

Middleton Planning & Zoning Commission

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



In the Matter of the Request of Sterling Land Development, Inc, and David Sterling for annexation/rezone, preliminary plat, variance, and development agreement with respect to the Sterling Lakes Subdivision located at 23251 (Tax Parcel No. R3386901 AND R33869010A1):

Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of June 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
2. Process Facts: (See Staff Report for the hearing date of June 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
3. Application and Property Facts: (See Staff Report for the hearing date of June 7, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14-2(E)(7): (See Staff Report for the hearing date of June 7, 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 was given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards 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 Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329 and 50-222.
6. That public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.

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

C. Decision and Order:

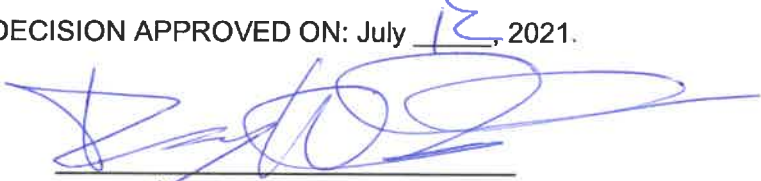
Pursuant to the Planning & Zoning Commission's authority as provided in Middleton City Code 1-5-5, and based upon the above Findings of Facts and Conclusions of Law, it is hereby recommended that:

1. City Council approve the annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the June 7, 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 June 7, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
3. City Council approve the Development Agreement application subject to the Conditions of Approval set forth in the Staff Report for the June 7, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.

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

1. The Applicant's request for Variance to MCC 5-4-10-2(H.2) to lower minimum centerline radius of 125' to 100' is approved.
2. The Applicant's request for variance to lower to two lanes the "Three-Lane Urban Roadway Typical Section" set forth in the Appendix of the Middleton Supplement to ISPWC is approved.
3. The Applicant's request for Variance to MCC 5-4-1 Table 2 requiring 75' frontage width to be measured at front setback line is denied because Applicant failed to show a special circumstance and hardship that would support the variance from City code.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: July 12, 2021.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:


Roberta Stewart
Planning and Zoning Department



STAFF REVIEW AND REPORT
Middleton Planning and Zoning Commission

Sterling Lakes Subdivision

Snapshot Summary

DESCRIPTION	DETAILS
Acreage	51.4 acres
Current Zoning	County Zoning AG
Proposed Zoning	R-3
Current Land Use	Agricultural
Proposed Land Use	Residential
Lots	121 residential lots and 9 common lots
Density	2.3 units/ acre
Open Space	34.6%
Amenities	17.8 acres of open, multi-use pathway along Mill slough providing connectivity to pathway to north

- A. Planning & Zoning Commission Hearing Date:** June 7, 2021
- B. Project Description:** Residential subdivision with 121 buildable lots and 9 common lots on 51.4 acres of vacant land located at 23251 Duff Lane (Tax Parcels #R3386901000 and #R33869010A1).
- C. Application Requests:** Applicant has four applications. The first application is an annexation and rezone application to change the zoning from County AG to City of Middleton R-3 zoning. Second is a Preliminary Plat application. Third application is a Development Agreement Application. Fourth application is a variance for road turning radius, frontage requirements and typical roadway section revision. Also, Floodplain application is at Floodplain Administrator for review.
- D. Current Zoning & Property Condition:** The property is currently located in the County and zoned AG. The property to the north and west are within Middleton city limits, and zoned R-3. Property to east is 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.
- F. Traffic, Access & Streets:**

Access to the subdivision is via Cornell Street at the southeast and southwest quadrants of the plat.

Developer should be required to improve, per City standards, the 100' right-of-way of Cornell Street including an approximately 40' span bridge at the west crossing of Cornell Street at the Mill Slough. Staff recommends this requirement be made a condition of approval for preliminary plat.

A stub road is required as an extension of Sturgeon Way to the north boundary of plat.

ITD is in the process of reviewing the preliminary plat.

Planning Staff is in the process of calculating Developer's pro-rata share for traffic impacts and intersection controls. Developer's payment of these pro-rata fees should be made a condition of approval for preliminary plat.

- G. Pathway, Sidewalks & Open Space:** 5' wide concrete sidewalks span the local roads throughout the subdivision. An 8' wide asphalt pathway will span along the frontage improvements to Cornell. Applicant's proposed pathways are in compliance with Comprehensive Plan "Transportation, Schools and Recreation Map."

Developer has provided 34.6% open space in the subdivision, which exceeds the 5% minimum required by 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. Approval of the preliminary plat should be conditioned subject to compliance with District comments.
- J. Preliminary Plat Application:** Other than the variances that are the subject of the variance request, the preliminary plat complies with all dimensional standards and codes of the City of Middleton.

There will be three phases total.



- 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. The parcel is contiguous to City limits, and City services are accessible to the parcel, which are the primary requirements for annexation. Applicant has also complied with all other documentation requirements necessary to complete the annexation and rezone of the property.
- L. Development Agreement:** Annexation and rezone requests generally require a Development Agreement (“DA”). Applicant and City Staff have used the City’s form for the DA, and have merely added five new provisions:
- a. Developer shall, at its own cost, improve the 50’ half-road portion of Cornell Street and comply with the City comments and recommendations for final plat approval.
 - b. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
 - c. Developer shall build only single family homes.
 - d. Developer may use subdivision property not used for residential purposes for common area, utility lines, storm water management or other “allowed” uses per MCC 5-4-1 Table 1.

- e. Note: DA will cover any variances Planning and Zoning Commission choose to approve.

M. Applicant is seeking three variances as follows:

(1). Variance #1: MCC 5-4-10-2(H.2) requires local roads to have a minimum centerline radius of 125'. Applicant is seeking a variance reducing the centerline radius for local roads from 125-ft to 100-ft is consistent with past City Council approvals and allows for improved lot dimension on the inside of the curve. For example, Lot 12 Block 8 would become more triangle shaped if the road centerline radius is larger. The decreased radius meets roadway design minimums and turning radius requirements for fire trucks. Smaller curves also encourage slower speeds increasing safety. The curves within Cornell Street are necessary to move the roadway north of the existing Greenlinks Subdivision and cross the Mill Slough perpendicular. The reduced radius of 250-ft allows the road to cross perpendicular to Mill Slough rather than at an skew resulting in a shorter bridge. Planning staff recommends approval of this variance request.

(2). Variance #2: Lot Frontage Requirements. City of Middleton code Title 5 Chapter 4-1 states that the minimum lot width is 75 feet at the 25 foot setback for lots located in zone R-3. A variance is requested to reduce this minimum width at the front setback for lots located on the curved section of local roadways including Block 3 Lots 2,3,4,5,6,7,8,9 and Block 5 Lot 16. The lots will still meet the city area requirement of a minimum of 8,000 Square feet. Applicant's request will allow them to add more lots. Planning staff recommends that this variance request be denied and plat redesigned to meet City standards.

(3). Variance #3: Cornell Street roadway section east of the Mill Slough bridge to be the City standard 3 lane urban roadway with a center turn lane. From the point just east of the Mill Slough crossing transition to a 2 lane urban roadway section with no turn lane. This will match the existing roadway cross section to the west and reduce the width needed for the Mill Slough bridge crossing. There is no need for a center turn lane within the area of the bridge or west of the bridge as there are no proposed intersection in this area. Removing the center turn lane over the bridge allows for a narrower bridge reducing the costs. The Center turn lane is not needed on the bridge and existing road section to the west that the road is matching into does not have a center turn lane. Planning staff recommends approval of this variance request.

- N. **Comprehensive Plan & Land Use Map:** 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.

- O. **Comments Received from Surrounding Landowners:** None.

- P. **Comments from Agencies:** 6/2/2021 comments from the Middleton Rural Fire District. 5/244/2021 comments from Drainage District 2. (Copies of the comments can be found in the Planning & Zoning Packet.)

- Q. **Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 5/20/21 and Planning Staff comments dated 5/25/2021 are in the Planning & Zoning Commission packet.

- R. **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.

S. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	05/23/2021
Radius notification mailed to Adjacent landowners within 300’	05/20/2021
Circulation to Agencies	05/20/2021
Sign Posting property	05/20/2021
Neighborhood Meeting	02/26/2021

- T. **Applicable Codes and Standards:**

Idaho State Statute 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.

U. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the **four** separate applications for (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement and (4) variance.

With respect to the variance, the Commission is tasked with rendering the final decision and order on the matter. It does not proceed to City Council. If the Commission is inclined to approve the variance application, Planning Staff does not recommend any conditions of approval.

As to the preliminary plat, annexation/rezone, and Development Agreement applications, if the Commission is inclined to recommend to City Council approval of the four applications, Planning Staff recommends that the recommendation be subject to the following conditions of approval:

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 comments are to be completed and approved.
6. Applicant to construct, at its own cost, the half road of Cornell Street outside of the subdivision as shown on the preliminary plat and dedicate the 50' wide half-road to the City of Middleton.
7. Developer to pay all pro-rata traffic impact fees prior to approval of final plat.
8. For any variance the Commission does not approve, Applicant shall revise the preliminary plat to comply with all standards and codes of the City of Middleton.
9. Add stub road to north boundary.
10. Revise Note 1 on preliminary plat to read: All building and setback dimension standards shall be in accordance with R-3 zoning at the time of building permit issuance.
11. Add note to preliminary plat: Private driveways shall have public access easement.
12. Delete Note 8 on preliminary plat.

MIDDLETON RURAL FIRE DISTRICT



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



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.

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May 24, 2021



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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



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".

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.



CITY OF MIDDLETON

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PRELIMINARY PLAT COMMENTS – Sterling Lakes Subdivision

May 26, 2021

Thank you for the opportunity to review the Sterling Lakes Subdivision Preliminary Plat. My comments are as follows:

1. Show fenced perimeter
2. Show frontage improvements
3. Show mailbox location
4. Show open space percentage on plat
5. Provide landscape plan
6. Proportionate share fees associated with intersection improvements will be determined by the City Engineer at a later date
7. Add the following notes to the pre-plat:
 - a. Domestic and fire protection water shall be provided by the City of Middleton.
 - b. Sanitary sewer collection shall be provided by the City of Middleton.
 - c. Irrigation ditches through the project shall be piped where they cross roadways with all structures located beyond any public right of way. All irrigation and drainage facilities shall be located outside of the right of way
 - d. Pressurized Irrigation water will be provided to each lot from the _____ District. In compliance with Idaho Code section 31-3805(1)(B), lots within this subdivision will be entitled to irrigation water rights and will be obligated for levies and assessments from said districts and companies
 - e. All interior lot lines contain a 5-foot wide easement, each side, for public and private utilities, drainage, and irrigation facilities
 - f. All lots shall have a permanent easement for public utilities and pedestrian walkways in the 10 foot area adjacent to any public right of way. This easement shall not preclude the construction of hard-surfaced driveways and walkways to each lot
 - g. Fiber optics to be provided to each lot during joint trench construction per the City of Middleton Supplement to the ISPWC
 - h. This property is in the Zone ___ of the Flood insurance Rate Map Number _____, which bears an effective date of _____
 - i. All interior lot lines contain a 5-foot wide easement, each side, for public and private utilities, drainage, and irrigation facilities

- j. All lots shall have a permanent easement for public utilities and pedestrian walkways in the 10 foot area adjacent to any public right of way. This easement shall not preclude the construction of hard-surfaced driveways and walkways to each lot
- k. Fiber optics to be provided to each lot during joint trench construction per the City of Middleton Supplement to the ISPWC
- l. Mailbox clusters to be installed by owner as shown on the preliminary plat

19. Add the floodway to the pre-plat 20. Add base flood elevation 21. Add flood elevation for each lot in a table or on the lot itself

Rachel E. Speer, P.E.

Middleton City Engineer