclosed by Record of Survey prepared by Skinner Land Survey Co., Inc.
    Recorded: June 20, 2002
    Instrument No: 200227836

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SCHEDULE B
EXCEPTIONS FROM COVERAGE
(continued)

Disclaimer of Interest by the State of Idaho for surveyed property
Recorded: February 21, 2003
Instrument No: 200310619

23. Matters as disclosed by Record of Survey No.
Recorded: June 13, 2003
Instrument No: 200336280

Disclaimer of Interest by the State of Idaho for surveyed property
Recorded: July 9, 2003
Instrument No: 200341780

24. Terms, conditions, provisions, easements and obligations set forth in that certain Ordinance No. 399 re annexation to City of Middleton

Recorded: April 20, 2006
Instrument No: 200629279

Terms and conditions contained in the Development Agreement which is contained in the re-recorded Ordinance No. 399

Recorded: June 13, 2006
Instrument No: 200646456

First Amendment to Development Agreement

Recorded: March 8, 2007
Instrument No: 2007016495

25. Unrecorded leaseholds, if any; rights of parties in possession other than the vestees herein; rights of chattel mortgagees and vendors under conditional sales contracts of personal property installed on the premises herein; and the rights of tenants to remove trade fixtures.

END OF SCHEDULE B

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CONDITIONS

1. DEFINITION OF TERMS

The following terms when used in this policy mean:

(a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.

(b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.

(c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.

(d) "Insured": The Insured named in Schedule A.

(i) The term "Insured" also includes

(A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;

(B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;

(C) successors to an Insured by its conversion to another kind of Entity;

(D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title

(1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,

(2) if the grantee wholly owns the named Insured,

(3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or

(4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

(ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

(e) "Insured Claimant": An Insured claiming loss or damage.

(f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.

(g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.

(h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.

(i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.

(j) "Title": The estate or interest described in Schedule A.

(k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

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AMERICAN LAND TITLE ASSOCIATION

(continued)

5. **DEFENSE AND PROSECUTION OF ACTIONS**

(a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.

(b) The Company shall have the right, in addition to the options contained in Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

(c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal from any adverse judgment or order.

6. **DUTY OF INSURED CLAIMANT TO COOPERATE**

(a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) in securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.

(b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. **OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY**

In case of a claim under this policy, the Company shall have the following additional options:

(a) To Pay or Tender Payment of the Amount of Insurance.

To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay.

Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

(b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.

(i) to pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or

(ii) to pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. **DETERMINATION AND EXTENT OF LIABILITY**

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

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(continued)

(a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of

(i) the Amount of Insurance; or

(ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.

(b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,

(i) the Amount of Insurance shall be increased by Ten percent (10%), and

(ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.

(c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

(a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.

(b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.

(c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within thirty (30) days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

(a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

(b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is Two Million and No/100 Dollars ($2,000,000) or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of Two Million and No/100 Dollars ($2,000,000) shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

(a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.

(b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy

(c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy

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(continued)

(d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

(a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located.

Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.

(b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at:

Fidelity National Title Insurance Company
P.O. Box 45023
Jacksonville, FL 32232-5023
Attn: Claims Department

END OF CONDITIONS

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FIDELITY NATIONAL FINANCIAL
PRIVACY NOTICE
Revised May 1, 2018

Fidelity National Financial, Inc. and its majority-owned subsidiary companies (collectively, "FNF", "our," or "we") respect and are committed to protecting your privacy. This Privacy Notice explains how we collect, use, and protect personal information, when and to whom we disclose such information, and the choices you have about the use and disclosure of that information.

Types of Information Collected

We may collect two types of information from you: Personal Information and Browsing Information.

Personal Information. FNF may collect the following categories of Personal Information:

- contact information (e.g., name, address, phone number, email address);
- demographic information (e.g., date of birth, gender, marital status);
- identity information (e.g. Social Security Number, driver's license, passport, or other government ID number);
- financial account information (e.g. loan or bank account information); and
- other personal information necessary to provide products or services to you.

Browsing Information. FNF may automatically collect the following types of Browsing Information when you access an FNF website, online service, or application (each an "FNF Website") from your Internet browser, computer, and/or mobile device:

- Internet Protocol (IP) address and operating system;
- browser version, language, and type;
- domain name system requests; and
- browsing history on the FNF Website, such as date and time of your visit to the FNF Website and visits to the pages within the FNF Website.

How Personal Information is Collected

We may collect Personal Information about you from:

- information we receive from you on applications or other forms;
- information about your transactions with FNF, our affiliates, or others; and
- information we receive from consumer reporting agencies and/or governmental entities, either directly from these entities or through others.

How Browsing Information is Collected

If you visit or use an FNF Website, Browsing Information may be collected during your visit. Like most websites, our servers automatically log each visitor to the FNF Website and may collect the Browsing Information described above. We use Browsing Information for system administration, troubleshooting, fraud investigation, and to improve our websites. Browsing Information generally does not reveal anything personal about you, though if you have created a user account for an FNF Website and are logged into that account, the FNF Website may be able to link certain browsing activity to your user account.

Other Online Specifics

Cookies. When you visit an FNF Website, a "cookie" may be sent to your computer. A cookie is a small piece of data that is sent to your Internet browser from a web server and stored on your computer's hard drive. Information gathered using cookies helps us improve your user experience. For example, a cookie can help the website load properly or can customize the display page based on your browser type and user preferences. You can choose whether or not to accept cookies by changing your Internet browser settings. Be aware that doing so may impair or limit some functionality of the FNF Website.

Web Beacons. We use web beacons to determine when and how many times a page has been viewed. This information is used to improve our websites.

Do Not Track. Currently our FNF Websites do not respond to "Do Not Track" features enabled through your browser.

Links to Other Sites. FNF Websites may contain links to other websites. FNF is not responsible for the privacy practices or the content of any of those other websites. We advise you to read the privacy policy of every website you visit.

Use of Personal Information

FNF uses Personal Information for three main purposes:

- To provide products and services to you or in connection with a transaction involving you.
- To improve our products and services.
- To communicate with you about our, our affiliates', and third parties' products and services, jointly or independently.

When Information Is Disclosed

We may make disclosures of your Personal Information and Browsing Information in the following circumstances:

- to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure;
- to nonaffiliated service providers who provide or perform services or functions on our behalf and who agree to use the information only to provide such services or functions;
- to nonaffiliated third party service providers with whom we perform joint marketing, pursuant to an agreement with them to jointly market financial products or services to you;
- to law enforcement or authorities in connection with an investigation, or in response to a subpoena or court order; or
- in the good-faith belief that such disclosure is necessary to comply with legal process or applicable laws, or to protect the rights, property, or safety of FNF, its customers, or the public.

The law does not require your prior authorization and does not allow you to restrict the disclosures described above. Additionally, we may disclose your information to third parties for whom you have given us authorization or consent to make such disclosure. We do not otherwise share your Personal Information or Browsing Information with nonaffiliated third parties, except as required or permitted by law.

We reserve the right to transfer your Personal Information, Browsing Information, and any other information, in connection with the sale or other disposition of all or part of the FNF business and/or assets, or in the event of bankruptcy, reorganization, insolvency, receivership, or an assignment for the benefit of creditors. By submitting Personal Information and/or Browsing Information to FNF, you expressly agree and consent to the use and/or transfer of the foregoing information in connection with any of the above described proceedings.

Please see **"Choices With Your Information"** to learn the disclosures you can restrict.

Security of Your Information

We maintain physical, electronic, and procedural safeguards to guard your Personal Information. We limit access to nonpublic personal information about you to employees who need to know that information to do their job. When we provide Personal Information to others as discussed in this Privacy Notice, we expect that they process such information in compliance with our Privacy Notice and in compliance with applicable privacy laws.

Choices With Your Information

If you do not want FNF to share your information with our affiliates to directly market to you, you may send an "opt out" request by email, phone, or physical mail as directed at the end of this Privacy Notice. We do not share your Personal Information with nonaffiliates for their use to direct market to you.

Whether you submit Personal Information or Browsing Information to FNF is entirely up to you. If you decide not to submit Personal Information or Browsing Information, FNF may not be able to provide certain services or products to you.

For California Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties, except as permitted by California law.

For Nevada Residents: You may be placed on our internal Do Not Call List by calling (888) 934-3354 or by contacting us via the information set forth at the end of this Privacy Notice. Nevada law requires that we also provide you with the following contact information: Bureau of Consumer Protection, Office of the Nevada Attorney General, 555 E. Washington St., Suite 3900, Las Vegas, NV 89101; Phone number: (702) 486-3132; email: BCPINFO@ag.state.nv.us.

For Oregon Residents: We will not share your Personal Information or Browsing Information with nonaffiliated third parties for marketing purposes, except after you have been informed by us of such sharing and had an opportunity to indicate that you do not want a disclosure made for marketing purposes.

For Vermont Residents: We will not disclose information about you creditworthiness to our affiliates and will not disclose your personal information, financial information, credit report, or health information to nonaffiliated third parties to market to you, other than as permitted by Vermont law, unless you authorize us to make those disclosures.

Information From Children

The FNF Websites are meant for adults and are not intended or designed to attract persons under the age of eighteen (18). We do not collect Personal Information from any person that we know to be under the age of thirteen (13) without permission from a parent or guardian.

International Users

FNF's headquarters is located within the United States. If you reside outside the United States and choose to provide Personal Information or Browsing Information to us, please note that we may transfer that information outside of your country of residence for any of the purposes described in this Privacy Notice. By providing FNF with your Personal Information and/or Browsing Information, you consent to our collection, transfer, and use of such information in accordance with this Privacy Notice.

FNF Website Services for Mortgage Loans

Certain FNF companies provide services to mortgage loan servicers, including hosting websites that collect customer information on behalf of mortgage loan servicers (the "Service Websites"). The Service Websites may contain links to both this Privacy Notice and the mortgage loan servicer or lender's privacy notice. The sections of this Privacy Notice titled When Information is Disclosed, Choices with Your Information, and Accessing and Correcting Information do not apply to the Service Websites. The mortgage loan servicer or lender's privacy notice governs use, disclosure, and access to your Personal Information. FNF does not share Personal Information collected through the Service Websites, except (1) as required or authorized by contract with the mortgage loan servicer or lender, or (2) as required by law or in the good-faith belief that such disclosure is necessary to comply with a legal process or applicable law, to enforce this Privacy Notice, or to protect the rights, property, or safety of FNF or the public.

Your Consent To This Privacy Notice; Notice Changes

By submitting Personal Information and/or Browsing Information to FNF, you consent to the collection and use of the information in accordance with this Privacy Notice. We may change this Privacy Notice at any time. The revised Privacy Notice, showing the new revision date, will be posted on the FNF Website. Each time you provide information to us following any amendment of this Privacy Notice, your provision of information to us will signify your assent to and acceptance of the terms of the revised Privacy Notice for all previously collected information and information collected from you in the future. We may use comments, information or feedback that you submit to us in any manner that we may choose without notice or compensation to you.

Accessing and Correcting Information; Contact Us

If you have questions, would like to access or correct your Personal Information, or want to opt-out of information sharing for affiliate marketing, send your requests via email to privacy@fnf.com, by phone to (888) 934-3354, or by mail to:

Fidelity National Financial, Inc.
601 Riverside Avenue,
Jacksonville, Florida 32204
Attn: Chief Privacy Officer

DRAKE 75 ACRES

EXHIBIT "A"

Legal Description

A parcel of land being a portion of Government Lot 2 and a portion of the Southwest Quarter of the Northeast Quarter of Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 2 of said Section 8; thence
South 00°11'40" East a distance of 1180.30 feet along the Wet boundary of said Government Lot 2; thence leaving said West line and along the South and Westerly line of that tract of land disclaimed by the State of Idaho in Instrument No. 200341780, records of Canyon County, the following courses and distances:
North 74°28'32" East, 412.73 feet;
South 51°52'10" East, 362.79 feet;
South 08°29'56" East, 24.45 feet to a point on the Southerly line of said Government Lot 2; thence along said Southerly line
North 89°32'04" East a distance of 640.44 feet; thence along the Easterly line of said Government Lot 2,
North 00°05'49" West a distance of 1325.65 feet to the Northeast corner of said Government Lot 2; thence along the Easterly line of the Southwest quarter of the Northeast quarter of said Section 8
North 00°07'05" West a distance of 935.91 feet; thence
South 89°22'54" West a distance of 190.00 feet; thence
North 00°07'05" West a distance of 315.13 feet to a point on the Southerly right of way line of Highway Number 44; thence along the Southerly right of way line of said Highway Number 44,
South 89°11'28" West a distance of 1146.78 feet to a point on the Westerly line of the Southwest quarter of the Northeast quarter of said Section 8; thence along the Westerly line of said South quarter of the Northeast quarter of said Section 8,
South 00°28'41" East a distance of 1245.64 feet to the point of beginning.

This Map and data displayed is a graphic representation derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for staff use only; it is not guaranteed survey accuracy.
This map is based on information available and was compiled from numerous sources which may not be accurate. Users are to field verify this information. Canyon County and Single Point Solutions, llc are not liable for errors or omissions resulting from the use of this product for any purpose.

SPS Single Point Solutions
www.spsgis.com

PTC PioneerTitleCo.
GOING BEYOND

Fidelity National Title

Escrow No.: 34601911211-KY

2019-018630
RECORDED
05/03/2019 08:31 AM
CHRIS YAMAMOTO
CANYON COUNTY RECORDER
Pgs=8 LBERG $15.00
TYPE: DEED
FIDELITY NATIONAL TITLE - BOISE
ELECTRONICALLY RECORDED

WARRANTY DEED

FOR VALUE RECEIVED

Middleton Land, LLC, an Idaho limited liability company

GRANTOR(S), does(do) hereby GRANT, BARGAIN, SELL AND CONVEY unto:

Drake Investments, LLC, an Idaho limited liability company

GRANTEE(S), whose current address is: **1026 W. Two Rivers Lane, Eagle, ID 83616**

the following described real property in Canyon County, Idaho, more particularly described as follows, to wit:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said heirs and assigns forever. And the said Grantor(s) does(do) hereby covenant to and with the said Grantee(s), that Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and general taxes and assessments, (including irrigation and utility assessments, if any) for the current year, which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this .

Middleton Land, LLC

BY:_____
Michael T. Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Woolf
Trustee

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

WARRANTY DEED
(continued)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this 30th day of April, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael T Keller, known or identified to me to be the person whose name is subscribed to the within instrument, as the Manager of Middleton Land, LLC, a LimitedLiabilityCompany and acknowledged to me that he executed the same as such Manager.

Signature: Debra L Walters
Name: Debra L. Walters
Residing at: Boise, Idaho
My Commission Expires: 10/18/24

DEBRA L WALTERS
COMMISSION #13368
NOTARY PUBLIC
STATE OF IDAHO

(SEAL)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this 30th day of April, 2019, before me, a Notary Public in and for said State, personally appeared Michael T. Keller, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the President of Keller Investments, Inc. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

DEBRA L WALTERS
COMMISSION #13368
NOTARY PUBLIC
STATE OF IDAHO

Debra L Walters
Notary Public of Idaho
Residing at Boise, Idaho
Commission Expires: 10/18/24

STATE OF Idaho, COUNTY OF Ada, -ss.

On this ____ day of April, 2019, before me, a Notary Public in and for said State, personally appeared Dirk McNamee and Kathleen McNamee, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the Trustees of the Dirk and Kathleen McNamee Revocable Trust Dated February 15, 2006. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

_____
Notary Public of Idaho
Residing at _____
Commission Expires: _____

WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this .

Middleton Land, LLC

BY:_____
Michael T Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Woolf
Trustee

ELIZABETH V. EARLY
Notary Public – California
Los Angeles County
Commission # 2184714
My Comm. Expires Mar 2, 2021

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT **CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Los Angeles)

On April 27, 2019 before me, Elizabeth V. Early, Notary Public
Date *Here Insert Name and Title of the Officer*

personally appeared Jeffrey M. Woolf
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

ELIZABETH V. EARLY
Notary Public – California
Los Angeles County
Commission # 2184714
My Comm. Expires Mar 2, 2021

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Elizabeth V. Early
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____	Signer's Name: _____
☐ Corporate Officer — Title(s): _____	☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General	☐ Partner — ☐ Limited ☐ General
☐ Individual ☐ Attorney in Fact	☐ Individual ☐ Attorney in Fact
☐ Trustee ☐ Guardian or Conservator	☐ Trustee ☐ Guardian or Conservator
☐ Other: _____	☐ Other: _____
Signer Is Representing: _____	Signer Is Representing: _____

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WARRANTY DEED
(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Effective this . 4-26-19

Middleton Land, LLC

BY:_____
Michael T Keller
Manager

Keller Investments, Inc.
ITS: Member

BY:_____
Michael T. Keller
President

Jeffrey M. Woolf Defined Benefit Plan and Trust
ITS: Member

BY:_____
Jeffrey M. Woolf
Trustee

Dirk and Kathleen McNamee Revocable Trust
Dated February 15, 2006
ITS: Member

BY:_____
Dirk McNamee
Trustee

BY:_____
Kathleen McNamee
Trustee

WARRANTY DEED
(continued)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this _____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared Michael T Keller, known or identified to me to be the person whose name is subscribed to the within instrument, as the Manager of Middleton Land, LLC, a LimitedLiabilityCompany and acknowledged to me that he executed the same as such Manager.

Signature: _____
Name: _____
Residing at: _____
My Commission Expires: _____

(SEAL)

STATE OF Idaho, COUNTY OF Ada, -ss.

On this ____ day of April, 2019, before me, a Notary Public in and for said State, personally appeared Michael T. Keller, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the President of Keller Investments, Inc. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

_____
Notary Public of Idaho
Residing at _____
Commission Expires: _____

STATE OF ~~Idaho~~ California, COUNTY OF ~~Ada~~ Orange, -ss.

On this 26 day of April, 2019, before me, a Notary Public in and for said State, personally appeared Dirk McNamee and Kathleen McNamee, known or identified to me to be the person(s) whose name(s) is/were subscribed to the within Instrument as the Trustees of the Dirk and Kathleen McNamee Revocable Trust Dated February 15, 2006. who is the one of Members of Middleton Land, LLC, which is known or identified to me to be the entity whose name is subscribed to the within instrument and acknowledged to me that he/she/they executed the same in said Limited Liability Company's name.

Steven Annunziata
Notary Public of ~~Idaho~~ California
Residing at Corona Del Mar, CA
Commission Expires: 2/26/22

STEVEN JOSEPH ANNUNZIATA
MY COMMISSION EXPIRES
NOTARY PUBLIC
COMM. #2232526
FEBRUARY 26, 2022
ORANGE COUNTY, CA
NSP1 NSP1

EXHIBIT "A"

Legal Description

A parcel of land being a portion of Government Lot 2 and a portion of the Southwest Quarter of the Northeast Quarter of Section 8, Township 4 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Beginning at the Northwest corner of Government Lot 2 of said Section 8; thence
South 00°11'40" East a distance of 1180.30 feet along the Wet boundary of said Government Lot 2; thence leaving said West line and along the South and Westerly line of that tract of land disclaimed by the State of Idaho in Instrument No. 200341780, records of Canyon County, the following courses and distances:
North 74°28'32" East, 412.73 feet;
South 51°52'10" East, 362.79 feet;
South 08°29'56" East, 24.45 feet to a point on the Southerly line of said Government Lot 2; thence along said Southerly line
North 89°32'04" East a distance of 640.44 feet; thence along the Easterly line of said Government Lot 2,
North 00°05'49" West a distance of 1325.65 feet to the Northeast corner of said Government Lot 2; thence along the Easterly line of the Southwest quarter of the Northeast quarter of said Section 8
North 00°07'05" West a distance of 935.91 feet; thence
South 89°22'54" West a distance of 190.00 feet; thence
North 00°07'05" West a distance of 315.13 feet to a point on the Southerly right of way line of Highway Number 44; thence along the Southerly right of way line of said Highway Number 44,
South 89°11'28" West a distance of 1146.78 feet to a point on the Westerly line of the Southwest quarter of the Northeast quarter of said Section 8; thence along the Westerly line of said South quarter of the Northeast quarter of said Section 8,
South 00°28'41" East a distance of 1245.64 feet to the point of beginning.

Breckon Land Design Inc.
6661 North Glenwood Street
Garden City, Idaho 83714
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

August 18, 2020

RE: Neighborhood meeting for the proposed Riverbend Subdivision and Development at 10481 Highway 44 Middleton, ID

Dear Neighbor,

Prior to submittal of a development application, the City of Middleton requires a neighborhood meeting between the applicant and neighbors adjacent to the proposed project. This is your notice to meet and review the proposed residential housing and commercial project. This is not a public hearing and public officials will not be present. If you have questions, please feel free to Mary Wall at 208-376-5153 extension 104, or by email at mwall@breckonld.com.

Purpose:
To conduct a neighborhood meeting to answer questions regarding the proposed residential housing and commercial development.

When:
Wednesday, September 2, 2020 - 6:00 PM – 7:00 PM

Where:
10481 Highway 44, Middleton, Idaho (approx. 0.5 miles west of Duff Lane on south side of Hwy 44)

Thank you,

Jon Breckon, ASLA, CLARB
BRECKON landdesign
Landscape Architect

CC: FILE, City of Middleton

S:_projects\2020\20026 Riverbend sub\Admin\Agency Correspondence\Applications

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Garden City, Idaho 83714
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RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET

September 2, 2020

Name:	Address:	Phone Number:	Email:
ANDREW Knowles	1521 CROWN PK	208-794-7480	
Mike Christiansen	22362 Duff Ln	208 250 5479	
PAT CHRISTIANSEN	22362 DUFF LN.	208 250-5475	
Debbie Hundorfe	10143 Riverbend Pl	208-488-0615	
Dennis N Hundorfe	"	"	
Tim Hunnicutt	10055 GADICA ST	208-409-9177	
Lori Smith	10079 Riverbend Pl	707 372-8743	
Sterling Smith		707 372-8742	
Brett & Alana Kimmel	22493 Duff Ln	(208) 890-1410	
ELDRIDGES	10082 RIVERBEND PL.	(208) 908-2040	
Dubbin + Amy Shadom	22568 Duff Lane	(425) 210-7300	
Maria Fernandes	10076 Riverbend Pl	707-246-5194	
Armando Fernandes	10076 Riverbend Pl	707 656-9191	
Amy Shadom	10077 RIVERBEND PL	208 697-[illegible]	
MARILYN GINGALONE	9918 LANDRUFF LANE	208 866-8307	
Dave Rice	10161 Lilac Pl	208-310-6211	
MICHAEL KELLER	10073 RIVER BEND	208-761-[illegible]	
Susan Couger	10046 Riverbend Pl	208 921 2951	
Kathleen Keller	10073 Riverbend		
Michelle Coddington	10031 Riverbend Pl.	(707) 321-1560	
Peter Coddington	10031 Riverbend	707 494-9223	
Kevin McBride	22251 Duff Ln.	208 861 3218	
John Yeckum	9394 Blue Heron Dr	208-850-5127	Hoky44@gmail.com

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Landscape Architecture • Waterscape Design • Graphic Communication • Civil Engineering • Irrigation Design • Land Planning

RIVERBEND NEIGHBORHOOD MTG SIGN IN SHEET

September 2, 2020

Name:	Address:	Phone Number:	Email:
Duane Stanek	2220 Duff	208 585-3582	Duane@Valleytruss.com
Jon Breckon }	with Breckon Land Design		
Mary Wall }			

Breckon Land Design Inc.
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Meeting Minutes – River Pointe Neighborhood Mtg

Meeting Date: September 2, 2020

Project & Project #: River Pointe Subdivision – BLD Project #20026

Location & Time: Meeting held on property at 10481 Hwy 44- in open area along gravel pit access road

Distribution List: for distribution to the City of Middleton, Idaho with project application

Present at Meeting: See attached attendance list

Submitted by: Mary Wall, Breckon Land Design

NOTES:

A 30" X 40" display board was placed at the meeting site presenting the proposed development. A copy of the presentation board is attached to these minutes for reference.

These minutes are for the "formal" neighborhood meeting. Due to numerous attendees wanting to speak at the same time comments noted are not attributed to a specific person but contain the general sentiments presented by the attendees.
Additional notes taken at the meeting by Andrew Knowles, Keller Williams Realty Boise, based upon conversations with individual attendees are also included with these meeting minutes.

At 6:05 pm the meeting started with Jon Breckon, Breckon Land Design, providing a brief introduction to the proposed project, the purpose of the Neighborhood Meeting, and the next steps in the process. Attendees were told that this meeting was an opportunity to provide feedback of any kind on the proposed project. The comments would be documented and provided to the City of Middleton with the application package. Attendees were also told that they would be notified by the City of any public hearings associated with the project.

At the conclusion of the above remarks the meeting was opened to receive comments from the attendees. The following is a summary of comments heard during the meeting. In general, the attendees appeared to agree on the concerns outlined below.

- Neighbors are not opposed to the development plans for the 75-acre portion of the property. The portion of the development is in alignment with what they were expecting. The main concern is the high density residential being proposed on the 14-acre lot off Duff Lane.
- Many neighbors believe they were promised that the 14-acre parcel would be subdivided into 1-acre parcels. Neighbors were in support of the 1-acre parcel proposal and still support the 1-acre lot size proposal.

- There is concern about drainage and groundwater and the impact the 14-acre development will have on the neighboring yards and septic systems.
- People are concerned about the potential traffic impacts on Duff Road. Access from Duff Road onto Hwy 44 is already a problem during high traffic times. (Attendees were informed that a traffic study is being conducted to determine the impacts of the proposed development.)
- A comment was made that Duff Road should be improved if the high-density development is approved.
- Neighbors were concerned about the additional development exacerbating the existing parking problem for Duff Pond. Currently, pond users park along Duff Lane and impact the travel way. The area used for parking is the area proposed for this projects Duff Lane access.
- Neighbors are concerned about the abrupt transition from 1-acre parcels to 8,000 square foot parcels. They would like to see a much more gradual transition from the larger, existing parcels to the small residential parcels.
- Neighbors do not believe that the proposed density of the 14-acre parcel fits in with the surrounding area which is low-density residential and agricultural property.
- There were questions about whether an environmental impact study had been done on the property and whether one would be required as part of the project approval.
- A few neighbors requested clarification on who the property owner(s) are and questioned why the owners were not in attendance at the meeting, and available to discuss their concerns.
- There were questions about ITD's plans for Hwy 44. Attendees were told that we did not have information on ITD's plans for the Hwy 44 improvements but that our traffic study would address the impacts of the proposed development on Hwy 44.
- There were a few complaints about the gravel mining operation on the property. These complaints were not addressed since the issue was not a part of the proposed project.
- A few alternative development ideas for the 14-acre parcel were proposed by the attendees. All proposals involved significantly less density than shown on the proposed layout (attached)

SUMMARY

The primary concerns presented at the meeting are as follows:

1. Proposed high-density development of the 14-acre parcel does not fit with the neighborhood and neighbors would like to see a reduction in density, preferably to 1 acre lots.
2. Concerns about the impact to traffic on Duff Lane.
3. Concerns about drainage issues on adjacent properties resulting from this development.

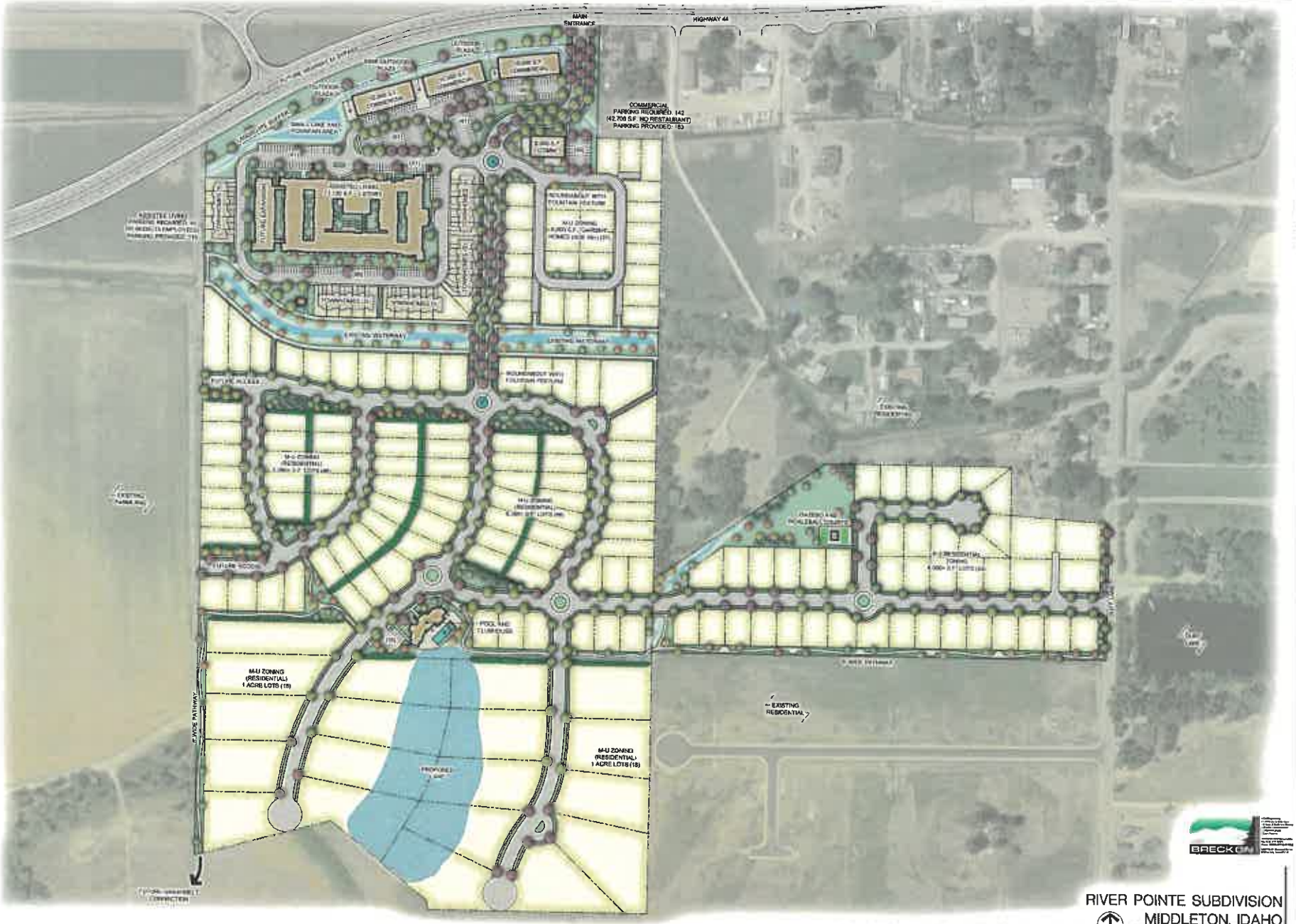
Andrew Knowles' River Pointe Subdivision Neighborhood Meeting Notes
*** these notes summarize individual conversations with meeting attendees***

09/02/2020

DUFF LANE
Duff Lane access and the size of the road seemed to be a concern for many
Duff Pond and parking on the street (Duff) seemed to be a concern.
Duff Lane, they were told, would have no access to turn west when new connector is in

14 ACRE parcel that backs up to 1 ac Riverbend Community (adjacent to Duff Lane)
Fence Type along 14 acres, homeowners would prefer solid fence
Homeowners would prefer .50 to 1 acre lots.
Do not like the common pathway along south side
Would prefer a berm to soften the transition from their 1 ac lots
Neighbors do not like the density of this section of homes
Single level homes and or transitional homes could be a good alternative
They were promised 1 acre lots and they feel they were misled.
How are we addressing drainage along the south side of property, so we do not flood them?

Miscellaneous
They like the country, they like things the way they are.
ITD 5-year plan they are concerned with the new bypass, what does that look like?
Overall, they liked the community plan (proposed development within the current Middleton city limits), they all felt that this was a great addition to the community. No complaints on retail, many people told me that they were excited about walk ability or bike rides to commercial offerings.
All in all, the plat within city boundaries was well received and not an issue with anyone, they loved it and thought it was well laid out. They just do not like the 14-acre plat.



RIVER POINTE SUBDIVISION
MIDDLETON, IDAHO

SCALE: 1"=100'

DISCLAIMER: PROJECT DESIGN IS SCHEMATIC IN NATURE AND IS SUBJECT TO CHANGE

CITY OF MIDDLETON
P O Box 487
1103 W Main St, Middleton, ID 83644
208-585-3133, Fax: 208-585-9601
WWW.MIDDLETON.ID.GOV

Planning & Zoning Department

Annexation & Zoning Checklist

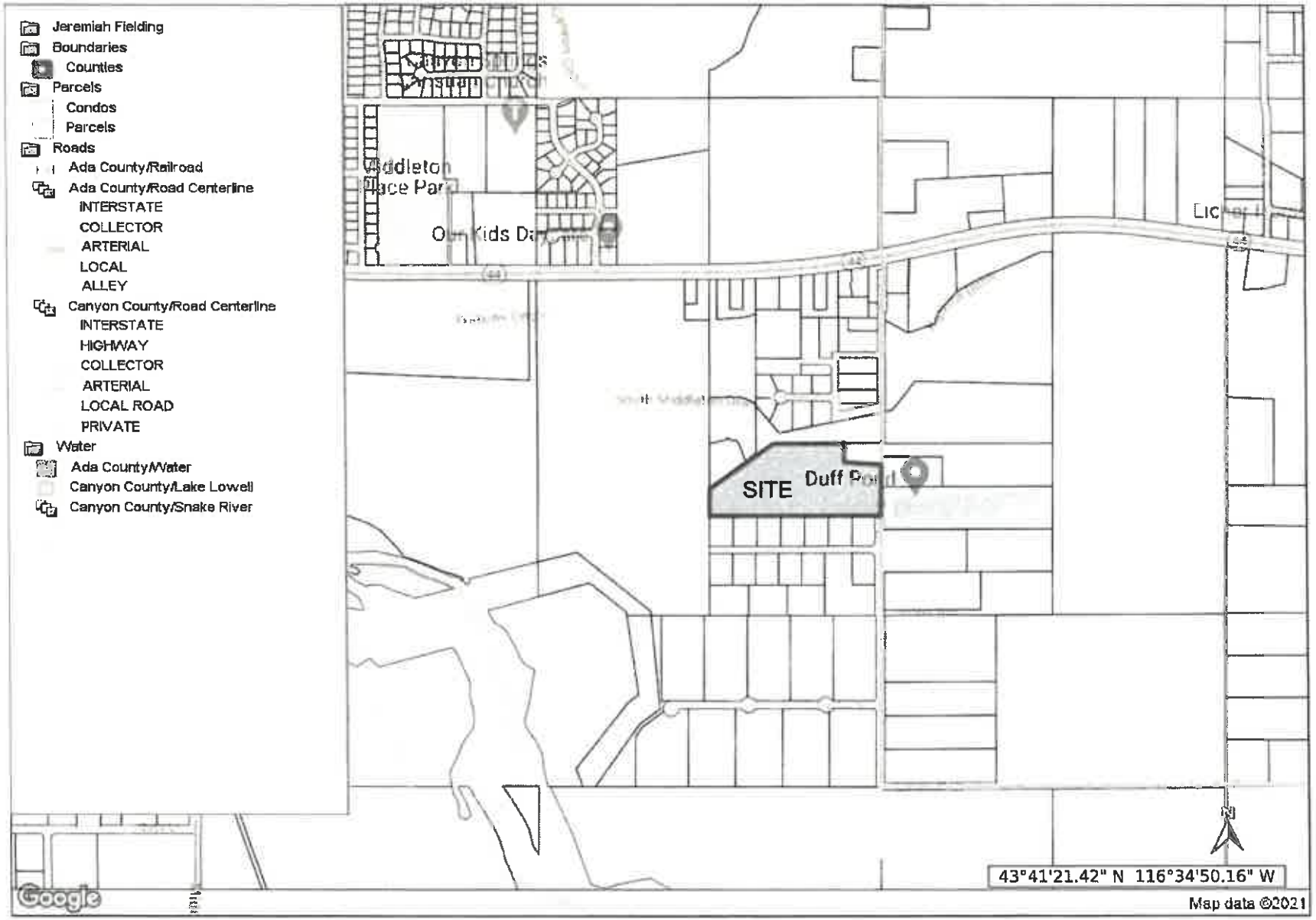
Please submit all items listed below. Applications missing the following items will be deemed incomplete, and the application will not be processed.

Applicant	Description	Staff
XX	Completed and signed Master Land Use Application	
Paid previously	Fee	
XX	Narrative fully describing the proposed project and zoning requested. Describe how the request is consistent with the Middleton Comprehensive Plan.	
XX	Scaled Vicinity Map	
XX	Legal description of entire property to be annexed. Legal description must be stamped and signed by a land surveyor registered in the State of Idaho.	
XX	Scaled Exhibit map showing boundaries of the legal description for the entire property to be annexed. **The exhibit must be in compliance with Idaho State Tax Commission Property Tax Administrative Rules IDAPA 35.01.03.225.01.h.** It is used by the Tax Commission to create the new parcel.	
Only one zone change request.	Legal description for each zoning designation. • Legal Description must be stamped and signed by land surveyor registered in the State of Idaho • Include scaled exhibit map showing the boundaries of the legal description for each zone.	
XX	Recorded warranty deed showing proof of ownership	
XX	If the representative is submitting the application, provide a letter from the owner authorizing the representative to submit the application.	
XX	**Two sets** of adhesive mailing labels containing the names and addresses of property owners within 300 feet of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
XX	Copy of neighborhood meeting notice, sign-in sheet, and minutes summarizing the meeting discussion	
XX	Electronic copy of entire application	
Amending Existing DA	*A Development Agreement is required for all annexations. Please submit the Development Agreement checklist with this application.	
XX	**If the Land Use Map needs to be changed with the Annexation, please submit a Comprehensive Plan Map Amendment application with this application.	

landproDATA

landproDATA PDF

Vicinity Map - River Pointe Annexation + Rezone



Mar 10, 2021 - landproDATA.com
Scale: 1 inch approx 1000 feet

The materials available at this website are for informational purposes only and do not constitute a legal document.

CITY OF MIDDLETON
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Planning & Zoning Department

Checklist Comprehensive Plan Text and/or Map Amendment

Please submit all items listed below. Applications missing any of the following items will be deemed incomplete, and the application will not be processed.

Applicant	Description	Staff
XX	Completed and signed Master Land Use Application	
	Fee	
XX	Neighborhood Meeting Notice, sign-in sheet, and minutes summarizing discussion.	
XX	Electronic copy of entire application via USB	
XX	**Two sets** of adhesive mailing labels containing the names and addresses of property owners within 300 feet of the perimeter boundary of the subject property. Contact Canyon County Plat Room at (208) 455-6016 for a list of landowners.	
	Additional Map Amendment Requirements	
XX	Narrative fully describing the following: • Specific details of the change requested. • Description of the project proposed on the subject property. • Description of how the amendment will provide an improved guide to future growth and development of the city. • Information on the subject property. • Any other data or information to support the application.	
XX	Scaled Vicinity Map	
XX	Recorded warranty deed showing proof of ownership of the subject property.	
XX	If a representative is submitting the application, please provide a letter from the owner authorizing the representative to submit the application	
	Additional Text Amendment Requirements	
Not Applicable	Narrative fully describing the following: • Specific details of the change requested. • Description of how the amendment will provide an improved guide to future growth and development of the city • Any other data or information to support the application.	
Not Applicable	Redline copy of changes to be made to text, including underline and strike out changes for text to be added and/or omitted.	

PioneerTitleCo.
GOING BEYOND

100 10th Avenue South
Nampa, ID 83651

ELECTRONICALLY RECORDED-DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT

File No. 697672 KD/JT

WARRANTY DEED

For Value Received John M. Robinson, a Widower

hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Deep River Investments, LLC, an Idaho Limited Liability Company

hereinafter referred to as Grantee, whose current address is 1026 W. Two Rivers Lane Eagle, ID 83616

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantees(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: November 20, 2019

John M. Robinson
State of Idaho, County of Canyon

This record was acknowledged before me on November 22nd, 2019 by John M. Robinson

Signature of notary public
Commission Expires:

RESIDING IN: MERIDIAN, IDAHO
COMMISSION EXPIRES: 4/05/2024

KELSEY KRAFT
COMMISSION #20180606
NOTARY PUBLIC
STATE OF IDAHO

EXHIBIT A

A parcel of land situated in the Southeast Quarter of Section 8, Township 4 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the East Quarter corner of said Section 8, marked by a brass cap, the POINT OF BEGINNING; thence along the East line of said Section 8
South 00° 00' 00" East 556.43 feet to a point marked by a 5/8-inch diameter steel pin; thence
South 89° 26' 19" West 1,327.97 feet to a point marked by a 5/8-inch diameter steel pin; thence
North 00° 05' 50" West 209.92 feet to a point marked by a 5/8-inch diameter steel pin; thence
North 54° 35' 58" East 606.52 feet to a point on the mid-section line of said Section 8, marked by a 5/8-inch diameter steel pin; thence along said mid-section line
North 89° 26' 19" East 833.92 feet to the POINT OF BEGINNING.

KIM A NELSON
22480 DUFF LN
MIDDLETON ID 83644

STATE OF IDAHO FISH GAME DEPT
PO BOX 25
BOISE ID 83707-0025

CHRISTIANSEN FAMILY REVO LIV TRUST
22342 DUFF LN
MIDDLETON ID 83644

JUAN G GUILLEN MACIAS
22565 DUFF LN
MIDDLETON ID 83644

JT VENTURES LLC
PO BOX 772
MIDDLETON ID 83644

GLENDA SCROGGINS TRUST
490 CEMETERY RD
MIDDLETON ID 83644

EDWARD CHRISTOPHER
10233 HWY 44
MIDDLETON ID 83644

DIANE E RICE
10161 LILAC PL
MIDDLETON ID 83644

LEO SAMUELS
10135 LILAC PL
MIDDLETON ID 83644

NONNA H WAGNER
10111 LILAC PL
MIDDLETON ID 83644

MILAN L GOULD
10081 LILAC PLACE
MIDDLETON ID 83644

DRAKE INVESTMENTS LLC
1026 W TWO RIVERS LN
EAGLE ID 83616

LGD VENTURES LLC
PO BOX 9325
BOISE ID 83707

CORINTHIAN COMMUNITIES INC
10630 MATHER BLVD
MATHER CA 95655

EMBASSY INC
210 MURRAY ST
BOISE ID 83714

DOUG HAMMOND
PO BOX 402
MIDDLETON ID 83644

CANYON SPRINGS CHRISTIAN CHURCH INC
1444 CORNELL ST
MIDDLETON ID 83644

JONATHAN E PLATT
10247 HWY 44
MIDDLETON ID 83644

MONSON FAMILY TRUST
22500 DUFF LN
MIDDLETON ID 83644

NICHOLAS B HYNES
10067 RIVERBEND PL
MIDDLETON ID 83644

PETER B CODDING
10031 RIVERBEND PL
MIDDLETON ID 83644

KEVIN MCBRIDE
22251 DUFF LN
MIDDLETON ID 83644

HUNDOBLE FAMILY TRUST
PO BOX 609
MIDDLETON ID 83644

STARKJOHANN FAMILY TRUST
10049 RIVERBEND PL
MIDDLETON ID 83644

REGINA L HENLEY
10055 RIVERBEND PL
MIDDLETON ID 83644

MICHAEL P KELLEY SR
10073 RIVERBEND PL
MIDDLETON ID 83644

STERLING SMITH
10079 RIVERBEND PL
MIDDLETON ID 83644

FREDERICK A FRANCIS
10028 RIVERBEND PL
MIDDLETON ID 83644

DONALD K ANDERS
10210 KELLY LN
GILROY CA 95020

AUSTIN REVOCABLE LIVING TRUST
3511 FOLKSTONE CT
BURBANK CA 91504

THOMAS CONGER
10046 RIVERBEND PL
MIDDLETON ID 83644

KBSB ENTERPRISES INC
2910 BO DANIEL LN
NAMPA ID 83687

FERNANDES FAMILY TRUST
10076 RIVERBEND PL
MIDDLETON ID 83644

JONATHAN ELDREDGE
10082 RIVERBEND PL
MIDDLETON ID 83644

DIANE S HURLEY
22470 DUFF LN
MIDDLETON ID 83644-5400

CLARK GULER
10250 GABICA ST
MIDDLETON ID 83644

KAILEY MESKILL
8533 SILVERWOOD WAY
MIDDLETON ID 83644

JEFFREY W THEIS
10150 GABICA ST
MIDDLETON ID 83644

TIMOTHY W DAVIS
22493 DUFF LN
MIDDLETON ID 83644

MELODY DENBESTE
22473 DUFF LN
MIDDLETON ID 83644

HESS PROPERTIES LLC
15031 SPYGLASS LN
CALDWELL ID 83607

WATKINS PROPERTIES L P
10038 TURNER DR
MIDDLETON ID 83644

CENTRAL PAVING INC
PO BOX 15010
BOISE ID 83715

DEEP RIVER INVESTMENTS LLC
1125 W TWO RIVERS LN
EAGLE ID 83616

BRIAN BURNETT
1125 W TWO RIVERS LN
EAGLE ID 83616

VALUE LAND LLC
1015 VICTORIA AVE
FRUITLAND ID 83619

Mary Wall

From: Robert Burnett <invest1977@yahoo.com>
Sent: Monday, September 14, 2020 3:12 PM
To: Mary Wall
Subject: Submittal Letter

City of Middleton:

Drake investments LLC authorizes Breckon Land Design to file the preliminary plat (and associated applications) on our behalf.

Brian Burnett 208-994-1607

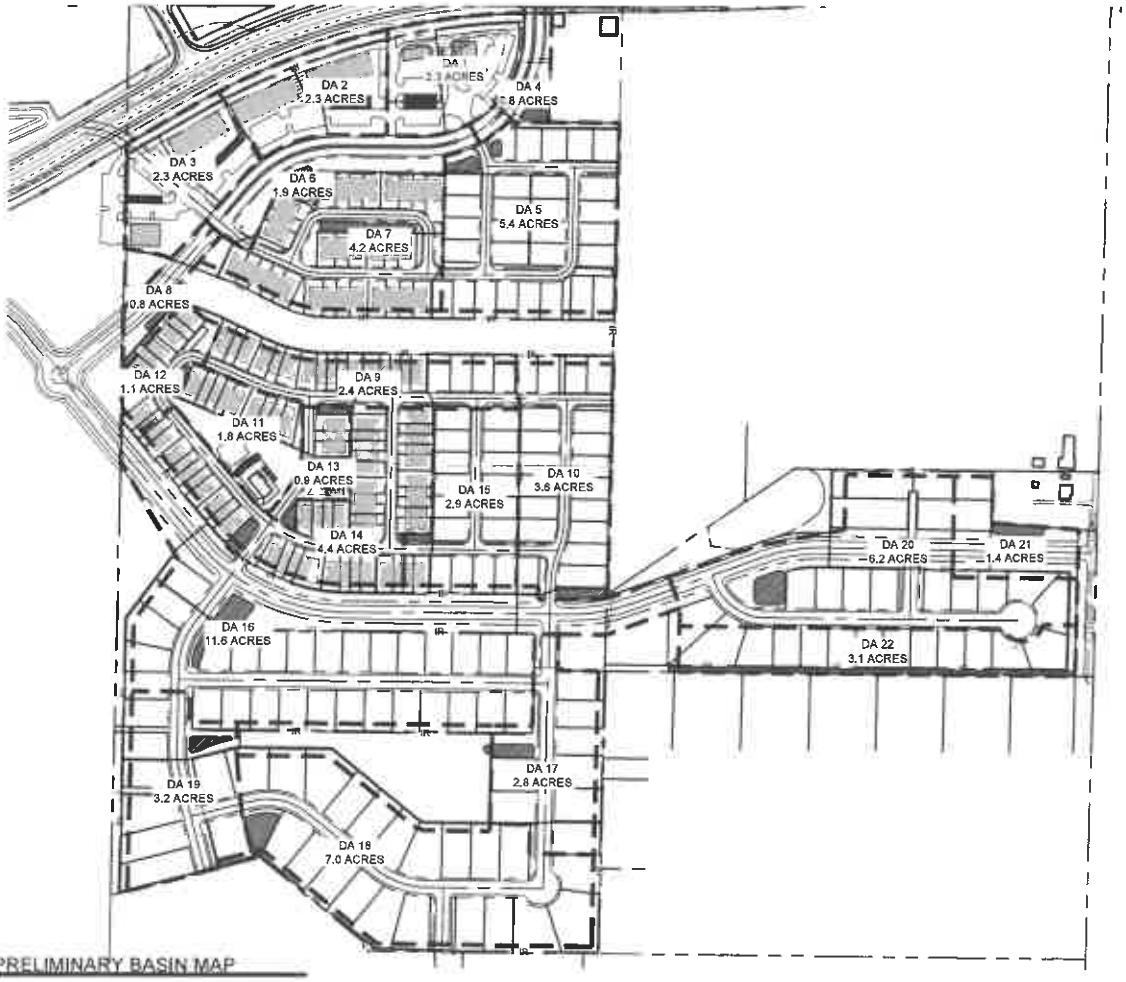
Sent from my iPhone

PRELIMINARY HYDROLOGY CALCULATIONS
for
River Pointe Subdivision
Middleton, ID 83644

PREPARED BY:

Breckon Land Design, Inc.
6661 N Glenwood Street
Garden City, Idaho 83714
p: (208) 376-5153
f: (208) 376-6528

Project No. 20026
May 5, 2021



PRELIMINARY BASIN MAP

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #1

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.3	acres	0.85		

Area =	2.30	acres
C =	0.85	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.93	2.89	3.62	5.22	6.11

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	8.60	2,581	210	2,371	
10	600	3.11	6.08	3,648	420	3,228	
15	900	2.5	4.89	4,399	630	3,769	
20	1200	2.2	4.30	5,161	840	4,321	
30	1800	1.6	3.13	5,630	1,260	4,370	
40	2400	1.4	2.74	6,569	1,680	4,889	
50	3000	1.2	2.35	7,038	2,100	4,938	
60	3600	1	1.96	7,038	2,520	4,518	1 hour
120	7200	0.6	1.17	8,446	5,040	3,406	2 hours
180	10800	0.45	0.88	9,501	7,560	1,941	3 hours
240	14400	0.35	0.68	9,853	10,080	-227	4 hours
300	18000	0.3	0.59	10,557	12,600	-2,043	5 hours
360	21600	0.26	0.51	10,979	15,120	-4,141	6 hours
480	28800	0.22	0.43	12,387	20,160	-7,773	8 hours
600	36000	0.18	0.35	12,668	25,200	-12,532	10 hours
720	43200	0.14	0.27	11,824	30,240	-18,416	12 hours
1080	64800	0.12	0.23	15,202	45,360	-30,158	18 hours
1440	86400	0.085	0.17	14,358	60,480	-46,122	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	42	ft
Length	=	90	ft
A perc.	=	3780	sf
Q perc.	=	2520.0	cf per hr
Q perc.	=	0.7000	cfs

Vs Max =	4,938 cf	Maximum Storage Required
V sb =	12,345 cf	Seepage Bed Volume (40% Voids)
Depth =	3.3 ft	Seepage Bed Depth Required

Seepage Bed Size = **42** ft wide x **90** ft long x **3.3** ft deep

Seepage Bed Recovery Time (floor):

V s =	4,938	cf
Q perc =	2520.00	cf per hr
Time Rec =	2.0	hours

Sand and Grease Trap Calculations

Velocity Through Baffle:

Type:	(2) 1500 and (1) 1000 GallonSand and Grease Trap by Amcor Pre Cast or approved equal		
A b =	21.5	sf	See appendix D
Q 10 min.	6.08	cfs	100 year Peak Q dev. At 10 min duration
Velocity =	0.28	ft per sec.	

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #2

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.3	acres	0.85		

Area =	2.30	acres
C =	0.85	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.93	2.89	3.62	5.22	6.11

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	8.60	2,581	252	2,329	
10	600	3.11	6.08	3,648	504	3,144	
15	900	2.5	4.89	4,399	756	3,643	
20	1200	2.2	4.30	5,161	1,008	4,153	
30	1800	1.6	3.13	5,630	1,512	4,118	
40	2400	1.4	2.74	6,569	2,016	4,553	
50	3000	1.2	2.35	7,038	2,520	4,518	
60	3600	1	1.96	7,038	3,024	4,014	1 hour
120	7200	0.6	1.17	8,446	6,048	2,398	2 hours
180	10800	0.45	0.88	9,501	9,072	429	3 hours
240	14400	0.35	0.68	9,853	12,096	-2,243	4 hours
300	18000	0.3	0.59	10,557	15,120	-4,563	5 hours
360	21600	0.26	0.51	10,979	18,144	-7,165	6 hours
480	28800	0.22	0.43	12,387	24,192	-11,805	8 hours
600	36000	0.18	0.35	12,668	30,240	-17,572	10 hours
720	43200	0.14	0.27	11,824	36,288	-24,464	12 hours
1080	64800	0.12	0.23	15,202	54,432	-39,230	18 hours
1440	86400	0.085	0.17	14,358	72,576	-58,218	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	42	ft
Length	=	108	ft
A perc.	=	4536	sf
Q perc.	=	3024.0	cf per hr
Q perc.	=	0.8400	cfs

Vs Max =	4,553 cf	Maximum Storage Required
V sb =	11,382 cf	Seepage Bed Volume (40% Voids)
Depth =	2.5 ft	Seepage Bed Depth Required

Seepage Bed Size = **42** ft wide x **108** ft long x **2.5** ft deep

Seepage Bed Recovery Time (floor):

V s =	4,553	cf
Q perc =	3024.00	cf per hr
Time Rec =	1.5	hours

Sand and Grease Trap Calculations

Velocity Through Baffle:

Type:	(1) 1000 GallonSand and Grease Trap by Amcor Pre Cast or approved equal		
A b =	4	sf	See appendix D
Q 10 min.	6.08	cfs	100 year Peak Q dev. At 10 min duration
Velocity =	1.52	ft per sec.	

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #3

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.3	acres	0.85		

Area =	2.30	acres
C =	0.85	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.93	2.89	3.62	5.22	6.11

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	8.60	2,581	231	2,350	
10	600	3.11	6.08	3,648	462	3,186	
15	900	2.5	4.89	4,399	693	3,706	
20	1200	2.2	4.30	5,161	924	4,237	
30	1800	1.6	3.13	5,630	1,386	4,244	
40	2400	1.4	2.74	6,569	1,848	4,721	
50	3000	1.2	2.35	7,038	2,310	4,728	
60	3600	1	1.96	7,038	2,772	4,266	1 hour
120	7200	0.6	1.17	8,446	5,544	2,902	2 hours
180	10800	0.45	0.88	9,501	8,316	1,185	3 hours
240	14400	0.35	0.68	9,853	11,088	-1,235	4 hours
300	18000	0.3	0.59	10,557	13,860	-3,303	5 hours
360	21600	0.26	0.51	10,979	16,632	-5,653	6 hours
480	28800	0.22	0.43	12,387	22,176	-9,789	8 hours
600	36000	0.18	0.35	12,668	27,720	-15,052	10 hours
720	43200	0.14	0.27	11,824	33,264	-21,440	12 hours
1080	64800	0.12	0.23	15,202	49,896	-34,694	18 hours
1440	86400	0.085	0.17	14,358	66,528	-52,170	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	42	ft
Length	=	99	ft
A perc.	=	4158	sf
Q perc.	=	2772.0	cf per hr
Q perc.	=	0.7700	cfs

Vs Max =	4,728 cf	Maximum Storage Required
V sb =	11,820 cf	Seepage Bed Volume (40% Voids)
Depth =	2.8 ft	Seepage Bed Depth Required

Seepage Bed Size = **42** ft wide x **99** ft long x **2.8** ft deep

Seepage Bed Recovery Time (floor):

V s =	4,728	cf
Q perc =	2772.00	cf per hr
Time Rec =	1.7	hours

Sand and Grease Trap Calculations

Velocity Through Baffle:

Type:	(1) 1000 Gallon Sand and Grease Trap by Amcor Pre Cast or approved equal		
A b =	4	sf	See appendix D
Q 10 min.	6.08	cfs	100 year Peak Q dev. At 10 min duration
Velocity =	1.52	ft per sec.	

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #4

Weighted Runoff Coefficient "C"

				"C"		
Area=		0.8	acres	0.8		

Area =	0.80	acres
C =	0.80	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
0.63	0.95	1.18	1.71	2.00

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	2.82	845	86	759	
10	600	3.11	1.99	1,194	171	1,023	
15	900	2.5	1.60	1,440	257	1,183	
20	1200	2.2	1.41	1,690	342	1,347	
30	1800	1.6	1.02	1,843	513	1,330	
40	2400	1.4	0.90	2,150	684	1,466	
50	3000	1.2	0.77	2,304	856	1,448	
60	3600	1	0.64	2,304	1,027	1,277	1 hour
120	7200	0.6	0.38	2,765	2,053	711	2 hours
180	10800	0.45	0.29	3,110	3,080	30	3 hours
240	14400	0.35	0.22	3,226	4,107	-881	4 hours
300	18000	0.3	0.19	3,456	5,133	-1,677	5 hours
360	21600	0.26	0.17	3,594	6,160	-2,566	6 hours
480	28800	0.22	0.14	4,055	8,213	-4,158	8 hours
600	36000	0.18	0.12	4,147	10,267	-6,119	10 hours
720	43200	0.14	0.09	3,871	12,320	-8,449	12 hours
1080	64800	0.12	0.08	4,977	18,480	-13,503	18 hours
1440	86400	0.085	0.05	4,700	24,640	-19,940	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	28	ft
Length	=	55	ft
A perc.	=	1540	sf
Q perc.	=	1026.7	cf per hr
Q perc.	=	0.2852	cfs

Vs Max =	1,466 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	1,466 cf	Maximum Storage Required
V sw =	2,932 sf	of 6" deep swale required
V sw =	1,955 sf	of 9" deep swale required
V sw =	1,466 sf	of 12" deep swale required
V sw=	733 sf	of 24" deep swale required
Depth =	0.95 ft	

Swale Size=	**28**	ft wide x	**55**	ft long x	**1.0**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #5

Weighted Runoff Coefficient "C"

				"C"		
Area=		5.4	acres	0.7		

Area =	5.40	acres
C =	0.70	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
3.73	5.58	7.00	10.09	11.80

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	16.63	4,990	367	4,623	
10	600	3.11	11.76	7,053	733	6,320	
15	900	2.5	9.45	8,505	1,100	7,405	
20	1200	2.2	8.32	9,979	1,467	8,513	
30	1800	1.6	6.05	10,886	2,200	8,686	
40	2400	1.4	5.29	12,701	2,933	9,767	
50	3000	1.2	4.54	13,608	3,667	9,941	
60	3600	1	3.78	13,608	4,400	9,208	1 hour
120	7200	0.6	2.27	16,330	8,800	7,530	2 hours
180	10800	0.45	1.70	18,371	13,200	5,171	3 hours
240	14400	0.35	1.32	19,051	17,600	1,451	4 hours
300	18000	0.3	1.13	20,412	22,000	-1,588	5 hours
360	21600	0.26	0.98	21,228	26,400	-5,172	6 hours
480	28800	0.22	0.83	23,950	35,200	-11,250	8 hours
600	36000	0.18	0.68	24,494	44,000	-19,506	10 hours
720	43200	0.14	0.53	22,861	52,800	-29,939	12 hours
1080	64800	0.12	0.45	29,393	79,200	-49,807	18 hours
1440	86400	0.085	0.32	27,760	105,600	-77,840	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	60	ft
Length	=	110	ft
A perc.	=	6600	sf
Q perc.	=	4400.0	cf per hr
Q perc.	=	1.2222	cfs

Vs Max =	9,941 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	9,941 cf	Maximum Storage Required
V sw =	19,883 sf	of 6" deep swale required
V sw =	13,255 sf	of 9" deep swale required
V sw =	9,941 sf	of 12" deep swale required
V sw=	4,971 sf	of 24" deep swale required
Depth =	1.51 ft	

Swale Size=	**60**	ft wide x	**110**	ft long x	**1.5**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #6

Weighted Runoff Coefficient "C"

				"C"		
Area=		1.9	acres	0.65		

Area =	1.90	acres
C =	0.65	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.22	1.82	2.29	3.30	3.86

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	5.43	1,630	167	1,464	
10	600	3.11	3.84	2,305	333	1,971	
15	900	2.5	3.09	2,779	500	2,279	
20	1200	2.2	2.72	3,260	667	2,594	
30	1800	1.6	1.98	3,557	1,000	2,557	
40	2400	1.4	1.73	4,150	1,333	2,816	
50	3000	1.2	1.48	4,446	1,667	2,779	
60	3600	1	1.24	4,446	2,000	2,446	1 hour
120	7200	0.6	0.74	5,335	4,000	1,335	2 hours
180	10800	0.45	0.56	6,002	6,000	2	3 hours
240	14400	0.35	0.43	6,224	8,000	-1,776	4 hours
300	18000	0.3	0.37	6,669	10,000	-3,331	5 hours
360	21600	0.26	0.32	6,936	12,000	-5,064	6 hours
480	28800	0.22	0.27	7,825	16,000	-8,175	8 hours
600	36000	0.18	0.22	8,003	20,000	-11,997	10 hours
720	43200	0.14	0.17	7,469	24,000	-16,531	12 hours
1080	64800	0.12	0.15	9,603	36,000	-26,397	18 hours
1440	86400	0.085	0.10	9,070	48,000	-38,930	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	50	ft
Length	=	60	ft
A perc.	=	3000	sf
Q perc.	=	2000.0	cf per hr
Q perc.	=	0.5556	cfs

Vs Max =	2,816 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	2,816 cf	Maximum Storage Required
V sw =	5,633 sf	of 6" deep swale required
V sw =	3,755 sf	of 9" deep swale required
V sw =	2,816 sf	of 12" deep swale required
V sw=	1,408 sf	of 24" deep swale required
Depth =	0.94 ft	

Swale Size=	**50**	ft wide x	**60**	ft long x	**0.9**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #7

Weighted Runoff Coefficient "C"

				"C"		
Area=		4.2	acres	0.7		

Area =	4.20	acres
C =	0.70	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
2.90	4.34	5.44	7.85	9.18

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	12.94	3,881	320	3,561	
10	600	3.11	9.14	5,486	640	4,846	
15	900	2.5	7.35	6,615	960	5,655	
20	1200	2.2	6.47	7,762	1,280	6,482	
30	1800	1.6	4.70	8,467	1,920	6,547	
40	2400	1.4	4.12	9,878	2,560	7,318	
50	3000	1.2	3.53	10,584	3,200	7,384	
60	3600	1	2.94	10,584	3,840	6,744	1 hour
120	7200	0.6	1.76	12,701	7,680	5,021	2 hours
180	10800	0.45	1.32	14,288	11,520	2,768	3 hours
240	14400	0.35	1.03	14,818	15,360	-542	4 hours
300	18000	0.3	0.88	15,876	19,200	-3,324	5 hours
360	21600	0.26	0.76	16,511	23,040	-6,529	6 hours
480	28800	0.22	0.65	18,628	30,720	-12,092	8 hours
600	36000	0.18	0.53	19,051	38,400	-19,349	10 hours
720	43200	0.14	0.41	17,781	46,080	-28,299	12 hours
1080	64800	0.12	0.35	22,861	69,120	-46,259	18 hours
1440	86400	0.085	0.25	21,591	92,160	-70,569	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	24	ft
Length	=	240	ft
A perc.	=	5760	sf
Q perc.	=	3840.0	cf per hr
Q perc.	=	1.0667	cfs

Vs Max =	7,384 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	7,384 cf	Maximum Storage Required
V sw =	14,768 sf	of 6" deep swale required
V sw =	9,845 sf	of 9" deep swale required
V sw =	7,384 sf	of 12" deep swale required
V sw=	3,692 sf	of 24" deep swale required
Depth =	1.28 ft	

Swale Size=	**24**	ft wide x	**240**	ft long x	**1.3**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #8

Weighted Runoff Coefficient "C"

				"C"		
Area=		0.8	acres	0.8		

Area =	0.80	acres
C =	0.80	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
0.63	0.95	1.18	1.71	2.00

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	2.82	845	72	773	
10	600	3.11	1.99	1,194	144	1,050	
15	900	2.5	1.60	1,440	217	1,223	
20	1200	2.2	1.41	1,690	289	1,401	
30	1800	1.6	1.02	1,843	433	1,410	
40	2400	1.4	0.90	2,150	578	1,573	
50	3000	1.2	0.77	2,304	722	1,582	
60	3600	1	0.64	2,304	867	1,437	1 hour
120	7200	0.6	0.38	2,765	1,733	1,031	2 hours
180	10800	0.45	0.29	3,110	2,600	510	3 hours
240	14400	0.35	0.22	3,226	3,467	-241	4 hours
300	18000	0.3	0.19	3,456	4,333	-877	5 hours
360	21600	0.26	0.17	3,594	5,200	-1,606	6 hours
480	28800	0.22	0.14	4,055	6,933	-2,878	8 hours
600	36000	0.18	0.12	4,147	8,667	-4,519	10 hours
720	43200	0.14	0.09	3,871	10,400	-6,529	12 hours
1080	64800	0.12	0.08	4,977	15,600	-10,623	18 hours
1440	86400	0.085	0.05	4,700	20,800	-16,100	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	13	ft
Length	=	100	ft
A perc.	=	1300	sf
Q perc.	=	866.7	cf per hr
Q perc.	=	0.2407	cfs

Vs Max =	1,582 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	1,582 cf	Maximum Storage Required
V sw =	3,164 sf	of 6" deep swale required
V sw =	2,109 sf	of 9" deep swale required
V sw =	1,582 sf	of 12" deep swale required
V sw=	791 sf	of 24" deep swale required
Depth =	1.22 ft	

Swale Size=	**13**	ft wide x	**100**	ft long x	**1.2**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #9

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.4	acres	0.75		

Area =	2.40	acres
C =	0.75	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.77	2.66	3.33	4.81	5.62

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	7.92	2,376	112	2,264	
10	600	3.11	5.60	3,359	225	3,134	
15	900	2.5	4.50	4,050	337	3,713	
20	1200	2.2	3.96	4,752	450	4,302	
30	1800	1.6	2.88	5,184	675	4,509	
40	2400	1.4	2.52	6,048	900	5,148	
50	3000	1.2	2.16	6,480	1,124	5,356	
60	3600	1	1.80	6,480	1,349	5,131	1 hour
120	7200	0.6	1.08	7,776	2,699	5,077	2 hours
180	10800	0.45	0.81	8,748	4,048	4,700	3 hours
240	14400	0.35	0.63	9,072	5,397	3,675	4 hours
300	18000	0.3	0.54	9,720	6,747	2,973	5 hours
360	21600	0.26	0.47	10,109	8,096	2,013	6 hours
480	28800	0.22	0.40	11,405	10,795	610	8 hours
600	36000	0.18	0.32	11,664	13,493	-1,829	10 hours
720	43200	0.14	0.25	10,886	16,192	-5,306	12 hours
1080	64800	0.12	0.22	13,997	24,288	-10,291	18 hours
1440	86400	0.085	0.15	13,219	32,384	-19,165	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	23	ft
Length	=	88	ft
A perc.	=	2024	sf
Q perc.	=	1349.3	cf per hr
Q perc.	=	0.3748	cfs

Vs Max =	5,356 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	5,356 cf	Maximum Storage Required
V sw =	10,711 sf	of 6" deep swale required
V sw =	7,141 sf	of 9" deep swale required
V sw =	5,356 sf	of 12" deep swale required
V sw=	2,678 sf	of 24" deep swale required
Depth =	2.65 ft	

Swale Size=	**23**	ft wide x	**88**	ft long x	**2.6**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #10

Weighted Runoff Coefficient "C"

				"C"		
Area=		3.6	acres	0.7		

Area =	3.60	acres
C =	0.70	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
2.48	3.72	4.66	6.73	7.87

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	11.09	3,326	187	3,140	
10	600	3.11	7.84	4,702	373	4,329	
15	900	2.5	6.30	5,670	560	5,110	
20	1200	2.2	5.54	6,653	747	5,906	
30	1800	1.6	4.03	7,258	1,120	6,138	
40	2400	1.4	3.53	8,467	1,493	6,974	
50	3000	1.2	3.02	9,072	1,867	7,205	
60	3600	1	2.52	9,072	2,240	6,832	1 hour
120	7200	0.6	1.51	10,886	4,480	6,406	2 hours
180	10800	0.45	1.13	12,247	6,720	5,527	3 hours
240	14400	0.35	0.88	12,701	8,960	3,741	4 hours
300	18000	0.3	0.76	13,608	11,200	2,408	5 hours
360	21600	0.26	0.66	14,152	13,440	712	6 hours
480	28800	0.22	0.55	15,967	17,920	-1,953	8 hours
600	36000	0.18	0.45	16,330	22,400	-6,070	10 hours
720	43200	0.14	0.35	15,241	26,880	-11,639	12 hours
1080	64800	0.12	0.30	19,596	40,320	-20,724	18 hours
1440	86400	0.085	0.21	18,507	53,760	-35,253	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	28	ft
Length	=	120	ft
A perc.	=	3360	sf
Q perc.	=	2240.0	cf per hr
Q perc.	=	0.6222	cfs

Vs Max =	7,205 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	7,205 cf	Maximum Storage Required
V sw =	14,411 sf	of 6" deep swale required
V sw =	9,607 sf	of 9" deep swale required
V sw =	7,205 sf	of 12" deep swale required
V sw=	3,603 sf	of 24" deep swale required
Depth =	2.14 ft	

Swale Size=	**28**	ft wide x	**120**	ft long x	**2.1**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #11

Weighted Runoff Coefficient "C"

				"C"		
Area=		1.8	acres	0.6		

Area =	1.80	acres
C =	0.60	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.06	1.60	2.00	2.88	3.37

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	4.75	1,426	117	1,309	
10	600	3.11	3.36	2,015	233	1,782	
15	900	2.5	2.70	2,430	350	2,080	
20	1200	2.2	2.38	2,851	467	2,385	
30	1800	1.6	1.73	3,110	700	2,410	
40	2400	1.4	1.51	3,629	933	2,695	
50	3000	1.2	1.30	3,888	1,167	2,721	
60	3600	1	1.08	3,888	1,400	2,488	1 hour
120	7200	0.6	0.65	4,666	2,800	1,866	2 hours
180	10800	0.45	0.49	5,249	4,200	1,049	3 hours
240	14400	0.35	0.38	5,443	5,600	-157	4 hours
300	18000	0.3	0.32	5,832	7,000	-1,168	5 hours
360	21600	0.26	0.28	6,065	8,400	-2,335	6 hours
480	28800	0.22	0.24	6,843	11,200	-4,357	8 hours
600	36000	0.18	0.19	6,998	14,000	-7,002	10 hours
720	43200	0.14	0.15	6,532	16,800	-10,268	12 hours
1080	64800	0.12	0.13	8,398	25,200	-16,802	18 hours
1440	86400	0.085	0.09	7,932	33,600	-25,668	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	30	ft
Length	=	70	ft
A perc.	=	2100	sf
Q perc.	=	1400.0	cf per hr
Q perc.	=	0.3889	cfs

Vs Max =	2,721 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	2,721 cf	Maximum Storage Required
V sw =	5,443 sf	of 6" deep swale required
V sw =	3,628 sf	of 9" deep swale required
V sw =	2,721 sf	of 12" deep swale required
V sw=	1,361 sf	of 24" deep swale required
Depth =	1.30 ft	

Swale Size=	**30**	ft wide x	**70**	ft long x	**1.3**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #12

Weighted Runoff Coefficient "C"

				"C"		
Area=		1.1	acres	0.75		

Area =	1.10	acres
C =	0.75	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
0.81	1.22	1.53	2.20	2.58

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	3.63	1,089	124	965	
10	600	3.11	2.57	1,539	249	1,291	
15	900	2.5	2.06	1,856	373	1,483	
20	1200	2.2	1.82	2,178	498	1,680	
30	1800	1.6	1.32	2,376	747	1,629	
40	2400	1.4	1.16	2,772	996	1,776	
50	3000	1.2	0.99	2,970	1,244	1,726	
60	3600	1	0.83	2,970	1,493	1,477	1 hour
120	7200	0.6	0.50	3,564	2,987	577	2 hours
180	10800	0.45	0.37	4,010	4,480	-470	3 hours
240	14400	0.35	0.29	4,158	5,973	-1,815	4 hours
300	18000	0.3	0.25	4,455	7,467	-3,012	5 hours
360	21600	0.26	0.21	4,633	8,960	-4,327	6 hours
480	28800	0.22	0.18	5,227	11,947	-6,719	8 hours
600	36000	0.18	0.15	5,346	14,933	-9,587	10 hours
720	43200	0.14	0.12	4,990	17,920	-12,930	12 hours
1080	64800	0.12	0.10	6,415	26,880	-20,465	18 hours
1440	86400	0.085	0.07	6,059	35,840	-29,781	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	28	ft
Length	=	80	ft
A perc.	=	2240	sf
Q perc.	=	1493.3	cf per hr
Q perc.	=	0.4148	cfs

Vs Max =	1,776 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	1,776 cf	Maximum Storage Required
V sw =	3,553 sf	of 6" deep swale required
V sw =	2,369 sf	of 9" deep swale required
V sw =	1,776 sf	of 12" deep swale required
V sw=	888 sf	of 24" deep swale required
Depth =	0.79 ft	

Swale Size=	**28**	ft wide x	**80**	ft long x	**0.8**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #13

Weighted Runoff Coefficient "C"

				"C"		
Area=		0.9	acres	0.8		

Area =	0.90	acres
C =	0.80	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
0.71	1.06	1.33	1.92	2.25

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	3.17	950	56	895	
10	600	3.11	2.24	1,344	111	1,232	
15	900	2.5	1.80	1,620	167	1,453	
20	1200	2.2	1.58	1,901	222	1,679	
30	1800	1.6	1.15	2,074	333	1,740	
40	2400	1.4	1.01	2,419	444	1,975	
50	3000	1.2	0.86	2,592	556	2,036	
60	3600	1	0.72	2,592	667	1,925	1 hour
120	7200	0.6	0.43	3,110	1,333	1,777	2 hours
180	10800	0.45	0.32	3,499	2,000	1,499	3 hours
240	14400	0.35	0.25	3,629	2,667	962	4 hours
300	18000	0.3	0.22	3,888	3,333	555	5 hours
360	21600	0.26	0.19	4,044	4,000	44	6 hours
480	28800	0.22	0.16	4,562	5,333	-771	8 hours
600	36000	0.18	0.13	4,666	6,667	-2,001	10 hours
720	43200	0.14	0.10	4,355	8,000	-3,645	12 hours
1080	64800	0.12	0.09	5,599	12,000	-6,401	18 hours
1440	86400	0.085	0.06	5,288	16,000	-10,712	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	20	ft
Length	=	50	ft
A perc.	=	1000	sf
Q perc.	=	666.7	cf per hr
Q perc.	=	0.1852	cfs

Vs Max =	2,036 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	2,036 cf	Maximum Storage Required
V sw =	4,073 sf	of 6" deep swale required
V sw =	2,715 sf	of 9" deep swale required
V sw =	2,036 sf	of 12" deep swale required
V sw=	1,018 sf	of 24" deep swale required
Depth =	2.04 ft	

Swale Size=	**20**	ft wide x	**50**	ft long x	**2.0**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #14

Weighted Runoff Coefficient "C"

				"C"		
Area=		4.4	acres	0.8		

Area =	4.40	acres
C =	0.80	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
3.47	5.20	6.52	9.40	10.99

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	15.49	4,646	169	4,478	
10	600	3.11	10.95	6,568	338	6,231	
15	900	2.5	8.80	7,920	507	7,413	
20	1200	2.2	7.74	9,293	676	8,617	
30	1800	1.6	5.63	10,138	1,013	9,124	
40	2400	1.4	4.93	11,827	1,351	10,476	
50	3000	1.2	4.22	12,672	1,689	10,983	
60	3600	1	3.52	12,672	2,027	10,645	1 hour
120	7200	0.6	2.11	15,206	4,053	11,153	2 hours
180	10800	0.45	1.58	17,107	6,080	11,027	3 hours
240	14400	0.35	1.23	17,741	8,107	9,634	4 hours
300	18000	0.3	1.06	19,008	10,133	8,875	5 hours
360	21600	0.26	0.92	19,768	12,160	7,608	6 hours
480	28800	0.22	0.77	22,303	16,213	6,089	8 hours
600	36000	0.18	0.63	22,810	20,267	2,543	10 hours
720	43200	0.14	0.49	21,289	24,320	-3,031	12 hours
1080	64800	0.12	0.42	27,372	36,480	-9,108	18 hours
1440	86400	0.085	0.30	25,851	48,640	-22,789	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	32	ft
Length	=	95	ft
A perc.	=	3040	sf
Q perc.	=	2026.7	cf per hr
Q perc.	=	0.5630	cfs

Vs Max =	11,153 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	11,153 cf	Maximum Storage Required
V sw =	22,306 sf	of 6" deep swale required
V sw =	14,871 sf	of 9" deep swale required
V sw =	11,153 sf	of 12" deep swale required
V sw=	5,577 sf	of 24" deep swale required
Depth =	3.67 ft	

Swale Size=	32	ft wide x	95	ft long x	3.7	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #15

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.9	acres	0.75		

Area =	2.90	acres
C =	0.75	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
2.14	3.21	4.03	5.81	6.79

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	9.57	2,871	85	2,786	
10	600	3.11	6.76	4,059	170	3,889	
15	900	2.5	5.44	4,894	255	4,639	
20	1200	2.2	4.79	5,742	340	5,402	
30	1800	1.6	3.48	6,264	510	5,754	
40	2400	1.4	3.05	7,308	680	6,628	
50	3000	1.2	2.61	7,830	850	6,980	
60	3600	1	2.18	7,830	1,020	6,810	1 hour
120	7200	0.6	1.31	9,396	2,040	7,356	2 hours
180	10800	0.45	0.98	10,571	3,060	7,511	3 hours
240	14400	0.35	0.76	10,962	4,080	6,882	4 hours
300	18000	0.3	0.65	11,745	5,100	6,645	5 hours
360	21600	0.26	0.57	12,215	6,120	6,095	6 hours
480	28800	0.22	0.48	13,781	8,160	5,621	8 hours
600	36000	0.18	0.39	14,094	10,200	3,894	10 hours
720	43200	0.14	0.30	13,154	12,240	914	12 hours
1080	64800	0.12	0.26	16,913	18,360	-1,447	18 hours
1440	86400	0.085	0.18	15,973	24,480	-8,507	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	18	ft
Length	=	85	ft
A perc.	=	1530	sf
Q perc.	=	1020.0	cf per hr
Q perc.	=	0.2833	cfs

Vs Max =	7,511 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	7,511 cf	Maximum Storage Required
V sw =	15,021 sf	of 6" deep swale required
V sw =	10,014 sf	of 9" deep swale required
V sw =	7,511 sf	of 12" deep swale required
V sw=	3,755 sf	of 24" deep swale required
Depth =	4.91 ft	

Swale Size=	**18**	ft wide x	**85**	ft long x	**4.9**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #16

Weighted Runoff Coefficient "C"

				"C"		
Area=		11.6	acres	0.7		

Area =	11.60	acres
C =	0.70	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
8.01	11.99	15.03	21.68	25.36

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	35.73	10,718	500	10,218	
10	600	3.11	25.25	15,152	1,000	14,152	
15	900	2.5	20.30	18,270	1,500	16,770	
20	1200	2.2	17.86	21,437	2,000	19,437	
30	1800	1.6	12.99	23,386	3,000	20,386	
40	2400	1.4	11.37	27,283	4,000	23,283	
50	3000	1.2	9.74	29,232	5,000	24,232	
60	3600	1	8.12	29,232	6,000	23,232	1 hour
120	7200	0.6	4.87	35,078	12,000	23,078	2 hours
180	10800	0.45	3.65	39,463	18,000	21,463	3 hours
240	14400	0.35	2.84	40,925	24,000	16,925	4 hours
300	18000	0.3	2.44	43,848	30,000	13,848	5 hours
360	21600	0.26	2.11	45,602	36,000	9,602	6 hours
480	28800	0.22	1.79	51,448	48,000	3,448	8 hours
600	36000	0.18	1.46	52,618	60,000	-7,382	10 hours
720	43200	0.14	1.14	49,110	72,000	-22,890	12 hours
1080	64800	0.12	0.97	63,141	108,000	-44,859	18 hours
1440	86400	0.085	0.69	59,633	144,000	-84,367	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	60	ft
Length	=	150	ft
A perc.	=	9000	sf
Q perc.	=	6000.0	cf per hr
Q perc.	=	1.6667	cfs

Vs Max =	24,232 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	24,232 cf	Maximum Storage Required
V sw =	48,464 sf	of 6" deep swale required
V sw =	32,309 sf	of 9" deep swale required
V sw =	24,232 sf	of 12" deep swale required
V sw=	12,116 sf	of 24" deep swale required
Depth =	2.69 ft	

Swale Size=	**60**	ft wide x	**150**	ft long x	**2.7**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #17

Weighted Runoff Coefficient "C"

				"C"		
Area=		2.8	acres	0.65		

Area =	2.80	acres
C =	0.65	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.79	2.69	3.37	4.86	5.68

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	8.01	2,402	213	2,189	
10	600	3.11	5.66	3,396	427	2,969	
15	900	2.5	4.55	4,095	640	3,455	
20	1200	2.2	4.00	4,805	853	3,951	
30	1800	1.6	2.91	5,242	1,280	3,962	
40	2400	1.4	2.55	6,115	1,707	4,409	
50	3000	1.2	2.18	6,552	2,133	4,419	
60	3600	1	1.82	6,552	2,560	3,992	1 hour
120	7200	0.6	1.09	7,862	5,120	2,742	2 hours
180	10800	0.45	0.82	8,845	7,680	1,165	3 hours
240	14400	0.35	0.64	9,173	10,240	-1,067	4 hours
300	18000	0.3	0.55	9,828	12,800	-2,972	5 hours
360	21600	0.26	0.47	10,221	15,360	-5,139	6 hours
480	28800	0.22	0.40	11,532	20,480	-8,948	8 hours
600	36000	0.18	0.33	11,794	25,600	-13,806	10 hours
720	43200	0.14	0.25	11,007	30,720	-19,713	12 hours
1080	64800	0.12	0.22	14,152	46,080	-31,928	18 hours
1440	86400	0.085	0.15	13,366	61,440	-48,074	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	32	ft
Length	=	120	ft
A perc.	=	3840	sf
Q perc.	=	2560.0	cf per hr
Q perc.	=	0.7111	cfs

Vs Max =	4,419 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	4,419 cf	Maximum Storage Required
V sw =	8,837 sf	of 6" deep swale required
V sw =	5,892 sf	of 9" deep swale required
V sw =	4,419 sf	of 12" deep swale required
V sw=	2,209 sf	of 24" deep swale required
Depth =	1.15 ft	

Swale Size=	32	ft wide x	120	ft long x	1.2	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #18

Weighted Runoff Coefficient "C"

				"C"		
Area=		7.0	acres	0.65		

Area =	7.00	acres
C =	0.65	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
4.49	6.72	8.42	12.15	14.21

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	20.02	6,006	317	5,689	
10	600	3.11	14.15	8,490	633	7,857	
15	900	2.5	11.38	10,238	950	9,288	
20	1200	2.2	10.01	12,012	1,267	10,745	
30	1800	1.6	7.28	13,104	1,900	11,204	
40	2400	1.4	6.37	15,288	2,533	12,755	
50	3000	1.2	5.46	16,380	3,167	13,213	
60	3600	1	4.55	16,380	3,800	12,580	1 hour
120	7200	0.6	2.73	19,656	7,600	12,056	2 hours
180	10800	0.45	2.05	22,113	11,400	10,713	3 hours
240	14400	0.35	1.59	22,932	15,200	7,732	4 hours
300	18000	0.3	1.37	24,570	19,000	5,570	5 hours
360	21600	0.26	1.18	25,553	22,800	2,753	6 hours
480	28800	0.22	1.00	28,829	30,400	-1,571	8 hours
600	36000	0.18	0.82	29,484	38,000	-8,516	10 hours
720	43200	0.14	0.64	27,518	45,600	-18,082	12 hours
1080	64800	0.12	0.55	35,381	68,400	-33,019	18 hours
1440	86400	0.085	0.39	33,415	91,200	-57,785	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	60	ft
Length	=	95	ft
A perc.	=	5700	sf
Q perc.	=	3800.0	cf per hr
Q perc.	=	1.0556	cfs

Vs Max =	13,213 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	13,213 cf	Maximum Storage Required
V sw =	26,427 sf	of 6" deep swale required
V sw =	17,618 sf	of 9" deep swale required
V sw =	13,213 sf	of 12" deep swale required
V sw=	6,607 sf	of 24" deep swale required
Depth =	2.32 ft	

Swale Size=	**60**	ft wide x	**95**	ft long x	**2.3**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #19

Weighted Runoff Coefficient "C"

				"C"		
Area=		3.2	acres	0.65		

Area =	3.20	acres
C =	0.65	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
2.05	3.07	3.85	5.55	6.50

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	9.15	2,746	150	2,596	
10	600	3.11	6.47	3,881	300	3,581	
15	900	2.5	5.20	4,680	450	4,230	
20	1200	2.2	4.58	5,491	600	4,891	
30	1800	1.6	3.33	5,990	900	5,090	
40	2400	1.4	2.91	6,989	1,200	5,789	
50	3000	1.2	2.50	7,488	1,500	5,988	
60	3600	1	2.08	7,488	1,800	5,688	1 hour
120	7200	0.6	1.25	8,986	3,600	5,386	2 hours
180	10800	0.45	0.94	10,109	5,400	4,709	3 hours
240	14400	0.35	0.73	10,483	7,200	3,283	4 hours
300	18000	0.3	0.62	11,232	9,000	2,232	5 hours
360	21600	0.26	0.54	11,681	10,800	881	6 hours
480	28800	0.22	0.46	13,179	14,400	-1,221	8 hours
600	36000	0.18	0.37	13,478	18,000	-4,522	10 hours
720	43200	0.14	0.29	12,580	21,600	-9,020	12 hours
1080	64800	0.12	0.25	16,174	32,400	-16,226	18 hours
1440	86400	0.085	0.18	15,276	43,200	-27,924	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	30	ft
Length	=	90	ft
A perc.	=	2700	sf
Q perc.	=	1800.0	cf per hr
Q perc.	=	0.5000	cfs

Vs Max =	5,988 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	5,988 cf	Maximum Storage Required
V sw =	11,976 sf	of 6" deep swale required
V sw =	7,984 sf	of 9" deep swale required
V sw =	5,988 sf	of 12" deep swale required
V sw=	2,994 sf	of 24" deep swale required
Depth =	2.22 ft	

Swale Size=	30	ft wide x	90	ft long x	2.2	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #20

Weighted Runoff Coefficient "C"

				"C"		
Area=		6.2	acres	0.7		

Area =	6.20	acres
C =	0.70	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
4.28	6.41	8.03	11.59	13.55

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	19.10	5,729	356	5,373	
10	600	3.11	13.50	8,098	711	7,387	
15	900	2.5	10.85	9,765	1,067	8,698	
20	1200	2.2	9.55	11,458	1,422	10,035	
30	1800	1.6	6.94	12,499	2,133	10,366	
40	2400	1.4	6.08	14,582	2,844	11,738	
50	3000	1.2	5.21	15,624	3,556	12,068	
60	3600	1	4.34	15,624	4,267	11,357	1 hour
120	7200	0.6	2.60	18,749	8,533	10,215	2 hours
180	10800	0.45	1.95	21,092	12,800	8,292	3 hours
240	14400	0.35	1.52	21,874	17,067	4,807	4 hours
300	18000	0.3	1.30	23,436	21,333	2,103	5 hours
360	21600	0.26	1.13	24,373	25,600	-1,227	6 hours
480	28800	0.22	0.95	27,498	34,133	-6,635	8 hours
600	36000	0.18	0.78	28,123	42,667	-14,543	10 hours
720	43200	0.14	0.61	26,248	51,200	-24,952	12 hours
1080	64800	0.12	0.52	33,748	76,800	-43,052	18 hours
1440	86400	0.085	0.37	31,873	102,400	-70,527	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	80	ft
Length	=	80	ft
A perc.	=	6400	sf
Q perc.	=	4266.7	cf per hr
Q perc.	=	1.1852	cfs

Vs Max =	12,068 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	12,068 cf	Maximum Storage Required
V sw =	24,137 sf	of 6" deep swale required
V sw =	16,091 sf	of 9" deep swale required
V sw =	12,068 sf	of 12" deep swale required
V sw=	6,034 sf	of 24" deep swale required
Depth =	1.89 ft	

Swale Size=	80	ft wide x	80	ft long x	1.9	ft deep	

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #21

Weighted Runoff Coefficient "C"

				"C"		
Area=		1.4	acres	0.6		

Area =	1.40	acres
C =	0.60	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
0.83	1.24	1.55	2.24	2.62

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	3.70	1,109	120	989	
10	600	3.11	2.61	1,567	240	1,327	
15	900	2.5	2.10	1,890	360	1,530	
20	1200	2.2	1.85	2,218	480	1,738	
30	1800	1.6	1.34	2,419	720	1,699	
40	2400	1.4	1.18	2,822	960	1,862	
50	3000	1.2	1.01	3,024	1,200	1,824	
60	3600	1	0.84	3,024	1,440	1,584	1 hour
120	7200	0.6	0.50	3,629	2,880	749	2 hours
180	10800	0.45	0.38	4,082	4,320	-238	3 hours
240	14400	0.35	0.29	4,234	5,760	-1,526	4 hours
300	18000	0.3	0.25	4,536	7,200	-2,664	5 hours
360	21600	0.26	0.22	4,717	8,640	-3,923	6 hours
480	28800	0.22	0.18	5,322	11,520	-6,198	8 hours
600	36000	0.18	0.15	5,443	14,400	-8,957	10 hours
720	43200	0.14	0.12	5,080	17,280	-12,200	12 hours
1080	64800	0.12	0.10	6,532	25,920	-19,388	18 hours
1440	86400	0.085	0.07	6,169	34,560	-28,391	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	18	ft
Length	=	120	ft
A perc.	=	2160	sf
Q perc.	=	1440.0	cf per hr
Q perc.	=	0.4000	cfs

Vs Max =	1,862 cf	Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	1,862 cf	Maximum Storage Required
V sw =	3,725 sf	of 6" deep swale required
V sw =	2,483 sf	of 9" deep swale required
V sw =	1,862 sf	of 12" deep swale required
V sw=	931 sf	of 24" deep swale required
Depth =	0.86 ft	

Swale Size=	**18**	ft wide x	**120**	ft long x	**0.9**	ft deep

River Pointe Subdivision - Preliminary Drainage Calculations

Drainage Basin #22

Weighted Runoff Coefficient "C"

				"C"		
Area=		3.1	acres	0.5		

Area =	3.10	acres
C =	0.50	
tc=	10	min

Q_2	Q_5	Q_{10}	Q_{50}	Q_{100}
1.53	2.29	2.87	4.14	4.84

STORAGE VOLUME REQUIRED (100 Year Storm):

Time (min.)	Time (sec.)	Intensity (inches/hr)	Q dev. (cfs)	V in (cf)	V out (cf)	V storage (cf)	
5	300	4.4	6.82	2,046	556	1,490	
10	600	3.11	4.82	2,892	1,111	1,781	
15	900	2.5	3.88	3,488	1,667	1,821	
20	1200	2.2	3.41	4,092	2,222	1,870	
30	1800	1.6	2.48	4,464	3,333	1,131	
40	2400	1.4	2.17	5,208	4,444	764	
50	3000	1.2	1.86	5,580	5,556	24	
60	3600	1	1.55	5,580	6,667	-1,087	1 hour
120	7200	0.6	0.93	6,696	13,333	-6,637	2 hours
180	10800	0.45	0.70	7,533	20,000	-12,467	3 hours
240	14400	0.35	0.54	7,812	26,667	-18,855	4 hours
300	18000	0.3	0.47	8,370	33,333	-24,963	5 hours
360	21600	0.26	0.40	8,705	40,000	-31,295	6 hours
480	28800	0.22	0.34	9,821	53,333	-43,513	8 hours
600	36000	0.18	0.28	10,044	66,667	-56,623	10 hours
720	43200	0.14	0.22	9,374	80,000	-70,626	12 hours
1080	64800	0.12	0.19	12,053	120,000	-107,947	18 hours
1440	86400	0.085	0.13	11,383	160,000	-148,617	24 hours

Drainage Facility Calculations

Infiltration Characteristics (floor only):

Infiltration Rate =		8	in per hr
Width	=	10	ft
Length	=	1000	ft
A perc.	=	10000	sf
Q perc.	=	6666.7	cf per hr
Q perc.	=	1.8519	cfs

Vs Max = 1,870 cf — Maximum Storage Required

Infiltration Swale Calculations

Vs Max =	1,870 cf	Maximum Storage Required
V sw =	3,740 sf	of 6" deep swale required
V sw =	2,493 sf	of 9" deep swale required
V sw =	1,870 sf	of 12" deep swale required
V sw=	935 sf	of 24" deep swale required
Depth =	0.19 ft	

Swale Size= **10** ft wide x **1000** ft long x **0.2** ft deep

Very Large Traffic Impact Study available upon public record request

P&A COMMISSION

MINUTES

TO BE REVISED TUESDAY

7/5/2021

COMMENTS - AGENCY

CANYON HIGHWAY DISTRICT No. 4
15435 HIGHWAY 44
CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135
FAX 208/454-2008

May 27, 2021

Middleton City Planning and Zoning
1103 West Main Street
Middleton, ID 83644
Attention: Roberta Stewart, P&Z

Drake Investments, LLC
c/o Breckon Land Design
6661 N. Glenwood Street
Garden City, Idaho 83714

RE: River Pointe Subdivision
Preliminary Plat
Duff Lane

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for the proposed River Pointe Subdivision dated "illegible" (included in the application materials available on the city website), and offers the following comments:

General
CHD4 has jurisdiction over, and operates and maintains Duff Lane adjacent to the proposed development on the easterly boundary. By policy, CHD4 may consider adopting adjacent city standards for road section, access controls, and other urban features for projects within city area of impact and within one mile of city limits. This subject property is proposed for annexation into into the City of Middleton.

CHD4 requests that the City include as part of any development agreement for the project a clause requiring dedication of public right-of-way for Duff Lane (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.

The City should, through exactions or other fees, determine and require a proportionate share of the costs necessary to improve capacity at local intersections affected by new traffic from the development, including but not limited to Duff Lane/SH 44. No other local funding sources for these improvements is currently available to CHD4.

Access
Duff Lane is designated as a major collector on the functional classification maps adopted by CHD4, Canyon County, and the City of Middleton. The proposed local road access (River Street) to Duff Lane approximately meets the 500-foot desirable local road spacing for a collector road under CHD4 policy, and is acceptable to the District.

Please feel free to contact me with any questions on these comments.
Respectfully,

Chris Hopper, P.E.
District Engineer

CC: File: Middleton_Duff Lane- River Pointe Subdivision

Communities in Motion 2040 2.0 Development Review

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

Development Name: River Pointe **Agency: Middleton**

CIM Vision Category: Future Neighborhoods

New households: 274 **New jobs: ±70** **Exceeds CIM forecast: No**

CIM Corridor: **Highway 44** Pedestrian level of stress: **R** Bicycle level of stress: **R**	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with **G or PG** ratings better support bicyclists and pedestrians of all ages and comfort levels.
Housing within 1 mile: **1,080** Jobs within 1 mile: **540** Jobs/Housing Ratio: **0.5**	A good jobs/housing balance – a ratio between **1 and 1.5** – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
Nearest police station: **3.4 miles** Nearest fire station: **2.5 miles**	Developments within **1.5 miles** of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
Farmland consumed: **Yes** Farmland within 1 mile: **844 acres**	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
Nearest bus stop: **>4 miles** Nearest public school: **1 mile** Nearest public park: **0.6 miles** Nearest grocery store: **>4 miles**	Residents who live or work less than **½ mile** from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

Communities in Motion 2040 2.0 identifies State Highway 44, from Canyon Lane to Star Road, to be widened to four travel lanes. This project would include 10-foot paved multiuse shoulders along the new roadway in the City of Middleton. This project is the #3 unfunded state priority. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266).

The site is not currently served by public transportation. ValleyConnect 2.0 proposes bus service from Canyon County to downtown Meridian, via Highway 44. The closest bus stop in downtown Middleton. The proposal is a mix of residential and retail, which can mitigate increased traffic congestion by encouraging non-motorized travel.

More information about COMPASS and *Communities in Motion 2040 2.0*:
Web: www.compassidaho.org
Email info@compassidaho.org
More information about the development review process:
http://www.compassidaho.org/dashboard/devreview.htm

COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

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

Regionally Significant: ☑ ☑ **Inflated**

Key # : 20266

Requesting Agency: ITD

Project Year: 2023

Total Previous Expenditures: $463

Total Programmed Cost: $8,670

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

COMPASS PM:

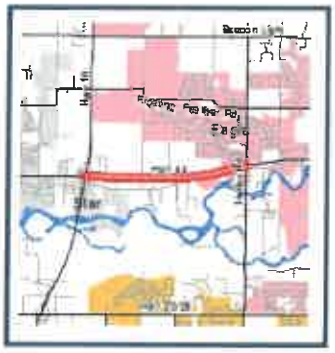
Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

Federal PM:



Project Description : Add an additional westbound and eastboud lane to improve congestion and reduce crashes along State Highway 44 (State Street) from State Highway 16 to Linder Road near the City of Eagle.

Funding Source: TECM | Program: State Hwy - Safety & Capacity (Capacity) | Local Match: 100.00%

Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2023	0	0	0	0	765	7,905	8,670	0	8,670
Fund Totals:	$0	$0	$0	$0	**$765**	**$7,905**	**$8,670**	$0	**$8,670**

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

Regionally Significant: ☑ ☑ **Inflated**

Key # : 20574

Requesting Agency: ITD

Project Year: 2024

Total Previous Expenditures: $1,400

Total Programmed Cost: $11,836

Total Cost (Prev. + Prog.): $13,236

COMPASS PM:

Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

Federal PM:

Project Description : Widen State Highway 44 (State Street) from Star Road to State Highway 16 in Ada County. An additional lane in both directions will alleviate congestion issues and improve safety.

Funding Source: TECM | Program: State Hwy - Safety & Capacity (Capacity) | Local Match: 100.00%

Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2021	61	0	1,000	0	0	0	1,061	0	1,061
2024	0	0	0	0	704	10,071	10,775	0	10,775
Fund Totals:	**$61**	$0	**$1,000**	$0	**$704**	**$10,071**	**$11,836**	$0	**$11,836**

*PD = Preliminary Development (projects with development activity but no programmed year of construction)

Sorted by Project Name
All Values in Thousands of Dollars

River Pointe Subdivision

MIDDLETON RURAL FIRE DISTRICT

STAR FIRE PROTECTION DISTRICT

DATE: June 22, 2021

TO: City of Middleton, Planning & Zoning
City of Middleton, Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: River Pointe Subdivision

Fire District Summary Report:

Overview: This development can be serviced by the Middleton Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

Fire Response Time: This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, Idaho. Station 53 is 2.4 miles with a travel time of 2.4 minutes under ideal driving conditions to the proposed entrance of the development.

Accessibility: Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

One- or two-family dwelling residential developments: Development of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with at least two separate and approved fire apparatus access roads.

Original meeting was held with the developer in November 2020. The current proposed entrance design off Hwy 44 will be sufficient for development north of Kennedy Drain. Any development south of Kennedy Drain will require additional access. The proposed second access to Duff Lane as submitted is appropriate and will meet the intent of the Fire Code.

The fire district requires that Autoturn models be submitted for review. Autoturn models should be reflect the utilization of a 36' long fire engine and 50' ladder truck.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be always maintained.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to always maintain access for emergency vehicles. Hydrants shall always remain unobstructed per city code.

(208) 286-7772
11665 W. STATE ST., SUITE B
STAR, IDAHO 83669

The applicant shall work with City of Middleton, Canyon County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post hall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

Specialty/Resource needs: None

Water Supply:

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
    a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
    b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
    c. Fire hydrants shall be placed on corners when spacing permits.
    d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
    e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
    f. Fire hydrants shall be provided to meet the requirements of the City of Middleton.
    g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

Your Safety • Your Mobility
Your Economic Opportunity

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

May 25, 2021

Jon Breckon
BRECKON landdesign
6661 North Glenwood Street
Garden City, Idaho 83714
jbreckon@breckonld.com
Phone: (208) 376-5153 x102

VIA EMAIL

RE: River Pointe Subdivision – ITD Development Condition Memo
UPDATED Based on Revised Trip Generation Memo dated 5/20/2021

Dear Mr. Breckon,

The revised River Pointe Subdivision Trip Generation Memo provided by CR Engineering dated 5/20/2021 has been reviewed. ITD determined that the mitigation requirements for the proposed public road approach will not change from what was formerly discussed. ITD did determine a revised proportionate share calculation based on the memo's analysis.

ITD determined River Pointe Subdivision's revised proportionate share contribution to be $235,644. This is based off the development's site trips through the intersections of SH-44 / N. Middleton Road and SH-44 / Duff Lane. The TIS determined a traffic signal at N. Middleton Road is an acceptable mitigation for 2025 traffic volumes. At Duff Lane, proportionate share is based on 2045 traffic volumes for a future restricted u-turn crossing (RCUT). Please see the attached *TIS Technical Report* for details on proportionate share calculations. The department is willing to reduce the overall proportionate share for striping and signing improvements made at Greenlinks Ave if you provide ITD with an engineer's cost estimate for that work.

Intersection	Proportionate Share Contribution
SH-44 / N. Middleton Road	$80,741
SH-44 / Duff Lane	$154,903
TOTAL	**$235,644**

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

ITD is willing to consider permitting the proposed full access public road approach onto existing SH-44 at approximately MP 5.16 (right) with additional mitigation. An eastbound right turn lane at the proposed approach is warranted along with a two way left turn lane extending from Duff Lane to Greenlinks Avenue. See details of these improvements attached.

ITD prefers that the proportionate share contribution be collected as part of a development agreement with the city of Middleton as this meets the terms of our Intergovernmental Agreement. For specific questions regarding the development agreement it is best for you to reach out to the city's planning department.

I know you are aware that the proposed access is located at the start of the future SH-44 Middleton Alternate route along a curved section of roadway. At the time of design, the proposed approach will be evaluated for safety and congestion regarding how it functions with the corridor's future roadway geometry and may require modification.

In order to proceed forward with ITD's permitting process, please submit an ITD ncroachment application (ITD-2109) along with a $100 application fee, engineered drawings and a traffic control plan for work associated with your proposed approach. Prior to issuing an approved permit application, ITD will verify that the development agreement exists and that the proportionate share amount is included. If not, ITD will require direct payment to the department for the total prior to issuance of an approved approach permit.

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

Thank you again for your partnership and in altering the preliminary site plan to address ITD's previous comments. We are excited by the new growth Middleton is experiencing. Both agencies desire to make sure the safety of your residents and that of the traveling public is maintained. If there are any questions or concerns please do not hesitate to email me at erika.bowen@itd.idaho.gov or give me a call at 208-265-4312 at extension #7.

Sincerely,

Erika R Bowen

Erika Bowen
ITD District 3
Development Services Manager

Cc:
Roberta Stewart – City of Middleton

IDAHO TRANSPORTATION DEPARTMENT
P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

River Pointe Subdivision Mitigation Improvements

Design and construct to ITD standards a 520ft westbound right turn lane at the proposed SH-44 approach.

- Shoulders shall be 8ft wide.
- Development shall dedicate 12ft of right-out way the entire length of the turn lane.

Design and construct to ITD standards a 14ft wide continuous two way left turn lane from Greenlinks Ave to Duff Lane.

- Shoulders shall be 8ft wide.
- Right-of-way dedication is only needed if the existing right-of-way cannot accommodate pavement widening and drainage.
- Pavement widening shall occur equally (north/south) along on SH-44's centerline.
- Adjust striping west of Greenlinks Ave and east of Duff Lane to reflect a continuous two way left center turn lane.

At the intersection of SH-44 and Greenlinks Ave install pavement striping to delineate a dedicated southbound right and left turn lane

- Include thermoplastic turn arrows
- Include advance MUTCD compliant lane control sign to show lane designations.

Proportionate share contribution in the sum of $235,644. Amount required to be included in River Pointe's development agreement with the city of Middleton or paid to ITD prior to issuance of the encroachment permit.

Development: River Pointe Subdivision

Lead Agency: City of Middleton
Bruce Bayne
bbayne@middletoncity.com
Phone: (208) 585-3133

Location: South of SH-44 between Greenlinks Ave and Duff Lane
SH-44 MP 5.16, right

Applicant: Jon Breckon
BRECKON landdesign
6661 North Glenwood Street
Garden City, Idaho 83714
jbreckon@breckonld.com
Phone: (208) 376-5153 x102

Consultant: Chhang Ream
CR Engineering
181 East 50th Street
Garden City, ID 83714
Rbeckman@whpacific.com
Phone: 208-275-8715

Staff Contact: Erika Bowen
Traffic Technical Engineer
Erika.Bowen@itd.idaho.gov
Phone: 208-265-4312 ext. #7

Traffic Findings for Consideration

1. Proposed Development

The proposed River Pointe Subdivision includes:

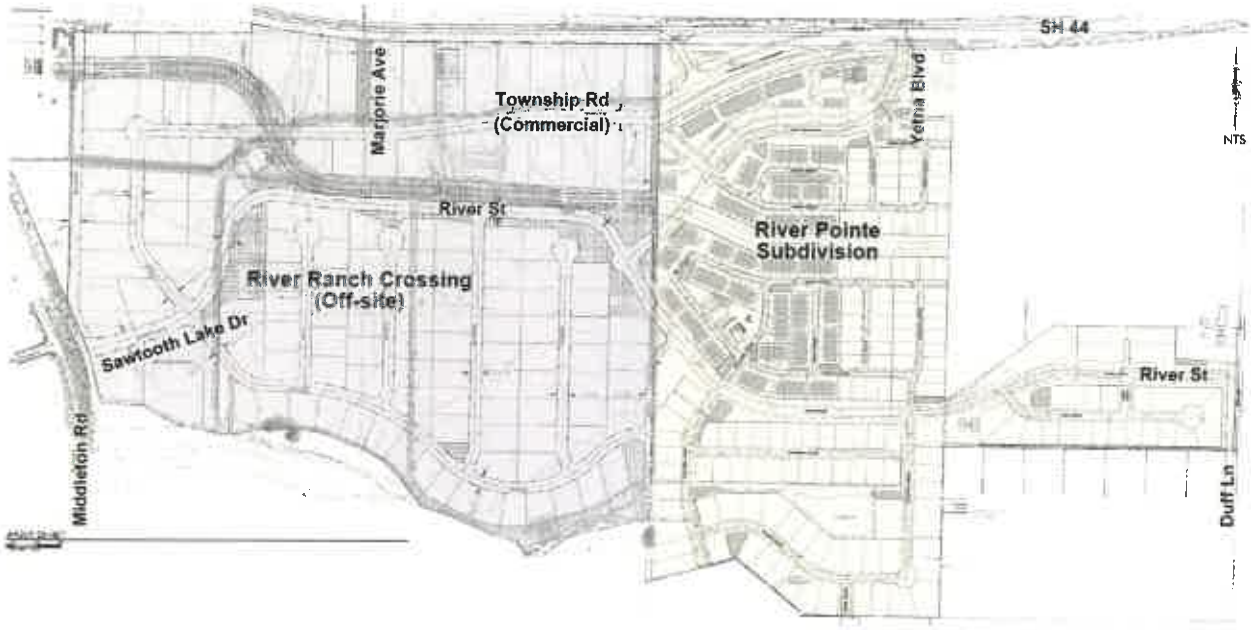
- ~~Single-family residential: 154 dwelling units~~
- ~~Senior detached housing: 28 dwelling units~~
- ~~Senior townhouses: 30 dwelling units~~
- Commercial: 80,000 square feet

Table 1 – Land Use Changes Summary

Land Use	ITE Code	Unit	April 2021 TIS	Trip Gen Update
Single-Family Detached Housing	210	DU	154	92
Townhouses	220	DU	0	115
Senior Adult Housing – Detached	251	DU	28	67
Senior Adult Housing – Attached	252	DU	30	0
Commercial	820	TSF	80	80

The expected buildout is 2025. The subdivision is requesting direct access off SH-44 approximately 1,530ft west of Duff Lane (SH-44 MP 5.16). The proposed access is intended to be a public road.

2. Vicinity Map



3. Trip Generation:

Table 2 – Build-Out Site Trip Generation Summary

Land Use	ITE Code	Size	Unit	Total Trips	Capture Rate	Internal Capture Trips	Pass-by Rates	Pass-by Trips	Primary Trips Total	Entering		Exiting	
Weekday Daily (vpd)													
Single-Family Detached Housing	210	92	DU	963	13%	120	–	–	843	50%	421	50%	422
Townhouses	220	115	DU	829	13%	104	–	–	725	50%	363	50%	362
Senior Adult Housing - Detached	251	67	DU	395	13%	50	–	–	345	50%	172	50%	173
Commercial	820	80.0	TSF	5,166	13%	646	–	–	4,520	50%	2,260	50%	2,260
Weekday Daily Total Trips				7,353		920		–	6,433		3,216		3,217
Weekday AM Peak Hour (vph)													
Single-Family Detached Housing	210	92	DU	70	1%	1	–	–	69	25%	17	75%	52
Townhouses	220	115	DU	54	1%	1	–	–	53	23%	12	77%	41
Senior Adult Housing - Detached	251	67	DU	30	1%	0	–	–	30	33%	10	67%	20
Commercial	820	80.0	TSF	192	1%	2	–	–	190	62%	117	38%	73
Weekday AM Peak Hour Total Trips				346		4		–	342		156		186
Weekday PM Peak Hour (vph)													
Single-Family Detached Housing	210	92	DU	94	24%	23	–	–	71	63%	45	37%	26
Townhouses	220	115	DU	67	24%	16	–	–	51	63%	32	37%	19
Senior Adult Housing - Detached	251	67	DU	35	24%	8	–	–	27	61%	16	39%	11
Commercial	820	80.0	TSF	461	24%	111	34%	120	230	48%	110	52%	120
Weekday PM Peak Hour Total Trips				657		158		120	379		203		176

4. Trip Distribution:

5. Traffic Impact Study

Dated: September 15, 2020
REVISED December 4, 2020
REVISED April 14, 2021
REVISED May 20, 2021 TRIP Generation Memo

a. Executive Summary

CR Engineering prepared a REVISED traffic impact study for the proposed River Pointe Subdivision in April 2021. The revised study adjusted land uses and added back in the direct connection to Duff Lane. The connection has residential homes fronting the roadway and is not sufficient for commercial traffic to utilize.

CR Engineering prepared a REVISED traffic generation memo in May 2021. ITD determined that developer improvements for the proposed approach on SH-44 would not change with revised trip generations. The proportionate share contribution amount would adjust slightly. Revisions to this technical report focus on the proportionate share revisions.

Below is an executive summary of the findings as presented by CR Engineering. The following executive summary is not the opinion of ITD staff. ITD Staff has reviewed the submitted traffic impact study for consistency with ITD policies and practices and may have additional and/or varied requirements beyond what is noted in the summary.

Table 1 – Intersection Improvements Summary

Intersection		2021 Existing	2025 Build Year	
			Background	Total
Prior mitigation improvements included in the analysis		NA	2021 Existing	2021 Existing 2025 Background
1	N Middleton Rd and SH 44	None	Multilane [2] roundabout or signal	Roundabout: Dual lane [4] Signal: None
2	Greenlinks Ave and SH 44	None	Restripe SB approach and SH 44 center lane	None beyond prior improvements
3	Duff Ln and SH 44	Single-lane roundabout or signal	Roundabout: SB, EB, WB right-turn lanes Signal: None	Roundabout: Multilane Signal: EB right-turn lane
4	Lansing Ln and SH 44	None	Single-lane roundabout with WB right-turn lane or signal	Roundabout: Multilane Signal: None
5	Sawtooth Lake Dr and Middleton Rd	NB left-turn lane [1]	RIRO-LI restricted & NB right-turn lane	None beyond prior improvements
6	Bass Ln and Middleton Rd	NB left-turn lane [1]	SB right-turn lane [3]	None [3] beyond prior improvements

[1] Meets minimum operational thresholds without turn lane

[2] Middleton Road realignment improvements

[3] Exceeds minimum operational thresholds without turn lanes

[4] Exceeds minimum operational thresholds as a dual-lane roundabout

2.0 Improvements Needed to Mitigate 2020 Existing Traffic

2.1 With 2020 existing traffic, one study area intersection exceeds minimum operational thresholds analyzed with the existing intersection control and lane configuration. The intersection and proposed improvements are:

- Duff Lane and SH 44 intersection (two options)
  - Option 1 – Single-lane roundabout
    - The intersection is identified as a future roundabout according to the City's transportation plan
    - The intersection is identified as a restricted crossing U-turn (RCUT) according to ITD's SH 44 corridor plan
  - Option 2 – Traffic signal with the following lane configurations
    - One left-turn and one shared through/right-turn lane on the eastbound approach (existing lanes)
    - One left-turn lane, one through lane, and one right-turn lane on the westbound approach (existing lanes)
    - One left-turn and one shared through/right-turn lane on the northbound and southbound approaches

2.2 Two study area intersections require turn lanes based on NCHRP Report 457 or ITD turn-lane guidelines with 2020 existing traffic:

- Sawtooth Lake Drive and Middleton Road intersection
  - Northbound left-turn lane
    - The intersection meets minimum operational thresholds without turn lane
- Bass Lane and Middleton Road intersection
  - Northbound left-turn lane
    - The intersection meets minimum operational thresholds without turn lane

3.0 Improvements Needed to Mitigate 2025 Build-Out Year Background Traffic

3.1 With 2025 background traffic, five study area intersections are expected to exceed minimum operational thresholds analyzed with the existing intersection control and lane configurations or with the improvements needed to mitigate 2020 existing traffic conditions. The intersections and proposed improvements are:

- N Middleton Road and SH 44 intersection (two options)
  - Option 1 – Roundabout
    - The intersection is identified as a future roundabout according to the City's transportation plan
    - The roundabout will need the following lane configurations to mitigate 2025 background traffic operations:
      - Two entering and exiting lanes on the eastbound and westbound approaches
      - One shared through/left-turn lane and one right-turn lane on the northbound and southbound approaches
  - Option 2 – Signal
    - A signal is the preferred intersection traffic control according to the Middleton Road and SH 44 corridor plans
    - The signal will need the following lanes to mitigate 2025 background traffic operations:
      - One left-turn lane and one shared through/right-turn lane on the eastbound approach
      - One left-turn lane, one through lane, and one right-turn lane on the northbound, southbound, and westbound approaches
- Greenlinks Avenue and SH 44 intersection
  - Intersection exceeds ITD LOS D threshold by less than one second during the peak PM 15-minute period and volumes were estimated using ITE methodologies. No improvements are proposed to mitigate 2025 background traffic operations.

- Duff Lane and SH 44 intersection
  - Roundabout
    - Construct a westbound right-turn lane
  - Signal
    - No additional improvements are needed

- Lansing Lane and SH 44 intersection (two options)
  - Option 1 – Single-lane roundabout
  - Option 2 – Traffic signal
    - According to ITD's transportation plans, there are no funded improvements programmed at the intersection
    - The intersection is identified as an RCUT according to ITD's SH 44 corridor plan
    - The signal will need the following lanes to mitigate 2025 background traffic operations:
      - One left-turn lane and one shared through/right-turn lane on the eastbound approach (existing lanes)
      - One left-turn lane, one through lane, and one right-turn lane on the westbound approach (existing lanes)
      - One left-turn lane and one shared through/right-turn lane on the northbound and southbound approaches

- Sawtooth Lake Drive and Middleton Road intersection
  - Limited access intersection to allow right-in, right-out, and left-in movements (RIRO-LI) only
  - Northbound right-turn lane as warranted under NCHRP Report 457 turn lane guidelines

3.2 One study area intersection requires additional turn lanes based on NCHRP Report 457 turn-lane guidelines with 2025 background traffic:

- Bass Lane and Middleton Road intersection
  - Southbound right-turn lane

4.0 Improvements Needed to Mitigate 2025 Build-Out Year Total Traffic

4.1 With 2025 total traffic, three study area intersections are expected to exceed minimum operational thresholds analyzed with the existing intersection control and lane configurations or with the preceding improvements needed to mitigate 2021 existing and 2025 background traffic operations. The intersections and proposed improvements are:

- N Middleton Road and SH 44 intersection
  - Roundabout – Widen to dual-lane roundabout with two entering and exiting lanes on all approaches
  - Signal
    - No additional improvements are proposed to mitigate 2025 build-out year total traffic operations
      - The westbound through lane group v/c ratio is 0.91 in PM peak hour, slightly exceeds ITD 0.90 threshold

- Duff Lane and SH 44 intersection
  - Roundabout – Widen to a multilane roundabout with the following lanes
    - Two entering and exiting lanes on the eastbound and westbound approaches
    - One shared through/left-turn lane and one right-turn lane on the southbound approach
    - One shared lane on the northbound appoach
  - Signal
    - Southbound right-turn lane

- Lansing Lane and SH 44 intersection
  - Roundabout – Widen to a multilan roundabout with the following lanes
    - Two entering and exiting lanes on the eastbound and westbound approaches
    - One shared lane on the northbound and southbound approaches
  - Signal
    - No additional improvements are proposed; traffic counts should be recollected by 2025 to reevaluate the need for additional through lanes on SH 44
      - v/c ratios for the eastbound through/right-turn lane group in AM peak hour and westbound through lane group in PM peak hour are 0.92 and 0.93, slightly exceeding ITD 0.90 threshold

    - Dual left-turn lanes, one through lane, and one shared through/right-turn lane on the westbound approach
    - One left-turn lane, one through lane, and one right-turn lane on the northbound and southbound approaches

- Greenlinks Avenue and SH 44 intersection
  - Two through lanes in each direction on the SH 44 approaches
    - SH 44 is expected to require five lanes between Middleton Road and Lansing Lane to accommodate 2030 background traffic conditions

- Duff Lane and SH 44 intersection
  - Roundabout – Reconstruct to have the following lanes:
    - Two entering and exiting lanes on the eastbound and westbound approaches
    - One shared through/left-turn lane and one right-turn lane on the southbound approach
    - One shared lane for all movements on the northbound approach
  - Signal – Widen intersection to have the following lanes:
    - Dual left-turn lanes, one through lane, and one shared through/right-turn lane on the eastbound approach
    - One left-turn lane, two through lanes, and one right-turn lane on the westbound approach
    - One left-turn lane, one through lane, and one right-turn lane on the southbound approach
    - One left-turn lane and one shared through/right-turn lane on the northbound approach

6. ITD Policy Review

a. Access Spacing

SH-44 is a statewide route. This segment of the corridor is within Middleton's city limits. The speed limit is 55MPH along the length of the proposed development. Per IDAPA, it would be defined as Urban > 35MPH.

TABLE 1 – ACCESS SPACING*						
HIGHWAY TYPE	AREA TYPE	Signalized Road Spacing	Public Road Spacing (A)	Driveway Distance Upstream From Public Road Intersection (B)	Driveway Distance Downstream From Unsignalized Public Road Intersection (C)	Distance Between Unsignalized Accesses Other Than Public Roads (D)
Statewide Route	Rural	5,280 ft	5,280 ft	1,000 ft	650 ft	650 ft
	Transitional	5,280 ft	2,640 ft	760 ft	500 ft	500 ft
	Urban >35 mph	2,640 ft	1,320 ft	790 ft	500 ft	500 ft
	Urban ≤35 mph	2,640 ft	1,320 ft	790 ft	250 ft**	250 ft**

The development is proposing a public road intersection with SH-44. The proposed access location does not meet IDAPA's minimum spacing guidelines.

Minimum public road spacing is 1320ft. It exceeds this distance from Duff Lane, but is only 600ft east of Greenlinks Ave. Installation of a public road at this location also results in three residential approaches to the east being within 500ft downstream from a public road intersection. Per IDAPA, these should be limited to RIRO. The three residential approaches currently do not meet IDAPA spacing requirements for distances between private approaches.

b. SH-44 Corridor Plan

The SH-44 Corridor plan identifies a Middleton alternate route starting east of Duff Lane and continuing south of Middleton to the west side of town. Future right-of-way is required from the River Pointe Subdivision to accommodate the alternate route. The development has anticipated this need and designed their development accordingly.

The alternate route is intended to be designated as an expressway by the Idaho Transportation Board with limited access. The proposed approach is at the start of a future curve which may result in site distance and turning movement issues. The development has placed the proposed approach as far east as possible on the site. It is likely that the approach movements may be limited when the alternate route is constructed. This access shall be evaluated for safety and mobility concerns during the design of the alternate route. If permitted, it will be identified as a temporary approach.

The intersection of Duff Lane and SH-44 is identified as a future restricted u-turn crossing (RCUT). Any recommended mitigation at this intersection that results in unacceptable operations shall be considered for proportionate share. Proportionate share shall be based off 2045 total buildout traffic volumes.

The ultimate configuration of the intersection of Lansing Lane and SH-44 is included in the SH-44 Traffic Analysis and is identified as a future restricted u-turn crossing (RCUT). If mitigation is needed at this intersection it will be based on the ultimate intersection configuration with proportionate share calculated off 2045 traffic volumes.

c. Internal Road Network Considerations

The River Pointe Development has updated their site plan to provide a collector road between N Middleton Road through the River Ranch Crossing Development to the proposed approach on SH-44. Once River Ranch Crossing develops, the commercial development traffic will have reasonable access to Middleton Road if future movements are restricted or removed during construction of the alternate route. A more preferred alignment of the collector road would to span completely between Duff Lane to Middleton Road.

According to the preliminary site plan, the development is proposing one site access on SH 44 and one site access on Duff Lane:

- River Street access on SH 44
  - Located along the eastern site boundary approximately 650 feet east of Greenlinks Avenue and 1,480 feet west of Duff Lane
    - Meets current IDAPA 39.03.42 access spacing requirements of 790 feet upstream of a public road intersection and 500 feet driveway spacing downstream of an unsignalized public road
    - Does not meet 1,320 feet public road spacing from Greenlinks Avenue
  - Expected to require the following turn lanes based on ITD turn lane guidelines
    - Eastbound right-turn lane
      - Warranted when the development generates approximately 65 peak hour trips, equivalent to the construction of all attached and detached senior living plus an additional 35 single-family dwelling units
    - Westbound left-turn lane
      - Warranted when the development generates approximately 50 peak hour trips, equivalent to the construction of all attached and detached senior living plus an additional 20 single-family dwelling units
  - The northbound left-turn movements from the site are expected to operate at Level of Service (LOS) F with a v/c ratio of 0.74 during the PM peak hour under 2025 build-out year and 2030 horizon year total traffic conditions
    - The northbound left-turn movements are expected to operate LOS E when the development generates approximately 450 peak hour trips, equivalent to the build out of all residential units and occupancy of approximately 40,000 square feet of the proposed 80,000 square feet of commercial space
      - Traffic counts should be collected and reevaluated once the development generates approximately 450 peak hour trips

- Watkins Street access on Duff Lane
  - Located approximately 1,800 feet south of SH 44 and 400 feet north of Riverbend Place
    - Meets the City's minimum access spacing requirements on a local street
  - Not expected to require turn lanes based on NCHRP Report 457 guidelines under 2025 build-out year and 2030 horizon year total traffic conditions
  - Expected to meet minimum operational thresholds under 2025 build-out year and 2030 horizon year total traffic conditions

River Pointe Subdivision will have connectivity to Middleton Road via the proposed River Ranch Crossing development located west of the site

River Pointe Subdivision is preserving right-of-way along the northern site boundary for the future SH 44 bypass

- No segment of the SH 44 bypass is planned to be constructed with the development

Right and Left Turn Lane Warrants

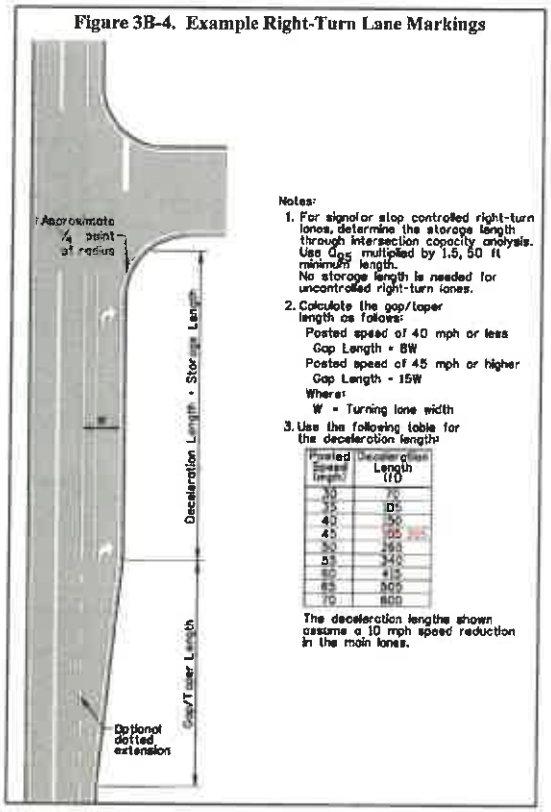
The TIS determined that right and left turn lanes are required for the proposed access. It provides the following estimate of when turn lanes are warranted.

According to the preliminary site plan, the development is proposing one site access on SH 44 and one site access on Duff Lane:

- River Street access on SH 44
  - Located along the eastern site boundary approximately 650 feet east of Greenlinks Avenue and 1,480 feet west of Duff Lane
    - Meets current IDAPA 39.03.42 access spacing requirements of 790 feet upstream of a public road intersection and 500 feet driveway spacing downstream of an unsignalized public road
    - Does not meet 1,320 feet public road spacing from Greenlinks Avenue
  - Expected to require the following turn lanes based on ITD turn lane guidelines
    - Eastbound right-turn lane
      - Warranted when the development generates approximately 65 peak hour trips, equivalent to the construction of all attached and detached senior living plus an additional 35 single-family dwelling units
    - Westbound left-turn lane
      - Warranted when the development generates approximately 50 peak hour trips, equivalent to the construction of all attached and detached senior living plus an additional 20 single-family dwelling units
  - The northbound left-turn movements from the site are expected to operate at Level of Service (LOS) F with a v/c ratio of 0.74 during the PM peak hour under 2025 build-out year and 2030 horizon year total traffic conditions
    - The northbound left-turn movements are expected to operate LOS E when the development generates approximately 450 peak hour trips, equivalent to the build out of all residential units and occupancy of approximately 40,000 square feet of the proposed 80,000 square feet of commercial space
      - Traffic counts should be collected and reevaluated once the development generates approximately 450 peak hour trips

The right turn lane warrant is included in Appendix A. 2025 Total Traffic Analysis at the proposed SH-44 access shows the approach operates acceptably in the AM and PM with a westbound left turn lane. See Appendix B.

d. Right and Left Turn Lane Design Lengths



Right Turn Lane Length

Speed = 55MPH
Taper Length = 15 x 12ft = 180ft
Storage Length = 0ft (Proposed Approach)
50ft (Duff when signalized)
Deceleration Length = 340ft

Total Length = 520ft (Proposed Approach)
570ft (Duff when signalized)

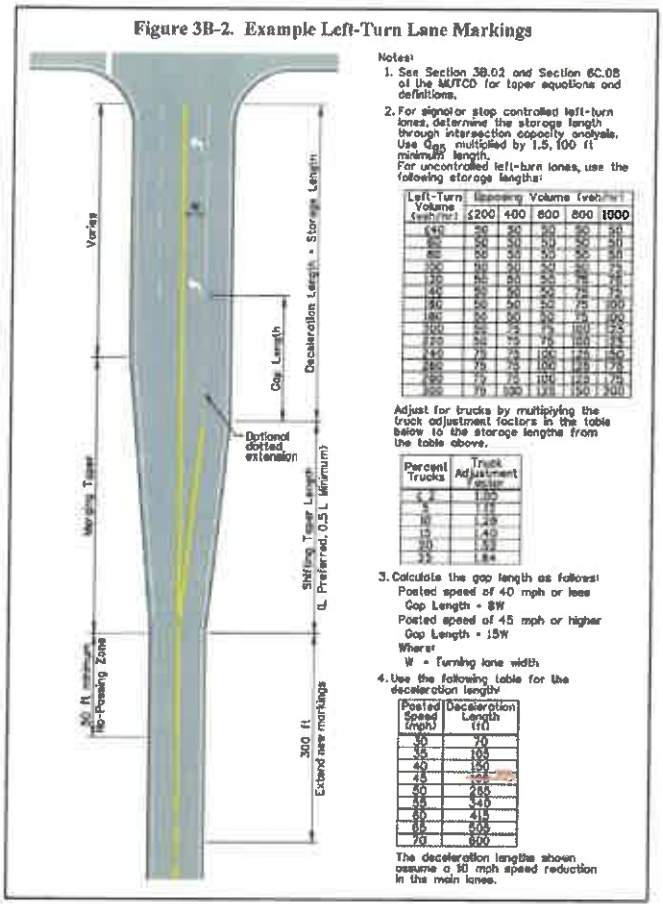


Figure 3B-2. Example Left-Turn Lane Markings

Notes:

1. See Section 3B.02 and Section 6C.08 of the MUTCD for taper equations and definitions.
2. For signal or stop controlled left-turn lanes, determine the storage length through intersection capacity analysis. Use Q_{95} multiplied by 1.5, 100 ft minimum length.
   For uncontrolled left-turn lanes, use the following storage lengths:

Left-Turn Volume (veh/hr)	Opposing Volume (veh/hr) ≤200	400	600	800	1000
≤40	50	50	50	50	50
60	50	50	50	50	50
80	50	50	50	50	50
100	50	50	50	50	50
120	50	50	50	50	50
140	50	50	50	75	75
160	50	50	50	75	100
180	50	50	50	75	100
200	50	50	75	100	125
220	50	75	75	100	125
240	75	75	75	100	150
260	75	75	100	125	150
280	75	75	100	125	175
300	75	75	100	125	175
320	75	100	125	150	200

   Adjust for trucks by multiplying the truck adjustment factors in the table below to the storage lengths from the table above.

Percent Trucks	Truck Adjustment Factor
0-2	1.00
5	1.15
10	1.29
15	1.40
20	1.52
25	1.64

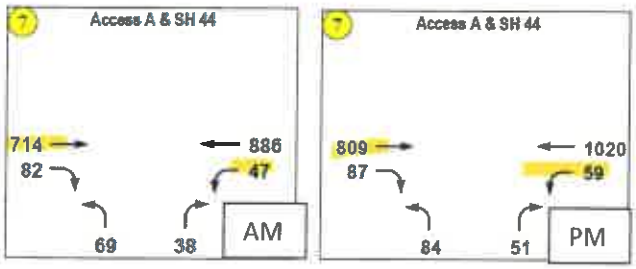
3. Calculate the gap length as follows:
   Posted speed of 40 mph or less
   Gap Length = 8W
   Posted speed of 45 mph or higher
   Gap Length = 15W
   Where:
   W = turning lane width
4. Use the following table for the deceleration length:

Posted Speed (mph)	Deceleration Length (ft)
30	70
35	105
40	150
45	255
50	340
55	415
60	505
65	605
70	800

   The deceleration lengths shown assume a 10 mph speed reduction in the main lanes.

Left Turn Lane Length

Speed = 55MPH
Taper Length = 12ft x 55MPH = 660ft
Storage Length = 50ft



Deceleration Length = 340ft

Total Length = 1,050ft

e. Proportionate Share Contribution

ITD District 3 has issued *Memo 39-Development Proportionate Share Contribution* as a means to request equitable contribution from developers to improve public facilities needed to serve new growth and development.

f. Jurisdictional Authority

ITD and the City of Middleton have entered into an intergovernmental agreement for the city to collect proportionate share contributions on behalf of the department.

7. Staff Comments Recommendations

Intersection of SH-44 and the Proposed Approach

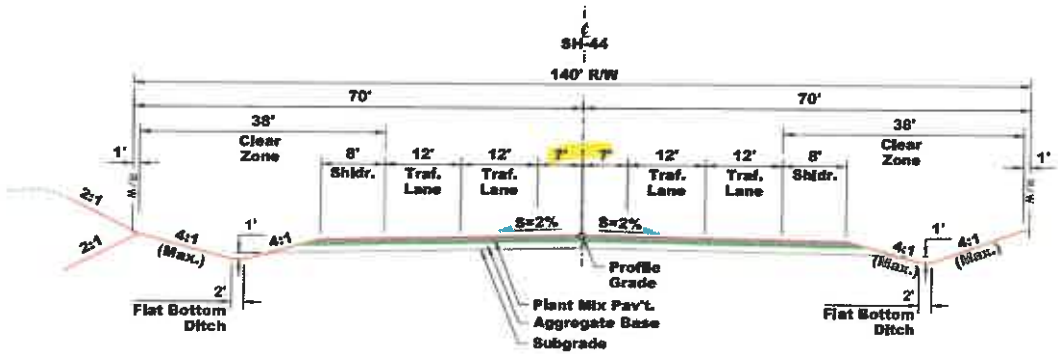
Per the TIS analysis, the proposed full access approach functions acceptably at full build out (LOS D/E) with the following lane configuration shown in Table 4.5. In the PM Peak the northbound left turn movement is at a LOS E, but the v/c ratio is only 0.47. This is within ITD's thresholds for allowing the movement to remain. See Appendix B for details.

Table 4.5 – Site Access Intersection Operations – 2025 Build-Out Year Total Traffic

Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
7	River St and SH 44		NBL / NBR LOS	D / C	F / C
			NBL / NBR Delay [s/veh]	30 / 19	72 / 20
			Worst Lane Group MOEs	D / 0.39 (NBL)	F / 0.76 (NBL)

The length of need for the westbound left turn lane extends almost to Duff Lane with the taper overlapping with Duff Lane's eastbound left turn taper. Similarly, the turn lane's taper headed westbound enters into Greenlinks Ave's turn bay taper. So as not to have a situation in which SH-44's roadway width dives in-and-out between Greenlinks Ave and Duff Lane, the developer shall be required to construct a 14ft wide two way left center turn lane between the two public road intersections.

The SH-44 corridor plan identifies the future corridor width includes a 14ft center turn lane.



The proposed approach warrants an eastbound right turn lane.

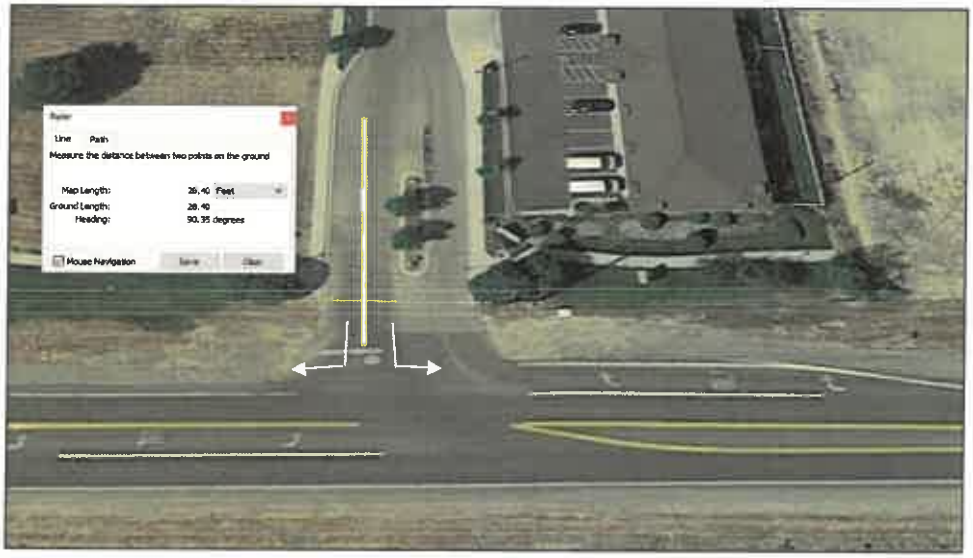
Staff recommends a temporary public road access onto SH-44 with the following mitigation improvements:

- ***Developer shall design and construct to ITD standards a 520ft westbound right turn lane.***
  - ***Shoulders shall be 8ft wide.***
  - ***Developer shall dedicate 12ft of right-out way the entire length of the turn lane.***
- ***Developer shall design and construct to ITD standards a 14ft wide continuous two way left turn lane between Greenlinks Ave to Duff Lane.***
  - ***Shoulders shall be 8ft wide.***
  - ***Right-of-way dedication is only needed if the existing right-of-way cannot accommodate pavement widening and drainage.***
  - ***Pavement widening shall occur equally (north/south) along on SH-44's centerline.***
  - ***Adjust striping west of Greenlinks Ave and east of Duff Lane to reflect a continuous two way left center turn lane.***

<u>Intersection of SH-44 /Greenlinks Ave</u>

Per the TIS, the intersection of SH-44 / Greenlinks Ave operates at an acceptable level of service in background 2025 (LOS D). See Appendix C. In 2025 Total Traffic, the intersection fails without the additional of a two-way left turn lane and dedicated left and right turn lanes.

Staff recommended previously that mitigation for the proposed SH-44 approach should include a two way left center turn lane.



Staff recommends the following mitigation improvements at the Greenlinks Ave / SH-44 intersection:

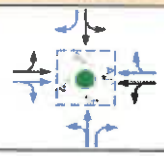
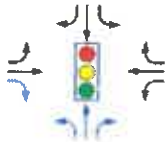
- ***Developer shall install pavement striping to delineate a dedicated southbound right and left turn lane***
  - ***Include thermoplastic turn arrows***
  - ***Include advance MUTCD compliant lane control sign to show lane designations.***

Developer shall provide ITD a cost estimate of the work. Cost shall be deducted from the overall proportionate share contribution.

Intersection of SH-44 /N Middleton Road

Per the TIS analysis, the intersection of SH-44 / N Middleton Road assumes Middleton Road is extended southbound by 2025 or a roundabout has been constructed. Either intersection configuration operate acceptably in 2025 Total Traffic.

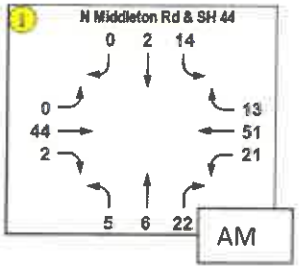
Table 4.3 – Intersection Operations – 2025 Build-Out Year Total Traffic

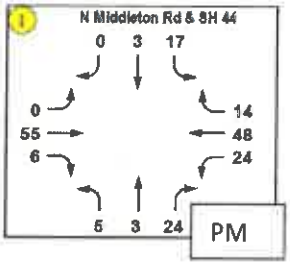
Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
1	N Middleton Rd and SH 44		Intersection LOS	C	C
			Intersection Delay [s/veh]	19	24
			Worst Lane Group MOEs	E / 0.88 (SBTL)	D/ 0.88 (WBTR)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	28	33
			Intersection v/c	0.75	0.87
			Worst Lane Group MOEs	C / 0.85 (WBL)	C / 0.91 (WBT)

The city of Middleton's preferred intersection treatment is a signal. Intersection configuration shall be based on the above described recommendation with the inclusion of an eastbound right turn lane to mitigate for the v/c = 0.90 during the AM peak. ITD staff estimates the design and construction cost of this intersection treatment to be $1,332,364. See Appendix G.

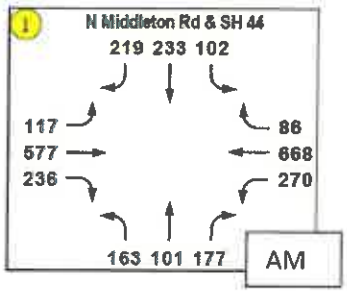
The SH-44 Traffic Analysis looked only at the future intersection of North Middleton Road and the SH-44 Alternate Route, not its existing location. Proportionate share is based on total 2025 traffic volumes.

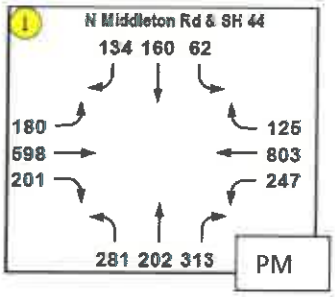
2025 Site Traffic





2025 Total Traffic





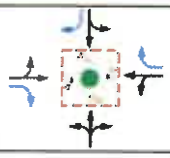
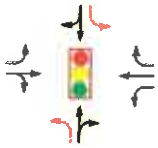
AM Site = 180	*AM Total = 2,949*	*AM % = 6.10*
PM Site = 199	*PM Total = 3,306*	*PM % = 6.01*
Proportionate Share for SH-44 /N Middleton Road Intersection Improvements		***Avg % = 6.06***
Cost Estimate of SH-44 / N Middleton Road Signal		***$1,332,364***
Proportionate Share Contribution		***$80,741***

Staff recommends the developer pay a total proportionate share of $80,741 (6.06%) towards future intersection improvements at the intersection of SH-44 / N Middleton Road. Proportionate share needs to be provided prior to issuance of the approach permit or included in a development agreement with the city of Middleton.

Intersection of SH-44 /Duff Lane

Per the TIS analysis, the intersection of SH-44 / Duff Lane has failing movements at 2025 background and buildout without mitigation improvements. The TS recommends either a roundabout of traffic signal. Per the SH-44 corridor Plan, the ultimate configuration at Duff Lane shall be a restricted u-turn crossing. Dedicated right turns lanes at the intersection are warranted with new development traffic volumes.

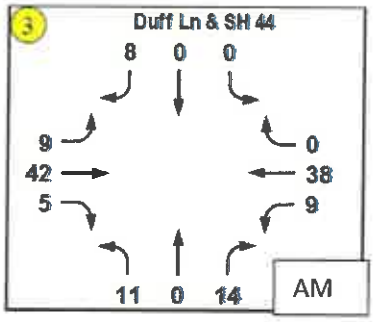
Table 4.3 – Intersection Operations – 2025 Build-Out Year Total Traffic

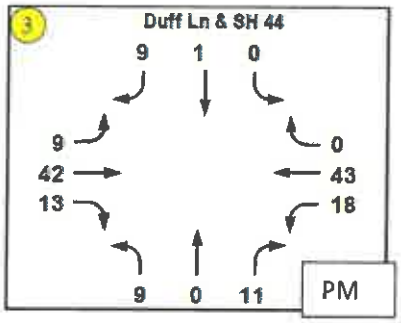
Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
3	Duff Ln and SH 44		Intersection LOS	C	C
			Intersection Delay [s/veh]	18	19
			Worst Lane Group MOEs	D / 0.90 (EBTL)	D / 0.91 (WBTL)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	29	33
			Intersection v/c	0.74	0.76
			Worst Lane Group MOEs	C / 0.91 (EBTR)	C / 0.93 (WBT)

ITD staff estimates the design and construction cost of a restricted u-turn crossing at SH-44 / Duff Lane to be $3,193,883. This includes purchase of right-of-way. See Appendix F.

Proportionate share is based on total 2045 traffic volumes.

2025 Site Traffic





2045 Total Traffic

INTERSECTION TURNING MOVEMENT VOLUMES

SH-44, I-84 to Eagle, Corridor Study
ITD Project No. STP-3320(101), ITD Key No. 07827

2045 Build

Table 5. 2045 Build intersection turning movement volumes – AM peak hour (7:00-8:00 AM)

Int. No.	Intersection Name	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
14	Duff Lane/SH-44	45	4	11	162	6	296	85	1,190	10	4	755	17

INTERSECTION TURNING MOVEMENT VOLUMES

SH-44, I-84 to Eagle, Corridor Study
ITD Project No. STP-3320(101), ITD Key No. 07827

Table 6. 2045 Build intersection turning movement volumes – PM peak hour (4:45-5:45 PM)

Int. No.	Intersection Name	Northbound			Southbound			Eastbound			Westbound		
		Left	Thru	Right	Left	Thru	Right	Left	Thru	Right	Left	Thru	Right
14	Duff Lane/SH-44	32	3	11	35	4	131	358	1,223	58	9	1,511	122

AM Site = 136	*AM Total = 2,585*	*AM % = 5.26*
PM Site = 155	*PM Total = 3,497*	*PM % = 4.43*
Proportionate Share for SH-44 /Duff Lane RCUT Improvements		*Avg % = 4.85*
Cost Estimate for SH-44 / Duff Lane RCUT		***$3,193,883***
Proportionate Share Contribution		*$154,903*

Staff recommends the developer pay a total proportionate share of $154,903 (4.85%) towards future signalization improvements at the intersection of SH-44 / Duff Lane. Proportionate share needs to be provided prior to issuance of the approach permit or included in a development agreement with the city of Middleton.

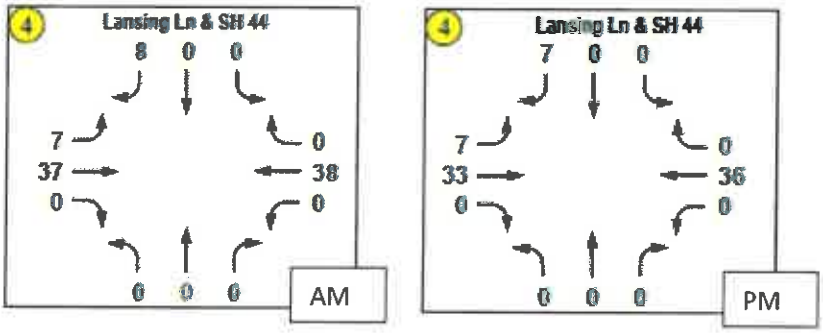
Intersection of SH-44 /Lansing Lane

Per the TIS analysis, the intersection of SH-44 / Lansing Lane fails in the AM and PM Peak for 2025 background traffic. Delay to the northbound and southbound approaches increases with increased site traffic. See Appendix C for 2025 Background Conditions and Mitigation.

The TIS recommends signalizing the intersection and including northbound and southbound left turn lanes. The SH-44 Traffic Analysis identifies a restricted u-turn crossing RCUT is the ultimate intersection configuration.

The 2025 site traffic volumes shows that the majority of traffic headed through this intersection is east-west. Less than 10 trips make the eastbound left onto Lansing Lane. Although this intersection was included in the TIS analysis, primary impact of the development is at Duff Lane and intersections headed west.

2025 Site Traffic



Staff does not recommend any mitigation improvements at the intersection of Lansing Lane and SH-44.

**ITD Staff Recommendations are intended to assure that the proposed development will not place an undue burden on the existing State Highway system within the vicinity impacted by the proposed development.*

*** Recommendations included in ITD's Staff Technical Report along with any development conditions (see associated Permit Committee Agenda/Minutes) is only valid for the period of one year from the date of the TIS report. ITD reserves the right to request an updated TIS to reflect current traffic conditions if an approved encroachment application and/or proportionate share contribution are not obtained/provided within one year.*

8. Appendices

Appendix A	Right Lane Turn Warrant
Appendix B	2025 Total Traffic AM & PM Peak: Proposed SH-44 Approach
Appendix C	2025 Background Traffic & Mitigations
Appendix D	2025 Total Traffic & Mitigations
Appendix E	2025 HCM AM & PM Peak: SH-44 and Greenlinks Ave
Appendix F	Cost Estimate: RCUT at the intersection of SH-44 / Duff Lane
Appendix G	Cost Estimate: Signal at the intersection of SH-44 / N. Middleton Road

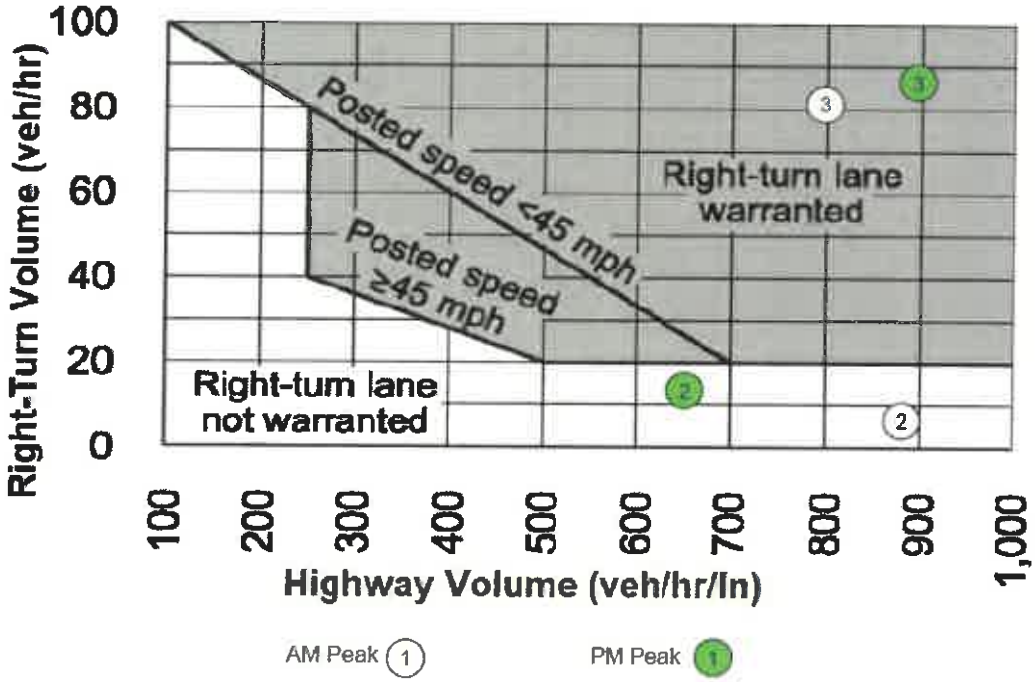
Appendix A

Right Lane Turn Warrant

River Pointe Subdivision
Middleton, Idaho

ITD Right-Turn Lane Analysis
2025 Total Traffic

Intersection	Approach	Speed Limit (mph)	Peak Hour	Right-Turn Volume (vph)	Major Road Volume (vphpl)	Meet Warrant?
(1) Duff Lane & SH 44	EB	55	AM	Warranted Under 2025 Background		
			PM			
(2) Lansing Lane & SH 44	EB	55	AM	7	888	No
			PM	13	654	No
(3) Access A & SH 44	EB	55	AM	82	786	Yes
			PM	87	466	Yes



AM Peak (1) PM Peak (1)

Appendix B

2025 Total Traffic AM & PM Peak: Proposed SH-44 Approach

HCM 6th TWSC
7: Access A & SH 44

2025 Total
AM Peak Hour

Intersection	
Int Delay, s/veh	1.6

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations						
Traffic Vol, veh/h	714	62	47	886	69	38
Future Vol, veh/h	714	62	47	886	69	38
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	100	100	-	0	100
Veh in Median Storage, #	0	-	-	0	2	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	793	91	52	984	77	42

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	884	0	1861	793
Stage 1	-	-	-	-	793	-
Stage 2	-	-	-	-	1068	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	765	-	78	389
Stage 1	-	-	-	-	446	-
Stage 2	-	-	-	-	323	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	765	-	~ 73	389
Mov Cap-2 Maneuver	-	-	-	-	245	-
Stage 1	-	-	-	-	446	-
Stage 2	-	-	-	-	301	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.5	22.4
HCM LOS			C

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	245	389	-	-	765	-
HCM Lane V/C Ratio	0.313	0.109	-	-	0.068	-
HCM Control Delay (s)	26.2	15.4	-	-	10.1	-
HCM Lane LOS	D	C	-	-	B	-
HCM 95th %tile Q(veh)	1.3	0.4	-	-	0.2	-

Notes

~: Volume exceeds capacity $: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Intersection	
Int Delay, s/veh	2.3

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↱	↰	↑	↰	↱
Traffic Vol, veh/h	809	87	59	1020	84	51
Future Vol, veh/h	809	87	59	1020	84	51
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	100	50	-	50	0
Veh in Median Storage, #	0	-	-	0	2	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	899	97	66	1133	93	57

Major/Minor	Major1		Major2		Minor1	
Conflicting Flow All	0	0	996	0	2164	899
Stage 1	-	-	-	-	899	-
Stage 2	-	-	-	-	1265	-
Critical Hdwy	-	-	4.12	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	-	-	2.218	-	3.518	3.318
Pot Cap-1 Maneuver	-	-	695	-	~ 52	338
Stage 1	-	-	-	-	397	-
Stage 2	-	-	-	-	265	-
Platoon blocked, %	-	-		-		
Mov Cap-1 Maneuver	-	-	695	-	~ 47	338
Mov Cap-2 Maneuver	-	-	-	-	198	-
Stage 1	-	-	-	-	397	-
Stage 2	-	-	-	-	240	-

Approach	EB	WB	NB
HCM Control Delay, s	0	0.6	30.6
HCM LOS			D

Minor Lane/Major Mvmt	NBLn1	NBLn2	EBT	EBR	WBL	WBT
Capacity (veh/h)	198	338	-	-	695	-
HCM Lane V/C Ratio	0.471	0.168	-	-	0.094	-
HCM Control Delay (s)	38.4	17.8	-	-	10.7	-
HCM Lane LOS	E	C	-	-	B	-
HCM 95th %tile Q(veh)	2.3	0.6	-	-	0.3	-

Notes

~: Volume exceeds capacity $: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

Appendix C

2025 Background Traffic and Mitigations

Table 3.2 – Intersection Operations – 2025 Build-Out Year Background Traffic

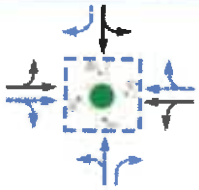
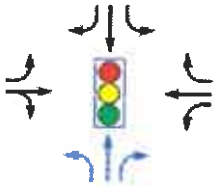
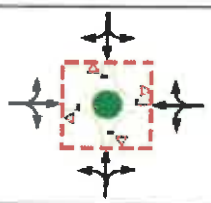
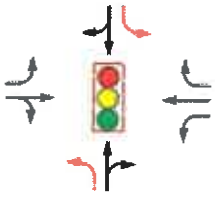
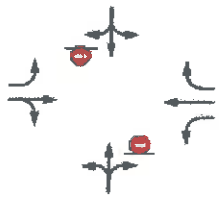
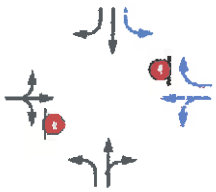
Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
1	N Middleton Rd [1] and SH 44		Intersection LOS	B	B
			Intersection Delay [s/veh]	13	14
			Worst Lane Group MOEs	C / 0.69 (SBLT)	C / 0.71 (WBTR)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	33	30
			Intersection v/c	0.82	0.81
			Worst Lane Group MOEs	C / 0.89 (EBTR)	C / 0.87 (WBT)
2	Greenlinks Ave and SH 44		SB LOS	E	E
			SB Delay [s/veh]	35	35
			Worst Lane Group MOEs	E / 0.19 (SB)	E / 0.13 (SB)
3	Duff Ln [2] and SH 44		Intersection LOS	C	E
			Intersection Delay [s/veh]	19	43
			Worst Lane Group MOEs	D / 0.83 (SB)	F / 1.09 (WB)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	23	23
			Intersection v/c	0.76	0.75
			Worst Lane Group MOEs	C / 0.87 (EBTR)	C / 0.88 (WBT)

Table 3.2 – Intersection Operations – 2025 Build-Out Year Background Traffic (Continued)

Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
4	Lansing Ln and SH 44		NB / SB LOS	E / F	F / F
			NB / SB Delay [s/veh]	49 / >200	86 / >200
			Worst Lane Group MOEs	F / >1.00 (SB)	F / >1.00 (SB)
5	Sawtooth Lake Dr and Middleton Rd		EB / WB LOS	C / F	C / F
			EB / WB Delay [s/veh]	21 / 84	17 / 127
			Worst Lane Group MOEs	F / 0.31 (WB)	F / 0.30 (WB)
6	Bass Ln [3] and Middleton Rd		EB LOS	C	C
			EB Delay [s/veh]	17	18
			Worst Lane Group MOEs	C / 0.01 (EB)	C / 0.30 (EB)

[1] Exceeds minimum operational thresholds as an unsignalized intersection

[2] Exceeds minimum operational thresholds with no-build

[3] Meets minimum operational thresholds without turn lane

3.4 Intersection Mitigation

Four study area intersections are expected to exceed minimum operational thresholds under the projected 2025 background traffic conditions. The intersections, operational deficiencies, and proposed mitigation improvements are discussed below. Table 3.3 summarizes the intersection mitigation analysis results.

Greenlinks Avenue and SH 44 Intersection

The Greenlinks Avenue and SH 44 intersection is expected to minimally exceed ITD LOS D threshold by less than an average of 1 second per vehicle for the southbound approach during the peak hours. The southbound approach is anticipated to operate under capacity with a v/c ratio of 0.19 or less during the peak hours. Additionally, the intersection's volumes were estimated based on ITE methodologies, and the intersection is only expected to exceed LOS D threshold during the peak 15-minute period of the peak hour. As a result, no improvements are proposed to mitigate 2025 background traffic operations.

Duff Lane and SH 44 Intersection

The Duff Lane and SH 44 intersection is expected to operate acceptably with a signal under 2025 background traffic conditions. However, the intersection is expected to exceed ITD's minimum operational thresholds as a single-lane roundabout. The westbound approach is expected to operate at LOS F with a v/c ratio of 1.07 during the PM peak hour. The following improvement is recommended to mitigate the roundabout operations:

- Construct a westbound right-turn lane

Lansing Lane and SH 44 Intersection

The Lansing Lane and SH 44 intersection is expected to exceed minimum operational thresholds as an unsignalized intersection under the projected 2025 background traffic conditions. The northbound and southbound approaches are expected to operate at LOS F with the southbound approach operating over capacity during the peak hours.

According to ITD's transportation plans, there are no funded improvements programmed at the intersection. In the long-term, 2045, the intersection is planned to be an RCUT according to ITD's SH 44 corridor plan. Two mitigation options are considered and evaluated to mitigate 2025 background traffic operations:

- Option 1 – Single-lane roundabout
- Option 2 – Signal with following lanes
  - One left-turn lane and one shared through/right-turn lane on the eastbound approach (existing lanes)
  - One left-turn lane, one through lane, and one right-turn lane on the westbound approach (existing lanes)
  - One left-turn lane and one shared through/right-turn lane on the northbound and southbound approaches

Sawtooth Lake Drive and Middleton Road Intersection

The Sawtooth Lake Drive and Middleton Road intersection will be the main access point for Phase 1 of the proposed River Ranch Crossing. The intersection is expected to exceed minimum operational thresholds as an unsignalized intersection. The westbound shared through/left-turn lane group is expected to operate at LOS F during the peak hours. According to the Middleton Road corridor plan, the intersection is planned to be reconstructed as a roundabout. Based on correspondence with the City, a roundabout is no longer planned at this intersection, and a limited access stop-controlled intersection is planned instead. Currently, there are no funded projects to construct the roundabout or limited access intersection. The following improvements are proposed to mitigate 2025 background traffic operations:

- Restrict intersection to right-in, right-out, and left-in movements only (RIRO-LI)
- Install a northbound right-turn lane as warranted based on NCHRP Report 457 turn lane guidelines

Table 3.3 – Intersection Operations – 2025 Build-Out Year Background Traffic Mitigation

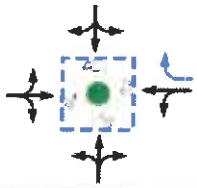
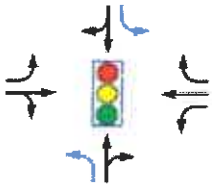
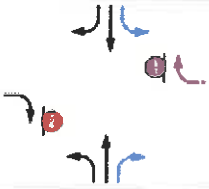
Intersection		Control / Lane Mitigation	MOEs	AM Peak Hour	PM Peak Hour
3	Duff Ln and SH 44		Intersection LOS	C	B
			Intersection Delay [s/veh]	19	14
			Worst Lane Group MOEs	D / 0.83 (SB)	C / 0.75 (WBTL)
4	Lansing Ln and SH 44		Intersection LOS	B	B
			Intersection Delay [s/veh]	14	13
			Worst Lane Group MOEs	C / 0.82 (EB)	C / 0.81 (WBTL)
			Intersection LOS	B	B
			Intersection Delay [s/veh]	17	15
			Intersection v/c	0.79	0.75
			Worst Lane Group MOEs	C / 0.88 (EBTR)	B / 0.89 (WBT)
5	Sawtooth Lake Dr and Middleton Rd		EBR / WBR LOS	A	B
			EBR / WBR Delay [s/veh]	9	12
			Worst Lane Group MOEs	B / 0.61 (SB)	B / 0.76 (NB)

Table 4.3 – Intersection Operations – 2025 Build-Out Year Total Traffic

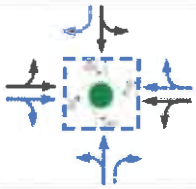
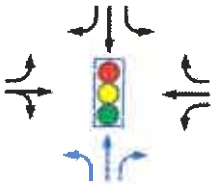
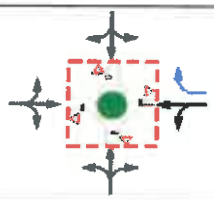
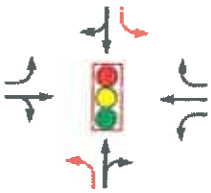
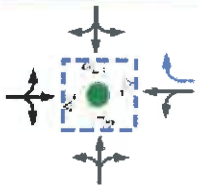
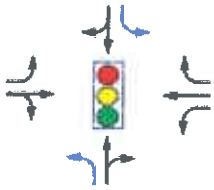
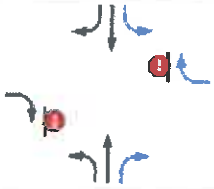
Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
1	N Middleton Rd and SH 44		Intersection LOS	B	C
			Intersection Delay [s/veh]	14	16
			Worst Lane Group MOEs	D / 0.77 (SBTL)	C / 0.76 (WBTR)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	35	35
			Intersection v/c	0.87	0.87
			Worst Lane Group MOEs	C / 0.90 (EBTR)	C / 0.89 (EBTR)
2	Greenlinks Ave and SH 44		SB LOS	F	F
			SB Delay [s/veh]	58	78
			Worst Lane Group MOEs	F / 0.36 (SB)	F / 0.37 (SB)
3	Duff Ln and SH 44		Intersection LOS	C	C
			Intersection Delay [s/veh]	22	17
			Worst Lane Group MOEs	E / 0.90 (WB)	C / 0.82 (WBTL)
			Intersection LOS	C	C
			Intersection Delay [s/veh]	25	25
			Intersection v/c	0.79	0.78
			Worst Lane Group MOEs	C / 0.88 (EBTR)	C / 0.89 (WBT)

Table 4.3 – Intersection Operations – 2025 Build-Out Year Total Traffic (Continued)

Intersection		Control / Lane	MOEs	AM Peak Hour	PM Peak Hour
4	Lansing Ln and SH 44		Intersection LOS	C	B
			Intersection Delay [s/veh]	16	15
			Worst Lane Group MOEs	C / 0.86 (EB)	C / 0.85(WBTL)
			Intersection LOS	B	B
			Intersection Delay [s/veh]	18	17
			Intersection v/c	0.81	0.77
			Worst Lane Group MOEs	C / 0.89 (EBTR)	B / 0.90 (WBT)
5	Sawtooth Lake Dr and Middleton Rd		EBR / WBR LOS	C / B	B / C
			EBR / WBR Delay [s/veh]	19 / 11	13 / 15
			Worst Lane Group MOEs	C / 0.36 (EBR)	C / 0.10 (WBR)
6	Bass Ln [1] and Middleton Rd		EB LOS	C	C
			EB Delay [s/veh]	17	19
			Worst Lane Group MOEs	C / 0.01 (EB)	C / 0.31 (EB)

[1] Meets minimum operational thresholds without turn lane

4.4 Intersection Mitigation

Two study area intersections are expected to exceed minimum operational thresholds under the projected 2025 total traffic conditions. The intersections, operational deficiencies, and proposed mitigation improvements are discussed below. Table 4.4 summarizes the analysis results with the proposed mitigations.

Greenlinks Avenue and SH 44 Intersection

The Greenlinks Avenue and SH 44 intersection is expected to exceed minimum operational thresholds. The intersection is expected to operate at LOS F on the southbound approach during the peak hours with one lane for each movement on SH 44. Considering the proposed improvements at the proposed site access intersection on SH 44 as discussed in Section 4.5, the following improvements are proposed to mitigate 2025 total traffic operations:

- Restripe southbound approach to have a left-turn and a right-turn lane
- Restripe the center turn lane on SH 44 as a two-way left-turn lane

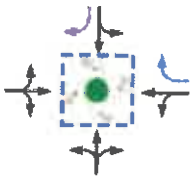
There is sufficient existing pavement width at the Greenlinks Avenue and SH 44 intersection for these improvements without additional roadway widenings.

Duff Lane and SH 44 Intersection

The Duff Lane and SH 44 intersection is expected to operate acceptably as a signalized intersection under 2025 total traffic conditions. However, one approach of the intersection is expected to exceed ITD's minimum operational thresholds as a roundabout. The southbound approach is expected to operate at LOS E with a v/c ratio of 0.88 during the AM peak hour. The following improvement is recommended to mitigate the roundabout's operations:

- Construct a southbound right-turn lane

Table 4.4 – Intersection Operations – 2025 Build-Out Year Total Traffic Mitigation

Intersection		Control / Lane Mitigation	MOEs	AM Peak Hour	PM Peak Hour
2	Greenlinks Ave and SH 44		SBL / SBR LOS	D / C	D / C
			SBL / SBR Delay [s/veh]	25 / 19	29 / 22
			Worst Lane Group MOEs	D / 0.11 (SBL)	D / 0.09 (SBL)
3	Duff Ln and SH 44		Intersection LOS	B	C
			Intersection Delay [s/veh]	15	16
			Worst Lane Group MOEs	C / 0.85 (EB)	C / 0.82 (WBTL)

Appendix E

2025 HCM AM & PM Peak: SH-44 and Greenlinks Ave (MITIGATION)

HCM 6th TWSC
2: SH 44 & Greenlinks Ave

2025 Total - Mitigation
AM Peak Hour

Intersection	
Int Delay, s/veh	0.5

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	6	776	944	10	20	13
Future Vol, veh/h	6	776	944	10	20	13
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	100	100	0
Veh in Median Storage, #	-	0	0	-	1	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	7	862	1049	11	22	14

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	1060	0	-	0	1925	1049
Stage 1	-	-	-	-	1049	-
Stage 2	-	-	-	-	876	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	657	-	-	-	73	276
Stage 1	-	-	-	-	337	-
Stage 2	-	-	-	-	407	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	657	-	-	-	72	276
Mov Cap-2 Maneuver	-	-	-	-	200	-
Stage 1	-	-	-	-	333	-
Stage 2	-	-	-	-	407	-

Approach	EB	WB	SB
HCM Control Delay, s	0.1	0	22.7
HCM LOS			C

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	657	-	-	-	200	276
HCM Lane V/C Ratio	0.01	-	-	-	0.111	0.052
HCM Control Delay (s)	10.5	-	-	-	25.2	18.8
HCM Lane LOS	B	-	-	-	D	C
HCM 95th %ile Q(veh)	0	-	-	-	0.4	0.2

Intersection	
Int Delay, s/veh	0.4

Movement	EBL	EBT	WBT	WBR	SBL	SBR
Lane Configurations						
Traffic Vol, veh/h	14	885	1082	21	11	12
Future Vol, veh/h	14	885	1082	21	11	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	100	-	-	100	100	0
Veh in Median Storage, #	-	0	0	-	1	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	983	1202	23	12	13

Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	1225	0	-	0	2217	1202
Stage 1	-	-	-	-	1202	-
Stage 2	-	-	-	-	1015	-
Critical Hdwy	4.12	-	-	-	6.42	6.22
Critical Hdwy Stg 1	-	-	-	-	5.42	-
Critical Hdwy Stg 2	-	-	-	-	5.42	-
Follow-up Hdwy	2.218	-	-	-	3.518	3.318
Pot Cap-1 Maneuver	569	-	-	-	48	225
Stage 1	-	-	-	-	285	-
Stage 2	-	-	-	-	350	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	569	-	-	-	47	225
Mov Cap-2 Maneuver	-	-	-	-	162	-
Stage 1	-	-	-	-	277	-
Stage 2	-	-	-	-	350	-

Approach	EB	WB	SB
HCM Control Delay, s	0.2	0	25.3
HCM LOS			D

Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	SBLn2
Capacity (veh/h)	569	-	-	-	162	225
HCM Lane V/C Ratio	0.027	-	-	-	0.075	0.059
HCM Control Delay (s)	11.5	-	-	-	29	22
HCM Lane LOS	B	-	-	-	D	C
HCM 95th %tile Q(veh)	0.1	-	-	-	0.2	0.2

Appendix F

Cost Estimate: RCUT at the intersection of SH-44 / Duff Lane

Conceptual Cost Estimate

Estimated By: Regan Hansen
Checked By:
Location: SH-44; Duff Ln

Date: 2/12/2021
Date:

Scope:
Widen SH-44 east and west of the Duff Lane intersection to a 5-lane typical section. Configure Duff Lane for right-in, right-out, left-in access to and from SH-44. Local traffic intending to turn left from Duff Lane is accommodated downstream of the intersection via a Restricted Crossing U-turn (RCUT). Raised center medians are included to provide separation and channelization. Pavement work is limited to the areas requiring widening. Existing pavement not impacted by the widening or medians is left as-is, and does not receive any treatment.

Right-of-way needs are estimated to be 2.1 acres to accommodate drainage from the widened pavement.

Item	Quantity	Unit Price	Cost	Note
SECTION 1				
205-005A EXCAVATION	25% *		$ 186,793.36	*301-405
301-005A GRANULAR SUBBASE *	5,468.00 TON	$ 17.00	$ 92,956.00	KN 13492
303-022A 3/4" AGGR TY B FOR BASE *	4,479.00 TON	$ 23.98	$ 107,406.42	KN 13476
401-020A CSS-1 DIL EMUL ASPH FOR TACK COAT	2,349.00 GAL	$ 4.00	$ 9,396.00	KN 13492
405-435A SUPERPAVE HMA PAV INCL ASPH&ADD CL SP-3 *	6,385.00 TON	$ 79.00	$ 504,415.00	KN 13492
405-245A APPROACH	11.00 EA	$ 3,000.00	$ 33,000.00	KN 20797
509-010A NON-STRUCTURAL CONC CLASS 30	1,354.00 SY	$ 38.79	$ 52,521.66	KN19944
615-256A CURB TYPE 1	3,646.00 FT	$ 20.00	$ 72,920.00	KN22165
615-491A CURB & GUTTER TYPE 1	377.00 FT	$ 50.00	$ 18,850.00	KN22165
615-651A TRAFFIC SEPARATOR TYPE 1	356.00 FT	$ 21.00	$ 7,476.00	KN 13492
675-005A SURVEY	1.00 LS	$ 25,000.00	$ 25,000.00	
SP TRAFFIC CONTROL	1.00 LS	$ 200,000.00	$ 200,000.00	
Mobilization	10%		$ 131,073.44	
SECTION 1 Sub-Total			$ 1,441,807.88	
SECTION 2				
CN Change Order / Quantity Variance	5%		$ 72,090.39	
CN Non-Bid Items	3.5%		$ 50,463.28	
SECTION 2 Sub-Total			$ 122,553.67	
SUMMARY				
Sub-Total: SECTION 1 & SECTION 2			$ 1,564,361.55	
Contingency - Scoping Level	35%		$ 547,526.54	
TOTAL CONSTRUCTION COST			$ 2,111,888.09	

Summary of Project Costs		Amount	Note
Construction		$ 2,111,888.09	
Design Services	10%	$ 211,188.81	
Construction Services	12%	$ 253,426.57	
Right-of-Way		$ 617,379.36	
Total Cost		$ 3,193,882.83	

Appendix G

Cost Estimate: Signalize the intersection of SH-44 / N. Middleton Road

Intersection Widening - Conceptual Cost Estimate

Estimated By: E. Bowen Date: 11/6/2020
Checked By: Date:

Location: Intersection of SH-44 and N. Middleton Road
Scope: Installation of a signal, along with an eastbound right turn lane, northbound right turn lane, northbound left turn lane and southbound right turn lane. Extension of the westbound right turn lane to meet design standards. Approximately 1 acre R/W needed.

	Item Description	Quantity	Unit Price	Cost	Source
SECTION 1					
201-010A	CLEARING & GRUBBING	1.12 ACRE	$ 6,833.00	$ 7,675.11	KN 18872
203-015A	REM OF BITUMINOUS SURF	991.70 SY	$ 9.67	$ 9,589.77	KN 18872
203-130A	REMOVAL OF PAV MARKINGS	5365.00 FT	$ 1.00	$ 5,365.00	KN 18852
205-005A	EXCAVATION	3305.68 CY	$ 15.25	$ 50,411.60	KN 18872
301-005A	GRANULAR SUBBASE	2834.05 TON	$ 15.90	$ 45,061.37	KN 18872
303-022A	3/4" AGGR TY B FOR BASE	2513.23 TON	$ 18.30	$ 45,992.13	KN 18872
401-020A	CSS-1 DIL EMUL ASPH FOR TACK COAT	529.48 GAL	$ 3.48	$ 1,842.61	KN 18872
405-435A	SUPERPAVE HMA PAV INCL ASPH&ADD CL SP-3	1419.68 TON	$ 70.00	$ 99,377.61	KN 18872
614-015A	SIDEWALK	53.89 SY	$ 80.00	$ 4,311.11	KN 20294
614-025A	CURB RAMP	40.00 SY	$ 193.50	$ 7,740.00	KN 19965
615-492A	CURB & GUTTER TYPE 2	157.00 FT	$ 50.00	$ 7,850.00	KN 20294
621-005A	SEED BED PREPARATION	0.63 ACRE	$ 1,529.67	$ 968.03	KN 18872
621-010A	SEEDING	0.63 ACRE	$ 1,663.33	$ 1,052.62	KN 18872
615-651A	TRAFFIC SEPARATOR TYPE 1	0.00 FT	$ 20.00	$ -	KN 19965 KN 20798
630-020A	TRANSVERSE, WORD, SYMBOL, ARROW PAV MKG – WATERBORNE	1200.00 SF	$ 3.40	$ 4,080.00	KN 13962
630-025A	LONGITUDINAL PAVEMENT MARKING	8976.31 FT	$ 1.05	$ 9,425.13	KN 18872
656-005A	TRAF SIGNAL INSTALLATION	1.00 LS	$ 229,000.00	$ 229,000.00	KN 18872
675-005A	SURVEY	1.00 LS	$ 20,000.00	$ 20,000.00	KN 18872
	Traffic Control	1.00 LS	$ 73,000.00	$ 73,000.00	KN 18872
	Miscellaneous Minor Items	5%		$ 31,137.10	
	Mobilization	10%		$ 62,274.21	
	SECTION 1 Sub-Total			$ 716,153.41	
SECTION 2					
	CN Change Order / Quantity Variance	5%		$ 35,807.67	
	CN Non-Bid Items	3.5%		$ 25,065.37	
	SECTION 2 Sub-Total			$ 60,873.04	
SUMMARY					
	Sub-Total: SECTION 1 & SECTION 2			$ 777,026.46	
	Contingency - Scoping Level	30%		$ 233,107.94	
	TOTAL CONSTRUCTION COST			$ 1,010,134.39	

Summary of Project Costs			Amount
Construction			$ 1,010,134.39
Design Services	10%		$ 101,013.44
Construction Services	12%		$ 121,216.13
Right-of-Way	1.00	ACRES	$ 100,000.00
Total Cost			$ 1,332,363.96

COMMENTS

CITY STAFF

CITY OF MIDDLETON

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PLANNER COMMENTS – RIVER POINTE SUBDIVISION

May 13, 2021

1. Remove right of way dimensions from Lot 7, Block 1. Lot 7, Block 1 should make no mention whatsoever of the alternate 44 bypass.
2. Redesignate Lot 7, Block 1 as a 7th buildable lot in the commercial phase.
3. You cannot construct anything past Phase 1 without constructing a second access. Please change Phase 2 to include Yetna and River Road out to Duff so the 2nd access will be completed with Phase 2.
4. All street sidewalks must be at least 5' wide.
5. Usually all street sidewalks must be entirely in or entirely outside of the ROW. Engineering is requesting that the sidewalks along River Street be inside the ROW. All other sidewalks can be outside the ROW, but they must be "consistently" or entirely outside the ROW.
6. Add public access easement to 10' pathway along Lot 14/Block 14 and the 10' pathways along Kennedy Drain per the DA requirements. Because the sidewalks are outside the right of way, you will need to apply the public easement to portions of the sidewalk along Yetna and River Road to connect the 10' pathways in Lot 14/Block 14 to the 10' pathways along the Kennedy Drain. Connecting these pathways with a public easement will fulfill the requirements of pathways shown on the City's "Transportation, Schools, and Recreation Map".
7. City Police Chief and dispatch were concerned about street names. They are hard to pronounce, making it difficult for agencies to understand a caller in an emergency situation. Please change all street names except River Street, Galena Street, MacLaren, Kobuk Avenue, Chena Street, and Yetna Avenue.
8. On Street names, do not end names with "Circle" or "Boulevard". The only choices available are "Street", "Avenue", or "Court". Streets are east/west. Avenues are north/south. Court is for cul de sac. The Street named Susitna Circle needs to be entirely changed and just end that street name with "Street" designation. That Street name should apply to the entire "loop" shaped road.
9. MCC 5-4-10-6A requires a traffic buffer along Duff. There is a large common lot at that location, but please add an actual "buffer easement" note to the plat to ensure the traffic buffer is called out and reserved on that common lot.
10. Consider removing Ivisak Avenue and replacing it with a lot or common lot instead. The short avenue as currently configured may prove to be a traffic hazard in light of the fact that River Street will have a lot of commuter traffic.
11. Provide City & Engineer a Landscape Plan. Show the perimeter fence on the plan and describe the fence material and height. Trees on the landscape plan must not adversely affect sidewalks, entry ways, and street maintenance.
12. The recent revisions to Supplement to ISPWC states that private lanes are allowed to access up to 4 homes. You have complied with that standard, but we need you to do the following:

a. Remove the designation of "common lot" from the private lanes. Instead, let them stand entirely on their own as a "private lane."
b. Add a note and/easement dimensions to the plat indicating that a "public access" easement is applied to the private lanes. This allows neighbors, visitors, and UPS guy to access those home lots.
c. Change all notes regarding the number of common lots so the lot count is corrected now that private lanes are no longer common lots.

13. Add note that a Cross-Access Agreement is required for Block 1, lots 1-7 per the DA because some of those commercial lots are land-locked. Reference the Instrument #_____ for the cross-access agreement (which will be added in the future, probably with phase 3 final plat.).
14. Add locations of mailbox clusters to final plat.
15. Add note to first page regarding cumulative open space. Open space should include pond, entryway features, 10' pathways and Kennedy drain common lot, amenities space, and large common lots. Do not include the slivers of common area at the end of residential blocks. Open Space should be large usable spaces or large amenities and features.
16. To make Note 8 on PP1.1 match the DA, change the language as follows:

    "Minimum building setback lines for the M-U zoned portion of the project shall be in accordance with the Development Agreement. The R-3 zoned portion of the project (14 Acre Duff Parcel) shall comply with the R-3 setbacks set forth in the Middleton City Code at the time of final plat approval."

Roberta L. Stewart

Middleton City Planner

From:	Roberta Stewart
To:	Mary Wall; Jon Breckon; Claire Smarda; Brian Burnett (invest1977@yahoo.com)
Cc:	Becky Crofts; Rachel Speer; Amy Woodruff
Subject:	River Pointe DA provisions - update
Date:	Monday, May 17, 2021 11:48:00 AM
Attachments:	image001.png

Hey All: I talked with the City Engineers and Deputy Fire Chief this morning about River Pointe. Here's an update on provisions for the DA

1. Deputy Chief Islas said that it would be ok to build all the lots in Phases 1 through 3 above the Kennedy Drain without the Duff Lane 2nd access. But, the River St./Duff Lane access must be constructed with the very first phase developed below the drain. He noted that the wide boulevard allows this exception to the fire code. I will add this provision to the DA because it is a variance from our 50 max found in MCC 5-5-10-2(K).
2. Deputy Chief wanted to remind you that if the townhome units have over 4 units, you will need to install fire sprinklers. Something to think about. Per the DA, we've agreed to up to 5 units per structure.
3. City Engineer needs you to include the Kennedy drain crossing in either phase 2 or phase 3 of the preliminary plat. We do not want to wait until development below the drain to get that crossing done, so please put that crossing in either phase 2 or phase 3 plan.
4. Amy confirmed that the sidewalks along River Street can be situated outside the ROW. Please just make them all entirely outside the ROW...no looping in and out of the ROW.
5. I'll leave it up to you guys and the city engineers to work out whether Ivisak Avenue should be changed.

Thanks,

Roberta L. Stewart

PLANNER
City of Middleton, Planning & Zoning
1103 W. Main St.
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CITY OF MIDDLETON
CANYON COUNTY IDAHO

From:	Roberta Stewart
To:	Jon Breckon; Mary Wall; Robert Burnett
Cc:	"Amy Woodruff"
Subject:	Planner Comments for Pre-Plat submitted Friday 6-25-2021
Date:	Monday, June 28, 2021 4:28:00 PM
Attachments:	image001.png

Hi all: I just reviewed the revised pre-plat for River Pointe that you sent over last Friday. There are a few things that need to be fixed. See below. Amy may also be sending you some engineering comments once she reviews your plat from last Friday. Here's mine:

1. Change "Drive" to "Street" on the many references to "E. Sawtooth Lakes"
2. Change Phase 4 to include E. Sawtooth Lakes Street all the way out to Duff. Without the road in Phase 4, you can't get final plat approval for anything below the drain.
3. Add in a dotted line or shading to represent the 50' ROW for connectivity to off-site portions of Yetna and Sawtooth Lakes. This is not a dedication or easement. It is just a representation that corresponds to Note 21 that states it will be dedicated if Hess doesn't complete Sawtooth Lakes Street on his property. It's also clarified in detail in the accompanying DA
4. Revise Note 8 to state: "Any resubdivision of the plat shall be in compliance with the Middleton Code and Standards at the time of resubdivision." It had a weird reference to building permit issuance.
5. On Note 13, change "River Street" to "E. Sawtooth Lakes Street"
6. Add note that all wells must be abandoned per standards of Idaho Dept of Water Resources
7. Add note that all sidewalks outside the right of way are subject to a public access easement.
8. Are you sure Lots 2 & 3/Block 5 are common lots? Looks like home lots??
9. Please double-check that Lot 22/Block 7 is a common lot showing on the plat. I couldn't find it. I also couldn't find Lot 14/Block 15 common lot. Please check
10. Looks like Lot 2/Block 8 should be a common lot for storm drain. I couldn't find it in the list.
11. Also couldn't find Lot 1 Block 19 for Note 5 stormdrain.

I

Thanks,

Roberta L. Stewart

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CANYON COUNTY IDAHO

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June 2, 2021

Ms. Roberta Stewart
City of Middleton, Planner
1103 W Main St, Middleton, ID 83644
P: 208-585-3133

RE: River Pointe Subdivision
Middleton, ID

Dear Ms. Steward:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. Alternate route for 44 has been removed from the plans.
2. Lot 7, Block 1 is no longer being called out as a common lot.
3. Per conversations with the city and with the fire department. The boulevard entry strip will act as two access points for all the phases north of the Kennedy drain. Another access will be provided for development south of the drian.
4. All sidewalks are a minimum of 5' throughout the site.
5. Per email with city engineer, the sidewalk outside the right of way on River Street will remain.
6. Public access easements have been added to the pathways outside the right of way. See plans and street sections.
7. Street names have been revised to more understandable names.
8. Street suffixes have been revised to follow city standard.
9. Traffic buffer easement has been added to plans.
10. Due to concerns with the length of the cul-de-sac on Ivisak Ct. (now Delta Ct.), Ivisak Ave (now Delta Ave.) will remain.
11. Per conversation with the city engineer, an updated color plan will be provided for review.
12. Shared driveways:
    a. "Private lane" has been added instead of "common lot" at the shared driveways.
    b. Note has been added to cover sheet. See Note 18.
    c. Lot counts have been revised.
13. Note has been added. See note 19.
14. See Sheet PP1.2 for mailbox cluster locations.
15. Cumulative open space has been revised to include only qualified/usable open space. Stormwater areas and "sliver" pieces have not been included.
16. Note 8 has been updated.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda

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June 2, 2021

Ms. Roberta Stewart
City of Middleton, Planner
1103 W Main St, Middleton, ID 83644
P: 208-585-3133

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Middleton, ID

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We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda

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Landscape Architecture • Civil Engineering • Graphic Communication • Erosion Control • Irrigation Design • Land Planning

June 30, 2021

Ms. Roberta Stewart
City of Middleton, Planner
1103 W. Main St. Middleton, TD 83644
P: 208-585-3133

RE: River Pointe Subdivision
Middleton, ID

Dear Ms. Stewart:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. E. Sawtooth Lakes Dr. has been changed to St. throughout the document.
2. Phasing plan on preliminary plat will remain as is. Language to the DA will be added so that Phase 4 can only be developed with a second access, either to Duff lane or through to Middleton Rd through the development to the west.
3. Shading has been added to sheet PP1.2 to better clarify area referenced in Note 21.
4. Note 8 has been revised.
5. Note 13 has been revised.
6. See note 11 on cover. Abandonment of wells and other facilities are included.
7. Note has been added about sidewalk and public easement. See Note 27.
8. Sheet PP1.2 has been revised with correct lot numbers in block 5. Lot/block should match notes.
9. Lot 22, block 7 is a common lot, see Sheet PP1.2 or PP1.3, lot is along Yetna behind townhomes . Lot 14, block 15 has been double checked and confirmed also, lot is along Sawtooth Lakes behind 8000 sf lots.
10. Lot 2, Block 18 is listed in Note 5.
11. Lot 1, Block 19 is the storm drain facility on Toolik Ct. and Sawtooth Lakes.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda, PE

May 13, 2021

TO: Roberta Stewart, Planner
Rachel Speer, PE

FROM: Civil Dynamics PC
Amy Woodruff, PE

RE: River Pointe Subdivision – Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. The plat(s) and packet are very large and encompass a lot of detail. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

Develop and show a 50ft wide transportation and utility right of way, or set aside, along the west boundary from the west limits of River Street to the west limits of Yetna Blvd. Add a note specifying the right of way to be utilized if the property to the west is not subdivided prior to final plat of Phase 2 (or City approved other). If connectivity is provided by the property to the west then the right of way set aside will not be required and may be developed as shown. Even if used temporarily, the right of way may be vacated and redeveloped if future connectivity is provided.

Please list common lots and identify use. For example, the stormwater management areas are not landscape lots. Irrigation cannot co-locate with public utilities or stormwater management areas "blanket" including in the front lot easement area.

Add a note specifying all irrigation and/or drainage to be relocated out of rights of way.

Note 6 reference Idaho Code 31-3805(b). Identify the irrigation district or other.

Please revise typical section for Duff to reflect 2-in asphalt and 6-in base for pathway.

If the development has any impact on wetlands or other natural waterways, the applicant shall obtain approval from the Corps of Engineers and the Idaho Department of Water Resources, and/or any other jurisdictional agency prior to the City Engineer signature on the final plat.

If an association is responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, association bylaws, or other similar deed restrictions, shall be reviewed and approved by the City Attorney prior to City Engineer signature on the final plat. The association shall not be dissolved without City Council approval.

TOPO
PLS required to stamp the boundary.

PP-1.2
Please identify the ditch or drain that runs from southeast corner near Duff to the existing wetlands on Lot 10 Block 12. If the ditch feeds the wetlands and needs to stay in place, please add callout and note regarding proposed location.

Please add zoning of adjacent parcels.

PP-1.3
Please dimension commercial lots 1-6 Block 1.

Dimension common lots (L23/B6) etc. The common lot between L20 and L21 B6 should be a separate lot from the Kennedy and pathway area if possible.

Please show the pathway along Kennedy as extended to the west boundary.

Please remove the building and parking layout from the commercial lots.

If there is a pedestrian crossing of the Kennedy near the east boundary, please show it clearly.

Please add callout or note regarding the pathway along the north boundary of SH44.

Please specify the need and nature of the Temporary 50' Public Access easement between Lot 1 and Lot 2 Block 1.

Add radii at intersections.

PP1.4
No stormwater will be allowed in common lot/water feature pond.

Label radii at Talkeetna/Galena.

Add ped ramps, at least one side, on River Street at each intersection.

Add radii at intersections.

PP1.5
Extend 20 ft easement from end of private drive to north boundary of 14 ac parcel. Easement only.

What is happening with stormwater/buffer area on south boundary of Block 18?

Add radii at intersections.

UT1.1
Please specify a 12" water main for River Street/Nowitna/Maclaren Ave and loop to west.

Show streetlight location and add a note or show fiber installation.

All stormwater management facilities are required to be retention. No subsurface even in Phase 1.

Extend 12" water in Yetna from the existing water in SH44 as required for fire flow.

Extend water to east side Duff.

Terminate all water mains in a hydrant. Can revise to blowoff at design if needed.

Show existing water in SH44.

Lot/Block would be helpful but not a condition of approval – typical of all sheets.

In the area of L9/L10 Block 18, develop a 20ft utility easement to extend to Riverbend Place. Easement only.

Add a note and specify "If gravity sewer is not available for connection south of the Kennedy by final plat of Phase 3, the developer will complete a sewer design and construction, including a lift station, to be installed south of the Kennedy as needed to serve River Pointe Subdivision remaining phases" or similar. The lift station may be required to be designed and operated to manage off-site sewage.

June 23, 2021

TO: Roberta Stewart, Planner
Rachel Speer, PE

FROM: Civil Dynamics PC
Amy Woodruff, PE

RE: River Pointe Subdivision – Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. The plat(s) and packet are very large and encompass a lot of detail. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

Please show this on the preliminary plat. Develop and show a 50ft wide transportation and utility right of way, or set aside, along the west boundary from the west limits of River Street to the west limits of Yetna Blvd. Add a note specifying the right of way to be utilized if the property to the west is not subdivided prior to final plat of Phase 2 (or City approved other). If connectivity is provided by the property to the west then the right of way set aside will not be required and may be developed as shown. Even if used temporarily, the right of way may be vacated and redeveloped if future connectivity is provided.

Please revise typical section for Duff to reflect 2-in asphalt and 6-in base for pathway.

Please add note: If the development has any impact on wetlands or other natural waterways, the applicant shall obtain approval from the Corps of Engineers and the Idaho Department of Water Resources, and/or any other jurisdictional agency prior to the City Engineer signature on the final plat.

Please confirm this is in the DA: If an association is responsible for the operation and maintenance of the storm drainage facilities, the covenants and restrictions, association bylaws, or other similar deed restrictions, shall be reviewed and approved by the City Attorney prior to City Engineer signature on the final plat. The association shall not be dissolved without City Council approval.

PLS required to stamp the boundary.

Label radii at Coleen/Sag.

Extend 20 ft easement from end of private drive to north boundary of 14 ac parcel and specify public utility. Not access.

Extend water to east side Duff.

In the area of L9/L10 Block 18, develop a 20ft utility easement to extend to Riverbend Place. Easement only. This easement needs to line up with River Bend ie – not cross private lot to get to right of way.

From:	Amy Woodruff
To:	Roberta Stewart; Mary Wall; Jon Breckon; Brian Burnett (invest1977@yahoo.com)
Cc:	Rachel Speer; Becky Crofts
Subject:	RE: River Pointe - Planner Comments, Engineer Comments & proposed DA
Date:	Friday, May 14, 2021 1:00:25 PM
Attachments:	image001.png image002.png

Breckon team, please see follow up comments below – blue.

Thank you, Amy

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Friday, May 14, 2021 10:35 AM
To: Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>; Brian Burnett (invest1977@yahoo.com) <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>; Rachel Speer <rspeer@middletoncity.com>; Becky Crofts <bcrofts@middletoncity.com>
Subject: RE: River Pointe - Planner Comments, Engineer Comments & proposed DA

Hey Mary: see responses below in red font. Amy will also have to answer a couple of the questions.

Roberta L. Stewart

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

Tele - (208) 585-3133
Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov

From: Mary Wall <mwall@breckonld.com>
Sent: Friday, May 14, 2021 10:10 AM
To: Roberta Stewart <rstewart@middletoncity.com>; Jon Breckon <jbreckon@breckonld.com>;

Brian Burnett (invest1977@yahoo.com) <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>; Rachel Speer <rspeer@middletoncity.com>; Becky Crofts <bcrofts@middletoncity.com>
Subject: RE: River Pointe - Planner Comments, Engineer Comments & proposed DA

Roberta,

When do we need to provide you with our responses and/or revised plat? I'll be gone from the office May 20th through May 26th. So you should get the revised plat to me before then or after the 26th. Anything submitted to our office in between those dates will simply sit on my desk waiting for my return.

I have the following questions regarding the comments you sent over yesterday:

1. Regarding Comment #3 – Previously when we met with Bruce and Victor Islas from Middleton Rural Fire District we were told that the boulevard entry road would qualify as two access for the development north of the drain (that's why we have the boulevard). We would not be required to add the access to Duff Lane until we started developing south of the drain. We will change the commercial property to a later phase but would like to be able to develop the area north of the drain without connection to Duff Lane. If Victor is still in agreement with the boulevard being adequate for fire access for development north of the drain would the City reconsider this requirement? Thank you for mentioning that. I had forgotten about those conversations and that agreement. I will change the DA to allow development to occur above the drain without the Duff access completed.
   Please let me respond on Monday. Broadly we concur but want to better understand the Kennedy crossing construction in relationship to the phasing plan.

2. Regarding Comment #5 – Would the City reconsider this request? We would like to make the area along River Street attractive and walkable and believe that placing the sidewalks in the landscape buffer area would make a nicer area to walk. The wider landscape strips between the road and sidewalk would also allow for the planting of trees. If sidewalks remain within the ROW the landscape strip is only 4 feet wide which limits the landscaping options. Is there a reason that staying within the ROW is preferred? Let's talk with Amy about that. If Amy is ok with taking the sidewalks outside the ROW along River Street, then I am certainly ok with that. I can see the vision that you are drawing and it would be more aesthetically pleasing.
   No objection to sidewalks outside ROW.

3. Comment #11 – How detailed does the landscape plan need to be? We would appreciate some guidance on what you require. Let's see what Amy requires, but I think the primary concern is the type of trees and plants and their locations. Our primary goal is to make sure that none of the plantings are troublesome.
   The landscape plan may be simple at this point. We will review it in greater detail at construction drawing phase.

4. Comment #10 – Removing Ivisak Avenue would result in a very long cul-de-sac, we may want the engineering department to weigh in on this item. You are right. Let's see if Amy has a solution; otherwise, we can just stick with what you have.

   The street is 875ft assuming the dimensions are correct. Not ideal but should function fine. Would you consider culdesac on west end with pathway to River Street, Ivisak Avenue is the intersection? If you really like the layout as-is we can go forward with Ivisak Ave as shown – no revision.

Thanks, Roberta. We are working to address all comments sent by you and the engineering department. We will contact you as questions come up.

Mary Wall, PE
MAIN (208) 376-5153 x104 **CELL** (406) 600-6218
BRECKONlanddesign.com

From:	Amy Woodruff
To:	Claire Smarda; Roberta Stewart; Mary Wall; Jon Breckon
Subject:	RE: River Pointe - Planner comments look good.
Date:	Thursday, July 1, 2021 4:10:50 PM
Attachments:	image003.png image004.png

Claire, please see below:

1. The intersection of Coleen and Sag and Chena and Chena require a connecting curve with a radii of 90ft min. Please add and label. A variance is required if the connecting curve is not 90ft (formerly 125ft).
2. Please revise phasing plan to improve/dedicate Yetna to the west boundary with Phase 2 (now in Phase 4).

Thank you.

Amy Woodruff
453-2028

From: Claire Smarda [mailto:csmarda@breckonld.com]
Sent: Thursday, July 1, 2021 11:31 AM
To: Roberta Stewart; Mary Wall; Jon Breckon
Cc: Amy Woodruff
Subject: RE: River Pointe - Planner comments look good.

Thank you, Roberta!
I will be taking a long weekend for the holiday and will not be in the office tomorrow or Monday. If there will be more comments, we will need them by early afternoon today to get the plat revised. If it's any later, we will just ask that they be conditions of approval.

Thank you,

Claire Smarda, PE
MAIN (208) 376-5153 x110 **CELL** (512)608-7717
BRECKONlanddesign.com

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Thursday, July 1, 2021 11:04 AM
To: Claire Smarda <csmarda@breckonld.com>; Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>
Cc: Amy Woodruff <amy@civildynamics.net>
Subject: River Pointe - Planner comments look good.

Hi all: the revisions to River Pointe plat look good, so don't expect any other "planner comments" from me. We may have another round coming from Amy. She is caught in other meetings today, but she said she will get to the plat review soon.

Roberta L. Stewart

PLANNER
City of Middleton, Planning & Zoning
1103 W. Main St.
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rstewart@middletoncity.com

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From: Claire Smarda <csmarda@breckonld.com>
Sent: Thursday, July 1, 2021 10:01 AM
To: Roberta Stewart <rstewart@middletoncity.com>; Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>; Robert Burnett <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>
Subject: RE: Planner Comments for Pre-Plat submitted Friday 6-25-2021

Roberta,
Please see the revised pre plat and a response letter to your comments.

Thank you,

Claire Smarda, PE
MAIN (208) 376-5153 x110 **CELL** (512)608-7717
BRECKONlanddesign.com

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Thursday, July 1, 2021 9:19 AM
To: Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>; Robert Burnett <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>; Claire Smarda <csmarda@breckonld.com>
Subject: RE: Planner Comments for Pre-Plat submitted Friday 6-25-2021

Mary, I can put the proposed language for 2nd access below the drain in the DA. Also, I'm assuming

you're still sticking with wrought iron throughout since I haven't heard anything otherwise. Correct?

Roberta L. Stewart

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From: Mary Wall <mwall@breckonld.com>
Sent: Wednesday, June 30, 2021 4:29 PM
To: Roberta Stewart <rstewart@middletoncity.com>; Jon Breckon <jbreckon@breckonld.com>; Robert Burnett <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>; Claire Smarda <csmarda@breckonld.com>
Subject: RE: Planner Comments for Pre-Plat submitted Friday 6-25-2021

Roberta,

Regarding item #2 in the email below: If River Walk Crossing has put in the E. Sawtooth Lakes extension out to Middleton Road prior to us starting on Phase 4 of River Pointe then we will have the two accesses required for development south of the canal. Can we include some provision that states that the E. Sawtooth Lakes Street improvements extending east to Duff Lane shall be included in the Phase 4 improvements only if a second access via E. Sawtooth Lakes Street has not been constructed across the River Walk Crossing development?

If possible, we would want to postpone the road extension to Duff Lane until Phase 8.

Thanks,

Mary Wall, PE
MAIN (208) 376-5153 x104 | **CELL** (406) 600-6218

BRECKONlanddesign.com

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Monday, June 28, 2021 4:28 PM
To: Jon Breckon <jbreckon@breckonld.com>; Mary Wall <mwall@breckonld.com>; Robert Burnett <invest1977@yahoo.com>
Cc: Amy Woodruff <amy@civildynamics.net>
Subject: Planner Comments for Pre-Plat submitted Friday 6-25-2021

Hi all: I just reviewed the revised pre-plat for River Pointe that you sent over last Friday. There are a few things that need to be fixed. See below. Amy may also be sending you some engineering comments once she reviews your plat from last Friday. Here's mine:

1. Change "Drive" to "Street" on the many references to "E. Sawtooth Lakes"
2. Change Phase 4 to include E. Sawtooth Lakes Street all the way out to Duff. Without the road in Phase 4, you can't get final plat approval for anything below the drain.
3. Add in a dotted line or shading to represent the 50' ROW for connectivity to off-site portions of Yetna and Sawtooth Lakes. This is not a dedication or easement. It is just a representation that corresponds to Note 21 that states it will be dedicated if Hess doesn't complete Sawtooth Lakes Street on his property. It's also clarified in detail in the accompanying DA
4. Revise Note 8 to state: "Any resubdivision of the plat shall be in compliance with the Middleton Code and Standards at the time of resubdivision." It had a weird reference to building permit issuance.
5. On Note 13, change "River Street" to "E. Sawtooth Lakes Street"
6. Add note that all wells must be abandoned per standards of Idaho Dept of Water Resources
7. Add note that all sidewalks outside the right of way are subject to a public access easement.
8. Are you sure Lots 2 & 3/Block 5 are common lots? Looks like home lots??
9. Please double-check that Lot 22/Block 7 is a common lot showing on the plat. I couldn't find it. I also couldn't find Lot 14/Block 15 common lot. Please check
10. Looks like Lot 2/Block 8 should be a common lot for storm drain. I couldn't find it in the list.
11. Also couldn't find Lot 1 Block 19 for Note 5 stormdrain.

I

Thanks,

Roberta L. Stewart

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City of Middleton, Planning & Zoning
1103 W. Main St.
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June 2, 2021

Ms. Amy Woodruff
Civil Dynamics PC, City Engineer
422 S. 9th Ave, Caldwell, ID 83605
P: 208-453-2028

RE: River Pointe Subdivision
Middleton, ID

Dear Ms. Woodruff:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. A legal agreement is being put together with River Ranch Subdivision for either development to construct on the adjacent property for infrastructure purposes if either development is not constructed in a timely manner. This will also be an item in the development agreement. Therefore a temporary right-of-way will not be dedicated.
2. All common lots and their purpose have been listed on the sheets. All drainage lots have been separated from all other lots so there will be no co-locating of public and private facilities.
3. Note has been added to cover. See Note 15.
4. Note 6 has been updated.
5. Duff lane pathway has been revised to show asphalt.
6. Comment has been noted.
7. Comment has been noted.

<u>TOPO</u>

1. A stamped topo has been provided.

<u>PP1.2</u>

1. The existing ditch from Duff to the wetlands is the irrigation source for the property. The ditch will not be maintained and a PI system will be provided to the site. The ditch is not meant to feed the wetland.
2. Zoning of adjacent properties is listed under the development features on the cover sheet. Zoning has also been included on Sheet PP1.2.

<u>PP1.3</u>

1. Commercial lots have been dimensioned.
2. Common lots have been dimensioned. Comment lots along Kennedy drain have been separated from the drain lot.
3. Pathway along Kennedy drain has been extended to the west.
4. Buildings and parking have been removed from plat.
5. Pedestrian crossing has been labeled on sheet PP1.3
6. Note has been added to PP1.3 for the pathway along 44.
7. The temporary 50' Public Access Easement is to provide the commercial lots on River Ranch a second access. The easement is temporary because they may obtain access to HWY 44 in the future.
8. Radii has been added to the intersections.

<u>PP1.4</u>

1. Stormwater lot has been separated from water feature lot.

2. Radii at Talkeetna/Galena has been labeled.
3. Pedestrian ramps will be added and designed during construction documents. A note has been added to the cover that pedestrian ramps will be provided where necessary. See Note 17.
4. Radii have been labeled at intersections.

PP1.5

1. Shared driveway easement has been extended to the north property line.
2. A conveyance swale will be constructed between the proposed lots and the property line per comments received from neighborhood meetings. The neighbors had concerns about irrigation water draining onto their lots and the swale will ensure this will not occur.
3. Radii have been labeled at intersections.

UT1.1

1. 12" water main loop has been added to the utility plan.
2. Streetlights are now being shown on plan. Fiber note is on cover sheet.
3. All public stormwater facilities are shown and calculated as swales.
4. Water Main being extended in Yetna to existing main in 44.
5. Water is being show as extended to east side of duff.
6. Water in 44 is being shown.
7. Utility easement added to plan. Utility extension will not be provided with this development, only the easement.
8. Note has been added to cover. See Note 15.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda

Breckon Land Design Inc.
Post Office Box 44465
Boise, Idaho 83711
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

Landscape Architecture • Civil Engineering • Graphic Communication • Erosion Control • Irrigation Design • Land Planning

June 24, 2021

Ms. Amy Woodruff
Civil Dynamics PC, City Engineer
422 S. 9th Ave, Caldwell, ID 83605
P: 208-453-2028

RE: River Pointe Subdivision
Middleton, ID

Dear Ms. Woodruff:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. A 50' wide temporary right of way has been added to the plan. See note 21 on the cover and sheet PP1.3.
2. Duff lane typical section has been updated to specify 2" asphalt and 6" base.
3. Note has been added. See note 22 on the cover.
4. DA will be confirmed by Roberta.
5. Please see the attached topographic survey. The pdf was electronically signed by a PLS on 2020-12-03.
6. All radii at Coleen and Sag River have been added.
7. Easement label has been updated for the extension to the 14 acres.
8. Water has been extended to the east edge of pavement of duff.
9. Utility easement has been shifted south to align within the extents of Riverbend Place.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda, PE

Breckon Land Design Inc.
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June 2, 2021

Ms. Amy Woodruff
Civil Dynamics PC, City Engineer
422 S. 9th Ave, Caldwell, ID 83605
P: 208-453-2028

RE: River Pointe Subdivision
Middleton, ID

Dear Ms. Woodruff:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. A legal agreement is being put together with River Ranch Subdivision for either development to construct on the adjacent property for infrastructure purposes if either development is not constructed in a timely manner. This will also be an item in the development agreement. Therefore a temporary right-of-way will not be dedicated.
2. All common lots and their purpose have been listed on the sheets. All drainage lots have been separated from all other lots so there will be no co-locating of public and private facilities.
3. Note has been added to cover. See Note 15.
4. Note 6 has been updated.
5. Duff lane pathway has been revised to show asphalt.
6. Comment has been noted.
7. Comment has been noted.

<u>TOPO</u>

1. A stamped topo has been provided.

<u>PP1.2</u>

1. The existing ditch from Duff to the wetlands is the irrigation source for the property. The ditch will not be maintained and a PI system will be provided to the site. The ditch is not meant to feed the wetland.
2. Zoning of adjacent properties is listed under the development features on the cover sheet. Zoning has also been included on Sheet PP1.2.

<u>PP1.3</u>

1. Commercial lots have been dimensioned.
2. Common lots have been dimensioned. Comment lots along Kennedy drain have been separated from the drain lot.
3. Pathway along Kennedy drain has been extended to the west.
4. Buildings and parking have been removed from plat.
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8. Radii has been added to the intersections.

<u>PP1.4</u>

1. Stormwater lot has been separated from water feature lot.

2. Radii at Talkeetna/Galena has been labeled.
3. Pedestrian ramps will be added and designed during construction documents. A note has been added to the cover that pedestrian ramps will be provided where necessary. See Note 17.
4. Radii have been labeled at intersections.

PP1.5

1. Shared driveway easement has been extended to the north property line.
2. A conveyance swale will be constructed between the proposed lots and the property line per comments received from neighborhood meetings. The neighbors had concerns about irrigation water draining onto their lots and the swale will ensure this will not occur.
3. Radii have been labeled at intersections.

UT1.1

1. 12" water main loop has been added to the utility plan.
2. Streetlights are now being shown on plan. Fiber note is on cover sheet.
3. All public stormwater facilities are shown and calculated as swales.
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5. Water is being show as extended to east side of duff.
6. Water in 44 is being shown.
7. Utility easement added to plan. Utility extension will not be provided with this development, only the easement.
8. Note has been added to cover. See Note 15.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda

Breckon Land Design Inc.
Post Office Box 44465
Boise, Idaho 83711
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

Landscape Architecture • Civil Engineering • Graphic Communication • Erosion Control • Irrigation Design • Land Planning

June 2, 2021

Mr. Bruce Bayne
City of Middleton, Planner
1103 W Main St, Middleton, ID 83644
P: 208-585-3133

RE: River Pointe Subdivision
Middleton, ID

Dear Mr. Bayne:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

1. A map has been added to sheet PP1.2 showing the different flood hazard areas.
2. The development is not within 50' of the floodway.
3. An exhibit has been included that lists the base flood elevation for every proposed lot within the subdivision. Please see included exhibit.
4. Note has been added, please see note 20 on Sheet PP1.1.
5. Note has been added, please see note 20 on Sheet PP1.1.
6. Note has been added, please see note 20 on Sheet PP1.1.

We hope this addresses your concerns. If you have any further questions or comments, please contact me at 208-376-5153 or via email at csmarda@breckonld.com .

Sincerely,
Breckon Land Design, Inc.

Claire Smarda

Breckon Land Design Inc.
Post Office Box 44465
Boise, Idaho 83711
p: 208-376-5153
f: 208-376-6528
www.breckonlanddesign.com

Landscape Architecture • Civil Engineering • Graphic Communication • Erosion Control • Irrigation Design • Land Planning

June 2, 2021

Mr. Bruce Bayne
City of Middleton, Planner
1103 W Main St, Middleton, ID 83644
P: 208-585-3133

RE: River Pointe Subdivision
Middleton, ID

Dear Mr. Bayne:

We have received your preliminary review comments of the above referenced development and have made the required changes to the preliminary plat. Attached with this letter are revised copies of the preliminary plat and all required associated documents for your review. The following is a clarification of your comments as well as a discussion of some of the changes made:

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Sincerely,
Breckon Land Design, Inc.

Claire Smarda

s:_projects\2020\20026 river pointe\admin\agency correspondence\city of middleton\210505_3rd submittal package\plat resubmittal\word docs\response to floodplain comments.doc

CITY OF MIDDLETON

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

May 28, 2021

Breckon Land Design
PO Box 44465
Boise, Idaho 83711

Re: Floodplain Development Comments for River Pointe Sub, 10481 Hwy 44, Middleton ID 83644

Mary Wall:

This letter is in response to your floodplain development permit application for the subject sub.

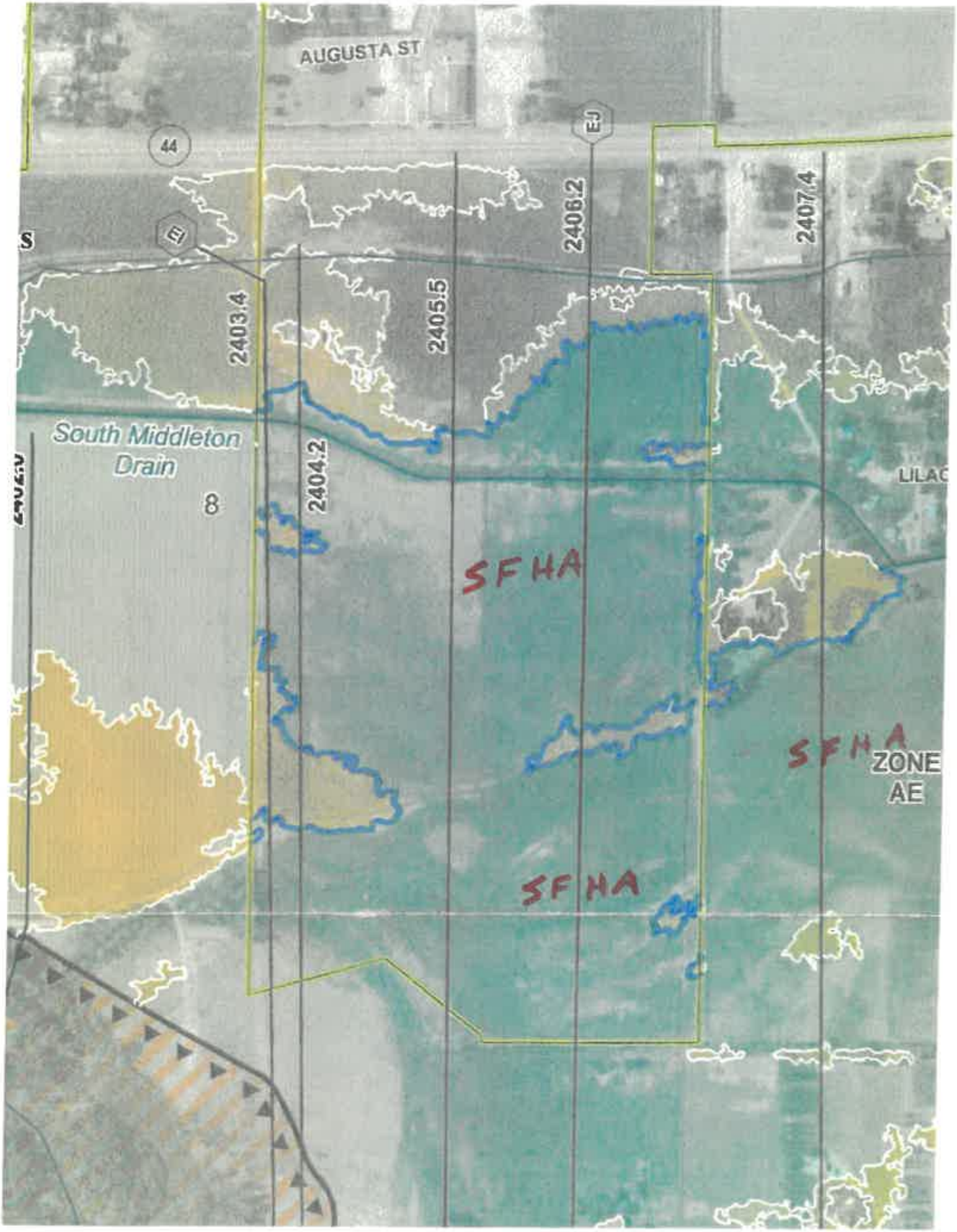
Please revise your preliminary plat to show the following items:

1) Your plan must show the delineations between each different flood hazard area designation.
2) If your property is within 50' of the floodway please show a line designating this offset.
3) Designate the BFE (base flood elevation) for EACH buildable lot, by lot and block. The BFE will the elevation on the highest corner of any lot.
4) Add a note on the plan that all lots in the floodplain must meet CC (city code) 4-3 standards.
5) Add a note on the plan that designate exactly which lots on the plan are inside the Boise River floodplain , FEMA Panels #253 and 254. And that residential lots, lowest floor and building utilities must be built a minimum of 1.0' above BFE. For commercial lots, lowest floor must be built 2.0' above the BFE or the build floodproofed to 2' above BFE.
6) Add a note that all structures built in the special flood hazard area must have elevation certificates provide. One before construction can commence and one after construction is completed and before CofO will be issued.

Sincerely,

Bruce Bayne
208-585-3133
bbayne@middletoncity.com

Attachment:


AUGUSTA ST
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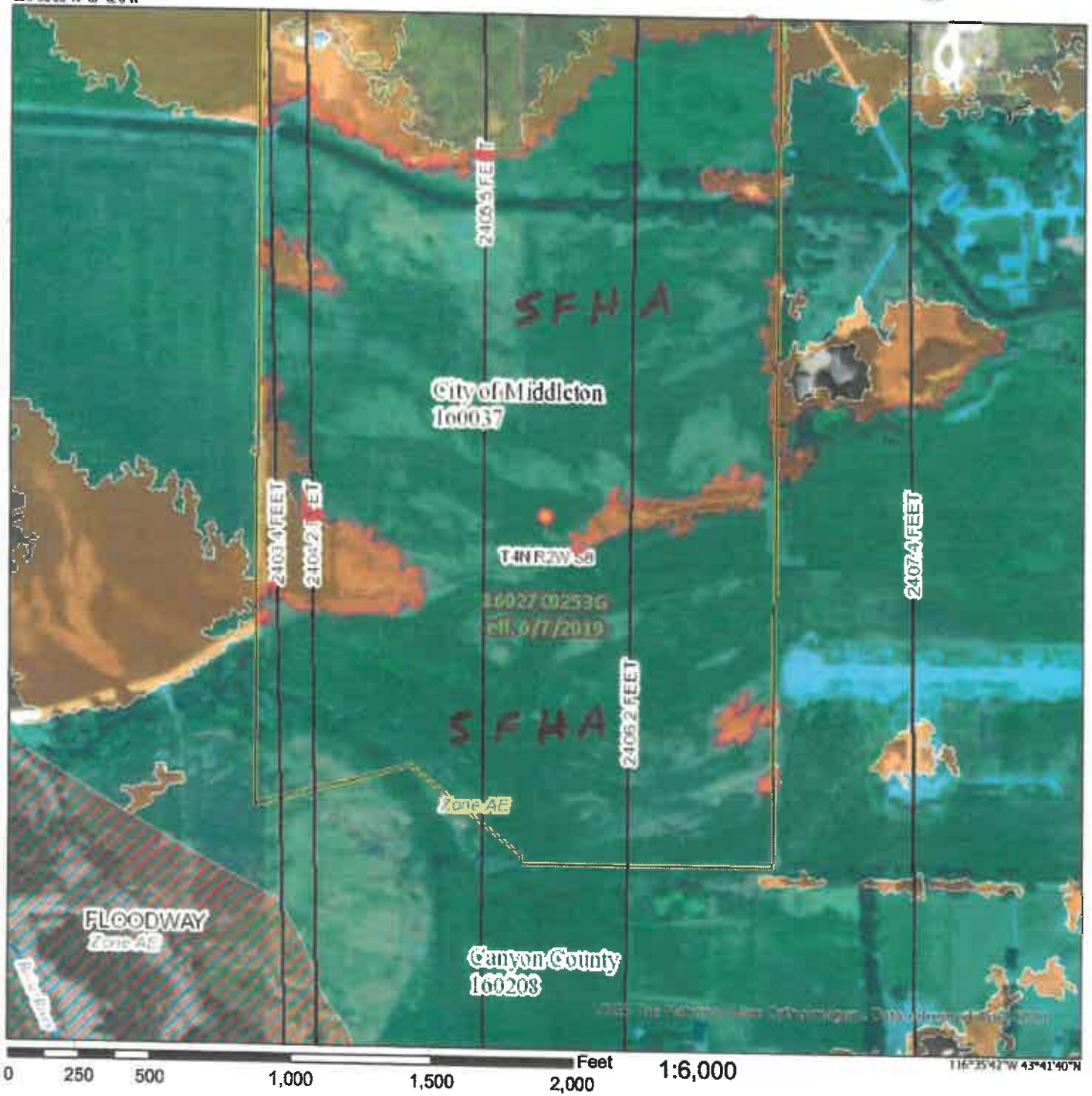
2407.4
South Middleton Drain
8
SFHA
SFHA
SFHA
ZONE AE

National Flood Hazard Layer FIRMette

116°36'20"W 43°42'6"N



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FEMA

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

SPECIAL FLOOD HAZARD AREAS
- Without Base Flood Elevation (BFE) *Zone A, V, A99*
- With BFE or Depth *Zone AE, AO, AH, VE, AR*
- Regulatory Floodway

OTHER AREAS OF FLOOD HAZARD
- 0.2% Annual Chance Flood Hazard, Area of 1% annual chance flood with average depth less than one foot or with drainag areas of less than one square mile *Zone X*
- Future Conditions 1% Annual Chance Flood Hazard *Zone X*
- Area with Reduced Flood Risk due to Levee. See Notes. *Zone X*
- Area with Flood Risk due to Levee *Zone D*

OTHER AREAS
- NO SCREEN Area of Minimal Flood Hazard *Zone X*
- Effective LOMRs
- Area of Undetermined Flood Hazard *Zone*

GENERAL STRUCTURES
- Channel, Culvert, or Storm Sewer
- Levee, Dike, or Floodwall

OTHER FEATURES
- 20.2 / 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
- Coastal Transect
- 513 Base Flood Elevation Line (BFE)
- Limit of Study
- Jurisdiction Boundary
- Coastal Transect Baseline
- Profile Baseline
- Hydrographic Feature

MAP PANELS
- Digital Data Available
- No Digital Data Available
- Unmapped

N

The pin displayed on the map is an approximate point selected by the user and does not represe an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 9/14/2020 at 3:50 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.

CITY OF MIDDLETON

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citmid@middletonidaho.us
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May 28, 2021

Breckon Land Design
PO Box 44465
Boise, Idaho 83711

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Bruce Bayne
208-585-3133
bbayne@middletoncity.com

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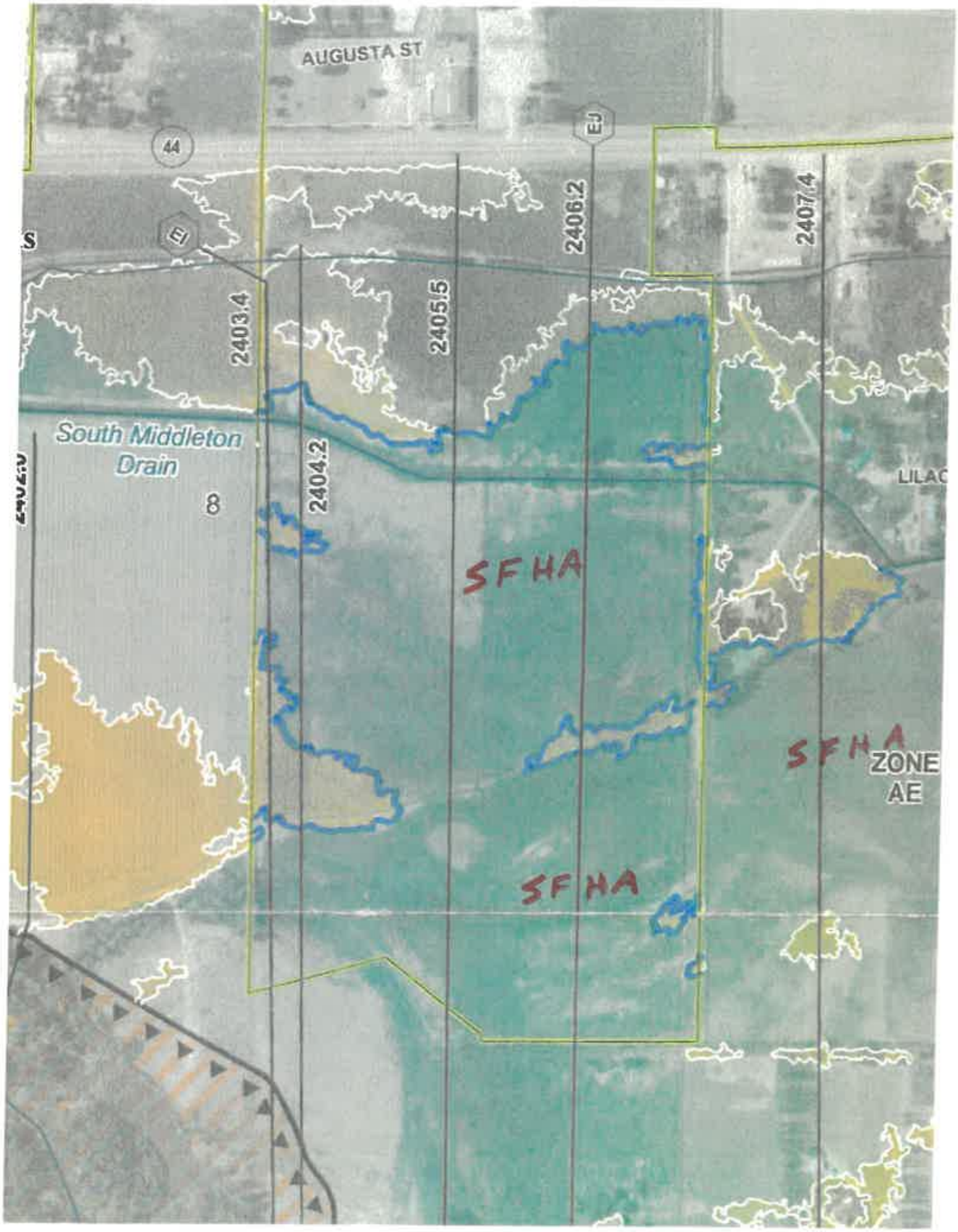
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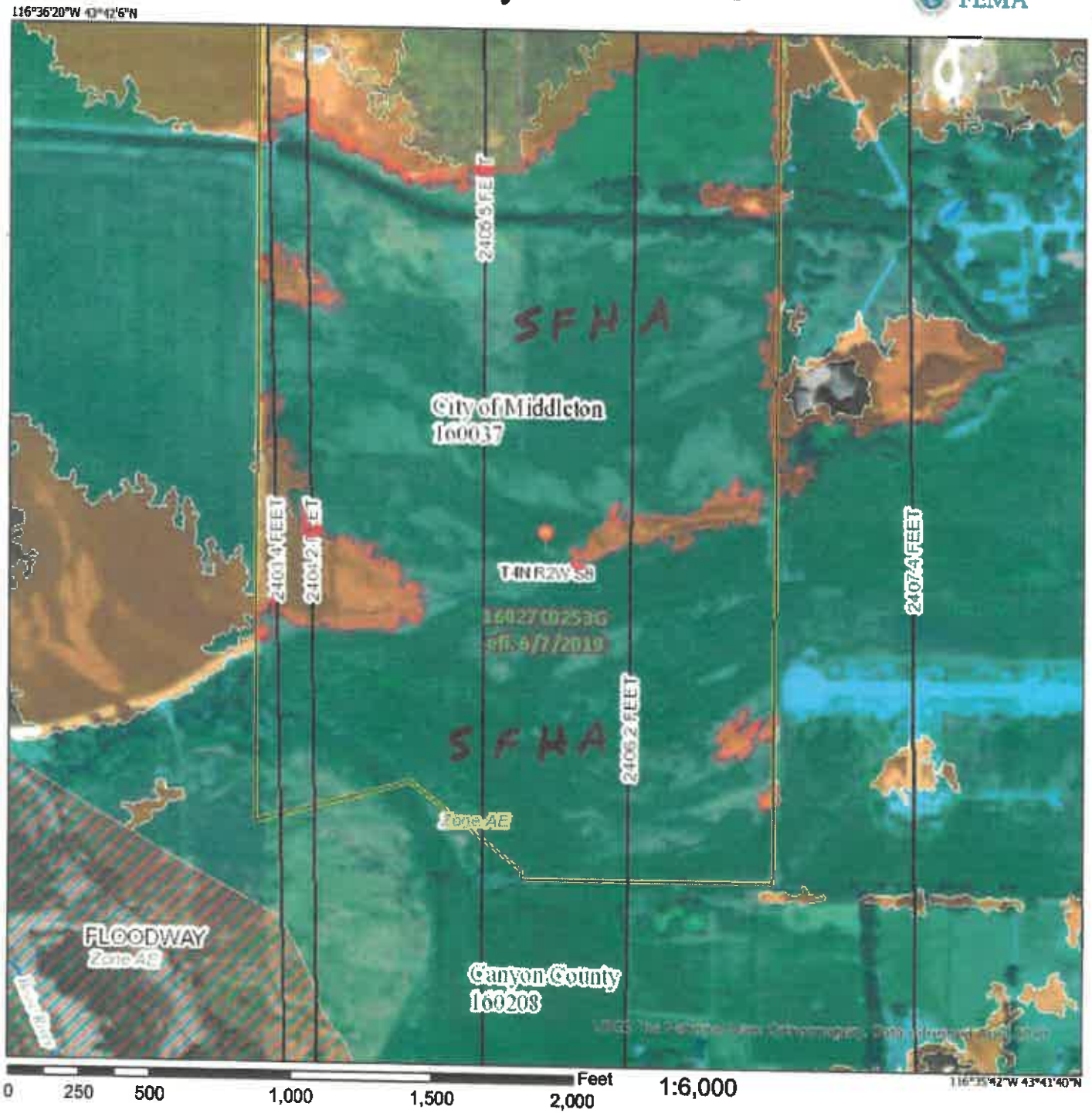

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COMMENTS – PUBLIC

Armindo and Maria Fernandes

10076 Riverbend Place

Middleton ID 83644

My name is Armindo Fernandes, my wife and I live at 10076 Riverbend Place; we live next to the 14 acres that are being proposed for annexation and development.

As mentioned on previous letters dated March 26th, June 3 of 2020, addressed to Mayor Rule, City council members and planning /zoning, in those letters we highlighted some of our concerns with this project in reason for our opposition.

1)Concerns that the dense residential surrounded by large properties of 1 acre minimum will have a permanent negative impact on our daily lives, property values, with traffic lights, and noise that will bring into our now quiet neighborhood, the impact it will have on our fresh water supply and septic system, being in a 100year FEMA flood zone and adding smaller lots to the area will allow much less surface area for drainage. We have been told by experts that during the rainy season our sceptic's will have a high probability of failure.

My wife and I chose Middleton as a place to live because of the rural country feel, the green fields with livestock grazing, and the small quiet town community.

We knew of these 14 acres and understood that at some point it would be developed, but we were confident that when that time came county/city officials would do the right thing and only allow for development That makes sense and fits the existing area, with large parcels of one acre minimum and high-end homes, annexation to small lots and small homes does not fit into the current landscape, it will have permanent negative impact on our property values and quality of life.

The proposed plan does not fit, and for those reasons we oppose it and ask that you do as well.

Respectfully

Armindo Fernandes

Maria Fernandes

June 3 2020

Mayor, Rule

Members of the City Council,

My name is Armindo Fernandes

You all have a letter on file that I wrote back on March 26th hopefully you had a chance to read it . I thank you for the opportunity to present a shorter version tonight.

I start by once again stating my strong opposition to the Deep Water LLC Application to , Annex and Rezone from Canyon County into the City of Middleton 14 acres South of 44 and West of Duff Lane.

My wife and I live on Riverbend Place on one of the seventeen Parcells ALL ON ONE ACRE MINIMUN LOTS, seven of them (including mine) back right on to the fourteen acres that the applicant is asking to annex and rezone. We chose Riverbend Place as a place to live because of the large lots, open space, the quite country feeling and the overall quality of life. We oppose Deep Water LLC`S application to annex and rezone into mix use because it does not fit in with the existing neighborhood of large lots one acre minimum and upscale homes, anything less than what currently composes the neighborhood should not be allowed. We oppose and ask that you do so as well.

We have some major concerns in regarding the proposed project that would have; A PERMANENT NEGATIVE IMPACT ON OUR QUALITY OF LIFE AND FUTURE PROPERTY VALUES IN THE AREA.

Among the many questions that we have following are some that we believe will have the largest impact on our every day lives.

1—It will bring traffic, lights and noise into a current quite neighborhood that will have a negative impact on our quality of life and will change the way we live forever.

2—To what extent will it impact our private wells/water supply and septic systems.

3—All the homes in the area are in the 100 year FEMA flood plain, all the lots on the Riverbend subdivision had to be built up in order to build .

A—During the rainy season where is the run off going to go ?Some septic tanks where floating due to the already poor drainage during construction and will most likely FAIL during the winter months if the ground on the proposed property is raised to accommodate the dense building project right next to them (five homes per acre versus one, larger raised square footage per acre leaves a lot less area for drainage meaning water run off will go to the lowest area, our side in this case ..... AND WHO WILL BEARE THAT RESPONSIBILITY? The City of Middleton for allowing the project to proceed without addressing our concerns?

B—Within the last couple of weeks during irrigation of the proposed 14 acres the yards of the lots that back right to it, got flooded with some of the water catching swells filling up almost to the road surface (see pictures provided) already placing some septic systems at the risk of failing.

C--Are we going to turn the area into summer homes to where residents will be forced spend the spring months cleaning up the damage from the winter only to have to do it again the following year?

D—Are we going to be required to get flood insurance, since its not a current requirement who is going to pay for it?

Due to all of these concerns my wife and I have a big interest in this project. We oppose it and ask that you do so as well.

There is rumor going around the neighborhood that this is a done deal and that its all been agreed upon " big money always wins out" DONE DEAL without hearing any possible neighborhood concerns and going trough due process, I don`t believe it. I have never met any of you but, I`m confidante that you are all better than that .

I would rather believe that since the rumor appears to have been initiated by someone with deep roots to Deep Water LLC ; that it was purposed planted to discourage the neighbors from attending these proceedings so that they would have NO opposition. I can assure you that as a tax paying Citizen I have a duty and responsibility to my family to protect our interests, property and ultimately the quality of life that we live and I will continue to oppose this project as proposed, it does not fit/ blend in with existing neighborhood. As previously mentioned it would surrounded by larger parcels with many upscale homes , does not address our safety concerns for proper drainage in fact it will most likely make a lot worse, it fails to protect future property values in the area and will have a permanent negative impact in our quality of life.

Sincerely,

Armindo Fernandes

Maria Fernandes

10076 Riverbend Place

Middleton 83644

March 26 2020

Council Member, CarrieHuggins

My name is Armindo Fernandes, my wife and I live on one of the seventeen parcels on Riverbend Place, all on one acre minimum. We chose Riverbend as a place to live for the quality of life and all the benefits of country living.

The large lots with no neighbors right next to us, the open spaces, we love to watch the livestock grazing practically in our back yard, the geese fly over us and land on the open fields, occasionally we see a flock of wild turkeys go by and kids play and ride their bikes on the street without any traffic worries.

We write this letter to strongly oppose the application by Deep Water LLC, to annex into the City of Middleton and rezone from Canyon County Agricultural, approximately 14 acres to City of Middleton mixed\use, the property located off State Hwy 44 west of Duff Lane. We appose this project and encourage you to do so as well.

The project if allowed as proposed will forever have a permanent negative effect in our community; with more traffic into the area, noise, lights, this will change the quality of life we have become accustomed to.

The application for mix\use leaves the door open to anything. The 14 acres are surrounded by large parcels with one acre minimum, with upscaled homes already built in this area.

Clearly mixed use\dense surrounded by larger parcels with a of upscale homes does not protect our quality of life and future property values in the area.

THIS PROJECT DOES NOT FIT !! and cannot be allowed as proposed, therefore we ask that the application be denied.

We understand that things change over time and not always for the best interests, or likes of everyone. Regarding this project if you must rezone, we ask that you take into consideration the integrity of the community, protect some of our quality of life and future property values in the neighborhood, by only allowing rezoning to R-1 residential with one acre minimum with comparable building that will match existing homes.

Respectfully,

Armindo and Maria Fernandes

10076 Riverbend Place

Middleton 83644

Cc. Mayor ; Steven Rule

Council; Rob Kiser, Carrie Huggins, Tim O'mera, Jeff Garner.

Planning and Zonning; Bruce Bayne

Planning commissioner; Janet Gregory, Ken Brough, Jackie Hutchtinson, Ray Waltemate, Whitney Springston

Concern of Proposed Duff Lane Development 06/01/2021

To Whom it concerns,

We ae writing to outline our primary concerns in opposition the proposed development of the 14 acres on Duff Ln.

While we understand growth and development will occur, it is our intent to voice our issues and give input as to alternatives to make the transition tolerable.

Our primary concerns are PRIVACY and SAFETY. However, following items are in question.

1) **Impact on rural enjoyment and way of life**. Increased noise, compact housing and surge of activity from huge influx of residence and traffic on proposed outlet road. It is probable that the roughly 250 homes will drop up to 800+ pieces of added traffic daily within 300 feet of our properties. This significantly increases noise, lights, disturbing activity causing barking dogs, etc ... all impacting our rural environment. Propose dead end or at minimum sound wall along the extent of road.
2) **Separation between properties;** the proposed appears to have a 15' easement, which would inevitably allow for pedestrian access from main development to Duff Pond. Thus bringing potentially 100's of people along back fences of existing homes that are only 4' high and 3 rail, with full view into yards and interior of homes. Some people enjoy their pools, patios or spa's in the nude... that would be uncomfortable and restrictive of personal enjoyment. At least eliminate easement and require 6 ft fencing atop 2-4' berms, since proposed homes with be elevated 2-4 'due to building code, as are existing homes. This would eliminate pedestrian movement and ability to stare into private yards.
3) **Lot size is contrary to existing county designation** of 1 acre. Existing home-owners made purchase decisions based on understanding of are to be in county and slated for rural development. While we understand things change, it would be fair and feasible to allow for gradual lot size reduction, preserving rural lifestyles, by limiting the current county property, the 14 acres in question, to 1/2 acre lots, and still meet desirable city standards.
4) **Drainage and flooding of yards.** Water flow and flooding is an issue already, due to shallow water tables. We are concerned of sprinkler/yard water settling in lowest areas, causing standing water, unusable yards, and insect problems. Many of the existing properties are the low- lands and have had past issues when the proposed development property is irrigated. Something must be done to ensure southside runoff water is contained and directed to drainage areas. Item 2 above, with suggestion of 2+ft berm would certainly assist in directing water accordingly.
5) **Traffic safety issues** at proposed road intersection at Duff Ln, immediately across from Duff Pond parking lot. Proposed road intersects directly at the entry to Duff Pond, a popular area for community recreation. Based on the current plan, it is common sense to believe that the new road at Duff Ln intersection would be a primary flow of access to the entire 250 home development. Due to already limited parking space, the street is often crowded with cars parking on the limited shoulder, then having families crossing with pets, kids and fishing gear in tow crossing the road. Local residence walk along the road from early morning to after dark, using the paved road, as there are no sidewalks or even safe shoulders to access. The proposed road, indicated by red arrows, presents a hazard to this new intersection, dropping hundreds of pieces of daily traffic. No doubt, the new 250+ homes will have even more residence enjoying the pond, adding traffic to an already busy recreational spot. Additionally, there is already a hazard entering and turning from Hwy 44 at Duff Ln, and proposed increase in traffic will make matters worse. It is understood the intersection is due for improvement, but suggest full improvement of Duff Ln if proceeding with proposed plan.

Sincerely, Susan and Thomas Conger, Middleton Residence

Concern of Proposed Duff Lane Development 06/01/2021

Proposed Road to subdivision indicated by red arrows. This will create a busy unsafe intersection.

From: Roberta Stewart
To: Roberta Stewart
Subject: FW: New development
Date: Tuesday, June 1, 2021 9:13:15 AM

From: Utilities <utilities@middletoncity.com>
Date: March 2, 2021 at 8:14:47 AM MST
To: Roberta Stewart <rstewart@middletoncity.com>, Becky Crofts <bcrofts@middletoncity.com>, Jennica Reynolds <jreynolds@middletoncity.com>
Subject: FW: New development

I think this is for you gals...

Have a fantastic day!

Melissa Sorlien
Deputy Clerk
City of Middleton
208-585-3133

-----Original Message-----
From: TK Nelson <stillwaterfarm@icloud.com>
Sent: Monday, March 1, 2021 5:21 PM
To: mwall@breckonld.com
Cc: CITMID <citmid@middletoncity.com>; middletonexpress1@gmail.com
Subject: New development

We would like to notify you that we wholly object to the 8000 square foot lots that you plan to put in the acreage across from Duff Lane. We believe you call it the annex portion of your development.

Please note our objection and communicate this with your client. We understand that development will happen here and are in no way want to communicate an adversarial stance, but rather would like to express our desire that the growth happen with respect to the residents who have already invested in our community and currently live here.

You are aware that development previously communicated to buyers of homes, landowners surrounding the annex, and long time residents was to be a minimum of 1 acre lots. Your proposal of 8000 square foot is unacceptable.

We noted that when we spoke with you it was your "desire" to make the lots a 55 and older community, however, we are aware that "desire" may quickly become whatever will make the highest profit for the development company such as yourselves and the

client you serve.

We hope that you are able to both hear and respect the desire of the neighbors already established here.

We find your proposal unfit.

Thank you,

Kim and TK Nelson
208-800-2758

June 2, 2021

CITY OF MIDDLETON
RECEIVED
JUN 02 2021

Roberta Stewart

Middleton City and Planning and Zoning

Re : Plan for 14 ac plot west of Duff lane across from Duff pond.

1) We are opposed to the current plan which has 26 lots

2) The current Density is 5 to 1 acre lots does not match the existing Density

3) We are also concern with the traffic being increased

4) The 14 ac are right across from duff pond which gets a lot of traffic in the parking lot and out on to Duff lane in the summer.

5) We would like to see sound walls put up and to keep light from it down also

Thank you

Michael and Kathleen Kelley

10073 Riverbend PL

Middleton,ID 83644

R. Stewart
℅ City of Middleton
PO Box 487
Middleton, ID 83644

May 28, 2021

Re: Opposition to the Proposed Annexation/Rezone—River Pointe Subdivision 14 acres adjacent to Duff Lane (Tax Parcel No. R33935010A)

Good Day,

Thank you for sending us a letter regarding the upcoming Planning and Zoning Commission public hearing presently scheduled for Monday June 7, 2021, regarding the application by Robert Brian Burnett, Drake Investments, Deep River Investments and Deep Water LLC.

We will be unable to attend the meeting, but very much appreciate the opportunity to express our considered and heartfelt opposition to the annexation and proposed development of the 14 acre pasture land that is directly adjacent to Duff Lane and directly west (across the street) of Duff Pond.

It is our understanding this property is presently considered to be unincorporated Canyon County, where zoning currently allows for residential development on minimum 1 acre building sites. We have no objection to the 1 acre residential development zoning. However, by pursuing the city annexation of the 14 acres, the investment corporations are seeking to capitalize on the long term Middleton Transit Route plan and Collector Route to envelop this 14 acre parcel for purposes of corporate profit, under the guise of titling the land a Transit Oriented Development. We believe this is being proposed by the investment corporations absent reasonable and proportionate regard for current residents, the environment/ surroundings, and continued public gratification when accessing and using Duff Pond in its present status, ie. sans high density singly family development contiguous to the Pond.

Our primary concerns are three-fold:

- Annexing and converting this agricultural land to what is essentially high-density single family residences would be contra to the surrounding environment,
- The compaction of residences will undoubtedly result in traffic volume, noise, and congestion that is completely incongruent with the surrounding environment, and
- The volume of residences will unquestionably have significant negative impact upon the very reason the Duff Pond exists for the greater surrounding community, to include city and county residents.

We have no objection to the land being developed as presently zoned by Canyon County, ie. 1 acre residential parcels. We ask with all due urgency for the Commission to please reject the corporate proposal and vote "NO" regarding the proposal to annex the 14 acre parcel adjacent to Duff Lane.

Thank you very much for your consideration,

Donald & Mary Anders
10034 Riverbend Place
Middleton, ID 83644

CITY OF MIDDLETON

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

CITY OF MIDDLETON RECEIVED JUN 03 2021

May 19, 2021

Re: Public Hearing Notice – Annexation/Rezone, Preliminary Plat, Development Agreement Modification, and Comprehensive Plan Map Amendment (River Pointe Subdivision)

To Landowners and Occupants:

The Middleton Planning and Zoning Commission is scheduled to hold a **public hearing** at **5:30 p.m. on Monday, June 7, 2021** at 1103 W. Main St., Middleton, Idaho, to consider the following:

> An application by Robert Brian Burnett, Drake Investments, Deep River Investments & Deep Water LLC for annexation/rezone, preliminary plat, development agreement modification, and comprehensive plan map amendment with respect to the River Pointe Subdivision located at 10481 Hwy 44, 0 Hwy 44, and 0 Duff Lane (Tax Parcel Nos. R3392000, R3392001 and R33935010A). The proposed preliminary plat consists of seven commercial lots, 115 townhome lots, 67 garden/patio single family lots, 92 single family lots, and 34 common lots on 88.51 acres of vacant land, of which 75 acres is zoned M-U "Mixed Use". Additionally, with the annexation of 14 acres adjacent to Duff Lane (Tax Parcel No. R33935010A), Applicants are requesting a rezone to R-3 and a Comprehensive Plan Map Amendment to change designation from "Transit Station and Transit Oriented Development" to "Residential."

The full application is available for review at City Hall, 1103 W. Main St., Middleton, Idaho or online at middleton.id.gov/PublicHearingNotices. Everyone is invited to attend the public hearing, and those who wish to do so, may ask questions and/or offer comments. Written comments may be submitted at the hearing or earlier to the Planning and Zoning Department at rstewart@middletoncity.com. Comments may also be mailed to City of Middleton, P.O. Box 487, Middleton, ID 83644.

Please call the City Clerk at (208) 585-3133 at least five days prior to the meeting to arrange assistance with language translation or physical challenges. Please contact me if you have questions.

Sincerely,

Roberta Stewart

Middleton City, Planning and Zoning

CITY OF MIDDLETON
RECEIVED
JUN 0 3 2021

How many "trips" does the average household generate? Ten

Have your neighbors and their teenagers transformed your once quiet residential street into something akin to Grand Central Station?

You aren't alone in your concern about the amount of traffic in your neighborhood. In fact, you might be surprised at the number of trips your own residence generates. Transportation planners are also interested in the number of trips you and your neighbors generate.

Each time a vehicle arrives at or departs from your residence, one "trip" has been generated. Going to work in the morning counts as one trip and returning home in the evening counts as another. Transportation planners combine the average household trips with similar information from other land uses such as offices, shopping centers, and entertainment and recreational facilities to get an overall picture of traffic system needs. That information is utilized to project how many lanes our roads must have to provide free flowing traffic.

National study averages are often used to determine trip generation. While the average home generates slightly more than 10 trips per day, studies reveal wide variations in the actual number of trips. Homes in senior citizen housing developments can average as low as three trips per day, while residences in active family neighborhoods can generate as many as 20 trips per day.

Homes constructed many miles from shopping centers generate fewer trips than homes in close proximity to shopping centers. Why? Because residents further away from grocery stores and shopping malls are more likely to do their shopping on the way home from work or on their lunch hour. A single trip may serve many purposes: work, shopping, and even entertainment.

The increasing popularity of VCR's, big-screen TV, backyard pools, and other home amenities affect the number of evening and weekend trips generated by each house. The use of mail-order shopping results in more trips during the day for deliveries, but fewer trips in the evening for shopping.

Changes in technology, average family size, entertainment, and shopping habits all impact the average number of trips generated by a residence. Smaller families generate fewer trips, but the expanding number of women in the workforce and multi-vehicle families increase the number of trips.

Transportation planners pay attention to long-term impacts caused by these societal changes in order to provide accurate projections on the need for transportation systems.

CITY OF MIDDLETON
RECEIVED
JUN 0 3 2021

If you don't think your household generates an average of 10 trips per day, try counting for a week. Keep track of your visitors and don't forget deliveries and services like pizza, mail, newspapers, and trash pickup.

Mr. Burnett came to our house bragging about how rich he and his family in Alaska are. He said he wanted to change the area to make it what he wanted it to be. He left us his number in case we wanted to sell our place.

To allow the extreme amount of housing etc. that he's asking for would devastate this area.

There is already congestion in Middleton at rush hour. As far as adding access to Duff Ln. when the visitors to the pond already overflow to parking on the street.

I'm hoping you won't allow our quality of life to be destroyed just so Mr. Burnett can return to Alaska with a fat bank account.

PATRICIA CHRISTIANSEN
22362 DUFF LN.
MIDDLETON, ID. 83644

Mr. Bruce Bayne
Planning and Zoning official
City of Middleton , Idaho
83644

CITY OF MIDDLETON
RECEIVED
NOV 18 2020

11/6/2020

Dear Mr. Bayne,
I am in receipt of your letter dated 10/26/2020 regarding the proposed development at 10481 Highway 44 in Middleton. To follow are my thoughts and concerns ;

1. The proposed project is in the city , I live in the county . That is how I wish for it to remain. That being said , however the city wishes to handle the development WITHIN THE CITY, is none of my concern . How the city plans to handle the development within the COUNTY IS MY CONCERN ,

2. I will oppose any plan that would allow any access , ingress or egress on or through Riverbend Place or connect the planned project to Duff Ln. The amount of traffic which currently exists on Highway 44 makes it difficult and dangerous to merge onto the Highway now . Any added traffic would increase this problem to an unacceptable level and necessitate the installation of a traffic light at Highway 44 and Duff Ln.

3. The 14 acre parcel to the North of Riverbend Pl. which had been a part of the proposed plan should be zoned for 1 acre parcels maximum should it be annexed into the city. Neighbors and engineers have made me aware of drainage issues related to that property that would impact the residents of Riverbend Pl. if not addressed.

4. Finally , if the way Drake Investments runs their current gravel mining operation with their disregard to the amount of noise , dust and operating hours is any indication of what we are to expect of them in the future , I am concerned .

Thank You ,
Peter Codding

10031 Riverbend Pl.
Middleton , Id. 83644
petercoddingconst.1@gmai.com

File: Riverpointe

November 9, 2020

Bruce Bayne
City of Middleton
Planning and Zoning Dept.
P.O. Box 487
Middleton, ID 83644

RE: Preliminary Plat
River Pointe Subdivision

Mr. Bayne,

It is my understanding that the 75 acres of vacant land, 10481 Highway 44, Parcel #R33920 is being considered for a neighborhood development. I also understand that the developer, Drake Investments, LLC has approached the City to extend Riverbend Place into the new community, thereby making it a through street to Duff Lane. Although a City has to expand and develop for its financial health and population growth, the expansion of Riverbend Place is a concern to me for several reasons.

First, and foremost, is the issue of safety for the residents and their families living on Riverbend Place. I recently moved from a community similar to Riverbend Place. There were no sidewalks, the street was narrow and it had a very rural feel to it. I lived there for 23 years until last year. During that time, a large business, which had been in place for nearly a decade at the end of our street, decided to expand their parking lot due to the growth of the company. One of their solutions was to place an exit onto our small street which intersected with a major street in the City, even though they already had 3 entrances/exits to their building on the major street. The entire neighborhood objected to this plan. Our concern was that if the company placed an additional entrance/exit from their business to our smaller street, employees would cut through as a "back way" to access the major street when they are leaving work or getting to work. Since there were no sidewalks on our street, people walking, jogging, riding bikes, pushing strollers, etc., would traverse on the pavement because the easement in front of our homes was dirt and gravel. The city approved the plan to create an exit to our smaller street. Within a matter of months there were countless near misses between cars racing in/out of the exit and people on the street. I personally witnessed a car missing a child on his way to school when a driver raced out of the driveway onto the street without even stopping or looking. The child was able to break and skid off onto the easement. The car kept going. This type of behavior was witnessed by others in the neighborhood countless times. By this one small change of allowing this single entrance/exit into the business it forever changed our neighborhood.

If Riverbend Place is extended into the new development I believe this will jeopardize the safety of the residents of Riverbend Place. People will take "the back way" into the new development to avoid any traffic that might build up along State Highway 44. People are in a rush to get to work and people are in a rush to get home. By the City allowing the extension of Riverbend Place it will create a dangerous condition for the families that live on our street and will forever change the dynamics and rural feel of the neighborhood. We live on a narrow street with no sidewalks. The residents of Riverbend Place have no easement, we have culvert ditches. Can an 8 year old on a bike react quickly enough to ride a bike down into one of those to avoid a collision with a car that doesn't see them? Can a jogger jump out of the way without falling into the culvert and getting hurt? It gets dark early during the Fall and Winter and there are no streetlamps on our street which also creates an additional hazard for pedestrians.

Second, by extending Riverbend Place not only will it allow excess residential traffic to access the development, but it will allow commercial traffic access as well, both during construction and after construction when new development is complete.

And third, traffic from the new development will also have access to Duff Lane which winds over to Lansing Lane. This provides another temptation for drivers to find another "back way" into the new development. By only allowing the entrance/exit point to the new development to exist on State Highway 44, it would secure the safety of the residents on Riverbend Place and Duff Lane and mitigate an excess traffic problem that will be created.

I respectfully request that the Planning and Zoning department seriously consider not allowing Riverbend Place to be extended into the new development, not only for the reasons stated above but to preserve the rural feel that Middleton is known for.

Thank you for your time.

Regina Henley

Regina Henley
10055 Riverbend Place
Middleton, ID 83644

June 3 2020

CITY OF MIDDLETON
RECEIVED
JUN 0 1 2020

Mayor, Rule

Members of the City Council,

My name is Armindo Fernandes

You all have a letter on file that I wrote back on March 26th hopefully you had a chance to read it . I thank you for the opportunity to present a shorter version tonight.

I start by once again stating my strong opposition to the Deep Water LLC Application to , Annex and Rezone from Canyon County into the City of Middleton 14 acres South of 44 and West of Duff Lane.

My wife and I live on Riverbend Place on one of the seventeen Parcells ALL ON ONE ACRE MINIMUN LOTS, seven of them (including mine) back right on to the fourteen acres that the applicant is asking to annex and rezone. We chose Riverbend Place as a place to live because of the large lots, open space, the quite country feeling and the overall quality of life. We oppose Deep Water LLC`S application to annex and rezone into mix use because it does not fit in with the existing neighborhood of large lots one acre minimum and upscale homes, anything less than what currently composes the neighborhood should not be allowed. We oppose and ask that you do so as well.

We have some major concerns in regarding the proposed project that would have; A PERMANENT NEGATIVE IMPACT ON OUR QUALITY OF LIFE AND FUTURE PROPERTY VALUES IN THE AREA.

Among the many questions that we have following are some that we believe will have the largest impact on our every day lives.

1—It will bring traffic, lights and noise into a current quite neighborhood that will have a negative impact on our quality of life and will change the way we live forever.

2—To what extent will it impact our private wells/water supply and septic systems.

3—All the homes in the area are in the 100 year FEMA flood plain, all the lots on the Riverbend subdivision had to be built up in order to build .

A—During the rainy season where is the run off going to go ?Some septic tanks where floating due to the already poor drainage during construction and will most likely FAIL during the winter months if the ground on the proposed property is raised to accommodate the dense building project right next to them (five homes per acre versus one, larger raised square footage per acre leaves a lot less area for drainage meaning water run off will go to the lowest area, our side in this case ..... AND WHO WILL BEARE THAT RESPONSIBILITY? The City of Middleton for allowing the project to proceed without addressing our concerns?

B—Within the last couple of weeks during irrigation of the proposed 14 acres the yards of the lots that back right to it, got flooded with some of the water catching swells filling up almost to the road surface (see pictures provided) already placing some septic systems at the risk of failing.

C--Are we going to turn the area into summer homes to where residents will be forced spend the spring months cleaning up the damage from the winter only to have to do it again the following year?

D—Are we going to be required to get flood insurance, since its not a current requirement who is going to pay for it?

Due to all of these concerns my wife and I have a big interest in this project. We oppose it and ask that you do so as well.

There is rumor going around the neighborhood that this is a done deal and that its all been agreed upon " big money always wins out" DONE DEAL without hearing any possible neighborhood concerns and going trough due process, I don`t believe it. I have never met any of you but, I`m confidante that you are all better than that .

I would rather believe that since the rumor appears to have been initiated by someone with deep roots to Deep Water LLC ; that it was purposed planted to discourage the neighbors from attending these proceedings so that they would have NO opposition. I can assure you that as a tax paying Citizen I have a duty and responsibility to my family to protect our interests, property and ultimately the quality of life that we live and I will continue to oppose this project as proposed, it does not fit/ blend in with existing neighborhood. As previously mentioned it would surrounded by larger parcels with many upscale homes , does not address our safety concerns for proper drainage in fact it will most likely make a lot worse, it fails to protect future property values in the area and will have a permanent negative impact in our quality of life.

Sincerely,

Armindo Fernandes

Maria Fernandes

10076 Riverbend Place

Middleton 83644

5

CITY OF MIDDLETON
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MAR 2 8 2020

March 26 2020

Mr Bruce Bayne

My name is Armindo Fernandes, my wife and I live on one of the seventeen parcels on Riverbend Place, all on one acre minimum. We chose Riverbend as a place to live for the quality of life and all the benefits of country living.

The large lots with no neighbors right next to us, the open spaces, we love to watch the livestock grazing practically in our back yard, the geese fly over us and land on the open fields, occasionally we see a flock of wild turkeys go by and kids play and ride their bikes on the street without any traffic worries.

We write this letter to strongly oppose the application by Deep Water LLC, to annex into the City of Middleton and rezone from Canyon County Agricultural, approximately 14 acres to City of Middleton mixed\use, the property located off State Hwy 44 west of Duff Lane. We appose this project and we encourage you to do so as well.

The project if allowed as proposed will forever have a permanent negative effect in our community; with more traffic into the area, noise, lights, this will change the quality of life we have become accustomed to.

The application for mix\use leaves the door open to anything. The 14 acres are surrounded by large parcels with one acre minimum, with upscaled homes already built in this area.

Clearly mixed use\dense surrounded by larger parcels with a of upscale homes does not protect our quality of life and future property values in the area.

THIS PROJECT DOES NOT FIT !! and cannot be allowed as proposed, therefore we ask that the application be denied.

We understand that things change over time and not always for the best interests, or likes of everyone. Regarding this project if you must rezone, we ask that you take into consideration the integrity of the community, protect some of our quality of life and future property values in the neighborhood, by only allowing rezoning to R-1 residential with one acre minimum with comparable building that will match existing homes.

Respectfully,

Armindo and Maria Fernandes

10076 Riverbend Place

Middleton 83644

Cc. Mayor ; Steven Rule

Council; Rob Kiser, Carrie Huggins, Tim O'mera, Jeff Garner.

Planning and Zonning; Bruce Bayne

Planning commissioner; Janet Gregory, Ken Brough, Jackie Hutchtinson, Ray Waltemate, Whitney Springston

Bruce Bayne

From: Armindo Fernandes <armindof1928@gmail.com>
Sent: Tuesday, May 05, 2020 8:39 PM
To: Bruce Bayne
Subject: Deep Water LLC application to annex and rezone
Attachments: Document 20.docx

Mr. Bayne a copy of this letter is on the way addressed to you and copied to your Planning Commission colleagues and City Council , I hope that gets to you in time for the scheduled meeting on May 11th.

Regards,

Armindo Fernandes

May 11 2020

CITY OF MIDDLETON
RECEIVED
MAY 07 2020

Mr. Bayne

Committee Members,

My name is Armindo Fernandes

You all have a letter on file that I wrote back on March 26th hopefully you had a chance to read it . I thank you for the opportunity to present a shorter version tonight.

I start by once again stating my strong opposition to the Deep Water LLC Application to , Annex and Rezone from Canyon County into the City of Middleton 14 acres South of 44 and West of Duff Lane.

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Sincerely,

Armindo Fernandes

Maria Fernandes

10076 Riverbend Place

Middleton 83644

May, 19 2020

Middleton Council members and planning and Zoning Commission

I am current resident at 10073 Riverbed places our property is across from the purposed development. The current area is made up 5 acres or more then our 1 acres parcels. The development is across from Duff pond which would be affecting by a high density development. The new development is 37 houses on 1/5 acre lots this will look like high density housing which will change the look of the area.

Also this will affect the wildlife at Duff pond duff lane is a two lane road the traffic will be greatly increase on duff lane. Duff pond has overflows of cars on to duff lane which will not help the traffic.

We purchase the property because we were told that the new development would be 1 acre lots Also being in Canyon Co was what we were looking for.

We have concerns with flood and drainage issue with high density housing we all are on raised lots due to the river being two miles away. Most of the people in our 12 house area are seniors who enjoy the peace and quiet and the wildlife in the area. We believe the wildlife would be effect by high density houses. We do not want to be annex in to the city limits.

Thank you

Mr. and Mrs. Kelley

Mayor Steven Rule

Council ; Rob Kiser, Carrie Huggins, Tim O'Mera, Jeff Garner.

Planning and Zonning; Bruce Bayne

Planning Commissioner ; Janet Gregory, Ken Borough, Jackie Hutchtinson, Ray Waltermate, Whitney Springston

From: Anders
To: Roberta Stewart
Subject: Opposition to 14 acre (Duff Lane) segment of River Pointe Subdivision
Date: Tuesday, June 1, 2021 1:09:11 PM

Good Afternoon! Thank you for the opportunity to provide the below letter in email. We have taken the liberty to also provide a hard copy via U.S. mail.

R. Stewart May 28, 2021
% City of Middleton
PO Box 487
Middleton, ID 83644

Re: Opposition to the Proposed Annexation/Rezone—River Pointe Subdivision 14 acres adjacent to Duff Lane (Tax Parcel No. R33935010A)

Good Day,

Thank you for sending us a letter regarding the upcoming Planning and Zoning Commission public hearing presently scheduled for Monday June 7, 2021, regarding the application by Robert Brian Burnett, Drake Investments, Deep River Investments and Deep Water LLC.

We will be unable to attend the meeting, but very much appreciate the opportunity to express our considered and heartfelt opposition to the annexation and proposed development of the 14 acre pasture land that is directly adjacent to Duff Lane and directly west (across the street) of Duff Pond.

It is our understanding this property is presently considered to be unincorporated Canyon County, where zoning currently allows for residential development on minimum 1 acre building sites. We have no objection to the 1 acre residential development zoning. However, by pursuing the city annexation of the 14 acres, the investment corporations are seeking to capitalize on the long term Middleton Transit Route plan and Collector Route to envelop this 14 acre parcel for purposes of corporate profit, under the guise of titling the land a Transit Oriented Development. We believe this is being proposed by the investment corporations absent reasonable and proportionate regard for current residents, the environment/surroundings, and continued public gratification when accessing and using Duff Pond in its present status, ie. sans high density singly family development contiguous to the Pond.

Our primary concerns are three-fold:

- Annexing and converting this agricultural land to what is essentially high-density single family residences would be contra to the surrounding environment,
- The compaction of residences will undoubtedly result in traffic volume, noise, and congestion that is completely incongruent with the surrounding environment, and
- The volume of residences will unquestionably have significant negative impact upon the very reason the Duff Pond exists for the greater surrounding community, to include city and county residents.

We have no objection to the land being developed as presently zoned by Canyon County, ie. 1 acre residential parcels. We ask with all due urgency for the Commission to please reject the corporate proposal and vote "NO" regarding the proposal to annex the 14 acre parcel adjacent to Duff Lane.

Thank you very much for your consideration,

Donald & Mary Anders
10034 Riverbend Place
Middleton, ID 83644

Donald Anders
Apple Global Security Operations
iPhone (408) 476-9042
donald_anders@apple.com

June 2, 2021

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

RE: Final Preliminary Plat Application
River Pointe Subdivision and Annexation of 14 acres

To Whom It May Concern:

To start let me provide you with a quote from our Mayor **Steve Rule** from the Middleton Gazette, January 2021, page 2, last 2 paragraphs.

Growth? Numbers can be deceiving but here is what I see. Middleton has a population of ten thousand, four hundred people according to our own connection fees. Here is the big one! Middleton has well *"over five thousand lots"* in some form of planning here in Middleton. In addition to that, there have been recent inquiries at City Hall that would bring in over three thousand more home sites! There are easily several thousand people living in close proximity to our city limits.

My closing message is one that invites not new homes, but new businesses, industries, companies, stores, and restaurants that can provide jobs and services for our local community. To everyone who reads this, spread the word that Middleton would be a great place to build your business. Commerce, industry, please take a look at Middleton for your next business venture.
~Mayor Steve Rule

This sets the tone, in part, of my issues.

Breckon Land Development held a neighborhood meeting on 3/8/21 (see Figure 4.) to present their proposed plan for the properties listed below and then another neighborhood plan update meeting on 4/26/2021 (see Figure 5.) . After listening to the presentations and viewing the very different primary plat maps of what was envisioned for the River Point Subdivision, I want to voice just 2 of many objections to this Application. I'm sure you are very familiar with the City of Middleton's 2019 Comprehensive Plan outlines, so I won't site each section my objections refer to but in general my issues are:

1. Density of housing on the approx. 74.5 acre plot
2. Density of housing and blended flow with surrounding existing properties on the approx. 14 acre plot

After reviewing satellite images of all of the housing developments completed or in progress within Middleton's Future Land Use Map, I don't believe any of them include Townhouses/Condominiums, let alone 115 of them. Based on the 3/18/2021, Figure 1. map vs. the 4/26/2021 Figure 2. map with 30 Town houses/Condominium and the increase of 143 SF homes to approx. 274 homes, this clearly is a **"Bait and Switch"** tactic to pacify the concerned resident in the immediate affected areas .

Issue 1. Density of housing on the approx. 74.5 acre plot

Figure 1.

30 Townhouses/Condominium
and 143 SF homes

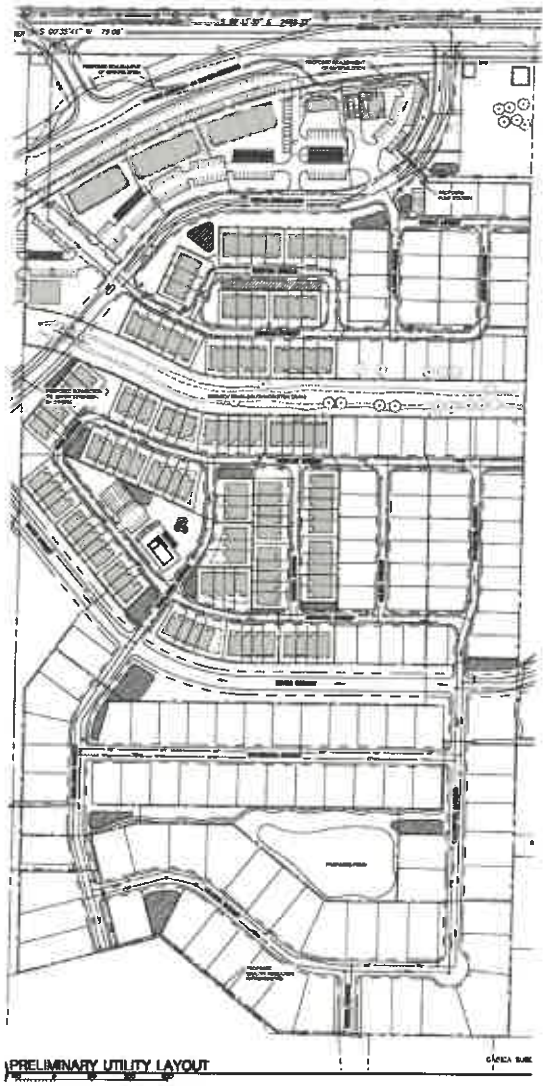

Figure 2.

115 Town houses/Condominium
and approx. 274 SF homes

Issue 2. Density of housing and blended flow with surrounding existing properties on the approx. 14 acre plot

Below in Figure 3. is a rendition of satellite image and the proposed Application Plan for the 14 acre plot, this is a unique segment of land that clearly has gradual and reasonable flow from south of Gabica St. to HWY 44 from 5+ acre lots to a mix of 1+ acre lots butting up to HWY 44. The proposed plan for this plot in no way conforms to the City of Middleton's 2019 Comprehensive Plan outlines and should follow the Canyon County designation for 1 acre lots.

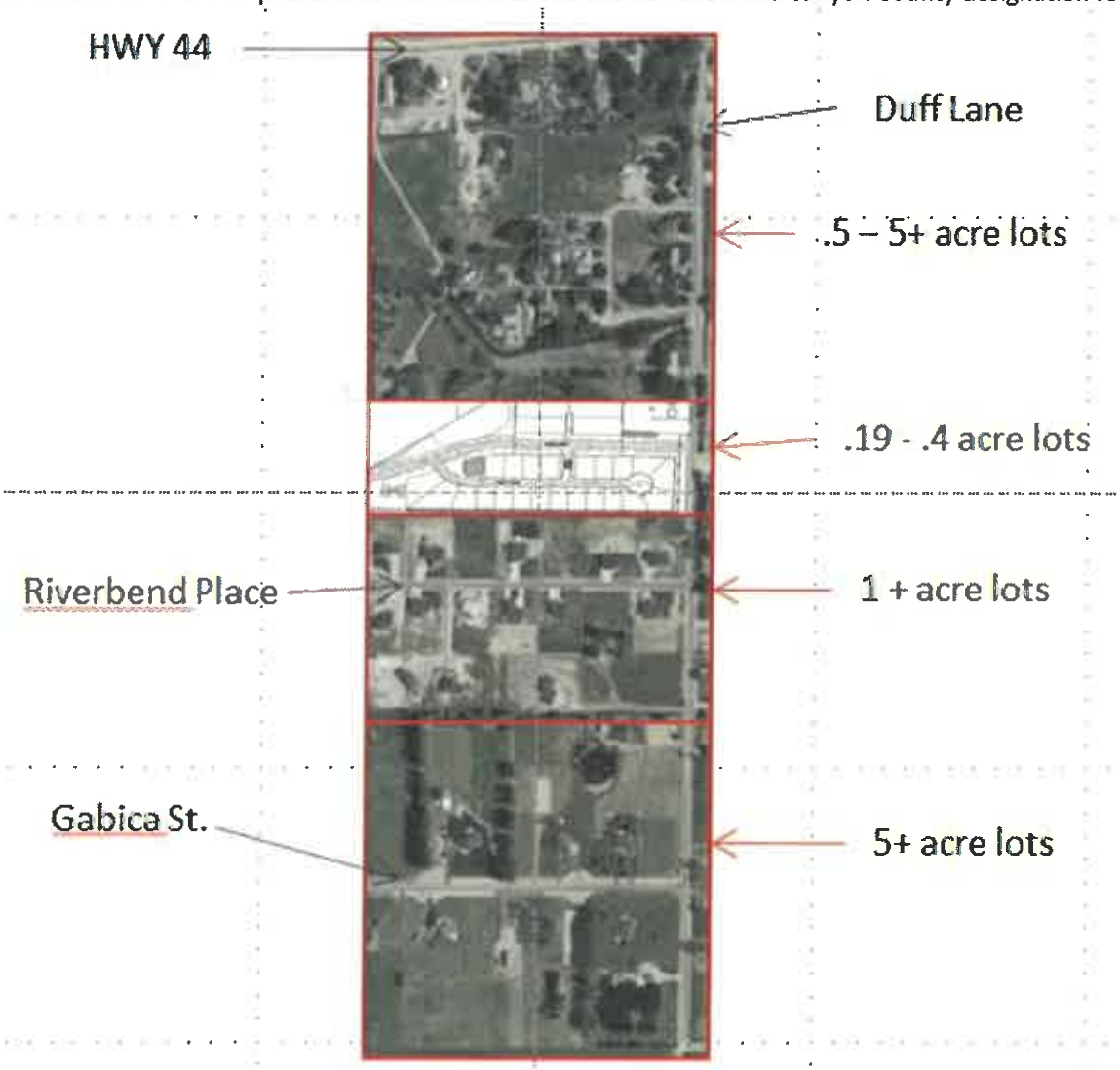

Figure 3.

Conclusion: This application does not fulfill the spirit of the City of Middleton's 2019 Comprehensive Plan in that it ignores the desire to maintain a feeling of a rural yet vibrant and inclusive community. I depend on the Planning and Zoning Dept. Board to take these issues into consideration when deciding on the future course of this development, If we go down this path it cannot be undone and we will regret the precedence it creates with urban sprawl. I won't go into all of the other problems this causes, traffic, light pollution, noise, crime etc. I will leave that to your imagination.

Thank you,

Paul Leeman
10055 Riverbend Place
Middleton, ID 83644

Reference

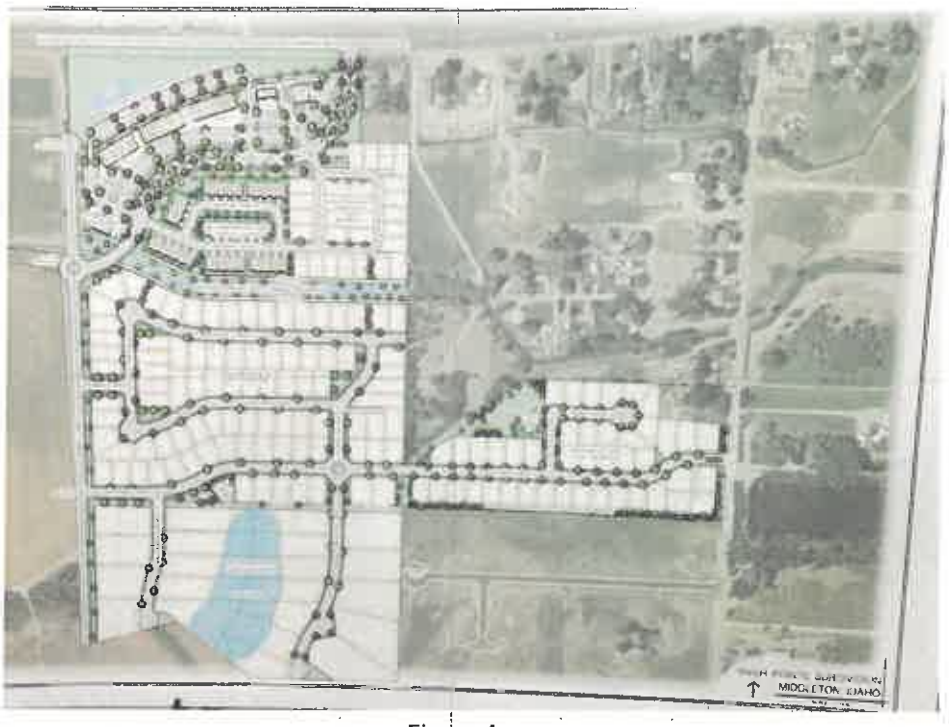

Figure 4.

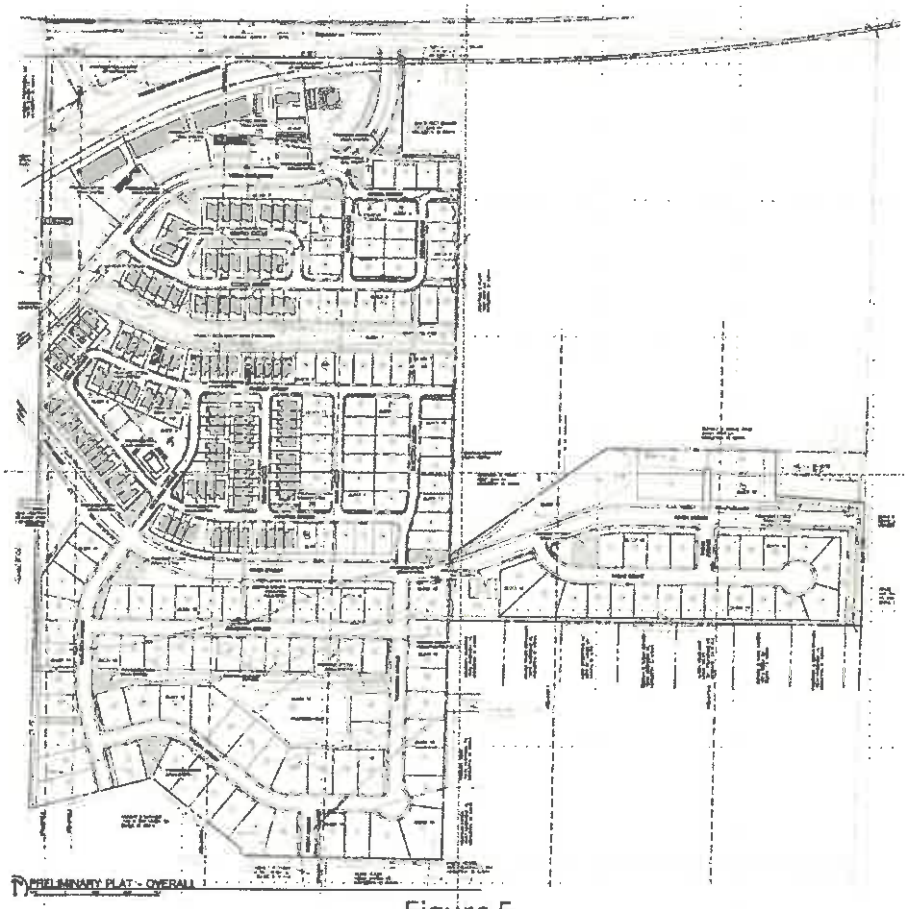

Figure 5.

From:	Roberta Stewart
To:	peter codding
Subject:	RE: Preliminary plat agreement modification (River Pointe subdivision)
Date:	Thursday, December 3, 2020 8:35:00 AM
Attachments:	image001.png image002.png

Hi Peter: As you said, the River Pointe subdivision will increase traffic on Hwy 44 per the Traffic Study. As a result, Developer is required to pay a "proportionate share" fee to improve the intersections and roadway that will experience the burden of extra traffic. That is a condition of approval, and it is a way to ensure that the Developer pays for the impacts on the infrastructure...not the taxpayer. If the Developer does not pay the traffic impact and proportionate share fees, City Council will not sign their final plat. Hope that helps.

Roberta L. Stewart

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

Tele - (208) 585-3133
Fax – (208) 585-9601
rstewart@middletoncity.com

www.middleton.id.gov

From: peter codding <petercoddingconst.1@gmail.com>
Sent: Wednesday, December 2, 2020 5:00 PM
To: Roberta Stewart <rstewart@middletoncity.com>
Subject: Re: Preliminary plat agreement modification (River Pointe subdivision)

Thank you for your response.
I'm glad it's not coming down Riverbend but that still doesn't address the issue
With merging onto Highway 44 with the increased traffic.
On Wed, Dec 2, 2020 at 4:10 PM Roberta Stewart <rstewart@middletoncity.com> wrote:

Hello Mr. Codding. Thank you for your response. I'm glad you sent this additional email because I did not get your letter in the mail, unfortunately. Our staff will review your concerns, and your letter will also be forwarded to the Planning

& Zoning Commission and the City Council. Rest assured, the project will not be granted access through your subdivision and Riverbend Place. Instead, the project has to get access to Duff Road through the 14 acre parcel north of your subdivision. I hope

that allays any concerns you have in that regard. Please let me know if you have any further concerns or questions.

Roberta L. Stewart

PLANNER

City of Middleton, Planning & Zoning

1103 W. Main St.

P.O. Box 487

Middleton, ID 83644

Tele - (208) 585-3133

Fax – (208) 585-9601

rstewart@middletoncity.com

www.middleton.id.gov

From: peter codding <petercoddingconst.1@gmail.com>

Sent: Wednesday, December 2, 2020 10:00 AM

To: Roberta Stewart <rstewart@middletoncity.com>

Subject: Preliminary plat agreement modification (River Pointe subdivision)

Dear Ms. Stewart,

I am in receipt of your letter dated 10/26/2020 regarding the proposed development 10481 Highway 44 , Middleton, Idaho .

I addressed a letter to your office on 11/16/2020 and have received no response.

To follow are my thoughts and concerns;

1. The proposed project is in the city , I live in the county. That is how I wish for it to remain. That being said, however the city plans to handle the development within THE CITY is none of my concern. How the city plans to handle the

development within THE COUNTY, is my concern.

2. I will oppose any plan (with legal action if necessary) that would allow any access, ingress or egress on or through Riverbend Place or connect the planned project to Duff Ln. The amount of traffic that currently exists on Highway 44

makes it difficult and dangerous to merge onto the highway now . Any added traffic would increase this problem to an unacceptable level and necessitate the installation of a traffic light at the intersection of Duff Ln. and highway 44 .

3. The 14 acre parcel to the north of Riverbend Pl. which had been a part of the proposed development should be zoned for 1 acre maximum parcels should it be annexed into the city. Neighbors and engineers have made me aware of drainage

issues related to that property that would negatively impact the residents of Riverbend with flooding if not addressed.

4. Finally, if the way Drake investments runs their current gravel mining operation on the property, with their disregard for the amount of noise , dust and operating hours is any indication of what we are to expect from them with a construction

project, I am concerned.

Thank You

Peter Codding

10031 Riverbend Pl.

Middleton Idaho

83644

petercoddingconst.1@gmail.com

From:	Roberta Stewart
To:	Maria fernandes
Subject:	RE: River Point Subdivision
Date:	Monday, November 30, 2020 1:28:00 PM
Attachments:	image003.png

Hello Mr. and Mrs. Fernandes: thank you for reaching out to us and letting us know your opinion on the River Pointe project. We will review your concerns and we will also pass your letter on to the Planning & Zoning Commission and also to the City Council. Please be aware that the public hearing this Monday night, December 7th, has been changed to a virtual meeting in light of the Governor's recent change in Covid policy. Per the Governor's edict, we cannot allow in-person comments at the upcoming hearing. I will forward another notice in the next day or two that will have instructions on how to make your comments "virtually" at the December 7th hearing if you choose to participate.

Thank you for your patience through this process,

Roberta L. Stewart

PLANNER
City of Middleton, Planning & Zoning
1103 W. Main St.
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Middleton, ID 83644

Tele - (208) 585-3133
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rstewart@middletoncity.com

www.middleton.id.gov

From: Maria fernandes <armindof@att.net>
Sent: Monday, November 30, 2020 1:22 PM
To: Roberta Stewart <rstewart@middletoncity.com>
Subject: Re: River Point Subdivision

On Monday, November 30, 2020, 01:15:56 PM MST, Maria fernandes <armindof@att.net> wrote:

Roberta Stewart,

Middleton City, Planning and Zoning

My name is Armindo Fernandes, my wife and I live at 10076 Riverbend Place Middleton 83644.

And we Appose the River Pointe Subdivision project as proposed to connect on to the Riverbend Place Road.

Riverbend Place is currently a narrow County road designated as a dead end road by Canyon County and to narrow to accommodate trough traffic, with two vehicles parked side by side not enough room to move trough the center with a small car much less larger trucks such as a emergency vehicles.

We bough our home on Riverbend Place because its a dead end road with limited traffic and noise. if allowed to trough traffic it will have a permanent negative effect on our property values and quality of life.

For those reasons we appose the design of the project and ask that you do so as well.

It is much to my surprise that this is proposed in this manner and on the agenda .. On conversation i had with planner Bruce Bayne on 11/9/20 at 5.16 pm he assure me that for the same reasons that i mention above with the road being to narrow that, he and Highway District Four had already told that applicant that Riverbend Place was NOT to go trough at this time... and he added that they had asked to connect a Emergency gravel road with a locked gate and had already been told NO to that as well..

Armindo & Maria Fernandes
10076 Riverbend Place
Middleton, 83644

June 2, 2021

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

RE: Final Preliminary Plat Application
River Pointe Subdivision and Annexation of 14 acres

To Whom It May Concern:

After listening to the presentations and viewing the ever changing primary plat maps of what Breckon Landscape and the Developer envision for the River Point Subdivision at both neighborhood meetings, I must object to certain elements of the Application which are in conflict to what the City of Middleton's 2019 Comprehensive Plan outlines.

Breckon Land Development held a **second** neighborhood meeting on March 8, 2021 at my home regarding the above-described project. They initially wanted to hold the meeting at the Gravel Pit area on Highway 44 at 6 pm at night. Given the weather would be unpredictable, possibly cold and windy, and the noise coming from Highway 44, it was moved to my home in our large garage.

- In response to the March 11, 2021 Application by Breckon (pg. 1, Para. 3), the developer was politely, and privately, asked by me not to attend the meeting before he entered because most of the neighbors felt that they had been deceived by him with previous promises of how the 14 acres was going to be developed. I felt that we would not get much accomplished during the meeting within the short amount of time we were allocated for the meeting.
- The residents had previously spoken with the developer regarding their concerns about the amount of homes he planned to build in the 14 acre parcel. The developer threatened them by stating "***well, then you should just move if you don't like it***" and "***if you fight me on it I will put low income houses or apartments there***" and "***nobody is going to stop me***".

Breckon held the **third** neighborhood meeting on April 26, 2021 at the Gravel Pit location to show us a new rendition of the development. Breckon stated that before they revealed the new plan they wanted to explain that the City was requiring these changes. Their presentation was a sketch that had no detail whatsoever. The developer was not present at that meeting.

- However, what Breckon has submitted is different from what was presented at the last neighborhood meeting. The street structure has changed in the 14 acres, a double Pickle Ball Court and adjoining park was added which we were not told about at the meeting.

While I understand that a City must grow and expand to create an infrastructure and tax base for its future, and there has been a significant increase in the demand for housing, the Developer has ignored fundamental elements of the Comprehensive Plan, and rights of the citizens regarding the proposed 14 acre annexation of land that is a rural, agricultural area with an existing neighborhood.

City of Middleton 2019 Comprehensive Plan

Land Use

Objective A

Strategy 1: Promote quality of life and general welfare by using space and privacy considerations when determining how close residential buildings are to each other.

In the 14 acre parcel most of the lots are designated as 60 - 75' in width. If the homes that are to be built are 2 stories, there will be no privacy for the existing homes. Most of the new homes are 8,000 square foot lots. However, all the homes that are next to the personal property owned by the developer are the largest lots in the development, twice the size of the other lots.

If each of these homes in the 14 acres are 3 bedroom 2 bath homes, and there are 4 people (2 adults and 2 children) living in each home, that totals 104 people. If there are 5 people or more per home, because some of the lots are larger, that equates to 130 people or more within the 14 acres. (*Comp. Plan, Table 4: Average Household and Family Size*) By building 13 homes abutting up to the backyards of the existing 7 homes on Riverbend Place means there will 2 ½ homes with 8,000 square foot lots for each existing neighborhood home.

The previous plan that was presented showed a berm for privacy between the homes on Riverbend Place and the new homes. Now there is no berm, just a "common lot for stormwater".

- How will this stormwater collector be constructed?
- Will it allow for pedestrians and/or bicycles to travel along the backyards of the homes on Riverbend Place invading their privacy and safety?
- Will it be a ditch that collects water which enables insects like mosquitos to breed?
- Why is there is no berm or divider at all designated for the existing homes on Lilac Place.

This new application has a double "pickle ball" court directly behind the backyard of the Eldridge property on Riverbend Place.

- Will it have lights that allow people to play this game which is just like tennis at night?
- The noise from the tennis/Pickle Ball Court will be intrusive to all the surrounding neighbors. Would you like this in *your* backyard?

Right next to the Pickle Ball Court is a park.

- Will it have playground equipment?
- Where are the other parks within the entire development?
- Will the common spaces within the development have play equipment?

Hence, the natural place for people within this entire development to gather will be right next to the existing neighborhood on Riverbend Place and Lilac Drive.

The submitted application does not promote quality of life and general welfare by using space and privacy considerations in determining how close residential buildings are to each other. This greatly impacts our right to quiet enjoyment of our own property.

The developer has large lots and no public areas next to his private property. Since the neighborhood has been outspoken regarding the development, he is fulfilling his threats to the

current residents on Riverbend Place to put as many houses and public areas as he can in our neighborhood while he takes a "Not In My Back Yard" attitude himself.

Strategy 3: Adopt ordinances that protect property rights and stabilize property values.

- The existing residential lot sizes that surround a development of the proposed 14 acre parcel are 1 acre and above. There is a mix of livestock and agriculture along Duff Lane, and Landruff, as well as the recreational area at Duff Pond.
- If there is a connection street from the larger portion of the development through the 14 acre parcel to Duff Lane, there will be a lot of traffic trying to avoid the congestion at Duff Lane and Highway 44 by traveling along Landruff.
- The March 11, 2021 application submitted by Breckon (pg. 2, bullet 3) stated that when the question was raised about the previous traffic study we could request it. We were never told that we could e-mail a request to Breckon Development and they would provide it. Mr. Breckon said that he could not recall the details of the study. When I asked him for just a general idea of what the previous one outlined, he dismissively quipped "**let's talk about something productive**" which drew a verbal, angry negative response from the neighbors. Mr. Breckon avoided the question.
- The existing community is more rural than it is within the City limits of Middleton, and by building this development will not stabilize the property values of our existing homes. Things that harm property values are over-crowed neighborhoods and traffic.

When everyone bought their homes on Riverbend Place we were told that if the 14 acres were to be developed it would have one acre lots for a transition from the larger lots on the south up to Highway 44. The entire project as planned by the developer will not have that transition but instead will squish in a high density neighborhood between the existing larger lots to the east and the planned development of River Ranch to the west which will have lot sizes of 21,000 or higher. ***How does this protect our property values and rights?***

Current land use

Table 20 - Current Residential (low density):
Land Use Summary by Location (City Limits)
Acres: 1254 / Total 36%
VACANT Residential Acres: 1043 / 30.2% of total

Table 21: Land use by Location (Impact Area)
Residential (low density)
Acres 5515 / 33% of total
VACANT Residential 1675 Acres / 10% of total

*Large portions of vacant residential (36%) exist throughout the City and will allow ample room for **low density residential infill growth** in the near future.* Much of the vacant residential land is located near the far reaches of town, including large portions around what is currently West Highlands Ranch, Middleton Lakes, the Lakes at Telega, as well as extensive areas in between Duff Lane and Lansing Lane and Foothill Road and Cornell Street.

Higher density This designation anticipates zoning that will allow for duplexes, triplexes and four-plexes as well as single family homes, where adequate square footage is available to meet off-street parking and lot coverage requirements.

Medium density areas are properly located near shopping, recreational, cultural and other community facilities. The percentage of multi-family residential is very small (0.3) in the City.

- The 14 acre area of land that the Developer wants to annex and develop is such a small portion of land in relation to what is available to the City that it will not impact the overall plan that Middleton has for future housing development.

The arrangement of land uses influences the character and livability of a community. It is these patterns of development that bind the community together and provide a sense of place to residents.

- The developer can still develop the 14 acres in compliance with Canyon County ordinances, which requires lot sizes of 1 acre. He is not precluded from developing the land.
- The area west of this development, which is currently being planned, is more suited to extensive development as there are no existing neighborhoods or homes there, and is bordered by larger, accessible main roads.
- Why are the lots in the River Ranch subdivision more in alignment with the existing homes rather than the River Pointe development?
- The City has ample room for future expansion of housing. What the builder is proposing by extending a little sliver of homes close together into a low density residential, agricultural area will not enable a smooth transition between the two areas.
- It does nothing to add to the character of this area, but rather deters from the character and is out of place with the surroundings.

Strategy 4: Research and adopt *land management practices used in other communities* that promote a good quality of life and maintain small town character.

- A desirable town to live in within the Treasure Valley is Eagle. Why do so many people want to live there and pay a high price to do so? Eagle has a small town character, good schools, downtown events and restaurants. Middleton has the opportunity to pattern its growth in the same way that Eagle has instead of the type of growth that Star, Meridian, Nampa and Caldwell is experiencing.
- Annexing the 14 acres and building this development as the developer envisions it, will not comply with what Middleton has outlined under this Strategy.
- By putting a large amount of homes squished into a development, people will be very close to each other. Small front and back yards, no privacy between lots, rising tensions over parking, and noise will only make people retreat to inside their homes to obtain privacy. This will not promote a good quality of life, bring the community together or enhance the small town character that Middleton is trying to maintain and encourage.

People are always commenting that its people moving from other states are causing the current trend of massive developments, homes built too close together and traffic congestion. But if we allow the developers to build in the rural areas with reckless abandon, then we will lose what everyone values about living in this State. Places like California is an area where people are leaving due to uncontrolled building, over-crowing and traffic. What the developer is planning is exactly like what can be found there.

I urge the City to rethink this development as it stands.

Thank you for your attention to this matter.

Regina Henley

Regina Henley
10055 Riverbend Place
Middleton, ID 83644

June 2, 2021

Planning & Zoning Commission
City of Middleton, ID

Comments on Proposed River Point Subdivision
Covering 75 acres within City of Middleton and
14 acres located in Canyon County

We are Sterling and Lori Smith, residing at 10079 Riverbend Place, Middleton, ID. Our property is located east of and adjacent to the proposed 75 acre River Point Subdivision. We moved to this section of Middleton due to the rural nature of the community, the larger size lots, the surrounding farms, less traffic, less people, and the friendly atmosphere of the community.

We are writing this Comment Letter to highlight some of the issues/concerns we have with the development of the Proposed 75 acres and the Proposed Annexation and development of the 14 acres.

- This is the 4th version of the plat plan for these developments with the latest change showing
  River Road as a Collector Road from Middleton Road, cutting through the 75 acres and the 14 acres, dead-ending into Duff Lane. The proposed Collector Road is to continue with a right turn onto Duff Lane for less than one (1) mile, dead-ending onto Landruff Lane. The Collector Road then turns left onto Landruff Lane for less than one (1) mile, dead-ending into Lansing Lane. A right turn will take you to the Boise River Fishing Access Point and a left turn will take you to Highway 44.

  1. The latest Revised Traffic Study (originally issued September 15, 2020 and revised April 14, 2021) does not take into account the changes made after April 14, 2021 to designate River Road as a Collector Road. As the Collector Road is wider and presumed to handle more traffic, shouldn't the Traffic Study be revisited?

  2. Has Canyon County Highway District 4 provided information on the impact of the additional traffic from the Collector Road into Duff Lane?

  3. Has Idaho Fish & Game provided information on the impact of the additional traffic dead-ending into Duff Lane at Duff Pond? The parking situation for Duff Pond during the summer months usually has cars parked on both sides of Duff Lane when the parking spaces at the Pond are full.

- The Proposed Plat Board that was presented by Breckon Land Design at the Neighborhood Meeting on April 26, 2021 is NOT the same Plat Plan included in the May 5, 2021 Revised Application.

- The Comprehensive Plan for the City of Middleton (2019 Comprehensive Plan as published on the City's Website) call for transition between developments of different uses and acreages. The plans for the 75 and 14 acres do not appear to follow these guidelines with regards to the density proposed. I am attaching an Excel Chart detailing the breakdown of the Lot Sizes (acreage) and the number of Residential Homes for the Existing Area, the proposed 75 acres, and the proposed 14 acres.

We believe that the transition from the existing 10 acre, 5 (five) acre and 1 (one) acre residential lots that surround the proposed 75 and 14 acre developments should be at least one (1) acre lot size to keep the integrity of the existing properties. This will ensure to keep the rural setting of the homes in this section of Middleton and Canyon County.

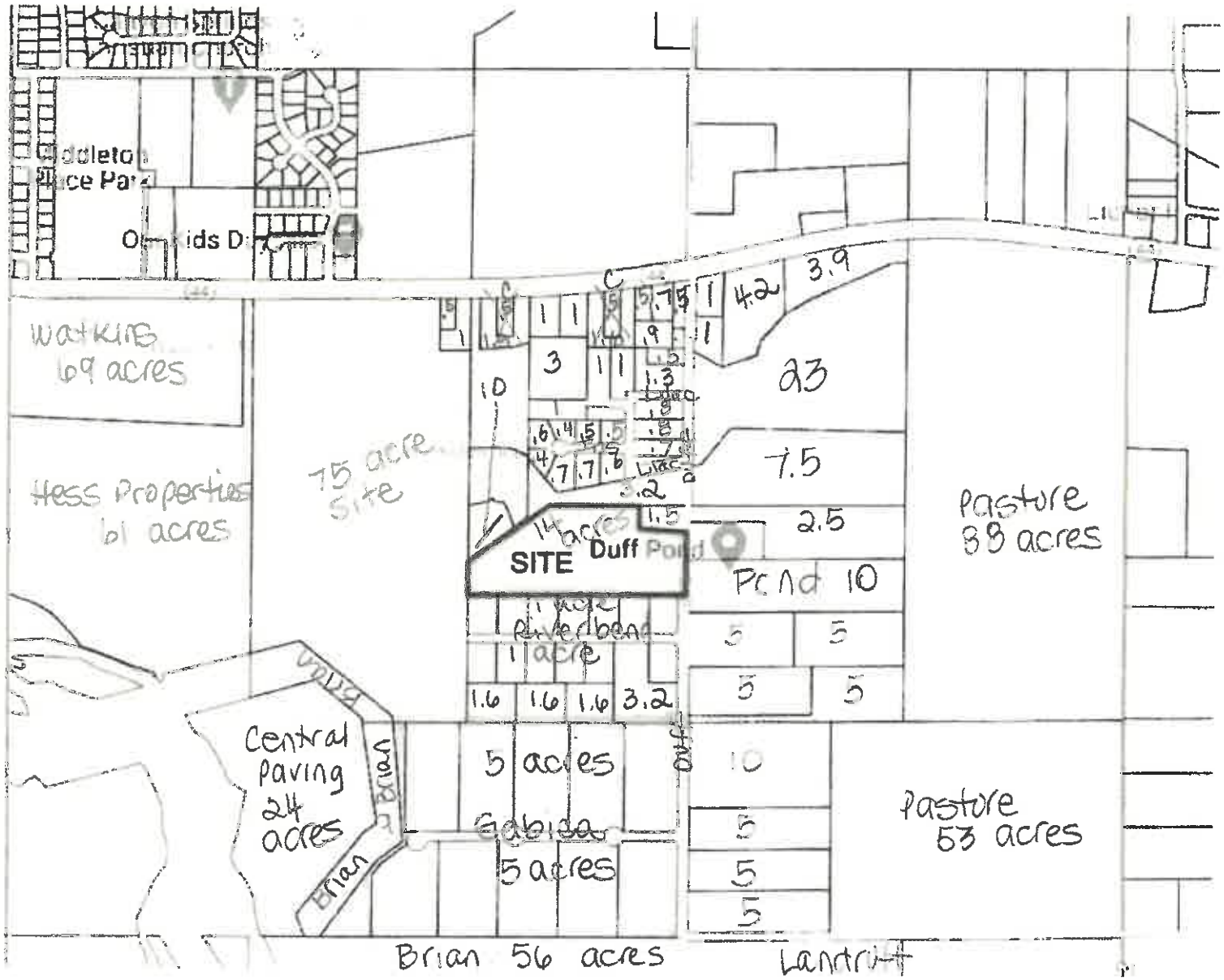
Thank you for your attention to this matter.

Sterling and Lori Smith
10079 Riverbend Place
Middleton, ID 83644

Enclosures

River Point Subdivision per 5/5/21 Application

LOT SIZE	Area: Existing homes and acreage off Duff Lane and residental along Hwy 44 from east of proposed 75 acres HOUSES	Area: 75 acres excluding commercial lots and common lots HOUSES & TOWNHOMES	Area: 14 acres excluding common lots HOUSES
less than .4 acre	0	247	22
.4 to .9 acre	17	1	4
1 acre	21		
1.1 to 4.9 acres	11		
5 acres	17		
6 to 10 acres	3		
23 acres	1		
56 acres	1		
Total Houses	71	248	26
Total Acreage	250	75	14


Watkins
69 acres
Hess Properties
61 acres
.75 acre
Site
SITE
Duff Pond
14 acres
Pond 10
Pasture
38 acres
Central
Paving
24
acres
Brian
5 acres
Gabion
5 acres
Pasture
53 acres
Brian 56 acres
Landrith
23
7.5
2.5
4.2
3.9
3
10
1.6
1.6
1.6
3.2
5
5
5
5
5
5
5
5
5
5
10

4

Greg Starkjohann
10049 Riverbend Place
Middleton, ID 83644
(208)697-7449
P_Starkjohann@msn.com

June 2, 2021

To: The City of Middleton

I live at 10049 Riverbend Place Middleton, Idaho Canyon County. I built my dream house. My home was completed in August of 2019. Since that date a 14 acre parcel adjacent to my subdivision was purchased and is now attempting to be annexed and developed with a joining 75 acres by Brian Burnett. I have reviewed the preliminary plat plan. I have also read the Cities annexation plan goals, which states small city rural atmosphere. How does one 115 townhomes, 67 garden/patio single family lots, 92 single family lots and 34 common lots qualify as a rural atmosphere? I love Middelton and everyone I have talked to loves it also, because it has a small town look and feel. This plat plan is 100% in opposition of the city's own annexation plan. Brain Burnetts plat plan should be given to Meridian or downtown Boise. Not this little slice of heaven Middleton. This plan is a an front to everyone in this community. Why would anyone who lives and cares about the quality of life in Middleton even give this plan a second look? Why would anyone want to destroy rural Middleton? Why not a plan for a rural community, 1 to 2 acre lots, ponds, lakes and open spaces? Less people, less traffic, in other words just use common sense determining the future of Middleton.

Sincerely,

Greg Starkjohann

Testimony for River Pointe Subdivision

I am Jack Connell I live at 10255 Gabica St. Middleton

We have lived here for 22 years.

I moved into the valley in 1964 to attend Boise Junior College.

In 1973 I started working for Idaho Power installing power lines to new development and went on to design power service to residential and commercial.

The Duff Street area is similar to east Boise Avenue in Boise. In the 50's a lot of small parcels were sold consisting of one to 10 acre parcels. In the late sixties and early 70's the three area dairies sold or developed into subdivisions. That was followed in the 80's with infill development of the smaller parcels. The beauty of this development is that the size allows for a master plan that can provide amenities such as path ways for foot traffic to the commercial area and the river which the infill developments cannot. The mixed density provides for homes for a variety of owners.

On the traffic side this follows what has been established along HW 44. Just look at Eagle east of Eagle Road. In early 2000 this area began to develop and access to the Eagle bypass was to be controlled so as not to slow traffic. Riverside drive was designed to collect traffic in the I area from Eagle Rd and eventually Hwy 55 and the three cities crossing.

I support this development because I think it is a very special opportunity for orderly growth of Middleton that takes advantage of the river area with green belt access and walking distance to commercial area.

When we moved out here Willard Stevens wintered his draft horses back by the river and fed from a wagon pulled by his draft horses. But we could see the chevron gas station lights and we always knew that Watkins and Stevens properties would be developed at some point. This is a better project than we ever imagined and it will have a very positive effect for the city.

The only thing I question is the designation of age preferences on some of the units. I just cannot see the value of the city sponsoring discrimination.

From:	Debbie Hundoble
To:	Roberta Stewart
Cc:	Robert Burnett
Subject:	90 Acre Development-River Pointe
Date:	Monday, June 7, 2021 11:31:31 AM

Hi Roberta,
I am writing this note on behalf of the proposed River Pointe Community.
My husband Dennis and I live at 10043 Riverbend Place in Middleton, we are aware that we are on the path of growth for Middleton. We were in favor of having the proposed small active adult community just north of us on the 15 acre parcel with a cul de sac and not a through street onto Duff Lane. Now, we are all faced with a new plan that ITD and other agencies are requiring, which is a proposed collector road onto Duff Lane which will move traffic onto small country roads. We are already challenged with the danger of crossing Hwy 44 from Duff Lane and Lansing onto Hwy 44. There are accidents at these two roads on a regular basis. My question regarding this is, why doesn't ITD widen Hwy 44, widen Middleton Rd. widen Chinden and widen Star Rd. to better move traffic vs. moving traffic onto these small country roads ?
The benefits of this proposed master planned community is the beauty of the development plan. Instead of simply building production homes to fill in the land, it offers lakes to support high end custom homes,a river trail system, open space areas, a mixture of lot sizes, a large active adult component and a much needed commercial area that will change the face of Middleton.
The owner Brian Burnett has a vested interest in creating an upscale community, he owns the gorgeous riverfront property that connects to this proposed development.. His full intention has always been to create a master planned community to improve the city. Growth is coming, it is happening everywhere in the Treasure Valley, as a Realtor I admire smart growth where parks, trail systems, commercial and recreational amenities are included in development plans.

--
Debbie Hundoble
208-488-0615
Silvercreek Realty Group

WHITE PETERSON

ATTORNEYS AT LAW

MARC J. BYBEE
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DAVID A. HEIDA
MATTHEW A. JOHNSON
JAY J. KIIHA **
WILLIAM F. NICHOLS *
BRIAN T. O'BANNON *

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TERRENCE R. WHITE
OF COUNSEL
WILLIAM F. "BUD" YOST
OF COUNSEL

* Also admitted in OR
** Also admitted in WA

June 7, 2021

To: Planning and Zoning Commission
City of Middleton
1103 West Main Street
Middleton, ID 83644
Also delivered electronically to *citymid@middletoncity.com*

Public Comment: River Pointe – Annex/Zone/DA/Preliminary Plat

Dear Commissioners,

We represent the Riverbend Place Homeowners, a group of concerned community members living adjacent and proximate to the proposed River Pointe annexation and development. Riverbend Place is located to the southeast of the 75-acre MU property and directly south of the 14-acres proposed for annexation and R-3 zoning. On behalf of Riverbend Place, we hereby provide the following comments and concerns regarding the subject applications (Applications).

At Minimum, the Public Hearing and Deliberation Should be Continued to a Later Date

There are multiple reasons these Applications are not yet ready for final deliberation and this matter should be continued to a later date.

There is no presentation of a development agreement as required by City Code.

Idaho Code §67-6511A ties a development agreement into the land use process at the zoning stage. Middleton City Code 5-2-1 (B) requires that when the Commission determines a development agreement is necessary that "the commission shall retain jurisdiction of the matter, defer consideration of the rezone requested and set a time limit for submittal of the development agreement."

Under the Applications at hand, there is an existing development agreement tied to previous annexation and zoning of the 75-acre MU property. However, one of the Applications is specifically requesting substantial modifications to that development agreement. Additionally, there is an application for annexation and zoning of the 14-acre parcel, which should necessitate its own development agreement or substantial further addition/modification to the existing development agreement.

The staff report, as was just recently posted last Friday afternoon, contains some proposed conditions for a development agreement, but presents no actual draft development

agreement. Applicant is requesting modifications and additions to an existing 2006 development agreement. The staff report also makes clear that the existing development agreement is "outdated," "old," and requiring "outdated provisions . . .[to] be entirely removed and replaced with the DA provisions that are more relevant . . . " See Staff *Report, p. 10, sect. L.*

Staff is recommending conditions for a development agreement. Yet, there is no presentation of a draft development agreement for the full consideration of the Commission or in a manner that allow the public a meaningful opportunity comment on such at the required public hearing.

Of further concern, the lack of a draft Development Agreement means there is no ability to see or review the timing commitments of the Project. Development agreements, because they often allow for some latitude on standards and also lock in place the standards of a particular time, should not be open-ended and allow to exist in perpetuity. In particular, for large phased developments such as what is proposed, it is critical that the City apply and incorporate into the DA a clear timeline and schedule of deadlines that is enforceable to ensure the project is moving forward (or goes through a deliberative amendment process to show good cause for amending the DA's schedule).

Therefore, pursuant to Middleton City Code 5-2-1(B), the appropriate step at this time is for the Commission to "retain jurisdiction . . . defer consideration. . . and set a time limit for submittal" of a full and complete draft development agreement. This is a necessary step for substantial and meaningful review and comment by affected parties. As of now, affected parties can only guess at what the development agreement may actually look like.

There is substantial missing and incomplete information on the Applications.

The absence of an actual draft development agreement is the most substantial concern, but there are other key missing or incomplete pieces of information necessary for appropriate hearing and deliberation on the Applications.

The Staff Report, at Section T, presents a concise list of the missing and incomplete information. However, it is inappropriate to simply overlook the absence of this key information and make the submission of such a condition of approval (as the Staff Report seems to suggest). The missing information is not simply minimal technical details of minor relevance to the Commission's deliberations. Instead, the missing and incomplete information is substantial in scope and directly relevant to questions and deliberation the Commission needs to hold in evaluating the Applications.

For example, the Staff Report explicitly notes that the Middleton Rural Fire District has not yet completed its review and submitted comments. The ability to adequately provide public safety services is a key consideration the Commission must take into account in reviewing the Applications.

Similarly, the Staff Report explicitly notes pending and incomplete information from the City Engineer – information which should be presented and under consideration at the P&Z level, not simply deferred to the Council. See *Staff Report, p. 6, sect. E.*

The scope, scale, and timing of the Applications and supporting material require appropriate time to digest and comment.

Prior to last Friday, the City had only made available on the website the River Pointe Master Land Use Application, dated May 5, 2021. Prior to that Application, there had been

multiple and different conceptual plans presented by the Applicant to neighboring property owners. This is one of the reasons that there ended up needing to be three neighborhood meetings. The shifting goalposts of the project is also a concern the Commission can see throughout many of the public comments submitted to date.

The Staff Report, including substantial additional new information related to the Application, was not posted and made available to the public until late afternoon on Friday, June 4, 2021. It is completely understandable that this is a complicated project that would require substantial time for City staff to review. However, the complexity and significance of this Project also are a reason there can be no rush in deliberations.

The ability of affected parties to meaningfully participate in the process also requires reasonable time and process. That so much additional information and the staff analysis was not publicly available until just over 72-hours prior to the public hearing substantially impairs the ability of the public to meaningfully comment and participate. It also means that many of the public comments already submitted are based on outdated and/or incomplete information, which undermines the ability of such commenters to fully present their concerns and items of interest.

There is a substantial amount of new information now available about this project – with more to come due to the missing and incomplete information. This necessitates a continuance of the hearing, so as to allow the information to be fully presented and digested by all parties, including the Commission, so as to provide meaningful due process.

Annexation of 14-Acre Parcel Should be Denied and/or Require a Fiscal Impact Analysis

In evaluating whether or not to annex property, this Commission is guided by Idaho Code §50-222, which asks whether the lands "are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe."

The Applicant has provided no analysis or information supporting a finding that annexation of the 14-acre parcel is efficient and economically viable. There is a blanket statement in the application letter that the 14-acre development would pay for itself, but no financial impacts analysis is provided actually evidencing such. A similar statement is included in the Staff Report, despite any supporting information or analysis showing such to be true.

This lack of evidence should of major concern for the City. The 14-acre annexation would create a jutting out "dagger" of the city into the midst of the County. This means the ability to provide city services may be more challenging. In particular, the ability to provide public safety services is unknown in the absence of completed comments from the fire district. Similarly, there is no direct analysis of the provision of utility services to this 14-acre dagger.

As an additional concern, the fiscal impacts of annexation on city budgets has been worsened by the Idaho Legislature's passage of House Bill 389 in the recent session. This new law, which was made effective immediately, limits and caps the City's ability to capture new growth in assessments. This means that annexation and growth must be carefully evaluated to determine if it will even support itself and not be a drag on existing City

property owners. Cities across the state are currently struggling with HB389 and what it means for budget and services. No doubt, the Commission is aware of other cities in the Treasure Valley who are putting pauses, moratorium, and more stringent review of any annexations until the full impacts of HB389 can be understood.

For the application at hand, this is further reason the Commission should require a fiscal impacts analysis before proceeding to a recommendation on annexation of the 14-acre parcel.

Zoning of 14-acre Parcel

The Applicant's request that the 14-acre parcel be zoned R-3 is a major jump in land use intensity, is not orderly, and is not in line with the nature of the surrounding area. An R-1 designation would be more appropriate for the character and development of this area.

It is important to note that this area is at the rural interface into the county. The property to the north and east is agricultural. The Riverbend residential development to the south is low density, one-acre plus lots. This area should preserve an orderly transition from rural. Instead, Applicant's proposed zoning designation creates a dagger of higher density single-family residential – drastically altering the nature and character of this interface area.

Our clients are especially frustrated in that at the neighborhood meetings, the Applicant's representatives at multiple times indicated that lower density residential development was their intent – more similar in nature and characteristics to the Riverbend development to the south. As can be seen in the submitted comment letters, many of the neighbors are upset about the reversal of position with the higher-density zoning now proposed by the Applicant. Such frustration is justified when looking at the nature of this area and the type of density and development that would be more appropriate for this area. A look at the plat figures in the Staff Report, where the new housing would abut the Riverbend residential lots to the south, illustrates how the proposed 14-acre development creates somewhere in the range of four lots for every one Riverbend lot – a substantial and impactful increase in density.

Applicant relies on the Comprehensive Plan to suggest that this area was designated on the Future Land Use Map as Transit-Oriented, which would justify higher density development. However, Applicant in their own submittal letter, admits that City staff have already informed them that the transit-focus on the Comp Plan for this area is now obsolete and no longer applicable. This further supports that the characteristics of this area are more appropriately preserved as R-1 or similar to appropriately buffer and transition. An R-1 designation also keeps the orderly development of the City more in line with the future projections for this area, which neighboring properties relied upon in their own planning.

Similarly, the Staff Report recommendations on this issue rely on an outdated and no longer applicable Comprehensive Plan approach that was developed for a very different time with a very different future anticipation for this area. The higher density and mixed-use approach of the 75-acres should require some re-evaluation since it has been fifteen years, with substantial changes, since its original approval. And even more important, the addition of the 14-acre dagger should be very carefully contemplated and scrutinized for suddenly creating higher density housing in the middle of what essentially is today clearly anticipate to remain a rural-residential buffer area.

Traffic Impacts Require More Scrutiny and Analysis

As discussed in the Staff Report, the development of utilities and traffic services for River Pointe are heavily contingent on other developments. This is problematic planning, as multiple contingencies come into play without clear assurances for access and safe travel.

We strongly recommend the Commission fully exhaust these contingencies, in particular the impacts if River Ranch does not proceed. The Commission should also more fully evaluate and ask for study on the impact of the River Street connector road,[1] and particularly its interface with Duff Road and then on north to 44 or south to other potential routes or future routes. Many of the public comments submitted as of the date of this letter already have referenced these concerns, particularly as to Duff Lane and Duff Pond. The traffic analysis must go beyond simply looking at how River Street will connect with Duff Lane, and instead be more comprehensive in evaluating the impact and improvements to Duff Lane itself. For efficiency we will simply refer to such again here and add our voice in support of those concerns as a reason for denial or delaying of deliberation on these Applications until these traffic issues are better analyzed and resolved.

If this project does move forward, the traffic situations are also a significant concern that needs to be clearly conditioned and approached in the development agreement – another reason why the current absence of a development agreement draft is very concerning.

Additional Platting and Development Comments

The following are additional platting and development comments identified at this time within the short review time from the posting of the more complete applications, supporting information, and staff report.

- More appropriate buffering as to noise, light, and visibility needs to be incorporated in between any residential development on the 14-acre parcel and the Riverbend properties to the south so as to mitigate impacts. This should be incorporated into the Development Agreement with specific timing and appropriate security/bonding to ensure such improvements are constructed prior to any development of the 14-acre parcel (even just road).
- A Comprehensive Plan is merely a guidance document and does not "require" anything. The Staff Report comment that Yukon Street is "required" by the Comprehensive Plan is therefore not accurate. *Staff Report, p. 5, sect. E.*
- It is alleged that there will be no driveway access to Yukon Street. A review of the plat for the 14-acres though reveals that Lot 16 is essentially just a shared driveway, which does indeed interface substantially more similar to a driveway than a public road onto Yukon.
- Phasing was a new concept introduced with the Staff Report on Friday, and not clearly included in the Master Land Use Application previously available. The phases, and in particular where such phasing may be tied to the timing of required conditions, requires much more time to reasonably evaluate and comment. This again supports the argument for a continuation of the hearing and to better incorporation as conditions in the DA.

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[1] As another example of the problematic nature of such late availability of supporting information, it was not known until the Friday before this hearing that River Street was now being referred to as Yukon Street.

- The Staff Report references "variances." See *Staff Report Sections K and L* in particular. However, there were no applications for variances as part of the Master Land Use Application; nor is there any analysis in the Staff Report of how the City Code on variances should be applied to this situation. This raises major concerns about whether variances are being adopted without appropriate procedure.
- In addition, Section L of the Staff Report is troubling in that it seems to suggest that these variances are an issue of compromise whereby the City settles for lower setbacks than standards require. It is the Developer who is bringing forward these new applications and seeking approvals for modifications and additions, including a substantial new 14-acre annexation and development. This is not a situation where the City should compromise on its standards, but instead should be looking to improve the Project and its impacts by using the opportunity to bring the Project up to current standards after a fifteen-year delay.[2]
- It should be clarified how the development recreational facilities are being made available for public use. In particular, how are things like pickleball courts and swimming pools being maintained and made available on an ongoing basis. Will ownership be transferred to the City? How will the City pay for such if that is the case? Or how will the public access/use be preserved if the facilities are owned/maintained by a private entity or entities?

The Riverbend Homeowners Group understands that development will occur in this area and that there will be some transition of this area. However, it is imperative that the City take into careful consideration how such development occurs in an orderly and safe manner with appropriate buffering and transition. The Project as currently proposed does not satisfy the goals or criteria of orderliness and transition.

For the many reasons and questions stated above, as well as the many submitted in other public comments to date, we hereby request that this Commission deny the Applications, in particular the annexation and zoning of the 14- acre parcel. In the alternative, based on the timing issues highlighted above we strongly recommend that this Commission continue this matter for complete submission of required materials, further development of the Record, and full and appropriate deliberations.

Respectfully submitted,

Matthew A. Johnson

[2] Or perhaps in limited situations recognize and explain where the City Code standards may also need some updating.

From:	Utilities
To:	Roberta Stewart
Subject:	FW: Public Comment; River Pointe – Annex/Zone/DA/Preliminary Plat
Date:	Monday, June 7, 2021 11:44:54 AM
Attachments:	2021-06-07 Riverbend- City of Middleton PZ Comment Ltr.pdf
Importance:	High

From: Tia Bailey <tbailey@WHITEPETERSON.com>
Sent: Monday, June 7, 2021 11:07 AM
To: CITMID <citmid@middletoncity.com>
Subject: Public Comment; River Pointe – Annex/Zone/DA/Preliminary Plat

Good Morning,

Please see the attached public comment letter from Matthew Johnson on behalf of the Riverbend Place Homeowners.

Sincerely,

Tia Bailey
Legal Assistant
WHITE, PETERSON, GIGRAY, & NICHOLS, P.A.
5700 E. Franklin Rd., Suite 200
Nampa, Idaho 83687
Tel: (208) 466-9272
Fax: (208) 466-4405
tbailey@whitepeterson.com

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From: Robert Burnett
To: Roberta Stewart
Subject: Fwd: 90 Acre Development-River Pointe
Date: Monday, June 7, 2021 1:45:27 PM

From: Melody DenBeste <melodydenbeste@yahoo.com>
Date: June 7, 2021 at 1:37:19 PM MDT
To: Robert Burnett <invest1977@yahoo.com>
Subject: Re: 90 Acre Development-River Pointe

Dear Roberta,

Re: River Pointe Community Proposal

I live at 22473 Duff Lane, I reside next to proposed above project. I am in favor of the small adult community Brian Burnett is proposing. I believe this project would be an improvement to our community.

Melody DenBeste
22473 Duff Lane
Middleton, ID 83644

Sent from my iPhone

June 23, 2021

To: Mayor Rule

Form Michael and Kathleen Kelley

10073 Riverbend Pl

Middleton

Subject: Treatment of citizens in planning meeting

We attended the zoning meeting on june6 2021 at Middleton City hall.

We are opposed too Part of project which is on the 14 acre which connects to duff Lane.

We are not opposed to the 80 ac development. The issue we have is with the amount housing and The road passing through the 14 aces.

During the meeting it seemed that the part of the commission had an agenda which was against the group who oppose the 14 acre part of the project. The spokesman for the project Brian Barnett told the commission the only opposition to the 14 ac were residents which reside on Riverbend PLACE half were in flavor of the project.

This statement is false statement as 12 of the 13 resident on Riverbend Pl and others adjacent to the 14 AC part are opposed to the road and high density housing. It seems to my wife and I that Roberta Stewart seem to be very disrespectful towards the opposition and was not willing to hear are side or

have the commission read our letters. Our lawyer told us this was the most continuous zoning meeting he had ever been involved in. Roberta Stewart seemed to have an agenda supporting the project and would not listen to our lawyer. I would think as a City employee this would not be acceptable.

I would think the job of the commission would is to evaluate the projects to its merits according to the codes of and laws of the city of Middleton and the state of Idaho also she did not want to hear from a lawyer. Duff lane is a small two lane road in the country the type of road is far too large for the area. It does not make since to put a 60ft wide rd road into a two lane rd. The area is rural which the city says it want to keep we have 5 area and larger in our area to put high density in will affect our value and quality of life.

Thank you

Michael and Kathleen Kelley

10073 RiverBend Pl

Middleton,idaho

Michael #408-761-3323

From: Michael Kelley
To: Roberta Stewart
Subject: Oppresition to existing plan for 14 ac plot west of Duff in south of Riverbend Pl.
Date: Wednesday, June 2, 2021 12:54:02 PM

We are opposed to the current plan which has 26 lots. the current density in this area is 1 to 5 ac lots. this plan does not match the current density. we are also very concerned with the increased traffic which will be generated as Duff La is a narrow road and this would compromise the safety of the current and future residents

To: Middleton Idaho Planning and Zoning

From: William R. Kopp, 10205 Gabica St, Middleton, ID 83644

Subject: *Planning & Zoning Commission Public Hearing Date: June 7, 2021 regarding Riverpoint Subdivision*

I'm an Idaho native of 59 years and a neighbor to Brian Burnett's development just south of Gabica St. and writing this in support of Mr. Burnett.

Being the first house build on Gabica Street ~23 years ago, I have see a lot of development in and around the City of Middleton. Development and growth will happen, we've seen it happen over 40 years starting in Eagle and moving west to Star and Middleton. Having a developer that cares about the community, works with government jurisdiction and has a history of developing with quality is the best a community can hope for.

My experience with Brian is he is a man of character. A hard worker from dusk till dawn and with positive energy every running step. He has shown me that he cares about the land and the people he impacts with his development. I respect and trust what he tells me. The subject land will be developed and I support having someone I know and that cares about the community develop locally than someone I don't know or trust.

The high density of home appeats to be a point of conflict for some. I want development of entry-level, affortable homes. Surrounding ourselves with families of similar income level creates boundaries based on income and social status and can be harmful to societal growth. Our first home in the North End of Boise was a postage stamp lot with a mix of old and young and all income levels. I'm grateful for the neighbors I had and the lessons I learned in how to peacefully coexist a community. Lastly, some versions of the development is noted to be for 55+ only. I support inclusion and want this development to be open to all, enabling citizens that are not high to middle income wage earners to own a home, regardless of age.

Kind regards,

William R Kopp

Clark Guler
10250 Gabica Street
Middleton, ID 83644

June 7, 2021

Roberta Stewart
Planning and Zoning Department
PO Box 487
City of Middleton, ID 83644

Roberta Stewart:

I am not opposed to the River Pointe Subdivision. Growth is coming Middleton and we can't avoid it. How the growth is implemented and executed is what matters most to me. I have seen the plans for both the River Pointe and the future River Ranch subdivisions as well as reviewed the "Staff Review and Report" from the City of Middleton Planning and Zoning Commission.

My property at the end of Gabica borders some of the largest area affected by these changes. While I don't like the rock trucks that drive by my property daily, I appreciate that the work to haul the rocks out has been done in a professional manner. Dust is kept down with the water trucks and they work every day (M-F) to keep the project moving along quickly as to minimize neighbor impact.

I would rather work with Brian Burnett than some out-of-state developer that has no regard for our community and the impact that they make. Brian seems to want to do the right thing and I am pleased to have a developer that wants to work with the neighbors around him.

I am deeply opposed to the connector road (Yukon st.) connecting to Duff Lane. This seems to be a major conflict of interest for the City of Middleton because the Yukon street connector is required by the City's comprehensive Plan "Transportation, Schools & Recreation Map" but yet they are going to increase traffic flow to Duff and HWY44 to an intersection that has been evaluated by ITD in a revised April 2021 Traffic impact study in which is noted this intersection **exceed the minimum operational threshold.** The study recommended two options: Single Lane Roundabout or Traffic Signal. All of the improvements need to mitigate both 2020 and 2025 traffic involve a roundabout or traffic signal at Duff Lane and HWY 44. I would like to see this work done now, while the connector road is done and the houses built and increased traffic flow, so that we avoid further preventable accidents at the dangerous intersection.

Since the City is requiring the Yukon St. connector road, they need to do their part at the intersection of Duff and HWY 44 to mitigate the traffic that has already been deemed to exceed the operational threshold.

Regards,

Clark Guler
360 430 0405
clarkhguler@gmail.com

CITY OF MIDDLETON
RECEIVED
JUN 15 2021

June 14, 2021

Armindo and Maria Fernandes

10076 Riverbend Place

Middleton 83644

Re: Complaint regarding Staff on 6/7/2021 planning and zoning meeting.

Mayor Rule, after attending the planning and zoning meeting on 6/7/2021 I had to take a few days to absorb and try to make some sense of staffs' behavior, actions and comments that I find to be very biased and unprofessional.

My wife and I along with a few neighbors decided to hire representation for this meeting due to early conversations with staff in which we felt were not going anywhere and that our concerns and questions were not important. Ever since, staff has taken the attitude that nothing, we have to say matters and appears to have developed a I will show attitude with an axe to grind, and a vendetta towards the group and neighborhood, that was in full display at this meeting.

Staff took a completely different tone and attitude when this item came up on the agenda, with an overly aggressive /dictator like demeanor with, not, guidance to the commissioners, but leading instructions that "this needed to be approved." "it was noted by staff that several letters of the opposition have been received but commissioners need not read them all, especially the one from the attorney because it was just a lot of legalese and mumbo jumbo" one of the commission members was struggling with approving, had a problem with traffic routing but was coursed by staff to "just approve everything so they didn't have to come back to this".

One of the commissioners felt the need to make a comment as they were deliberating "I must say the attorney did not move me at all one way or the other" with commissioners' quest to be neutral and fair, perhaps remarks like this would be better if kept to themselves, yes we oppose the project, but found this meeting to be very biased with a clear axe to grind. A lot of hostility towards the group and above all very unprofessional.

My wife and I clearly feel that if tax paying citizens questions and concerns are not important enough to be heard much less addressed, then city should not be so quick to take our tax dollars.

Respectfully:

Armindo Fernandes

Maria Fernandes

Maria Fernandes

707-656-9191

June 16, 2021

Mayor Steve Rule
City of Middleton
1103 W. Main Street
Middleton, ID 83644
E-Mail: srule@middletoncity.com

RE: Riverpoint Subdivision
Planning and Zoning Meeting – June 7, 2021

Dear Mayor Rule:

I attended the Planning and Zoning Meeting on June 7, 2021 as a concerned neighbor of the above-mentioned subdivision that is being developed. I write this because of the inappropriate behavior, bias and hostility of the City Planner, and members of the Committee towards its citizens during that meeting. I feel that the City Planner and the Committee had already made up their mind before everyone spoke and that they had not considered the citizens' side of this issue at all. I don't know if anything can be done, but I am outraged about the events that took place.

Weeks before this meeting Ms. Stewart told me that people will only have three minutes to address the Committee, after that we will be told to stop. She told me that if there was a large group that the Committee would rather have one person speak on their behalf because if the Committee hears everyone speak about the same thing, they will just tune them out. When I asked her about when our response letters would be due she told me she would accept them right up to the date of the meeting. So we found one person to represent us and that was an attorney.

As I sat in the front row of the meeting Ms. Stewart told the Committee that response letters had arrived that day, one being from an attorney. She told the Committee that they didn't need to bother to read the letter because it just was a lot of "legalese and blah, blah, blah".

I can only assume the Committee did not read any of the other letters that arrived that morning, and maybe even others that were submitted before. Ms. Stewart spoke about points in the letter submitted by our attorney telling the Committee all the things that they should not be concerned about even before our attorney was given the chance introduce himself and discuss our concerns.

However, it should be noted that the application that was presented before ours, she gave the Committee late letters from neighbors for the Committee to read.

Our attorney was given only 10 minutes to speak and said that he would not be addressing the traffic issue because of the time constraint.

After our attorney's presentation Mr. Waltemate said that public comment would be heard from ***others that were not a part of the group our attorney was representing***.

The committee then took comments from others including the developer Mr. Burnett. Mr. Burnett presented character witnesses on his behalf - a realtor and another developer who both would financially benefit if this project goes through. Ms. Stewart gave a slideshow presentation and which listed ***some*** but not all of the concerns that were expressed by the neighbors and our attorney in their letters. She included other development in the future straying from the application at hand. Clearly this was an attempt to sway the Committee by telling them that this application had to be submitted so we can have this beautiful subdivision that Mr. Burnett is planning. Her facial expression was happy and her voice upbeat as she spoke about Mr. Burnett's application but somber and cautious when she spoke about what our attorney presented.

Committee member Jackie Hutchinson, listened to all the other people that spoke and when it was all done Jackie said to our attorney with a scowl on her face and pointing a finger at him "I wasn't impressed or swayed by your presentation at all" in front of everyone in the meeting. She then said something to the effect of "you didn't do anything for them". I assume she means his clients, which is our group. She did not single out anyone else from the developer's side to voice her opposition to anything they said. This attack on our attorney was inappropriate, insulting and displayed outright contempt and bias on her part.

I was shocked at the beginning of the meeting when Ms. Hutchinson asked the other Committee members that "if there are no variances with an application we don't have to have a Planning and Zoning meeting on them, right?" Clearly she doesn't know the workings of a Planning and Zoning hearing or procedure.

At the end of the public comments, Commissioner Ray Waltemate voiced his concern about the Duff Lane traffic and safety issue during the discussion phase with the Committee. With waiving hands in the air Mr. Waltemate was saying "traffic, traffic, traffic! It's always about traffic!" He was clearly frustrated and then said something to break the tension in the room that made everyone chuckle. Ms. Hutchinson immediately said in a firm voice "that's not funny" pointing her finger and chastising everyone in the gallery.

Ms. Stewart continued to manipulate and prod Mr. Waltemate to just approving everything in the application so that they would not have to deal with this anymore. She leaned in toward him, spoke softly with a concerned look on her face, all the while stating "nothing is going to change", "you only have one option". In our attorney's letter, there were options that Planning and Zoning could take but that information was withheld by Ms. Stewart. He kept saying he just wasn't comfortable with it and his back was against the wall. But Ms. Stewart just kept manipulating him until he caved. It reminded me of a timeshare salesman saying you can't leave this room until you sign this. He could have continued the meeting until he had a chance to consider all sides before making a decision on the application.

Janet Gregory didn't say anything during the meeting and just kept holding up her index finger attempting to silence people in the meeting.

Since Ms. Stewart is a former attorney I find her bias and unethical, prejudicial actions towards the citizens voicing their concerns on development. Her willful withholding of information to

the Committee disturbing to me. She should be held to a higher standard with her background to working in the interest of not only the City of Middleton, but its citizens as well.

This is an extremely large development that is taking place and it should be looked at with careful consideration by the City. It will forever change the character of Middleton and the lives of the citizens who live here. I believe that development does have to happen to make Middleton thrive and prosper. But that development should not be left to people that only seek what their vision of that development should be and ignore or oppress the people who live here just because they are in a position of power to do so.

Thank you for your time and attention to this matter.

Regina Henley
1005 Riverbend Place
Middleton, ID 83644

cc: Carrie Huggins (chuggins@middletoncity.com)
Rob Kiser (rkiser@middletoncity.com)
Tim O'Meara (tomeara@middletoncity.com)
Jeff Garner (jgarner@middletoncity.com)