

Middleton City Council

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



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of January 5, 2022, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of January 5, 2022, Exhibit "A".

B. Conclusions of Law:

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

Report for the hearing date of January 5, 2022, Exhibit "A".

C. Decision and Order:

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

That the application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision is approved subject to the following conditions of approval:

1. Applicant/Developer to comply with all conditions of approval set forth in the Staff Report for the January 5, 2022, public hearing.
2. The two street names for the project shall be changed to one single street name that will apply to the entire "loop" road.

WRITTEN ORDER APPROVED ON: January 19, 2022.

~~Steven J. Rule~~ Rob Kiser
~~Mayor, City of Middleton~~ Council President, City of Middleton

Attest:

Roberta Stewart
Planning and Zoning Department

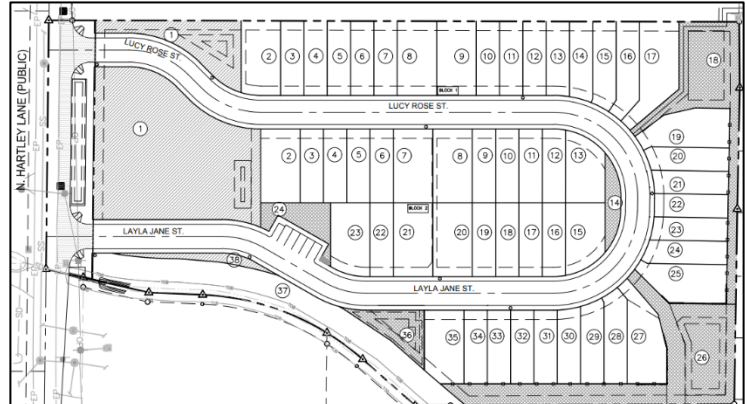
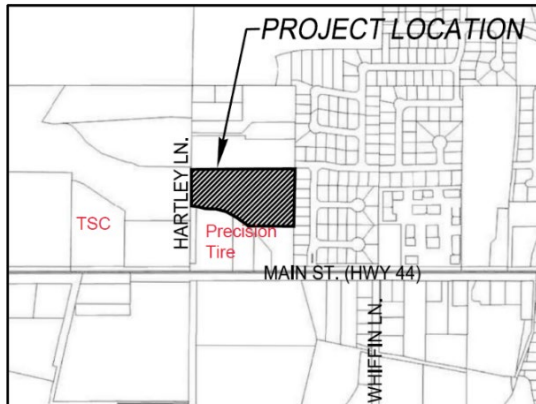


STAFF REVIEW AND REPORT

Middleton City Council

Carter John Mixed Use Subdivision

Snapshot Summary



DESCRIPTION	DETAILS
Acreage	Approx. 6 acres
Current Zoning	M-U / Mixed Use
Proposed Zoning	to remain the same
Current Land Use	Mixed Use
Proposed Land Use	Mixed Use
Lots	53 Townhome lots, 1 commercial lot, and 8 common lots
Density	18 units per acre allowed by DA
Amenities	Tot Lot and large common lot green spaces.

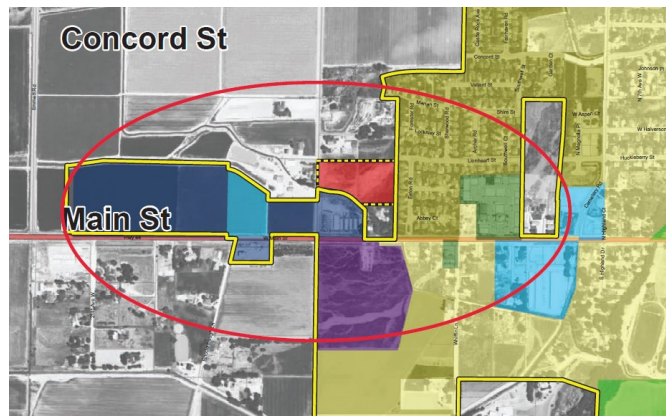
- A. City Council Public Hearing Date:** January 5, 2022
- B. Project Description:** Subdivision with 53 townhome lots, one commercial lot that fronts Hartley Lane, and eight common lots. Amenities include a tot lot and two expansive common lots that provide open green space for recreation.

Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 67 townhomes. The DA also requires Developer to provide a commercial lot fronting Hartley Lane that will accommodate neighborhood commercial uses. (A copy of the Development Agreement is attached as Exhibit "A".)

- C. Application Request:** Preliminary Plat

- D. Current Zoning & Property Condition:** The 6 acre parcel was annexed into the City in 2020. The property was rezoned from County “Agricultural” to Middleton City “Mixed-Use” at that time. The Development Agreement was executed at the same time as a part of the zone change application.

The project parcel is surrounded by County Agricultural zone, Middleton City C-3 zone, and Middleton R-4 Zone.



- E. City Services:** Sewer service will be taken from existing lines running through Hartley Lane. Water service will be brought north from a location near the intersection of Hartley Lane and Hwy 44.



Planning Staff finds that City services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.

- F. Traffic, Access & Streets:** the project provides two accesses off Hartley Lane. The Subdivision streets are public and will be dedicated to the City of Middleton. As part of its preliminary plat, Developer shall improve the 50 foot ½ road portion of Hartley Lane and dedicate the same to the City of Middleton.

Developer completed a traffic impact study ("TIS"). Developer will pay \$34,061 in pro-rata traffic impact fees, and this should be done as a condition of approval for final plat. Pursuant to the new Mid-Star CIP, Developer will also pay \$5,050 for each residential building permit, which amounts to \$267,650 paid towards improvement of Middleton intersections and roadways. Finally, Developer will pay between \$10,000 to \$20,000 in Mid-Star Traffic Impact Fee for the commercial lot, depending upon what type of neighborhood commercial is ultimately built on the lot.

In total, this Developer shall improve a portion of Hartley Lane at its own cost and pay over \$320,000 in traffic improvement fees.

- G. Pathway, Sidewalks & Open Space:** Applicant has surpassed the 5% open space requirement by providing over 8% open space in the form of a common lot with tot lot and two large grassy detention areas that will also serve as open play areas or gathering spaces.

- H. Middleton Rural Fire District:** Like many agencies, the Middleton Rural Fire District has a long queue of Middleton, County and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments on this preliminary plat yet.

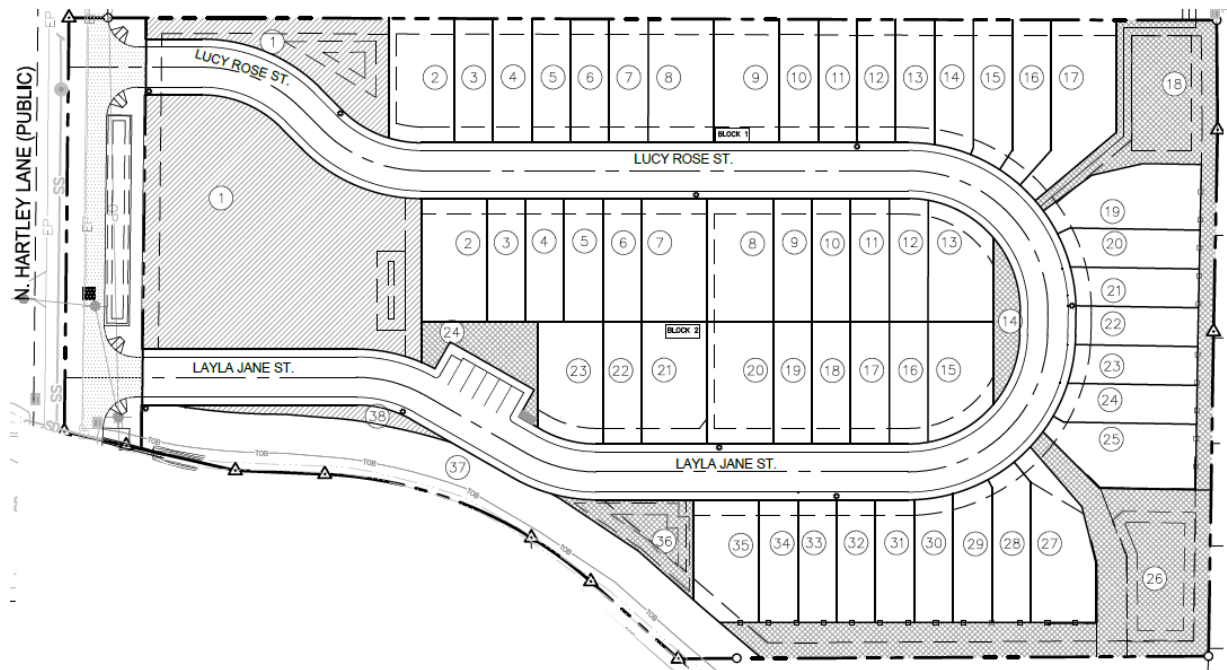
City Council can still approve the preliminary plat, but it is critical that compliance with Middleton Fire District comments approved by the City be made a condition of approval. Once that is done, then City Engineer will work with Developer and the Fire District to make sure the future construction documents include all Fire District and City approved requirements.

- I. Preliminary Plat Application:** The preliminary plat does not show a phasing plan. The project will be brought to final plat in one phase. The preliminary plat also complies with all dimensional standards and codes of the City of Middleton except the waiver of density that is set forth in the Development Agreement. Additionally, the preliminary plat shows turning radius of 90' rather than the code required 125'. This has been approved by City Engineer and Middleton Rural Fire Department in the past. Finally, there is a request for a waiver of code requiring 20' frontage for flag lots. Townhome lots regular frontage is 20' per Middleton City Code. This would necessarily require flag lot frontage to be much less. On the plat, the lowest flag lot frontage is 12', which is reasonable under the circumstances.

Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the City Council is so inclined to approve these waivers.

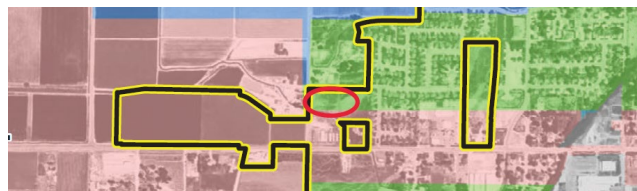
City Engineer has also reviewed the preliminary plat, and she has recommended approval of the preliminary plat. See Civil Dynamics “recommendation of approval” letter attached as Exhibit “F”.

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



A copy of the preliminary plat under consideration is attached as Exhibit “B”.

- J. Comprehensive Plan & Land Use Map:** Applicant’s project complies with the Comprehensive Plan’s Future Land Use Map because the project parcel is designated “Mixed Use” (green color) on the Land Use Map, which matches the Mixed 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. *Goal 11*: The project provides diverse housing and in-fill housing. It also provides a housing type that matches the residents' lifestyle in the area.

K. Comments Received from Surrounding Landowners: None.

L. Comments from Agencies: COMPASS submitted a 6/8/21 letter indicating that a stub road to the north may be desirable. A 9/7/21 letter from the Ditch Company set forth the typical comments on how to deal with the ditch easement on site. All agency comments are attached as Exhibit "C".

M. Comments from City Engineer and Planning Staff: See attached as Exhibit "D".

N. Applicant Information: Applicant is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2nd St., Meridian ID 83642 – Jim@neUdesignArch.com. 208.884.224. Application was accepted on March 19, 2021.

O. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	10/31/2021
Radius notification mailed to Adjacent landowners within 300'	10/28/2021
Circulation to Agencies	10/28/2021
Sign Posting property	10/28/2021
Neighborhood Meeting	03/18/2021

*The public hearing on the matter was tabled a number of times.

P. Applicable Codes and Standards:

Idaho State Statue Title 67, Chapter 65
Idaho Standards for Public Works Construction and Middleton Supplement thereto

Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4.

Q. Planning & Zoning Recommendations: This application was considered in a public hearing before the Planning & Zoning Commission on October 18, 2021. The Commission recommended approval of the preliminary plat application subject to the conditions of approval set forth in the Staff Report for that hearing. A copy of the FCR from the P&Z hearing is attached hereto as Exhibit "E"

R. Conclusions and Recommended Conditions of Approval:

The decision to approve or deny a preliminary plat application must be based upon general facts and conclusions of law formally accepted by City Council.

As to General Facts, Planning staff has set forth in parentheses the general facts that are the basis for approving or denying this application. If the Council agrees with these general facts and agrees with the testimony and evidence presented at the public hearing, the Council need merely make a motion to accept the general facts set forth by Staff in the Staff Report and presentation.

As to Conclusions of Law, Planning Staff finds that the City Council has the authority to hear this application and to approve or deny the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a decision on the application. If the January 5th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Council may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

If the Council is inclined to approve the preliminary plat application based upon the above General Facts and Conclusions of Law, then Planning Staff recommends that any approval be subject to the following conditions:

1. All townhome footprints shown on the preliminary plat are deemed only conceptual and are not accurate. Applicant is subject to the setbacks for the M-U Zone set forth in the Middleton City Code at the time of building permit issuance.
2. All streets shown on the preliminary plat are public streets.
3. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
4. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
5. Owner/Developer to pay all City required pro-rata share traffic fees prior to final plat approval.
6. All City Engineer review comments are to be completed and approved.

7. All requirements of the Middleton Rural Fire District approved by the City are to be completed and approved.
8. Owner/Developer shall obtain approval from the Design Review Committee for each style of townhome to be constructed.
9. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.

Finally, if the Council denies the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(8), the Council should state on the record what Applicant can do, if anything, to gain approval of the application

Prepared by Middleton City Planner, Robert Stewart

Dated: 12/27/2021

APPENDIX

Exhibit "A"

2020 Development Agreement

2020-037265

RECORDED

07/08/2020 02:17 PM



00530835202000372650060063

CHRIS YAMAMOTO

CANYON COUNTY RECORDER

Pgs=6 HCRETAL

NO FEE

AGR

CITY OF MIDDLETON

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 Richard Davis and Amy Davis, husband and wife (**Davis**), individually and collectively referred to as Developer (**Developer**), and Adam Hegstrom (**Hegstrom**), individually and collectively referred to as Representative for Developer (**Representative**).

RECITALS

WHEREAS, Developer owns approximately 6.06 acres of vacant real property located North of Main Street (State Highway 44) North of and adjacent to Perfection Tire and East of Hartley Lane, Middleton, Canyon County, Idaho commonly referred to in Canyon County Assessor's records as Parcel No. R1788901, and legally described in Exhibit A attached hereto and incorporated herein (**Property**); and

WHEREAS, Hegstrom represented Developer when annexing and rezoning the property from Canyon County Agricultural to City of Middleton M-U (Mixed Use), and the benefits, obligations, and restrictions contained in this development agreement were relied on by both parties and were an integral part of the city's approval of the annexation and rezone request; and

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

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

AGREEMENT

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

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

The City will adopt an ordinance to annex and rezone the Property from Canyon County Agricultural to City of Middleton M-U (Mixed-Use). 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 Developer will build no more than 67 residential units total on approximately 5.06 acres with no less than one (1.0) acre dedicated for commercial (abutting Hartley Lane) use with allowable uses as permissible in M-U zoning (as further described below). City requires two driveways to access from Hartley Ln into the development, one on the northern and one on the southern property lines. Developer intends to sub-divide the land, allowing each lot to be on its own tax parcel, however, all residential buildings would belong to one common homeowner's association.

The Developer will utilize no less than one (1.0) acre of property, not used for the 67 residential units, for any of the following allowed commercial uses in M-U zoning: assisted living, a professional style building, to hold one or more of the following allowable uses which are: medical/dental/, bank/credit union, clinic/pharmacy/optician/spa, daycare, espresso/pastry shop, or professional office, real estate sales/rental/ management office. The developer may also construct a building with commercial on the ground floor building plate with

matching residential building plate above. This would allow the developer an addition four (4) residential units maximum over the 67 previously mentioned. Developer is required to construct all utilities, roads, driveways, and parking (per code) as private on-site facilities.

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, 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.

4.3 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 7.

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: Richard and Amy Davis
24239 El Paso Rd
Caldwell, ID 83607

Adam Hegstrom
520 Waltman Ln
Meridian, ID 83642

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

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

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.

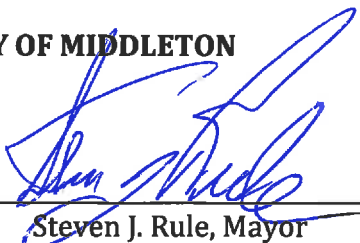
5.9 Time is of the essence for performance of each obligation in this Agreement.

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

Dated this 1st day of July 2020 and effective upon annexation and rezoning of the Property.

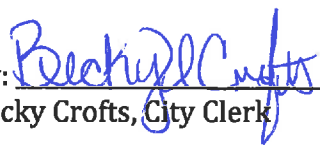
CITY OF MIDDLETON

By: _____


Steven J. Rule, Mayor

ATTEST

By: _____


Becky Crofts, City Clerk

State of IDAHO)

ss.

County of Canyon)

I, a notary public, do hereby certify that on this 1st day of July 2020, 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.



Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

DEVELOPER:

[Signature]

Richard Davis

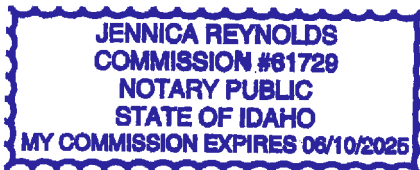
[Signature]
Amy Davis

State of Idaho)

SS.

County of Canyon)

I, a notary public, do hereby certify that on this 7 day of July 2020, personally appeared before me Richard Davis and Amy Davis who, being first duly sworn, declared that they signed



Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

REPRESENTATIVE:

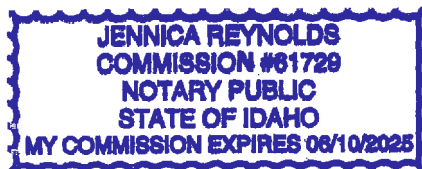
[Signature]
Adam Hegstrom

State of Idaho)

SS.

County of Canyon)

I, a notary public, do hereby certify that on this 7 day July 2020, personally appeared before me Adam Hegstrom who, being first duly sworn, declared that he signed.



Jennica Reynolds
Notary Public
My Commission Expires: 6/10/2025

Development Agreement – Richard Davis, Amy Davis and Adam Hegstrom

Exhibit "B"

Proposed Preliminary Plat

3. ANY RE-SUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RE-SUBDIVISION.
2. ALL FRONT LOT COMMON TO STREET RIGHTS-OF-WAY SHALL CONTAIN A TEN (10') FOOT WIDE EASEMENT FOR PUBLIC UTILITIES AND PEDESTRIAN WALKWAYS
3. ALL REAR LOT LINES SHALL CONTAIN A TEN (10') FOOT WIDE EASEMENT FOR PUBLIC UTILITIES, DRAIN MAINTENANCE, PRESSURIZED IRRIGATION AND LOT DRAINAGE.
4. ALL ONSITE STREETS SHOWN HEREON ARE TO BE PUBLIC WITH ACCESS ACROSS THE COMMERCIAL LOT FOR THE USE OF THE PUBLIC.
5. PRESSURE IRRIGATION SYSTEM TO BE PROVIDED. THE SYSTEM WILL BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION. THE IRRIGATION WATER FOR THE SYSTEM WILL BE SUPPLIED BY EXISTING SURFACE AND GROUNDWATER RIGHTS.
6. ALL LOTS SHALL HAVE INDIVIDUAL SEWER CONNECTIONS IN ACCORDANCE WITH SOUTHWEST DISTRICT HEALTH DEPARTMENT.
7. COMMON LOTS ARE TO BE OWNED AND MAINTAINED BY THE HOMEOWNER'S ASSOCIATION. BLOCK 1: LOT 1, 18, 26, AND 36 AND BLOCK 2: LOTS 17 AND 24 ARE COMMON LOTS.
8. MINIMUM BUILDING SETBACK LINES SHALL BE IN ACCORDANCE WITH THE MIDDLETON CITY ZONING ORDINANCE AT THE TIME OF ISSUANCE OF A BUILDING PERMIT.
9. PRESSURIZED IRRIGATION WILL BE PROVIDED TO EACH LOT FROM THE MIDDLETON MILL DITCH CO. & CANYON HILL DITCH CO. DISTRICT. IN COMPLIANCE WITH IDAHO CODE SECTION 31-3805(1)(b), LOTS WITHIN THIS SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER AND WILL BE OBLIGATED FOR LEVIES AND ASSESSMENTS FROM SAID DISTRICTS AND COMPANIES.
10. FIBER OPTICS TO BE PROVIDED TO EACH LOT DURING JOINT TRENCH CONSTRUCTION PER CITY OF MIDDLETON SUPPLEMENT TO THE ISWPC.
11. ALL COMMON LOTS TO BE OWNED BY THE SUBDIVISION HOME OWNER'S ASSOCIATION. LOT 37 TO BE RESERVED FOR MIDDLETON MILL DITCH COMPANY. IMPROVEMENTS ON LOT 37 WILL BE RESTRICTED AS ALLOWED BY THE MIDDLETON MILL DITCH COMPANY.
12. NO DIRECT ACCESS ROADS TO HARTLEY LANE IS ALLOWED FOR ANY LOT OTHER THAN THE ACCESS ROADS SHOWN HEREON.
13. A FENCE IS REQUIRED AT THE PERIMETER OF THE SUBDIVISION BOUNDARY. THE FENCE ON THE REAR BOUNDARY OF LOTS 19-25, BLOCK 1 SHALL BE WROUGHT IRON.
14. SANITARY SEWER COLLECTION, DOMESTIC WATER, AND FIRE PROTECTION WATER SHALL BE PROVIDED BY THE CITY OF MIDDLETON.
15. SEWER AND WATER CAPACITY SHALL BE RESERVED AT THE TIME THE CITY APPROVES THE CONSTRUCTION DRAWING.
16. PROJECT REQUESTING A VARIANCE ALLOWING A 90' RADIUS ROADWAY ACCESS.
17. STORM WATER MANAGEMENT AREAS WILL BE MAINTAINED BY THE HOME OWNER ASSOCIATION IN RETENTION AREAS.
18. STORM WATER WILL BE MANAGED IN RETENTION AREAS ON LOTS BLOCK 1 LOT 1, 18 AND 26 AND 36 AND BLOCK 2 LOTS 1.
19. VARIANCE REQUESTED (5-4-10-4D) FOR MINIMUM FLAG LOT FRONTAGE OF 12'.

SITE DATA	
EXISTING ZONING	M-U
COMPREHENSIVE PLAN DESIGNATION	MIXED-USE
AREA CALCULATIONS	
RESIDENTIAL BUILDABLE LOT AREA	2.97 ACRES
COMMERCIAL BUILDABLE LOT AREA	0.56 ACRES
COMMON AREA	1.13 ACRES
STREET RIGHT-OF-WAY	1.12 ACRES
HARTLEY DEDICATION	0.31 ACRES
TOTAL AREA OF SITE	6.09 ACRES

SINGLE FAMILY (ATTACHED) RESIDENTIAL LOTS	53
COMMON LOTS	8
COMMERCIAL LOT	1
TOTAL LOTS	62

MINIMUM RESIDENTIAL PROPERTY SIZE	1,970 SQ. FT. (0.045 AC)
AVERAGE RESIDENTIAL PROPERTY SIZE	2,441 SQ. FT. (0.056 AC)

WATER:	CITY OF MIDDLETON
SEWER:	CITY OF MIDDLETON
POWER:	IDAHO POWER COMPANY
NATURAL GAS:	INTERMOUNTAIN GAS COMPANY
TELEPHONE:	CENTURY LINK
CABLE:	CABLE ONE
IRRIGATION:	MIDDLETON MILL DITCH CO. & CANYON HILL DITCH CO.

R1788901

RECORDED BY INSTRUMENT 2020-037265



BLUE PEAK ENGINEERING
3313 W CHERRY LANE, #507
MERIDIAN, ID 83642
PHONE: (208) 918-0928
CONTACT: THOMAS HAWKSWORTH, P.E.
EMAIL: thomash@bluepeakeng.com

Exhibit "C"

Comments from Agencies

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: Hartley Lane Townhomes

Agency: Middleton

CIM Vision Category: Existing Neighborhoods

New households: 58

New jobs: ±10

Exceeds CIM forecast: No

	CIM Corridor: Highway 44 (Main St) Pedestrian level of stress: PG Bicycle level of stress: PG-13	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: 1,320 Jobs within 1 mile: 700 Jobs/Housing Ratio: 0.5	A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 0.4 miles Nearest fire station: 1.3 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: 732 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: 0.8 miles Nearest grocery store: >4 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

Communities in Motion 2040 2.0 identifies State Highway 44, from Canyon Lane to Star Road, to be widened to four travel lanes. This project would include 10-foot paved multiuse shoulders along the new roadway in the City of Middleton. This project is the #3 unfunded state priority. Sections of Highway 44 from Star Road to Linder Road are in the COMPASS Regional Transportation Improvement Program for construction scheduled in 2023 and 2024 (Key #20574 and Key #20266). The site is not currently served by public transportation. ValleyConnect 2.0 proposes bus service from Canyon County to downtown Meridian, via Highway 44.

Consider a public, stub road to the north that would enable the West 3rd Street connection and reduce the travelled-distance to Ed Payne Park, Middleton Heights Elementary School, and future bus service in downtown Middleton.

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>

SH-44 (State Street), SH-16 to Linder Road, Ada County

Regionally Significant: ☒

☒ Inflated

Key #: 20266

Requesting Agency: ITD

Project Year: 2023

Total Previous Expenditures: \$463

Total Programmed Cost: \$8,670

Total Cost (Prev. + Prog.): \$9,133

Project Description : Add an additional westbound and eastbound lane to improve congestion and reduce crashes along State Highway 44 (State Street) from State Highway 16 to Linder Road near the City of Eagle.

COMPASS PM:

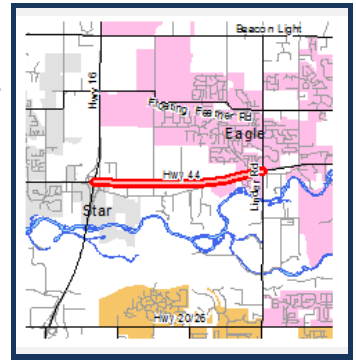
Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

Federal PM:



Funding Source		TECM	Program					State Hwy - Safety & Capacity (Capacity)	Local Match	100.00%
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share	
2023	0	0	0	0	765	7,905	8,670	0	8,670	
Fund Totals:	\$0	\$0	\$0	\$0	\$765	\$7,905	\$8,670	\$0	\$8,670	

SH-44 (State Street), Star Road to SH-16, Ada County

Regionally Significant: ☒

☒ Inflated

Key #: 20574

Requesting Agency: ITD

Project Year: 2024

Total Previous Expenditures: \$1,400

Total Programmed Cost: \$11,836

Total Cost (Prev. + Prog.): \$13,236

Project Description : Widen State Highway 44 (State Street) from Star Road to State Highway 16 in Ada County. An additional lane in both directions will alleviate congestion issues and improve safety.

COMPASS PM:

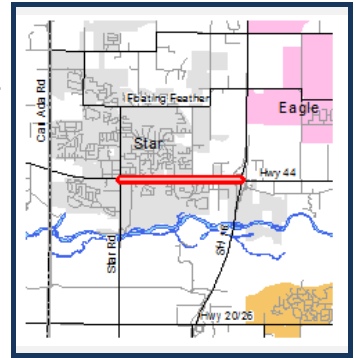
Congestion Reduction/System Reliability

Freight Movement and Economic Vitality

Transportation Safety

Community Infrastructure

Federal PM:



Funding Source		TECM	Program					State Hwy - Safety & Capacity (Capacity)	Local Match	100.00%
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share	
2021	61	0	1,000	0	0	0	1,061	0	1,061	
2024	0	0	0	0	704	10,071	10,775	0	10,775	
Fund Totals:	\$61	\$0	\$1,000	\$0	\$704	\$10,071	\$11,836	\$0	\$11,836	

Boise Office

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Tel. (208) 629-7447

Challis Office

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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

Roberta Stewart
City of Middleton
P.O. Box 487
Middleton, Idaho 83644

Re: Hartley Lanes Townhomes Subdivision

Dear Ms. Stewart:

The Canyon County Ditch Company, Middleton Mill Ditch Company and Middleton Irrigation Association (hereinafter collectively referred to as the "Ditch Companies") have ditches and easements that run through or abuts this property. The easement is 25 feet each side from the top of bank. The developer must contact the Ditch Companies' attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies' facilities occurs. The Ditch Companies must review irrigation and storm water drainage plans and construction plans prior to any approval.

The Ditch Companies generally require a License Agreement prior to any approval for the following reasons:

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

Also, please be advised that the Ditch Companies do not approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Companies may make exceptions on a case by case basis, which requires the developers/owners to obtain written permission from the Ditch Companies for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,



S. Bryce Farris

cc: MM-MI and CCWC

www.sawtoothlaw.com

SAWTOOTH LAW
OFFICES, PLLC

September 7, 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*

Exhibit "D"

Comments from City Engineer and City Planner

October 7, 2021

TO: Roberta Stewart, Planner

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

A handwritten signature in blue ink, appearing to read "Amy Woodruff", is written over the "FROM:" line.

RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

MCC 5-4-4.2 a and l. The boundary is required to be surveyed and stamped by PLS. Does the Idaho Board recognize the seal that is presented?

Extend water at 90d east from existing. Terminate Hartley main with hydrant.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities – including ramps at street crossings. Extend improvements to the north boundary and the south boundary. Include a typical section of Hartley.

Delete duplicate line on east boundary area. What is happening in the area from back of lots to the east boundary?

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Please add note regarding stormwater management in retention areas. Add HOA will be responsible for maintenance of stormwater management areas.

September 16, 2021

TO: Roberta Stewart, Planner

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



RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

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

MCC 5-4-4.2 a and I. The boundary is required to be surveyed and stamped by PLS. The 2019 record of survey shows Carter John ownership in the northeast corner. Either add it to the plat or let us know the status if it not owned included in Carter John parcel.

Extend water at 90d east from existing. Label water main in Hartley as 12-in, label on-site as 8-in. Loop water in A to Hartley main. Terminate Hartley main with hydrant.

400 ft is maximum spacing between manholes.

Provide pedestrian access to W 3rd N through the common lot and easement. Show on page 2/3.

Street A and Street B are not street names.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate the Hartley construction and new street access. Or plan to trust for a proportional share of the widening.

Develop sidewalks each side of the private road(s). Pedestrian facilities are required.

Hartley is required to be improved per City specifications: 3 lane urban, 25ft to tbc, and 50 ft half right of way. Add callout to remove/relocate pole outside of easement area. Include stormwater management. Need pedestrian facilities.

There was no revision to the commercial area. The footprint for commercial, including parking, is less than ½ acre.

Add centerline radii and intersection radii. Middleton Rural Fire cannot traverse 40ft centerline radii.

Delete duplicate line on east boundary area.

The joint trench utility easement needs to be front of the lot or confirm definitively it can be installed on back of the lot.

Add note regarding City water, City sewer and stormwater management in retention areas.

November 24, 2021

TO: Roberta Stewart, Planner

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



RE: CARTER JOHN MIXED USE PRELIMINARY PLAT

Review comments are summarized below. Many of the comments are carried over from prior reviews and some are new based on the reconfigured plat.

Reduce the plat to no more than two pages. Drafting and plat corrections:

1. The contours need labeled.
2. Page 2 of 3 is the only page with lot dimensions and it is very hard to read. Please erase every line that isn't required. For example, remove easement lines that are identified in notes, ie – front/side/back, etc. What is the dashed line 40ft from Hartley centerline? Label. Remove the buildings and driveways and dashed lines front and rear of the buildings and put all that linework on page 3 as an exhibit if you would like it shown. Only the existing easements and as required for the entitlement, per code, should be shown.
3. Where is the large overhead power main on the east side, and parallel to, Hartley? The callout on page 2 of 3 points to a survey monument at/near the 25 ft (prescriptive?) point. Why would the power structure at the north property boundary be installed out of alignment (and west of) the power structure near the south boundary?
4. Check linework on west end of Layla Jane – centerline to ROW, both sides. The streets are not access and utility easement – label as right of way or just dimension.

Stormwater. Plan to manage a 100 year/1 hour storm using retention facilities only. No subsurface. The front half of the lot C value is 0.75, the rights of way/impervious (all) are 0.95. All stormwater management facilities require pretreatment. Stormwater facilities are owned by HOA and the provisions for maintenance required to be established in CCRs.

1. Why is a retention basin shown on the commercial lot as a stand alone area? Facilities for stormwater from rights of way are maintained by HOA and need to be in common areas for access and management.
2. Stormwater management basin at Lot 36 is too deep. MAX side slope is 3:1. 4:1 strongly preferred. Resubmit preliminary design per rational method calculations.
3. Stormwater piping requires manholes at deflection points. Eliminate angle on pipes or add a manhole.
4. Move sediment box on Lot 26 to near ROW for maintenance. All sediment boxes have to be accessible by vac truck to clean.
5. Review landscaping plan – trees cannot be planted in retention basin area.

Street lights every 400 ft maximum, at intersections and cul-de-sacs.

1. Add street lights at the Hartley intersections.

The Canyon Lateral crossing at the southwest corner needs to be widened to accommodate Hartley reconstruction and new street intersections developed for Carter John.

1. This requirement is consistent for every development in Middleton. This project will generate approximately 590 vehicle trips per day, with 80% (472 vehicles) turning left to SH44. The existing canal crossing and both street intersections need to be safe and constructed per City standards, including a pavement taper and transition.

Hartley is required to be improved per City specifications: 3 lane urban and 50 ft half right of way from the section line. From north project limits to south project limits. Include stormwater management.

1. The typical section needs to be reviewed and corrected.
2. The plan view needs to be corrected. Where is top back curb located in relationship to the west face of the power structures?
3. The plan view needs to match the typical section.
4. If the owner of the parcel located a power structure at 25ft from section line (per callout/not shown), Carter John team needs to put forward a solution. A gap in Hartley Lane improvements is not a solution.

Develop a crosswalk, including ped ramps, where the sidewalks terminate to one side only. Locate a streetlight at the crossing.

How do Lot 19 and Lot 20 service for sewer?

Dimension in foot and tenths – please don't use inches.

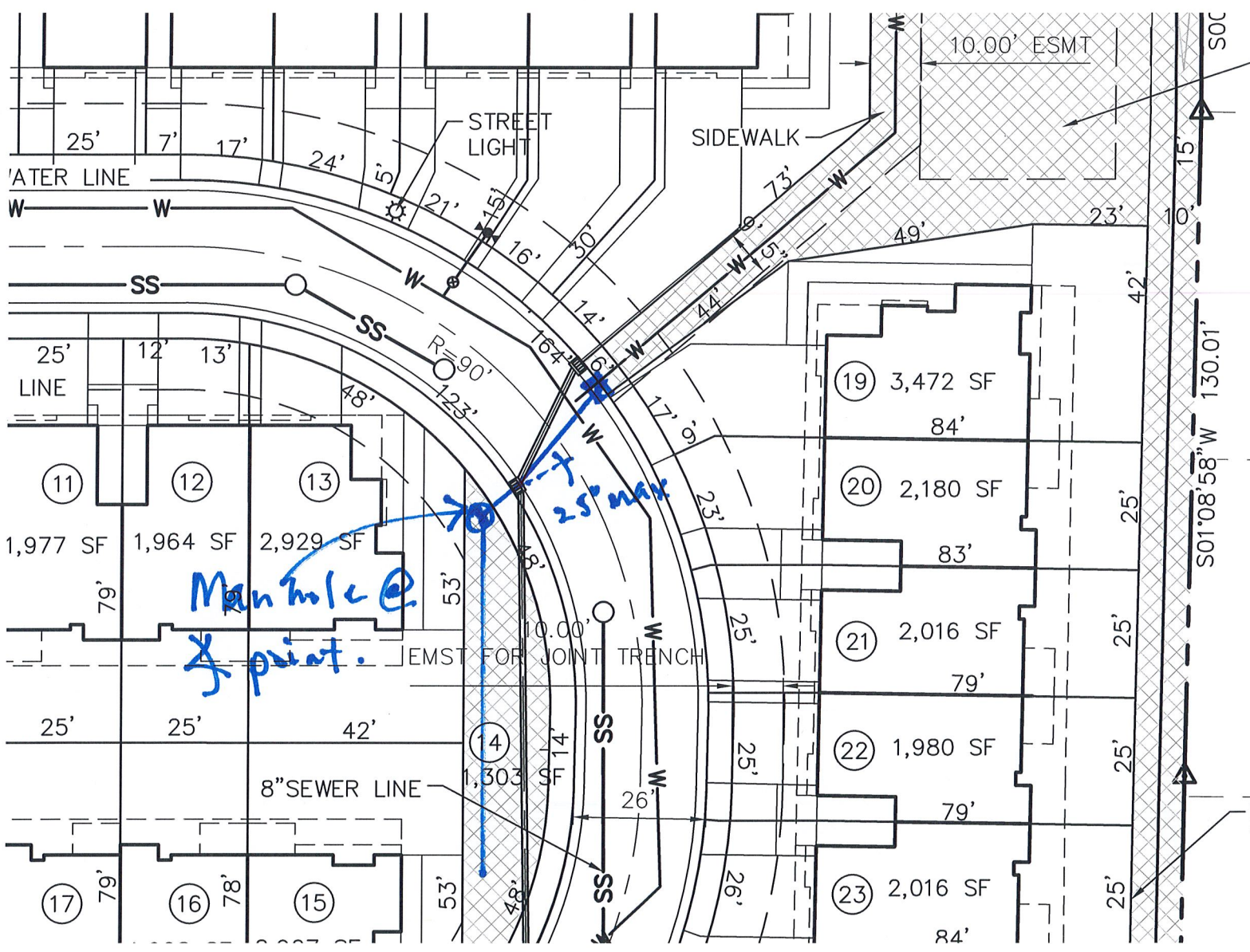
Water main separation needs to be met on Lot 18.

Water main easement and all utility easement width is MINIMUM 10 ft. No exception.

The city will not approve a strip between fences that grows weeds and becomes a dumping ground for clippings and yard debris. It is a fire hazard and attracts vectors, at the least. Either move the fence to the east limits of the easement (boundary fence location as required per code) or otherwise put forth a solution. If the ditch company will allow a fence at west easement boundary why can fence not be placed at the east easement boundary?

Pipes can't exit out of a drop inlet as shown. Come out face or back at 25° max or come out short side at 90° only. Also need manholes where pipe deflects or within 20ft +/- of DI because DI's can't be used with jetter. See attached.

Show the irrigation system layout and point of diversion/pump station location.





CITY OF MIDDLETON

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October 5, 2021

Third Round of Planner Comments (Pre-Plat dated 10/1/2021) Carter John Mixed-Use Subdivision

1. Per email with Steve Martinez, change street notations from “private” to “public.”
 - a. Add names for 2 “Streets” and a name for 1 “Avenue”, e.g., “Main Street”, “Main Avenue” “Street” designation are for roadways that go east/west. Avenue designation is for road that goes north/south.
 - b. Add language to note section that streets/right of way are public and dedicated to the City of Middleton.
 - c. Change Note 4 accordingly.
 - d. Change description of “private” on the typical street section diagrams
2. Please send a landscape plan. This is 3rd request.
3. Add language to Note section stating that there is a variance allowing 90’ radius turns
4. Renumber lots 33. You have 2 “33s”. One lot needs renumbered “32”.
5. Revise Note 11 to note Lot 38, not lot 63
6. This is 3rd request to create a note that calls out every common lot. For example, write “Lots 27, 18, Block 1 are common lots.” You can combine it with note 7 that indicates the HOA owns and maintains the lots
7. Fix Note 4. There is no lot 64
8. Add square footage to lot 40 with tot lot.
9. Code requires all flag lots to have a 20’ width at the street. You have flag lots with only 11’, 12’, and 14’ width. Also, it looks like access to common lots/storm detention lots 18 and 27 is thwarted or entirely missing. I think we may be ok with waiving the 20’ flag lot width if you figure out a way to have cross access on those tight corner lots and detention pond lots. There will be issues with people wanting to put up fences. There are issues with the HOA getting back to the detention ponds for maintenance. The north east corner lots and south east corner lots need to work better for access and neighborly harmony.
10. I’m concerned that you may not be meeting the 5% open space requirement. I see only lot 40 and 37 as potential open space for gathering. Lot 38 could serve as open space if it was landscaped and if gathering places were set aside like benches or pathways. If you give better access to detention lots 18 and 27 so that residents could go back there and enjoy the grassy areas, then we could call that open space. Please tell me how you are getting to the 8.75% open space noted on sheet 1.
11. If you figure out how to give good access to the corner lots, add a note to the note section indicating there is a “waiver” of the 20’ flag lot rule.
12. You are missing 5’ sidewalks on the ROW out to Hartley. We can forego 5’ sidewalks on the interior sides of the ROW across the commercial lot, but the exterior portions of the ROW

need to have 5' sidewalks all the way out to Hartley so people can walk out of the community safely. I think you will need to work with the ditch company for permission to add sidewalks in their easement area.

13. You need to show frontage improvements to Hartley

Roberta L. Stewart, Middleton City Planner



CITY OF MIDDLETON

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PLANNER COMMENTS – Carter John Mixed-Use Subdivision

September 14, 2021

1. Per the DA, you must show a commercial lot that is at least 1 acre. You will need to change Lot 65 so it can truly be used for commercial use. It is obviously being used in part to provide parking for the residential subdivision. That is not the intent of the DA. Please square up the 1 acre parcel and make it truly usable as a 1 acre commercial parcel. Do not show any parking on the commercial parcel.
2. The City would really like to see some type of amenity for the community. There will surely be young children in the subdivision. Show the amenity on the plat please. It can be a playground or picnic area...etc.
3. Add the words "Block 1" to the plat. I know it's a "given", but I think you should put the Block number for the purposes of legal descriptions. I could be wrong on this. It may be an Amy question.
4. Confirm that you are building only single family attached "townhomes" in the residential portion of the subdivision. If not, you will have to increase the lot sizes to 6000 s.f.
5. Please confirm that each townhome unit will have 3 parking spaces per code?
6. You will have to provide much more parking for the residential portion of the subdivision. The streets are narrow. You may not be able to park on the street per fire code. If someone has a birthday party, where do all the guests park? The commercial parcel on Hartley should not be a parking lot for residential guests.
7. Even though the DA allows private streets, the DA states that they still must be built to City Code. Your streets are not built to city code. You may build the smaller townhome road shown in the Supplement, but your road is not showing those specifications.
8. You need to add sidewalks
9. Please provide appropriate names for the Streets. Street A and B will not work
10. Please provide a landscape plan
11. You must show the mailbox clusters on the pre-plat
12. Renumber all your lots consecutively. You numbered the common lots out of order.
13. Revise the Notes as follows:
 - a. If you choose to modify the DA and make the streets public, remove Note 4.
 - b. If you choose to make streets public, please add a note that all streets are public and dedicated to the City.
 - c. If you continue with the private streets, you need to attach an easement to the sewer and water utilities for City use.
 - d. Add note: "Sanitary sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton."
 - e. Add a note calling out every common lot and note that they are owned and maintained by the HOA
 - f. Add note: "Sewer and water capacity shall be reserved at the time the City approves the Construction Drawings"

- g. Add note: "All interior lots lines contain a 5' foot wide easement on each side of the lot line. Easements used for public and private utility, drainage, and irrigation facilities.
 - h. Add a note calling out the current DA and the instrument number.
14. You will need to add a landscaped berm as a buffer between commercial and residential uses per MCC 5-4-10-7. If you revise the DA, you can also add a provision for a different type of buffer, but you need to add a buffer of some kind ultimately.

Roberta L. Stewart

Middleton City Planner



CITY OF MIDDLETON

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Additional Planner Comments per 9/20/2021 Meeting with Applicant Carter John Mixed-Use Subdivision

September 21, 2021

1. Please ensure the tot lot shown on Steve Martinez' concept drawing is on the revised pre-plat.
2. Add section diagram for Townhome Roadway found in Supplement to ISPWC.
3. Revise the Notes as follows:
 - a. Remove Note 4 now that roads are public.
 - b. Add a note that all streets are public and dedicated to the City.
 - c. Add note that sewer and water utilities are public and owned by the City, and sewer collection, domestic water, and fire protection water shall be provided by the City of Middleton.
 - d. Revise Note 11 to insert the new Lot number for the Ditch lot currently designated as lot 63. This lot number may be changed once you renumber all the lots in consecutive order as required by the Code. Do not number all the common lots at the end and outside consecutive order.
 - e. Notes 11 and 7 are a little redundant and wonky. Both mention HOA ownership of common lots.
 - f. Call out every common lot by lot & block so there is no confusion as to what is and what is not a common lot.

Roberta L. Stewart

Middleton City Planner



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December 23, 2021

**Fourth Round of Planner Comments (Pre-Plat dated 12/21/2021)
Carter John Mixed-Use Subdivision**

1. Revise Note 8 regarding setbacks to state only the following: *“Minimum building setback lines shall be in accordance with the Middleton City zoning ordinance at the time of issuance of a building permit. Please Remove the “....or as specifically approved....” The 3rd page of your pre-plat shows the building footprints. The city considers that ONLY conceptual and is not approving any setbacks on the pre-plat. Instead, you will be subject to the M-U setbacks regardless of the footprints shown on page 3.*
2. Change “Overall Lot Data” to state that there are 7 common lots and 1 commercial lot.
3. Add note that project requested variance for minimum flag lot frontage of 12’.
4. Show mailbox location on plat.
5. Add Note regarding existence of a DA with Instrument #2020-037265 recorded in the records of Canyon County, Idaho.
6. Change note 13 to add a second sentence as follows: *“The fence on the rear boundary of Lots 19-25, Block 1 shall be wrought iron.*
7. Change Note 7 to put Lot 14 in Block 2, not Block 1
8. Add square footage to Lots 1, 37, and 38, Block 1.

Roberta L. Stewart, Middleton City Planner

Exhibit "E"

P&Z Commission Recommendation

Middleton Planning & Zoning Commission

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



In the Matter of the Request of David Buich/Hartley Lane LLC and James Escobar, AIA, for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of October 18, 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 October 18, 2021, Exhibit "A".
3. Application and Property Facts: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".
4. Required Findings per Middleton City Code 1-14-2(E)(7), Idaho State Statute Title 67, Chapter 65, Idaho Standards for Public Works Construction and Middleton Supplement thereto, Middleton City Code 1-14, 1-15, 5-1, 5-3, and 5-4: See Staff Report for the hearing date of October 18, 2021, Exhibit "A".

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, 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 October 18, 2021, Exhibit "A".

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:

City Council approve the application of David Buich/Hartley Lane LLC & James Escobar for Preliminary Plat with respect to the Carter John Mixed-Use Subdivision subject to the conditions of approval set forth in the Staff Report for the October 18, 2021, public hearing on the matter.

WRITTEN RECOMMENDATION APPROVED ON: October 18, 2021.


Ray Waltemate, Chairman
Planning and Zoning Commission

Attest:

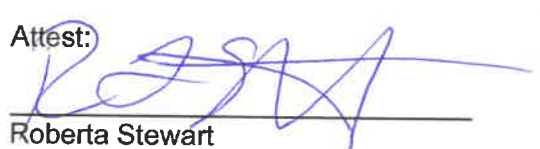

Roberta Stewart
Planning and Zoning Department

EXHIBIT "F"

Engineering Recommendation Letter



January 3, 2022

TO: City of Middleton
Roberta Stewart, Planner

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

RE: CARTER JOHN SUBDIVISION - PRELIMINARY PLAT

Thank you for the opportunity to review the above referenced preliminary plat. It is recommended Mayor Rule and City Council approve the preliminary plat.