

Middleton City Council

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



In the Matter of an application by Sterling Land Development, Inc. and David Sterling for annexation/rezone, preliminary plat, and development agreement with respect to the Sterling Lakes Subdivision located at 23251 Duff Lane (Tax Parcel Nos. R3386901000 and R33869010A1) involving a preliminary plat consisting of 119 residential lots and 10 common lots on 51.43 acres of vacant land (the “Property”):

A. Findings of Fact: The Middleton City Council reviewed the facts as outlined in the staff report for the hearing date of September 1, 2021 (which staff report is attached hereto as Exhibit “A” and incorporated herein by this reference and made a part hereof as if set forth in full), and considered public testimony and applicant submittals, as set out below. Additionally, all pertinent Idaho State Statutes and City ordinances, standards and codes were used in evaluating the application.

1. Hearing Facts: (See Staff Report for the hearing date of September 1, 2021, which Report is attached hereto as Exhibit “A”.)
2. Process Facts: (See Staff Report for the hearing date of September 1, 2021, which Report is attached hereto as Exhibit “A”.)
3. Application and Property Facts: (See Staff Report for the hearing date of September 1, 2021, which Report is attached hereto as Exhibit “A”.)
4. Required Findings and Decisions per Middleton City Code 1-14-2(E)(7) and 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, and Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329, and 50-222: (See Staff Report for the hearing date of September 1, 2021, which Report is attached hereto as Exhibit “A”.)

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 comment(s) 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 & 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:

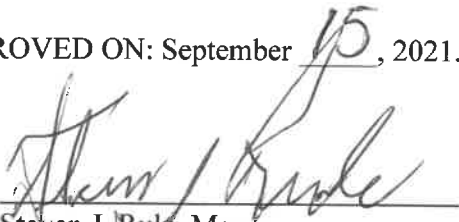
Pursuant to the City Council's authority as provided in Middleton City Code 1-5-2, and based upon the Findings of Fact and Conclusions of Law, the Mayor and City Council hereby order the following:

1. The application for annexation/rezone is approved subject to the conditions of approval set forth in the Staff Report for the September 1, 2021, public hearing.
2. The application for development agreement is approved subject to the conditions of approval set forth in the Staff Report for the September 1, 2021, public hearing.
3. The application for preliminary plat is approved subject to the conditions of approval set forth in the Staff Report for the September 1, 2021, public hearing.
4. An additional condition of approval is as follows: the roadway named "Tilapia Avenue" shall be re-named "Miner Avenue."


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 15, 2021.


Steven J. Rule, Mayor
Middleton City Council

Attested by:


Roberta Stewart
Planning and Zoning Department



STAFF REVIEW AND REPORT Middleton City Council

Sterling Lakes Subdivision

Snapshot Summary

 An aerial photograph of the Sterling Lakes Subdivision site. The site is a large, irregularly shaped parcel of land, mostly brown and tan, indicating undeveloped or agricultural land. It is surrounded by other land parcels, some of which are green, suggesting forested areas. The site is located near a road and a body of water (Mill Slough).	DESCRIPTION	DETAILS
	Acreage	51.4 acres
	Current Zoning	County Agricultural
	Proposed Zoning	R-3 (Single Family Residential)
	Current Land Use	Residential
	Proposed Land Use	Residential
	Lots	118 single family home lots and 10 common lots.
	Density	2.3
	Open Space	35.64%
	Amenities	Extensive 10' wide walking path and community ponds/water features.

- A. **City Council Public Hearing Date:** September 1, 2021
- B. **Project Description:** Residential subdivision with 118 buildable lots and 10 common lots on 51.4 acres of vacant land located at 23251 Duff Lane (Tax Parcels #R3386901000). Amenities include 10' wide pathway along the Mill Slough and three community ponds.
- C. **Application Requests:** Applicant currently has four applications. The first application is an annexation and rezone application to annex the property into the City of Middleton and change the zoning from County Agricultural to City of Middleton R-3 zoning. The second application is for Preliminary Plat, and the third application is for Development Agreement. A fourth application is for Floodplain, and it will be handled administratively by City staff.

Developer had also submitted applications for variances from the City Code, which applications were approved by the Planning and Zoning Commission at the June 7, 2021 hearing on the matter. Specifically, the Commission approved Developer's request to lower the centerline turning radius on the roads from 125' to 90'. The Commission also approved a variance to decrease the 3-lane requirement for Cornell Street to only 2 lanes along the bridge that will span Mill Slough. There is no reason to have a center turn lane on the bridge because there is no ability to make a turn either way while on the bridge.

- D. **Current Zoning & Property Condition:** The property is currently located in the County and zoned Agricultural. The properties to the north and west are within

Middleton city limits and zoned R-3. Properties to east and south are also within City limits and zoned R-4.

- E. City Services:** City water and sewer are located immediately west and south of the project. Sewer and water will connect to existing sewer from Cornell Street. Water and sewer main stubs will be provided in the northeast quadrant of the plat for future extension.



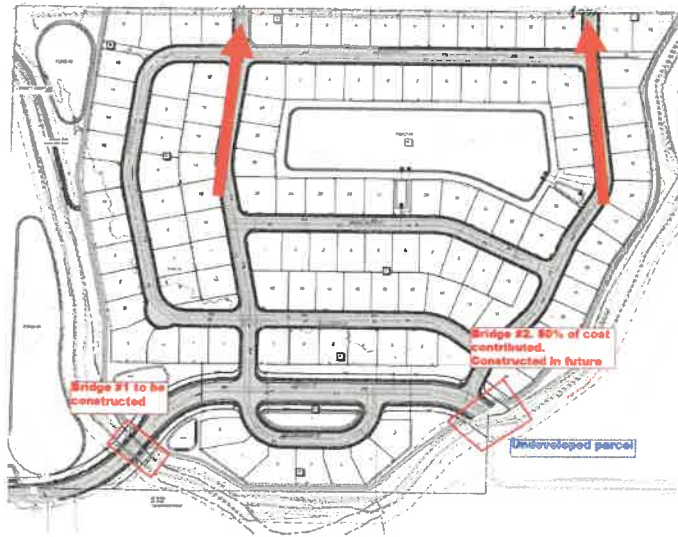
FINDINGS:

Planning Staff finds that City services can be easily extended 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.

F. Traffic, Access & Streets:

Access to the subdivision is via Cornell Street, and Developer will be required to construct the road improvements to Cornell Street at its own cost and dedicate the same to the City of Middleton. Part of that frontage improvement includes the construction of a bridge across the western portion of the Mill Slough.

A second bridge will be required to cross the eastern portion of the Mill Slough. It cannot be constructed until the property to the east is developed. Planning Staff proposes that the Developer of Sterling Lakes be required to submit to the City 50% of the cost of the 2nd bridge, which monies the City will hold until the bridge is ready to be built by a future developer to the east.

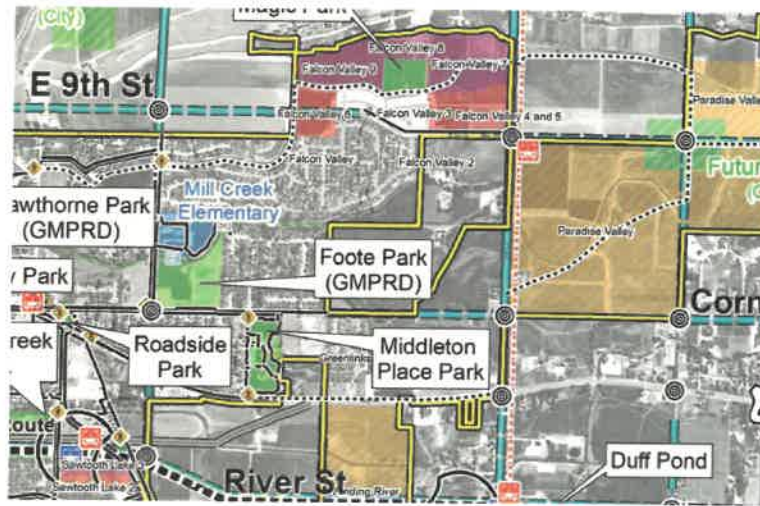


Developer's preliminary plat provides adequate stub roads to the north to allow connectivity for future development adjacent to this project. See arrows above.

ITD is in the process of reviewing the proportionate share analysis for this project. ITD recently informed us that they have quite a backlog of projects to review, and they will not be able to provide an analysis before the September 1st hearing. Nevertheless, if the City Council is inclined to approve this subdivision application, it can still move forward by merely making payment of all City required proportionate share fees a condition of preliminary plat approval and final plat approval.

- G. Pathway & Open Space:** Developer has provided a 10' wide asphalt pathway along the Mill Slough to connect with the regional trail system in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation Map*. 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Cornell.





As to Open Space, the Developer has exceeded the Code requirement of 5% by providing 35.64% Open Space in the form of Community Ponds, large common lots, and an extensive trail system. (MCC 5-4-10-10)

- H. **Storm drain and Pressurized Irrigation:** Storm drain facilities and pressurized irrigation have been provided and are approved by the City Engineer.
- I. **Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The District has reviewed the preliminary plat and issued standard comments approving the Subdivision.
- J. **Preliminary Plat Application:** The Preliminary Plat contains 118 single family lots and 10 common lots. Developer is proposing 3 phases of development as shown below. See copy of the entire preliminary plat proposed by Developer attached hereto as Exhibit "A".



City Engineer, Amy Woodruff, issued a letter recommending approval of the preliminary plat attached hereto as Exhibit "A". Ms. Woodruff's recommendation letter is attached hereto as Exhibit "F".

FINDINGS:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code and Idaho State Code except for the two variance items approved by the Planning & Zoning Commission at the June 7, 2021, public hearing on the project.

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

- K. Annexation and Rezone:** Applicant is requesting that the entire 51.4 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acres.

There are primarily three requirements for Annexation & Rezone: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, and (3) the annexation is in the best interest of the City and not adverse to the public health and welfare.

FINDINGS:

Planning Staff finds that Applicant's project meets all three of these requirements: (1) The property is contiguous; (2) sewer and water are available as shown above, and (3) the annexation does not adversely affect the City but benefits the City because (a) it supports orderly growth, (b) it provides a variety of housing lots, (c) it creates extensive recreational pathways, and (d) it creates safe streets for vehicle and pedestrian circulation.

Planning Staff further finds that the rezone application is in harmony with the City's Comprehensive Plan as will be shown in more detail below in Section M.

- L. Development Agreement:** Annexation and rezone requests generally require a Development Agreement ("DA"). Applicant and City Staff have used the City's template form for the DA and have added the seven provisions shown below. (A true copy of the proposed Development Agreement is attached hereto as Exhibit "B".)

1. A concept plan is attached to the DA, and Developer shall improve the property substantially consistent with the concept plan.
2. Developer shall, at its own cost, improve Cornell Street.

3. Developer shall pay all City required pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision. The fees must be paid prior to approval of final plat for phase 1.
4. Developer shall build only single family homes in compliance with the R-3 Zone except for the two variances approved by the Planning & Zoning Commission at the June 7, 2021 public hearing.
5. Developer shall pay 50% of the cost to design and construct the second culvert crossing of the Mill Slough on the east side of the project property. The 50% cost shall be paid to the City of Middleton prior to final plat approval for phase 1. City will hold the money until the property to the east is developed and the cost for building the remaining portion of the bridge is paid by the second developer.
6. If Developer does not obtain final plat for phase 1 within 3 years of preliminary plat approval (or 4 years with a 1 year extension), then the City may modify or terminate the DA and the preliminary plat becomes null and void.
7. Developer must obtain final plat for each phase within 3 years of final plat for the previous phase. Developer may seek a 1 year extension for each phase, totaling 4 years between each final plat. Failure to do so will result in the remaining portions of the preliminary plat becoming null and void.

M. Comprehensive Plan & Land Use Map: *FINDINGS: Planning Staff finds that Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.*

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

- a. *Goals 3 and 23: The project provides safe vehicle and pedestrian facilities in light of the street improvements and sidewalks shown on the preliminary plat.*
- b. *Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
- c. *Goals 11: The housing type matches the residents' lifestyle in the area the project is located.*

N. Comments Received from Surrounding Landowners: City has received two objection letters. Nancy Cannetti objected on 6/4/2021 to the development due to increased traffic, adverse effect on views, and vague neighborhood meeting. Mike Walker objected by letter on 6/7/2021 stating concerns about project traffic using the Greenlinks subdivision for ingress and egress. (Objection letters are attached as Exhibit "C").

O. Comments from Agencies: A 6/2/2021 letter from the Middleton Rural Fire District set forth standard comments for approval of the preliminary plat. A 5/24/2021 letter from Drainage District 2 set forth standard comments regarding how to handle the

District's easement along the Mill Slough. A letter received 6/8/2021 from COMPASS noted that trips will be reduced because of the project's closeness to schools and shopping. COMPASS also noted that the project promotes connectivity. (Copies of the comments are attached as Exhibit "D".)

P. Comments from City Engineer and Planning Staff: Copies of City Engineer comments and Planning Staff comments are attached as Exhibit "E".

Q. Applicant Information: Application was received and accepted on March 19, 2021. The Applicant/Owner is Sterling Land Development, Inc, 1159 E. Iron Eagle Drive, Suite 170-K, Eagle, ID 83616 (949) 226-4482.

R. 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	02/26/2021

Planning Staff finds that Public Notice was given according to law.

S. Applicable Codes and Standards:

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

T. Conclusions and Recommended Conditions of Approval:

The City Council is tasked with considering three separate applications for Annexation/Rezone, Preliminary Plat, and Development Agreement. To properly perform this task, the Council must ultimately make findings of facts, conclusions of law, and an order with respect to each separate application.

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 the Council agrees with the findings of facts in the Staff Report, and after hearing public testimony, the Council may simply 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 recommendation.

As to Conclusions of Law, Planning Staff finds that the 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. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code considered in rendering a decision on the applications. If the September 1st public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept and state these "conclusions of law" on the record.

As to the Order and Conditions of Approval, if the City Council is inclined to approve the applications based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be subject to the following conditions:

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 requirements of the Middleton Rural Fire District are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. Developer to comply with all terms of the proposed Development Agreement.
6. Developer may not obtain the 51st building permit until a fully functional second access is constructed.
7. The small section of northern stub road on the western half of the preliminary plat shall be renamed "Miner Avenue" so that it can tie into the Miner Avenue roadway approved for Falcon Valley Subdivision to the north. The road name changes to "Tilapia Ave" at the Steelhead Street intersection.
8. Sewer and water capacity are reserved at the time City approves the construction drawings for each individual subdivision phase.

If Council is inclined to deny 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).

APPENDIX

Exhibit “A”

OWNED/DEVELOPER
STERLING LAND
DELIVER COMMITMENT AND

ZONING AND SETBACK
ZONE - R-3
STREET - 10' WIDE

1150 E. MONROE DRIVE DAVE DAVE PH (641) 325-4442	ENGINEER DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	FIRE DISTRICT DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	INSULATION DISTRICT DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	ROADWAY JURISDICTION DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	SCHOOL DISTRICT DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	WATER DISTRICT DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888	WATER DISTRICT DAVID STEPHENS, P.E. DAVID L. WICK III, E.I. JOHN STEPHENS, INC. NEWBURY, UT 84963 PH (801) 325-2888
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	TOTAL	PHASE 1	PHASE 2	PHASE 3
TOTAL AREA	42,758 sq ft	514 sq ft	42,244 sq ft	

[illegible]TOWNSHIP 4 NORTH, RANGE 2 WEST, BOISE MERIDIAN
CANYON COUNTY, IDAHO
2021

STERLING LAND DEVELOPMENT, INC.
1158 E. IRONMADE DRIVE, SUITE 170-K
EAGLE, CO 80621

PH (208) 550-1215
5150 N. 2nd St. Boise, ID 83702

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CO-04 P. OODOLAH PARTT ALAN



EARTHQUAKE SHOWN AND MONTH AND NEARBY VERTICAL DATUM OF 1916 PG

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ALL PLACEMENT AND DISPOSITION STANDARDS SHALL BE IN ACCORDANCE WITH F-1 ZONING ATTACH C BUILDING DEPARTMENT ORDINANCE

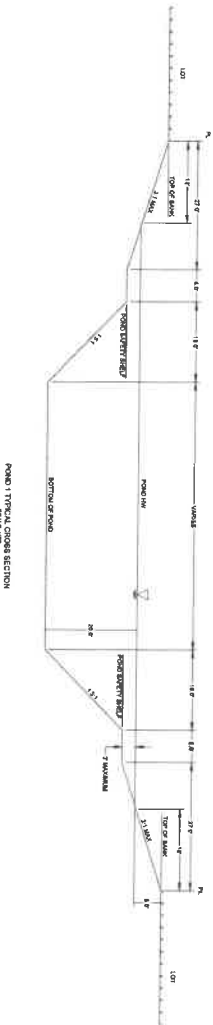
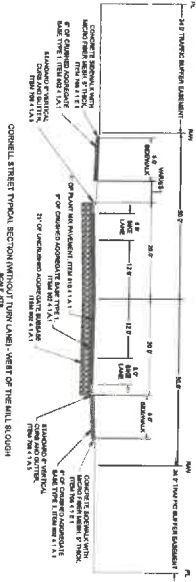
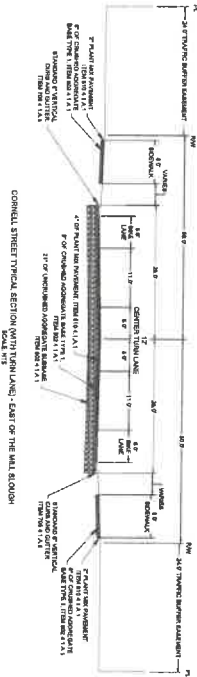
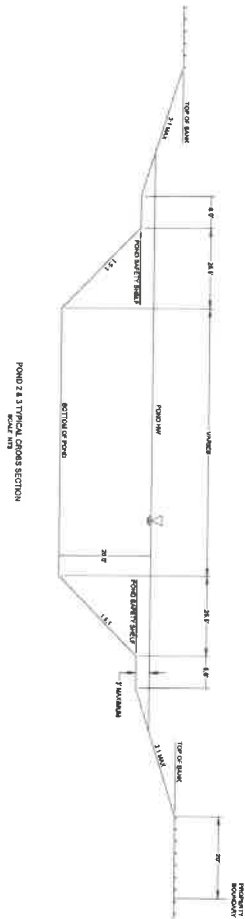
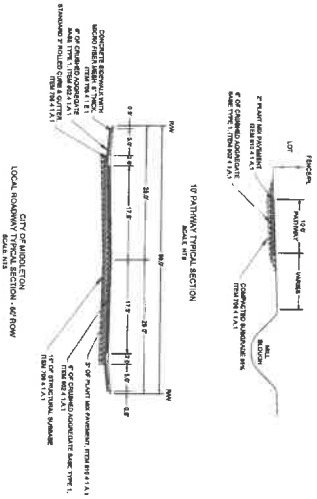
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T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
2471 S. TITANUM PLACE
MERIDIAN IDAHO 83642
PHONE (208) 320-2288 WWW.T-O-ENGINEERS.COM
BONNE • CODY • COEUR D'ALENE • HELENA CITY
MEADOWS • NAPA • SPOKANE

REVISIONS		DATE	BORDER SIZE
NO.	DESCRIPTION		
1	REVISED PER CITY OF MIDDLETON COMMENTS	8-28-2001	27"x34"
			DESIGNED
			# LUCA
			GRAPH
			P LUCA
			CHECKED
			D STERLING
			APPROVED







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T-O ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
2471 S. TITANUM PLACE
MERIDIAN IDAHO 83642
PHONE (208) 327-2286 WWW.TO-ENGINEERS.COM
BOWE • CODY • COEUR D'ALENE • HELENA CITY
MERIDIAN • Nampa • SPOKANE

REVISIONS			BORDER SIZE
NO	DESCRIPTION	DATE	22"x4"
1	REVISED PER CITY OF INGLETON COMMENTS	8-28-2021	DESIGNED
			P. LUCIA
			DRAWN
			P. LUCIA
			CHECKED
			D. STERLING
			APPROVED
			D. STERLING



ATTENTION

IF THIS DATE DOES NOT MATCH ANYONE
 1. ON 22044 SUBJECT OR 1/02 ON
 12411 SUBJECT THEN DRAWING IS
 NOT TO SCALE

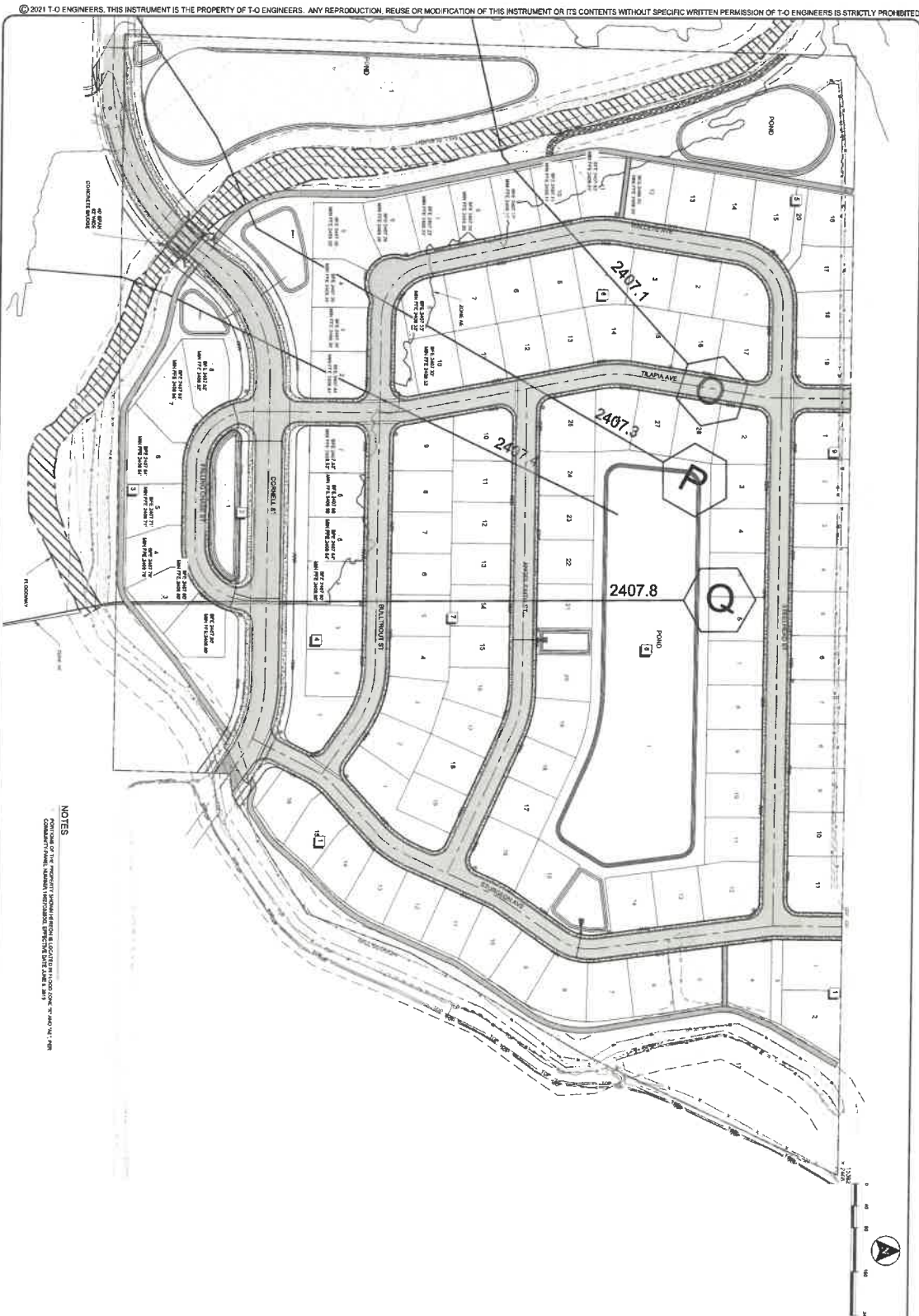
DATE 09/23/11
 PROJECT 22044
 SHEET

C0.02

1981; U.S. EPA, 1982). Studies have not yet been published on the effects of the 1983 National Sanitation Code (NSC) on the use of disinfectants in food service establishments. The NSC requires that food service establishments use disinfectants with a minimum of 100 ppm available chlorine (U.S. EPA, 1982). The NSC also requires that food service establishments use disinfectants with a minimum of 100 ppm available chlorine (U.S. EPA, 1982). The NSC also requires that food service establishments use disinfectants with a minimum of 100 ppm available chlorine (U.S. EPA, 1982).

T-D ENGINEERS
CONSULTING ENGINEERS, SURVEYORS & PLANNERS
2471 S. TITANIUM PLACE
MERIDIAN, IDAHO 83642
PHONE (208) 325-2288 WWW.T-D-ENGINEERS.COM
BOISE • COODY • COEUR D'ALENE • HEGER CITY
MIDWINTER • Nampa • SPOKANE

REVIEWS		BORDER SHEET
NO	DESCRIPTION	DATE
1	REVISED PER CITY OF MIDDLETON COMMENTS	6-28-2021
		DESIGNED
		P. LUCAS
		DRAWN
		P. LUCAS
		CHECKED
		D. STRICKLAND
		APPROVED



NOTES

1. THE BOUNDARY LINES OF THE SUBDIVISION ARE BASED ON THE SURVEY OF THE LAND BY T-O ENGINEERS, INC. ON 10/10/2020. THE SURVEY WAS CONDUCTED BY T-O ENGINEERS, INC. ON 10/10/2020. THE SURVEY WAS CONDUCTED BY T-O ENGINEERS, INC. ON 10/10/2020. THE SURVEY WAS CONDUCTED BY T-O ENGINEERS, INC. ON 10/10/2020.

C0104

PRELIMINARY PLAT FOR:
STERLING LAKES SUBDIVISION
 FLOODPLAIN DEVELOPMENT PERMIT PLAN

T-O ENGINEERS
 CONSULTING ENGINEERS, SURVEYORS & PLANNERS
 2471 S. TITANUM PLACE
 METROPAUL BLVD. SUITE 100
 PHONE: (202) 223-2288 WWW.T-O-ENGINEERS.COM
 BOBIE L. COOPER & COLLEEN D. LEBLANC, P.E. & P.L.C.
 METROPAUL & SUITE 100, METROPAUL

REVISIONS		DATE	BY
NO.	DESCRIPTION		
1	REVISION PER CITY OF METROPAUL COMMENTS	6-29-2021	DESIGNED: P. LUCK DRAWN: P. LUCK CHECKED: D. STERNBERG APPROVED: D. STERNBERG



Exhibit "B"

DEVELOPMENT AGREEMENT

This Development Agreement (**Agreement**) is entered into by and between the CITY OF MIDDLETON, a municipal corporation in the State of Idaho (**City**); and Sterling Lakes LLC, an Idaho limited liability company, referred to hereafter as Developer (**Developer**).

RECITALS

WHEREAS, Developer owns approximately 51 acres of real property located at 23251 Duff Lane, north of Cornell Street, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R3386901, and legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

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

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

AGREEMENT

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

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

The City will adopt an ordinance to annex and rezone the Property from Canyon County Agricultural to City of Middleton R-3 (Single Family Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform at the city's expense and with the Developer's cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Concept Plan. The Concept Plan attached hereto as Exhibit "B" is hereby incorporated herein by this reference as if set forth in full. Developer shall be bound to abide by said Concept Plan and shall develop the Property substantially consistent with the Concept Plan.

3.2 Frontage Improvements. Developer shall, at its own cost, improve Cornell Street and comply with the City comments and recommendations for final plat approval.

3.3 Proportionate Share Fees: Developer shall pay all City required traffic proportionate share fees prior to final plat approval for Phase 1. Payment of the proportionate share fees will be a condition of approval for Phase 1 final plat.

3.4 R-3 Zone: Developer shall build only single family homes on the Property in compliance with the R-3 Zone except, pursuant to the variances approved by the Planning & Zoning Commission at the June 7, 2021 Public Hearing on the matter, Developer is entitled to the following two variances or exceptions from Middleton City Code:

- a. The minimum roadway centerline radius is one hundred (100) feet.
- b. Although Cornell Street is planned to be a 3-Lane Urban Roadway per the Supplement to the ISPWC, for the portion of the bridge over the Mill Slough, the roadway may be lowered to only two lanes for the length of the bridge.

3.5 Cornell Street Mill Slough East Culvert Crossing: Prior to City signing the final plat for Phase 1, the Developer shall pay the City fifty percent (50%) of the estimated costs for design and construction of the future Cornell Street culvert crossing of Mill Slough located on the east boundary of the Sterling Lakes Subdivision. This cost is agreed to be \$xxxxx and shall be paid to the City as a condition of approval for Phase 1 final plat approval.. This money shall be held by the City and applied to the future cost of

constructing the culvert. This \$xxxx is Developer's only obligation to the future construction of the culvert crossing regardless of future timing of construction or potential price increases or decreases.

3.6 Final Plat Deadline & Termination of Agreement. Developer shall submit a final plat application to City for Phase 1 within three (3) years of the date the preliminary plat is approved. Upon written request prior to the expiration of said three year period, Developer may apply administratively with a written request for a one year extension to submit the final plat application for Phase 1. Notwithstanding the provisions in Article IV, if Developer does not submit final plat application for Phase 1 within three years of the date the preliminary plat is approved or within the time-period of a one year extension, then Developer will be in material breach of this Agreement. Additionally, the preliminary plat shall become null and void. The City, after complying with the notice and hearing requirements contained in the Middleton City Code and Idaho Code, may then choose to extend, modify, or terminate this Agreement. The City may initiate the foregoing proceedings and may do so at any time following a material breach hereof. Termination of this Agreement shall not affect the zoning that is in place at the time of the termination, and the zoning for the Property shall remain R-3 (Single Family Residential). No delay in initiating proceedings to extend, modify, or terminate this Agreement following a material beach by Developer shall constitute a waiver of said breach.

3.7 Three Year intervals for Final Plat. Developer shall be required to submit a final plat application on each phase within three years of final plat approval on the previous phase. Upon written request prior to the expiration of said three year period, Developer may apply administratively with a written request for a one year extension to submit the final plat application. If Developer does not timely apply for a one year extension or does not subsequently submit a final plat application to City 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.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

4.1 If the Developer fails to comply with any of the terms or conditions in this Agreement, then the portion(s) of this Agreement pertaining to the breach may be modified or terminated by the Middleton City Council, after complying with the notice and hearing requirement contained in Middleton City Code and Idaho Code. If after a breach, the City Council determines that the terms of this Agreement applicable to the breach should be modified, the term(s) of this Agreement shall be amended and the Developer shall comply with the amended terms. Any breach waived by the City shall apply solely to the breach waived and shall not bar any other

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

4.2 Upon a breach of this Agreement, and, after a breach, the City Council determines that the zoning should be reverted to R-3, 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 the R-3 zone.

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

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

ARTICLE V GENERAL PROVISIONS

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

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

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

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

Developer: Sterling Lakes, LLC
1159 E. Iron Eagle Drive
Suite 170-K
Eagle, Idaho 83616

5.4 If either party shall fail to perform under this Agreement and said failure is cured with the assistance of an attorney for the other party, as a part of curing said failure, the reasonable attorneys' fees incurred by the other party shall be reimbursed to the other party upon demand. In the event a suit or action is filed by either party against the other to interpret or enforce this Agreement, the unsuccessful party to such litigation agrees to pay to the prevailing party all costs and expenses, including reasonable attorneys' fees incurred therein, including the same with respect to an appeal.

5.5 The Agreement shall be effective after being fully executed. This Agreement shall become valid and binding only upon its approval by the City Council and execution of the Mayor and City Clerk. After its execution, the Agreement shall be recorded in the office of the County Recorder at the expense of the City.

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

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

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

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

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

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

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

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

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this ____ day of _____, 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: _____
Brian Sinderhoff

State of Idaho)

ss.

County of _____)

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

Development Agreement – _____

Notary Public
My Commission Expires: _____

Exhibit "C"

Rachel Speer

From: Nancy Cannetti <necannetti@gmail.com>
Sent: Friday, June 4, 2021 6:03 PM
To: Rachel Speer
Subject: Public Hearing Notice - Annexation/Rezone, Preliminary Plat, Development Agreement (Sterling Lakes Subdivision)

Good Afternoon:

My family recently relocated to Middleton in August 2020. We wanted a simpler life to retire, start anew, and leave the congestion of the city. Middleton seemed perfect and offered that rural lifestyle. When purchasing my home my realtor assured me that the lovely mountain and pasture views from my backyard was zoned agricultural and was expected to remain undisturbed for quite some time as the land was family-owned. Furthermore, Middleton is one of those few towns that strongly supports family values and maintains a true small town community spirit among the residents.

I am very saddened to be advised that these wonderful small town values will be compromised. If Middleton allows the development of this land, Middleton will incur a tremendous increase in traffic which will necessitate additional road construction, traffic signals, and unfortunately additional and increased taxes and utility costs. The small hometown community I moved into will no longer exist, and sadly, I do not think I may wish to remain here in Park Place. In addition, I may not be able to afford living here on a limited income.

In addition, I wish to express my concerns with regard to the presentation during the informational "neighborhood" meeting held on February 26, 2021. The representatives from Sterling Land Development were very pleasant; however, did not have any concrete answers to any of the residents' questions or concerns. We were told "geological" studies were being completed and they assured us that nothing would jeopardize our property's structure/integrity or affect the flood plain on which parts of the homes along the proposed subdivision are located. We (the residents) have concerns that the water which would be in the proposed ponds might leach under our properties and possibly cause sinkholes. Sterling responded that this could not happen due to their using riverbed water (still a concern for us as it was not explained sufficiently). Concerns were also voiced about mosquitoes accumulating around the so-called ponds and were told that they know what they are doing and would ensure steps were taken to avoid these kinds of problems. I also alerted the representatives to an extremely large cottonwood tree between my property and my neighbor's property located on the edge of the proposed development and my fear of the pond structure compromising the root integrity of the tree thus a potential for the tree to fall on my house. I was told they would look into it and that they would have an arborist evaluate the situation. We have not been advised that this has occurred.

I realize a summary of the meeting is included in the application, however, I would like to ensure that we, the residents, will be advised that our concerns will be addressed and an appropriate solution will be required and communicated prior to commencement of the proposed construction project. Also, I do not recall anyone stating that they did not want any kind of fence between their property and the pond.

I wish to go on record that I do not support the application for rezoning submitted by Sterling Land Development Inc. and David Sterling. I respectfully request that the Middleton Planning and Zoning Commission consider denying the application for rezoning the subject property in order to preserve that small hometown character of Middleton.

Thank you for your time and consideration.

From: [Nancy Cannetti](#)
To: [Rachel Speer](#)
Cc: [Roberta Stewart](#)
Subject: Re: Public Hearing Notice - Annexation/Rezone, Preliminary Plat, Development Agreement (Sterling Lakes Subdivision)
Date: Monday, June 7, 2021 5:02:51 PM

Thank you Rachel. I had hoped to participate in person as well; however, due medical reasons I am unable to attend today. I do appreciate your assistance.

If there are any meeting notes or minutes completed that you are able to share, I would appreciate a copy.

Have a nice evening,
Nancy

On Mon, Jun 7, 2021 at 1:29 PM Rachel Speer <rspeer@middletoncity.com> wrote:

Thank you for your email. I will make sure the Planning and Zoning Commission is given a copy of this prior to the meeting tonight.

From: Nancy Cannetti <necannetti@gmail.com>
Sent: Friday, June 4, 2021 6:03 PM
To: Rachel Speer <rspeer@middletoncity.com>
Subject: Public Hearing Notice - Annexation/Rezone, Preliminary Plat, Development Agreement (Sterling Lakes Subdivision)

Good Afternoon:

My family recently relocated to Middleton in August 2020. We wanted a simpler life to retire, start anew, and leave the congestion of the city. Middleton seemed perfect and offered that rural lifestyle. When purchasing my home my realtor assured me that the lovely mountain and pasture views from my backyard was zoned agricultural and was expected to remain undisturbed for quite some time as the land was family-owned. Furthermore, Middleton is one of those few towns that strongly supports family values and maintains a true small town community spirit among the residents.

I am very saddened to be advised that these wonderful small town values will be compromised. If Middleton allows the development of this land, Middleton will incur a tremendous increase in traffic which will necessitate additional road construction, traffic signals, and unfortunately additional and increased taxes and

utility costs. The small hometown community I moved into will no longer exist, and sadly, I do not think I may wish to remain here in Park Place. In addition, I may not be able to afford living here on a limited income.

In addition, I wish to express my concerns with regard to the presentation during the informational "neighborhood" meeting held on February 26, 2021. The representatives from Sterling Land Development were very pleasant; however, did not have any concrete answers to any of the residents' questions or concerns. We were told "geological" studies were being completed and they assured us that nothing would jeopardize our property's structure/integrity or affect the flood plain on which parts of the homes along the proposed subdivision are located. We (the residents) have concerns that the water which would be in the proposed ponds might leach under our properties and possibly cause sinkholes. Sterling responded that this could not happen due to their using riverbed water (still a concern for us as it was not explained sufficiently). Concerns were also voiced about mosquitoes accumulating around the so-called ponds and were told that they know what they are doing and would ensure steps were taken to avoid these kinds of problems. I also alerted the representatives to an extremely large cottonwood tree between my property and my neighbor's property located on the edge of the proposed development and my fear of the pond structure compromising the root integrity of the tree thus a potential for the tree to fall on my house. I was told they would look into it and that they would have an arborist evaluate the situation. We have not been advised that this has occurred.

I realize a summary of the meeting is included in the application, however, I would like to ensure that we, the residents, will be advised that our concerns will be addressed and an appropriate solution will be required and communicated prior to commencement of the proposed construction project. Also, I do not recall anyone stating that they did not want any kind of fence between their property and the pond.

I wish to go on record that I do not support the application for rezoing submitted by Sterling Land Development Inc. and David Sterling. I respectfully request that the Middleton Planning and Zoning Commission consider denying the application for rezoning the subject property in order to preserve that small hometown character of Middleton.

Thank you for your time and consideration.

Sincerely,

Nancy Cannetti

184 Atlantic Avenue

Middleton

Rachel Speer

From: Mike Walker <mwjw1960@gmail.com>
Sent: Monday, June 7, 2021 3:41 PM
To: Rachel Speer
Subject: Sterling Lakes Subdivision

Looking at the map, it doesn't appear that there is a connection to Duff or other feeder roads. If the intent is to have the main access from Greenlinks Ave, we will have to object to the addition and rezone. Greenlinks Ave. is already overwhelmed with the addition of the LDS Church on Cornell. Hundreds of cars 2 times a day that were never in the traffic plan. In addition, what is the construction access to the Sterling Lakes Subdivision? Large semi construction trucks will damage the (2) roundabouts on Greenlinks Ave.

Growth is inevitable but putting current residents' comfort/ security at risk is not acceptable.
Mike and Joan Walker
1537 Fairway St. (corner Greenlinks and Fairway).

Exhibit "D"

MIDDLETON RURAL FIRE DISTRICT



Sterling Lakes Subdivision

STAR FIRE PROTECTION DISTRICT

DATE: June 2, 2021

TO: City of Middleton, Planning & Zoning

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: Sterling Lakes Subdivision, Middleton, Idaho

Fire District Summary Report:

Overview: This development can be serviced by the Middleton Rural 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, ID 83644. Station 53 is 2.8 miles with a travel time of 6 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.

Access road design shall be designed and constructed to allow for evacuation simultaneously with emergency response operations.

One- or two-family dwelling residential developments: Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall provide with at least two separate and approved fire apparatus access roads.

All access roads in this development shall remain clear and unobstructed during construction of the development. Additional parking restrictions may be required as to maintain access for emergency vehicles at all times. Hydrants shall remain unobstructed at all times per city code.

The fire district requires that Autoturn models be submitted for review. Autoturn models should reflect a standard fire engine and 50' ladder truck.

An unobstructed vertical clearance of no less than 13 feet 6 inches shall be maintained at all times.

The applicant shall work with City of Middleton 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

(208) 286-7772
11665 W. STATE ST., SUITE B
STAR, IDAHO 83669



Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall 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 Fire 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 Standards.
 - 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:

Side Setback as per City Code. Any modification to setback will require review and approval by the Fire District.

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.

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

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

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

Fax (all offices)
(208) 629-7559



SAWTOOTH LAW OFFICES, PLLC

May 24, 2021



David P. Claiborne *

S. Bryce Farris

Evan T. Roth

Daniel V. Steenson

Andrew J. Waldera **

Brian A. Faria**

Patxi Larrocea-Phillips

Matthew A. Sturzen

Katie L. Vandenberg-Van Vliet

James R. Bennetts (retired)

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

Rachel Speer
Middleton Planning and Zoning Official
P.O. Box 487
Middleton, Idaho 83644

Re: Annexation/Rezone, Preliminary Plat, Development Agreement - **Sterling Lakes Subdivision**

Dear Ms. Speer:

Drainage District No. 2 has an easement that courses through or abuts this property. This easement is 100 feet, 50 feet each side of the centerline, for open drains and 50 feet, 25 feet each side of the centerline for piped or closed drains. The developer must contact the District's attorney's, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into the District's facilities occurs. The District must review drainage plans and construction plans prior to any approval.

The District generally requires a License Agreement prior to any approval for the following reasons:

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

Also, please be advised that the District does not approve of trees within the District's easement. Therefore, any existing trees within the District's easement will need to be removed. On occasion, the District may make exceptions on a case by case basis, which require the developers/owners obtain written permission from District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

S. Bryce Farris

SBF:krk

cc: DD#2 Board of Directors

www.sawtoothlaw.com

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: Sterling Lakes






Agency: Middleton

CIM Vision Category: Future Neighborhoods

New households: 120

New jobs: 0

Exceeds CIM forecast: No

	CIM Corridor: None Pedestrian level of stress: N/A Bicycle level of stress: N/A	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: 980 Jobs within 1 mile: 110 Jobs/Housing Ratio: 0.1	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: 2.8 miles Nearest fire station: 1.9 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: 917 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: 0.9 miles Nearest public park: 0.2 miles Nearest grocery store: 0.9 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

The proposal is in an area of east Middleton near a public park, school, and grocery store. This location may reduce trip length and encourage bicycle and pedestrian use. ValleyConnect proposes a bus routes along Highway 44, from Canyon County to downtown Meridian, via Highway 44. The nearest bus stop would be located in downtown Middleton. The proposal utilizes existing stub roads to promote automobile and non-motorized connectivity.

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>



Exhibit "E"



CITY OF MIDDLETON

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UPDATED PRELIMINARY PLAT COMMENTS – Sterling Lakes Subdivision

August 12, 2021

Please make the following changes to the Preliminary plat:

1. Provide a notarized copy of the Affidavit of Legal Interest showing Sterling Lakes LLC's permission to bring this application.
2. Change the name of Miner Avenue. The street name is already being used in the Falcon Valley Subdivision.
3. Note 6 regarding the 2 private drives must also include language that a public access easement is applied to the private drives. This will allow the UPS man and visitors to access the driveways. Making it only a common lot does not give the public and visitors access to the driveways.
4. Lot #17 is not designated correctly in block 5. Add the number "17"
5. The lot count on Block 7 is wonky. Correct the numbering of lots 11 through 19. It is backwards.
6. Fix the legend on the first page. It is off a line.
7. Show the mailbox locations on the pre-plat
8. Add this note: "Any re-subdivision of this plat shall comply with the applicable regulations in effect at the time of the re-subdivision."
9. Show fenced perimeter

Roberta Stewart

Middleton City Planner



May 20, 2021

TO: Roberta Stewart, Planner
Rachel Speer, PE

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

A handwritten signature in black ink, appearing to read "Amy Woodruff", written over the printed name.

RE: STERLING LAKES SUBDIVISION

Thank you for the opportunity to review the above referenced preliminary plat submittal. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward.

MCC 5-4-3: Traffic Impact Analysis.

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS including ties to corners. It should be possible to use the description from the deed and retrace fully the boundary. It is not possible to make out common lots, dimensions of lots, boundary limits, etc. Please revisit line work as needed.

MCC 5-4-4.2.f. Topography is required to be shown – not just contours.

MCC 5-4-4.2.h. What is happening with the existing house at northeast corner? Show all topo: existing well, septic, identify all the easements in Schedule B labeled with instrument #, show fully the connection at Cornell Street including existing rights of way and utilities, show fully the connection at Greenlinks including existing rights of way and utilities.

MCC 5-4-4.2.i. Add name of recorded subdivisions adjacent, include book/page.

MCC 5-4-4.2.j. Please add existing zoning information for adjacent parcels.

MCC 5-4-4.2.k. Please add the lot count table, per phase.

MCC 5-4-4.2.p. Please specifically identify all land to be dedicated to the public with purpose indicated. Please list lots and use.

Note 3. Remove irrigation and drainage language for front lot easement.

Note 4/Sheet 0.02. Storm water will not be discharged into the ponds and comingled with irrigation and groundwater. Plan to manage a 100 year/1 hour storm using



retention facilities. The front half of the lot C value is 0.60, the rights of way (all) are 0.95. All stormwater management facilities require pretreatment.

Note 5. Expand as required to address Idaho Code 31-3805.

Note 8. Delete.

Add a note regarding fiber.

Street lights every 400 ft maximum, at intersections and culdesacs.

Add a note exterior boundary is required to be fenced.

Show mail box/USPS location.

Identify lots to be used for stormwater management. The use for the lots is exclusive to stormwater – no other utilities co-locate.

Correct street names. Street is east/west. Avenue is north/south. Court is culdesac. No other designations.

The south area Mill Slough easement does not appear to be consistent with the easement in other areas of the plat.

Please plan to connect to existing water and sewer in Cornell, Greenlinks or other. Show fully the existing utilities, connection points, size, etc.

Water corridor is north and east. Sewer corridor is south and west. Revise Talapia to eliminate/minimize sewer crossing water.

Please extend the 8 inch sewer main to the end of Minor to north boundary.

Extend sewer and water across Mill Slough to southeast corner.

Plan to extend Cornell Street right of way to east boundary or otherwise assure future right of way "for others" is available if Sterling Lake is not required to extend Cornell to east boundary.

Extend Sturgeon to north boundary/Grey Trust parcel, including utility extension.

Revisit intersection of Bulltrout and Sturgeon. Correct geometry.



Many lot dimensions are not legible because of line work and conflicts. Double centerline on Cornell. How wide is lot 1 block 4?

The traffic buffer for Cornell is required to be within minimum 24 ft easement.

Use City's local section for Cornell to the bridge. You can transition from existing in 20 ft +/- and we can address fully at construction phase.

Add centerline radii and intersection radii.

Identify limits of flood plain/flood way/base flood elevation(s) as applicable.

As a condition of construction plan submittal to the City, plan to submit the approved reclamation plan (or other) from Dept of Lands for the ponds/mining areas shown. Please double check the top of bank is sufficient distance from the west boundary so there is no impact to neighboring parcels. Dimension for reference.

Only 50 lots maximum can be developed without a secondary access.



August 17, 2021

TO: Roberta Stewart, Planner
David Sterling, PE, TO Engineers

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

RE: **STERLING LAKES SUBDIVISION**

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

MCC 5-4-4.2.h. Will the easements of record be vacated? The easements do impact the right of way to be dedicated. #17 and #19 were not shown or I could not see the call out on C0.03.

Note 4/Sheet 0.02. Storm water may not be discharged into the ponds and comingled with irrigation and groundwater. Wet facilities or wetlands are not acceptable to the City for perpetual ownership and maintenance because of overgrowth, vectors including mosquitoes, odor and continuous neighbor complaints. Please make provision for the stormwater management and separation from groundwater up front. The forebay and storage area may have less than 3 ft from groundwater but can't intersect groundwater or have no provision for groundwater level fluctuation.

Note 7 should also include blanket easement for utilities (water/sewer).

Please add a note exterior boundary is required to be fenced. The landscape plan is fine too but please also add the note to the preliminary plat.

Show mail box/USPS location. The landscape plan is fine too but please also add the information to the preliminary plat.

The use for applicable lots is exclusive to stormwater management. Please add a note identifying the lots and blanket easement language.

The traffic buffer for Cornell is required to be within minimum 24 ft easement. Please revise the typical section to reflect the correct geometry. The berm section is not included in the lot area because lot owners then want to remodel, plant, or otherwise customize the area for other than traffic buffer.

Please use City's local section for Cornell to the bridge including concrete sidewalks. Please revisit the structural section as well.

Add a note to C0.00 and call out a 20 ft public easement for the pathways.

If possible and practical, combine C0.00 and C0.02. Multiple sheets in the plat are hard to manage. Only 50 lots maximum can be developed without a secondary access. The response is not clear but the requirement can't be waived or changed administratively.

C 0.04 is an excellent summary of floodplain/floodway information. Very well done.



August 27, 2021

TO: Roberta Stewart, Planner
David Sterling, PE, T-O Engineers

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

RE: Sterling Lakes Subdivision Preliminary Plat City Engineer Approval

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

The preliminary plat appears to be prepared in conformance with, and meet, the applicable sections of Middleton City Code Title 5, Title 6 and City platting requirements. Civil Dynamics recommends Mayor and Council approve the preliminary plat.