



**AGENDA**  
**Middleton Planning and Zoning Commission**  
**Middleton, Idaho**

Date: Monday, October 18, 2021

Time: 5:30 p.m.

Location: **City Hall Chambers - 1103 W Main St., Middleton, Idaho**

Call To Order, Pledge of Allegiance, Roll Call

**Action Items**

1. Consent Agenda (items of routine administrative business)
  - a. Consider approving September 13, 2021 regular meeting minutes.
  - b. Consider approving Findings of Facts, Conclusions of Law and Recommendation pertaining to Waterford Amended Preliminary Plat
2. **Public Hearing:** A request by B&A Engineers for a Special Use Permit to remove the requirement of housing types set forth in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) of R-4 zoning district. The subject property is (Carlton Meadows Subdivision) located at 0 Whiffin Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R17610018A0. – Jennica Reynolds
3. Consider approving the Findings of Facts, Conclusions of Law and Order for the Special Use Permit pertaining to Carlton Meadows Subdivision. – Jennica Reynolds
4. **Public Hearing:** An application by David Buich/ Hartley Lane LLC and James L. Escobar, AIA for preliminary plat with respect to the Carter John Mixed-Use Subdivision located at 0 Hartley Lane (Tax Parcel No. R1788901). The proposed preliminary plat consists of 58 townhome sites, 4 common lots and 1 commercial lot on 6.06 acres of vacant land zoned Mixed Use (M-U). – Roberta Stewart
5. Consider approving the Findings of Facts, Conclusions of Law and Recommendation for the preliminary plat application pertaining to Carter John Mixed-Use Subdivision. – Roberta Stewart

**Public Comments, Commission and Staff Comments, Adjourn**

Posted by:

  
Jennica Reynolds - Deputy Clerk, Planning

Date: October 14, 2021 at 5:00 p.m.

Please contact the city at 208-585-3133 if you have special needs or require assistance.

1a

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**MIDDLETON CITY PLANNING AND ZONING  
COMMISSION MINUTES  
SEPTEMBER 13, 2021**

The September 13, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:40 p.m.

**Call to Order - Pledge of Allegiance**

**Roll Call:** Chairman Ray Waltemate, and Commissioners Jackie Hutchison, Janet Gregory was present. Commissioner Kip Crofts was absent.

**Introduction: Heidal Summers – Commissioner**

**Jennica Reynolds – Deputy Clerk, Planning**

Mayor Rule introduced Heidal Summers as the newest Planning and Zoning Commissioner. He stated she had been confirmed at a special City Council meeting held earlier in the day. He administered the Oath of Office and she took her place on the diocese with the other commissioners.

Roberta Stewart introduced Jennica Reynolds who is now solely with the planning department. Jennica has been with the city for the past 8 ½ years and for the past 2 ½ years has been the Administrative Deputy Clerk. She has now moved to the planning department and will be bringing forth applications to the commission.

**Action Items**

- 1. Consent Agenda (items of routine administrative business)**
  - a. Consider approving August 9, 2021 regular meeting minutes.**
  - b. Consider approving FCO for Comprehensive Plan Map Amendment**
  - c. Consider approving FCO for River Walk Annexation/Rezone, Preliminary Plat, Development Agreement and Comprehensive Plan Map Amendment.**

Chairman Waltemate called the items.

**Motion:** Motion by Commissioner Hutchison to approve consent agenda items 1a-c. Motion seconded by Commissioner Gregory and approved unanimously.

- 2. Public Hearing: (An application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and change 3 duplicative street names. The proposed amended preliminary plat is zoned R-3 (“Single Family Residential”) and consists of 262 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land. – Jennica Reynolds**

Chairman Waltemate opened the Public Hearing at 5:45 p.m.

*Jennica Reynolds* presented a power point presentation (Exhibit A) of the staff report (Exhibit B) and read into the record (Exhibit 6) a letter received earlier on 9/13/2021 from a resident.

Chairman Waltemate opened the public comment portion at 5:57 p.m.

Applicant  
*Patrick Connor-Providence Properties*

- 
- Agrees with staff report
  - The plat also shows a re-alignment of Albright Street at the request of the City Engineer. To alleviate connection with 9<sup>th</sup> Street and to avoid complications with the drain.
  - They are contributing over \$300,000 to the traffic improvements on SH44 and Duff Lane to build a left turn lane onto the highway.
  - The larger phases will allow for all of the Duff Lane improvements to be completed in phases 1-3.
  - There are actually 261 lots in the Amended Preliminary Plat.
  - The street/traffic improvements are required to be done as a part of the development agreement.

*Hutchison:* Noted that the improvements along Duff are needed and will require ROW purchase. She wanted to make sure the developer is not going to sell the property and leave the city in a tough spot.

Public Testimony opened at 6:09 p.m.

*Lindsay Bartells:* Concerned that 9<sup>th</sup> Street not going all the way through to Lansing is dangerous.

*Connor:* His project does not go all the way to Lansing. His team is paying the proportionate share of traffic improvements to help mitigate traffic concerns.

Chairman Waltemate closed public testimony at 6:15 p.m.

#### Commission Discussion

*Waltemate:* ITD and CHD4 own the roadways. The city is working to make the traffic improvements. And the proportionate shares paid by developers go towards those improvements. He thanked the developer for complying with the city code and providing walking ability in the plat.

**Motion:** Motion by Commissioner Gregory to recommend approval to City Council An application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and change 3 duplicative street names. The proposed amended preliminary plat is zoned R-3 ("Single Family Residential") and consists of 261 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land.

Motion seconded by Commissioner Hutchison and approved unanimously.

Chairman Waltemate closed the public hearing at 6:23 p.m.

#### **Public/Commission/Staff Comments:**

Commissioner/Staff Comment: Welcome to Jennica Reynolds.

**Adjourn:** Chairman Waltemate adjourned the meeting at 6:33 p.m.



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ATTEST:

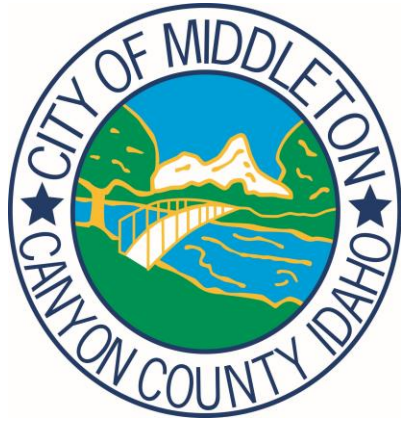
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Ray Waltemate, Chairman

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Jennica Reynolds, Deputy Clerk, Planning  
Approved: October 18, 2021

# Exhibit “A”



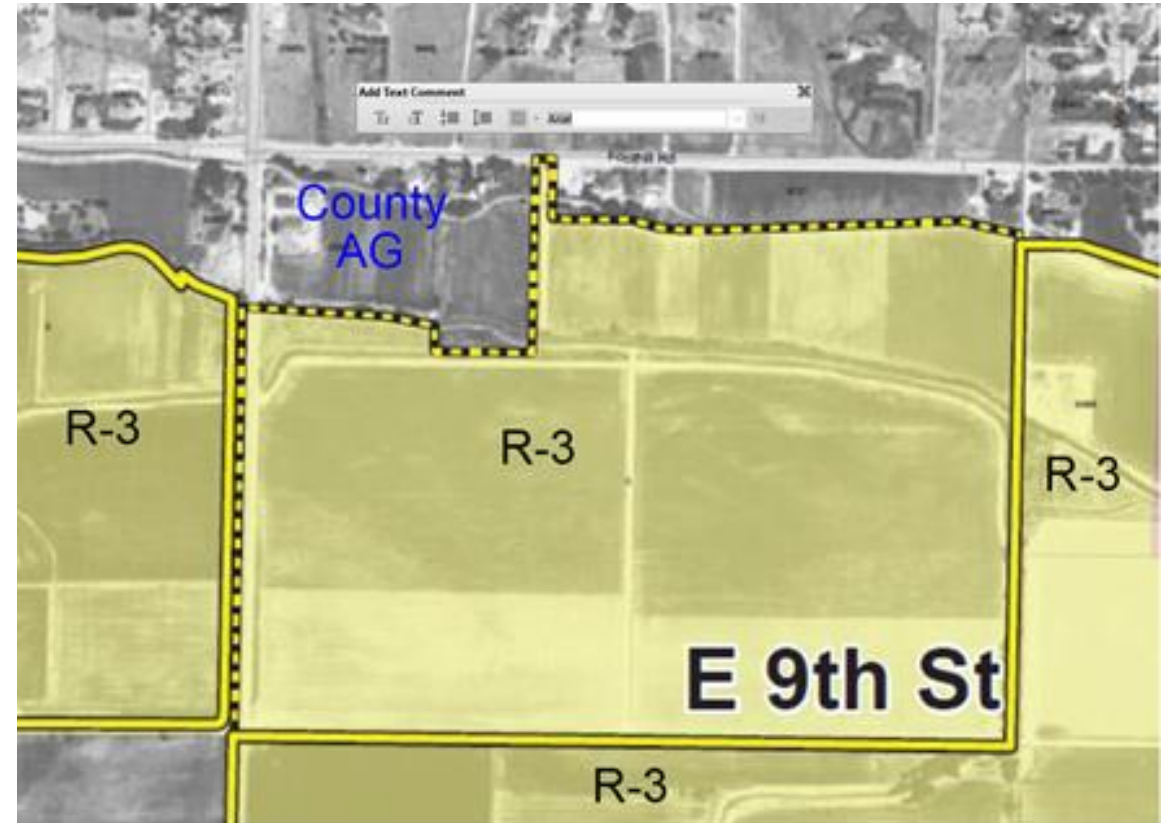
# WATERFORD AMENDED PRELIMINARY PLAT APPLICATION



| DESCRIPTION       | DETAILS                                                            |
|-------------------|--------------------------------------------------------------------|
| Acreage           | 99 acres                                                           |
| Current Zoning    | R-3 (Single Family Residential                                     |
| Proposed Zoning   | to remain the same                                                 |
| Current Land Use  | Residential Special Area                                           |
| Proposed Land Use | Residential Special Area                                           |
| Lots              | 262 single-family lots, 16 common lots, and 1 emergency access lot |

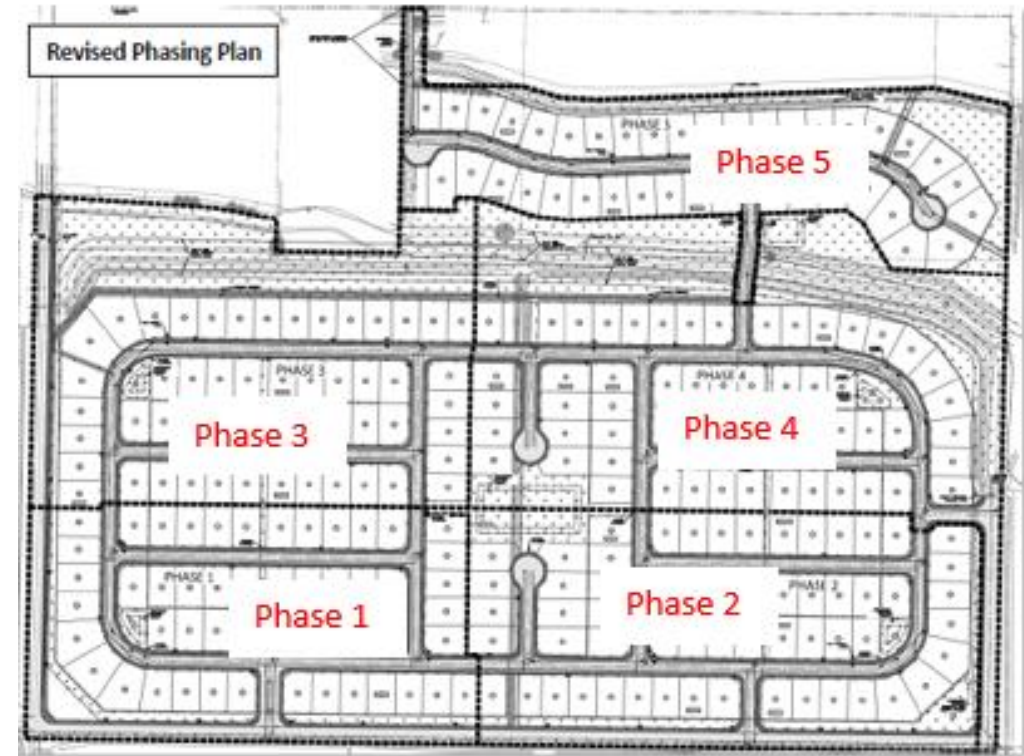
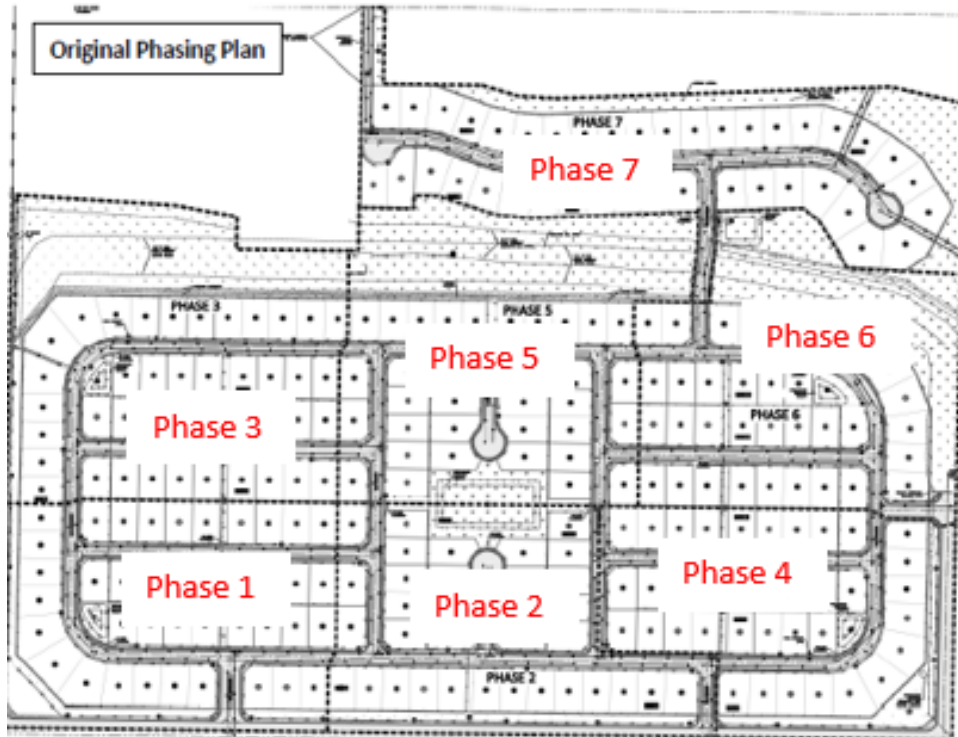


**Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.





**Application Request:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.





| Waterford Phasing Plan |                       |                               |
|------------------------|-----------------------|-------------------------------|
| Phase                  | Original Phasing Plan | Proposed Revised Phasing Plan |
|                        | Buildable             | Buildable                     |
| 1                      | 40                    | 52                            |
| 2                      | 34                    | 59                            |
| 3                      | 42                    | 53                            |
| 4                      | 37                    | 58                            |
| 5                      | 34                    | 40                            |
| 6                      | 35                    | n/a                           |
| 7                      | 40                    | n/a                           |
| TOTAL                  | 262                   | 262                           |



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

**Comments from Agencies:**

- 9/7/2021 comments from Canyon Highway District No. 4 (Exhibit 3 of full staff report)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 4 of full staff Report)

**Comments from City Engineer:** City engineer reviewed amended preliminary plat. Comments dated 8/25/2021 (Exhibit 1 of full staff report) and 9/7/2021 (Exhibit 2 of full staff report) and 9/13/2021 (Exhibit 5 of full staff report) supporting the request for amended preliminary plat and change to 3 duplicative street names.

**Applicant Information:** Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.





### **Notices & Neighborhood Meeting:**

### **Dates:**

Newspaper Notification

08/29/2021

Radius notification mailed to  
Adjacent landowners within 300'

08/27/2021

Circulation to Agencies

08/27/2021

Sign Posting property

08/27/2021

Planning Staff finds that notice was given according to law.

### **Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65  
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.





### **Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names.

If the Commission is inclined to recommend to City Council approval of the application, Planning Staff recommends the approval be without any conditions of approval.

If the Commission is inclined to deny the application, State law requires the Commission to identify what measures, if any, the Applicant can take to gain approval.

# Exhibit “B”



## STAFF REVIEW AND REPORT

### Middleton Planning and Zoning Commission

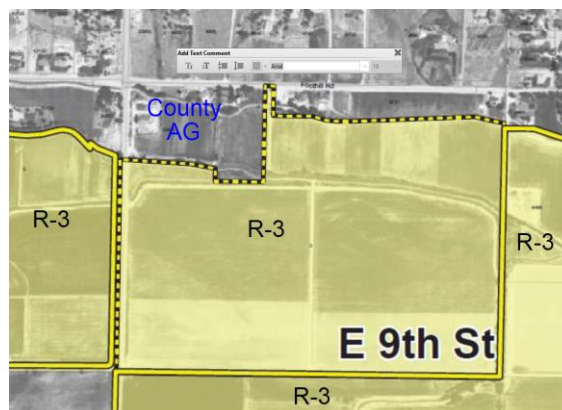
## Waterford Amended Preliminary Plat Application

### Snapshot Summary



| DESCRIPTION       | DETAILS                                                            |
|-------------------|--------------------------------------------------------------------|
| Acreage           | 99 acres                                                           |
| Current Zoning    | R-3 (Single Family Residential)                                    |
| Proposed Zoning   | to remain the same                                                 |
| Current Land Use  | Residential Special Area                                           |
| Proposed Land Use | Residential Special Area                                           |
| Lots              | 262 single-family lots, 16 common lots, and 1 emergency access lot |

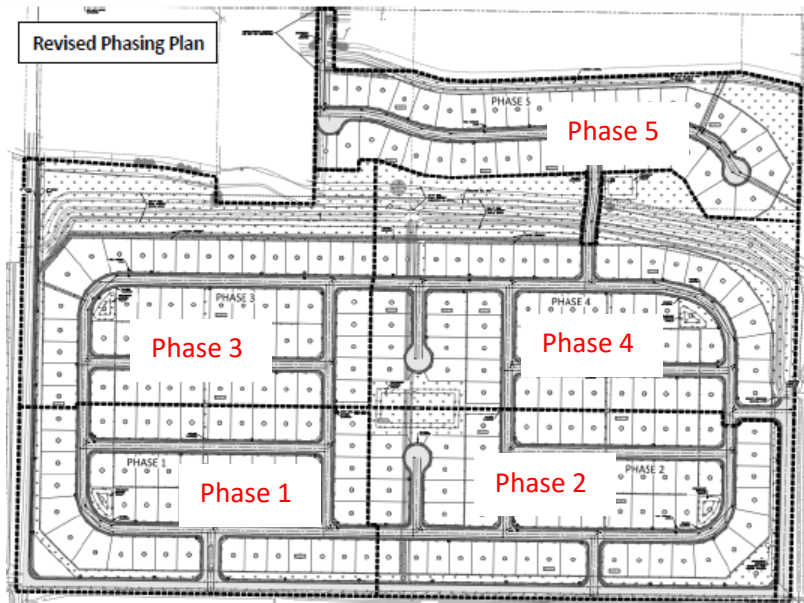
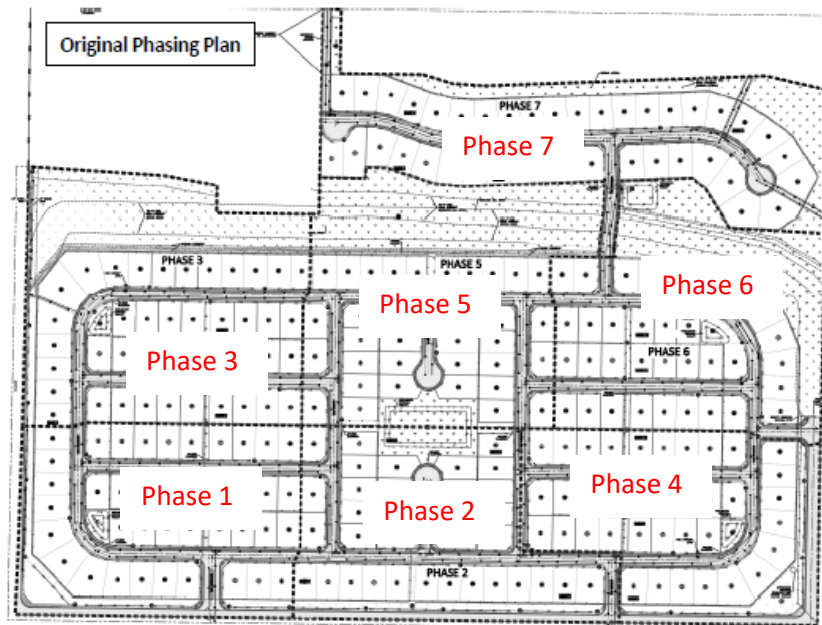
- A. **Planning & Zoning Commission Hearing Date:** September 13, 2021
- B. **Project Description:** Amended Preliminary Plat of Residential subdivision with 262 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- C. **Application Requests:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names.
- D. **Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.



- E. **Amended Preliminary Plat Application:** The Amended Preliminary Plat complies with all standards and codes of the City of Middleton. The applicant is requesting a revision to the phasing. The intent of this revision is to add additional buildable lots to

each phase. The number and construction of common lots for each phase remains unchanged from the initial approval.

Planning Staff has also requested a change of 3 duplicative street names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.



| Waterford Phasing Plan |                       |                               |
|------------------------|-----------------------|-------------------------------|
| Phase                  | Original Phasing Plan | Proposed Revised Phasing Plan |
|                        | Buildable             | Buildable                     |
| 1                      | 40                    | 52                            |
| 2                      | 34                    | 59                            |
| 3                      | 42                    | 53                            |
| 4                      | 37                    | 58                            |
| 5                      | 34                    | 40                            |
| 6                      | 35                    | n/a                           |
| 7                      | 40                    | n/a                           |
| TOTAL                  | 262                   | 262                           |

**F. Comments Received from Surrounding Landowners:** None.

**G. Comments from Agencies:**

- Canyon Highway District No. 4 comments dated 9/7/2021 state “No comment or objection to the proposed development.” (Exhibit 3)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 4)

**H. Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 8/25/2021 attached as Exhibit 1 and comments dated 9/7/2021 as Exhibit 2.

**I. Applicant Information:** Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.

**J. Notices:**

**Dates:**

Newspaper Notification

08/29/2021

Radius notification mailed to  
Adjacent landowners within 300'

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Circulation to Agencies

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Sign Posting property

08/27/2021

Planning staff finds that notice was given according to law.

**K. Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65  
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

**L. Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names.

If the Commission is inclined to recommend to City Council approval of the application, Planning Staff recommends the approval be without any conditions of approval.

If the Commission is inclined to deny the application, State law requires the Commission to identify what measures, if any, the Applicant can take to gain approval.

Prepared by Planning Deputy Clerk, Jennica Reynolds

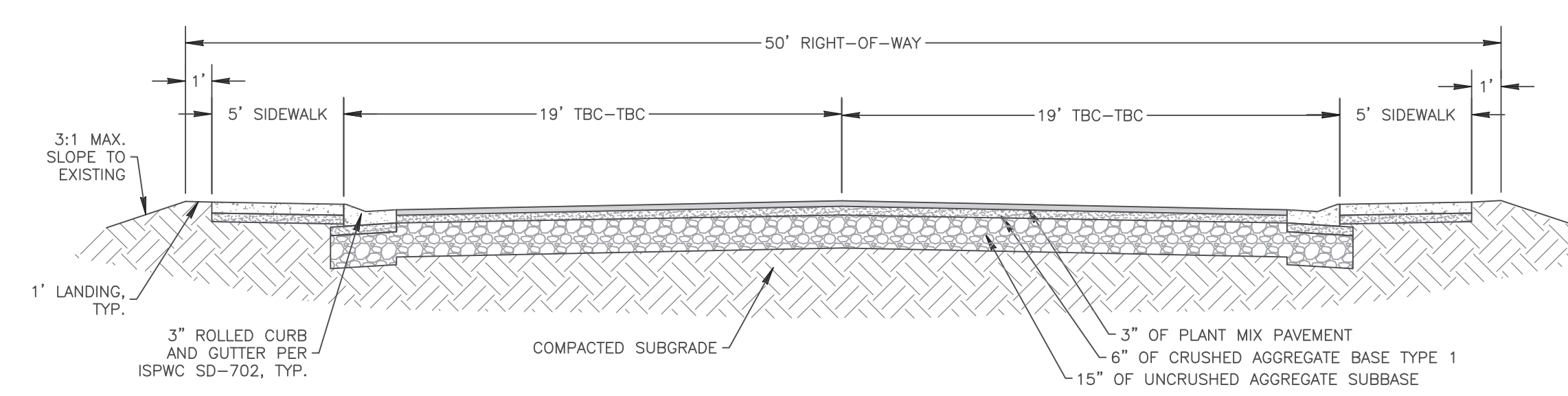
Dated: 9/13/2021





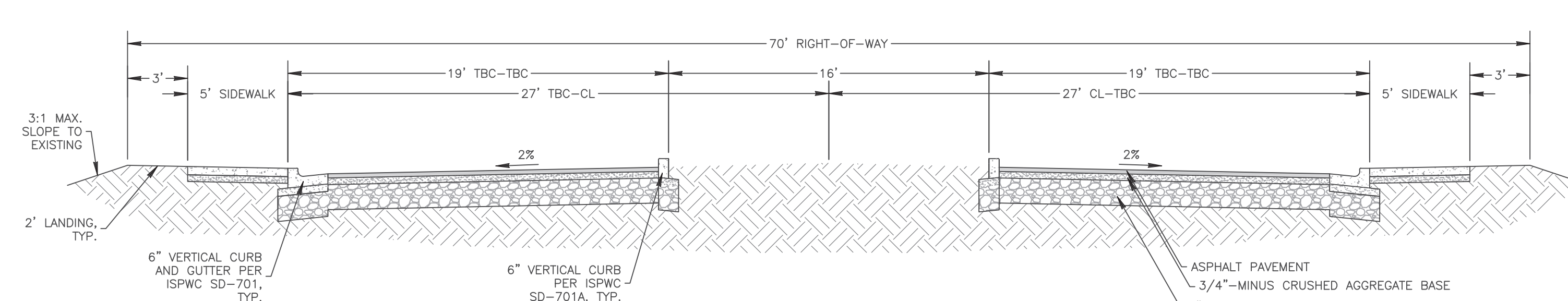


1 TYPICAL LOCAL STREET SECTION



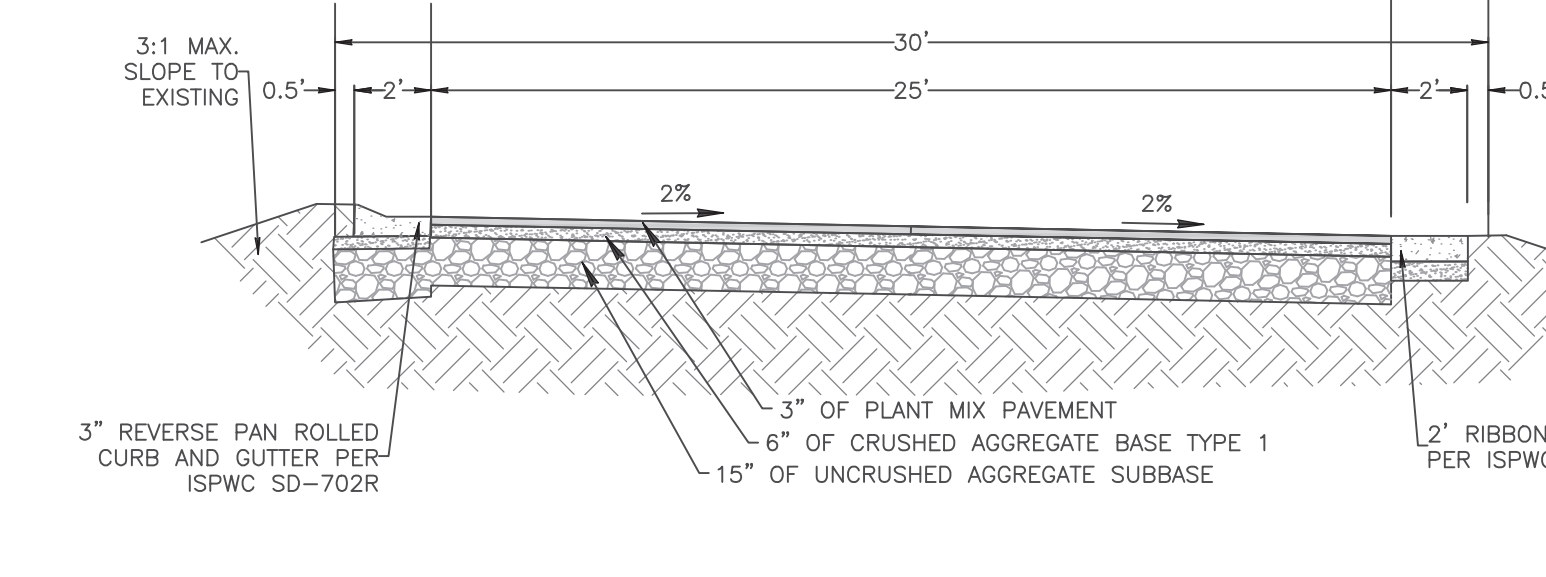
Scale: NTS

2 70' ROAD SECTION



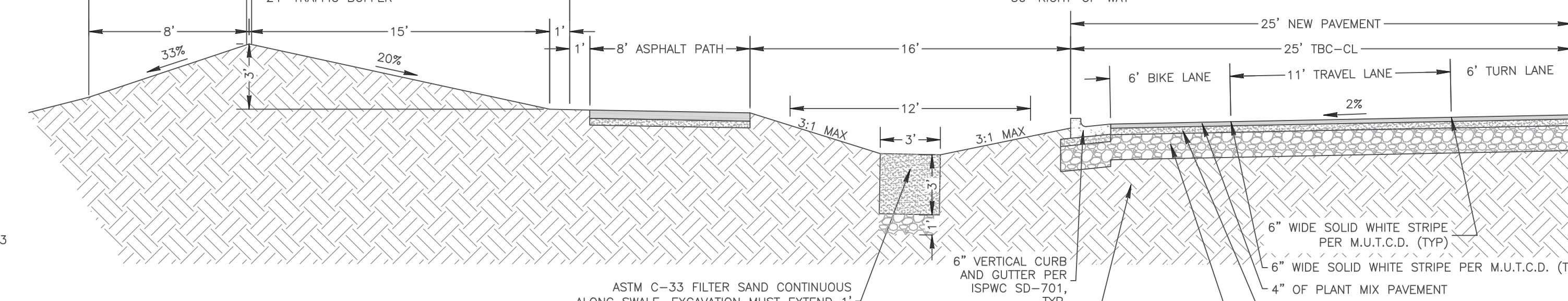
Scale: NTS

3 TYPICAL EMERGENCY ACCESS SECTION



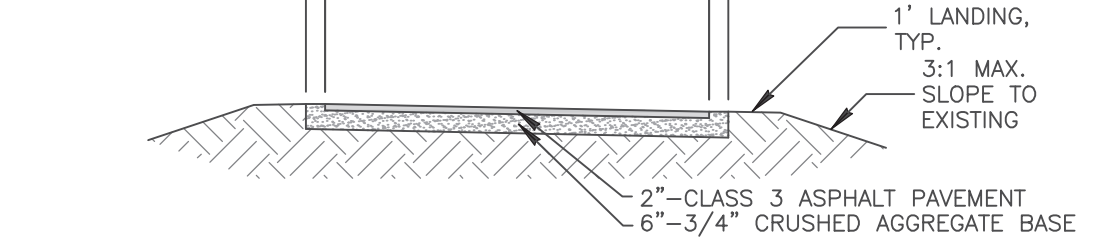
Scale: NTS

4 9TH ST. STREET SECTION



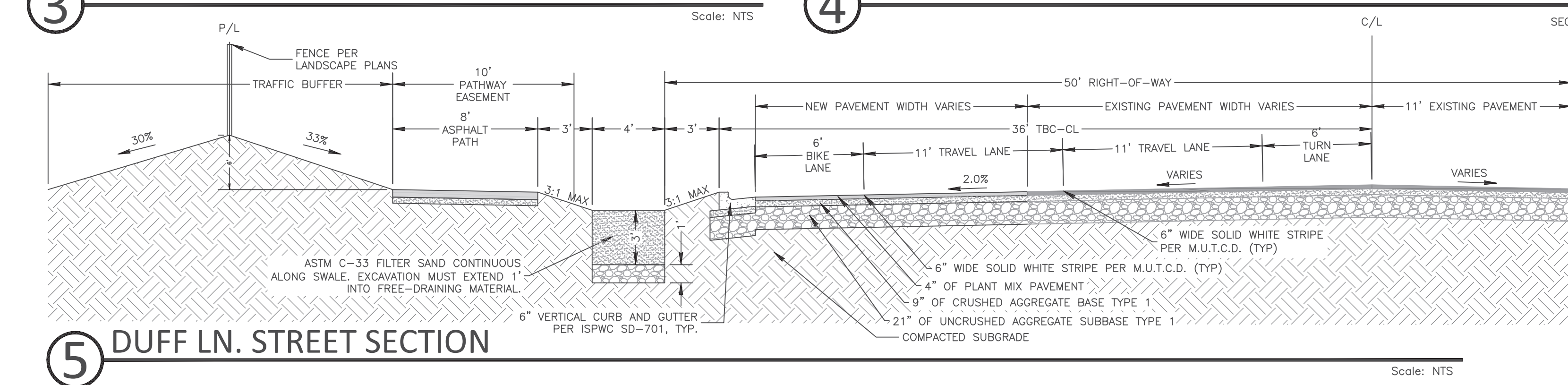
Scale: NTS

6 TYPICAL PATHWAY SECTION



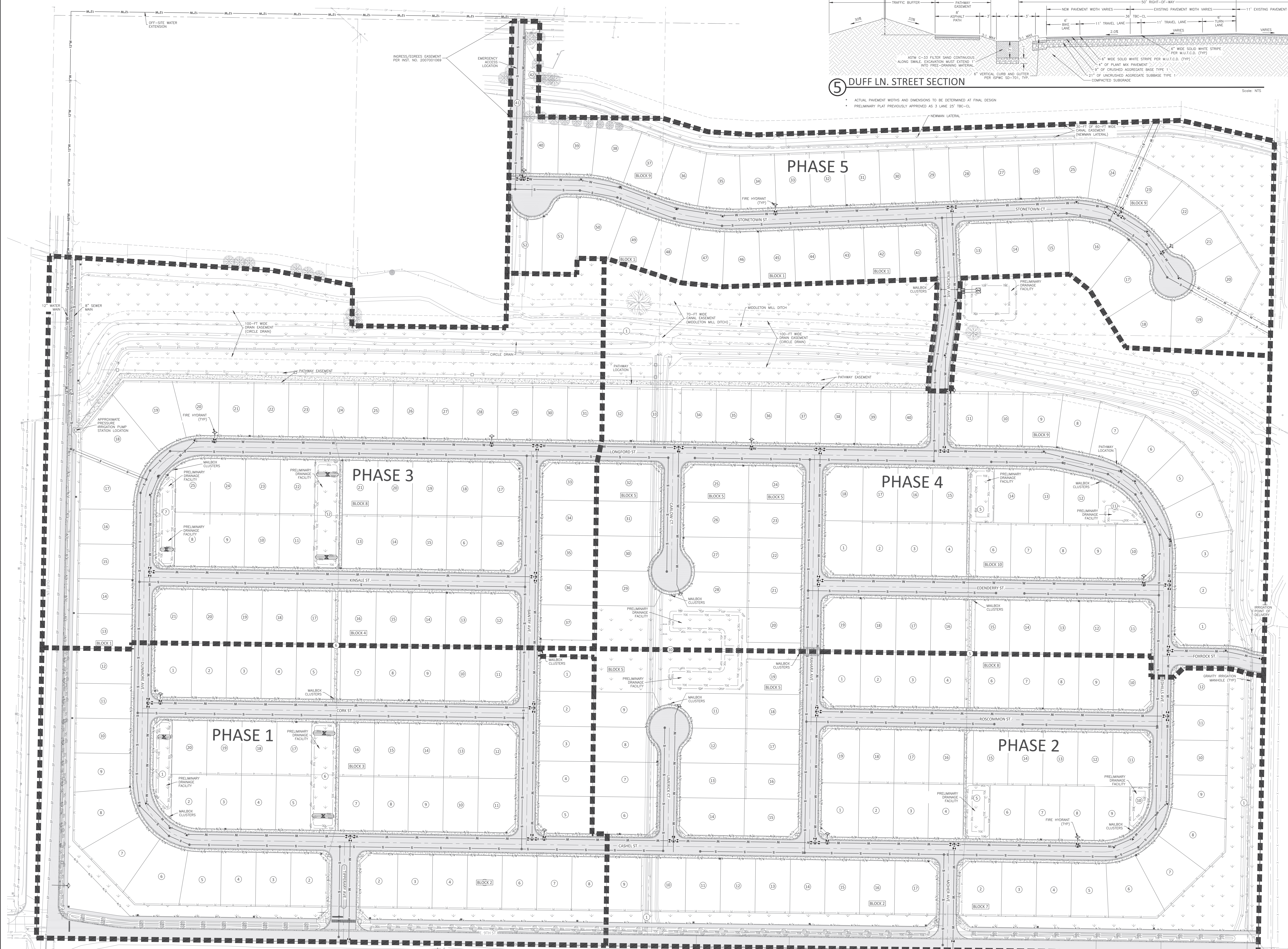
Scale: NTS

5 DUFF LN. STREET SECTION



Scale: NTS

- ACTUAL PAVEMENT WIDTHS AND DIMENSIONS TO BE DETERMINED AT FINAL DESIGN
- PRELIMINARY PLAN PREVIOUSLY APPROVED AS 3 LANE 25' TBC-CL



**LEGEND**

|     |                          |
|-----|--------------------------|
| —   | BOUNDARY LINE            |
| --- | OFFSITE BOUNDARY LINE    |
| --- | PROPOSED LOT LINE        |
| ○   | FOUND 1/2 INCH REBAR     |
| ⊙   | FOUND 5/2 INCH REBAR     |
| ⊙   | SPIKE                    |
| --- | PROPOSED IMPROVEMENTS    |
| --- | PRESSURE IRRIGATION MAIN |
| --- | SEWER LINE               |
| --- | SEWER MANHOLE            |
| --- | STORM DRAIN LINE         |
| --- | STORM DRAIN MANHOLE      |
| --- | WATER LINE               |
| --- | FIRE HYDRANT             |
| --- | WATER VALVE              |
| --- | STREET LIGHT             |
| --- | EXISTING FEATURES        |
| --- | SAFETY SEWER LINE        |
| --- | GAS LINE                 |
| --- | OVERHEAD POWER LINE      |
| --- | GRAVITY IRRIGATION LINE  |
| --- | SEWER MANHOLE            |
| --- | WATER VALVE              |
| --- | WATER METER              |
| --- | FIRE HYDRANT             |
| --- | POWER POLE               |
| --- | POWER BOX                |
| --- | EDGE OF PAVEMENT         |
| --- | EDGE OF GRAVEL           |



**From:** [Stephanie Hopkins](#)  
**To:** [Amy Woodruff](#); [Jennica Reynolds](#)  
**Cc:** [Roberta Stewart](#)  
**Subject:** RE: Amended Preliminary Plat - Waterford  
**Date:** Wednesday, August 25, 2021 4:06:16 PM

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Hi Amy,

I will coordinate with our engineer/surveyor to get that updated.

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

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**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Wednesday, August 25, 2021 4:02 PM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

Jennica, thank you for cc-ing me here.

Stephanie, please revise the Duff Lane typical section to reflect the 5 lane urban, 36ft to tbc. Please add a note or asterisk "actual pavement widths and dimensions to be determined at final design".

Thank you.

*Amy Woodruff*  
453-2028

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**From:** Jennica Reynolds [<mailto:jreynolds@middletoncity.com>]  
**Sent:** Wednesday, August 25, 2021 1:48 PM  
**To:** Stephanie Hopkins  
**Cc:** Roberta Stewart; Amy Woodruff  
**Subject:** RE: Amended Preliminary Plat - Waterford

I have updated our files.

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning  
City of Middleton

208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

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**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Wednesday, August 25, 2021 11:30 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

Hi Jennica,

Please find the updated Waterford preliminary plat attached here with updated street name.

Please let me know if there are any additional comments or questions and we'll have those addressed ASAP. Amy has been working with our engineers on the first and second phases of Waterford, so she may not have any additional comments on the pre-plat.

Thanks,

Stephanie Hopkins  
Land Planning Manager  
**KM ENGINEERING**  
[5725 North Discovery Way | Boise, ID 83713](#)  
208.639.6939

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**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Tuesday, August 24, 2021 11:36 AM  
**To:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

We are scheduling Waterford for Sept 13<sup>th</sup> P&Z Hearing. Fingers crossed we make it

*Thank You,*  
*Jennica Reynolds*  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

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**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Tuesday, August 24, 2021 10:39 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford



Hi Jennica,

Hope you're having a good day so far. Just wanted to check-in, do you think Waterford is going to be on the Sept. 7<sup>th</sup> P&Z hearing? Or will it be at a later date?

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

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**From:** Stephanie Hopkins

**Sent:** Monday, August 23, 2021 3:58 PM

**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>

**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hi Jennica,

Not a problem, thanks for letting me know. We'll make the change but will hold on resubmitting until we hear from Amy on any further revisions needed.

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

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**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>

**Sent:** Monday, August 23, 2021 3:54 PM

**To:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>

**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Stephanie,

Not to be a pain, but Roscommon Dr. Needs to be changed to Roscommon St. Only Avenues and Streets are allowed in the code. When you submit the final after you get Amy's comments please make this change.

Thank You,  
Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

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**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Thursday, August 12, 2021 3:56 PM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hi Jennica,

Please see the attached revised preliminary plat for Waterford Subdivision to reflect the new street names.

Let me know if you have any questions or need any additional information!

Thanks,

Stephanie Hopkins  
Land Planning Manager  
**KM ENGINEERING**  
[5725 North Discovery Way | Boise, ID 83713](https://www.kmengllp.com)  
208.639.6939

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**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Monday, August 9, 2021 3:18 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Patrick,

I think you are probably correct in thinking that is how you were advised previously. We are really trying to make addresses easy for emergency services and delivery personnel to be able to find.

Since all new subdivisions are required to have cluster mailboxes, it really becomes a problem for someone driving down the road and having it stop and then not pick backup for a couple more blocks. It can be a bit confusing.

Thank you for your patience.

Thank You,

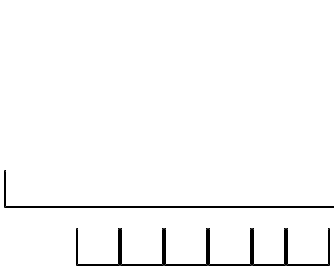


Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

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**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Sent:** Monday, August 9, 2021 3:02 PM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Ok Jennica – we will revise the street names. I believe we were advised to have the street names match based on their common alignment but we can change them if that is the standard now.



**Patrick Connor**  
Director of Planning and Design  
e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Monday, August 9, 2021 2:49 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hello,

I have been reviewing the Amended Pre-Plat for Waterford and after talking with Roberta and Amy we need you to make a change to the street names.

Currently the plat shows 2 Limerick Ct streets, 2 Kinsale St. streets and 2 Cork St. streets. Even though they line up along the same section lines, because they do not connect we need to change the names of 1 of each. I hope this makes sense. Please submit the changes along with an updated Narrative so that we can keep this moving to Planning and Zoning.

Thank You,  
Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

**From:** [Amy Woodruff](#)  
**To:** [Jennica Reynolds](#); [Roberta Stewart](#)  
**Subject:** FW: Waterford East pre-app  
**Date:** Tuesday, September 7, 2021 9:58:11 AM

---

Please see below. I think both those plats should reflect the Albright configuration.

Jennica, let's see what they send over before I get you a P/Z recommendation letter over. Please let me know if you have a different path in mind.

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Amy Woodruff  
**Sent:** Tuesday, September 7, 2021 9:56 AM  
**To:** 'Patrick Connor'; Roberta Stewart; Jennica Reynolds  
**Cc:** Austin Edwards  
**Subject:** Waterford East pre-app

Patrick, generally YES. Agree with your notes and subjects below.

Waterford is applying for an amended preliminary plat and I would like to capture the Waterford/Waterford East interface in that revised plat as well. Please send over the sketch and we will provide follow up comments, if any.

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Patrick Connor [mailto:pconnor@hubblehomes.com]  
**Sent:** Friday, September 3, 2021 10:56 AM  
**To:** Roberta Stewart; Jennica Reynolds; Amy Woodruff  
**Cc:** Austin Edwards  
**Subject:** Waterford East pre-app

Roberta, Amy and Jennica,  
Thanks for having Austin and me over to discuss Waterford East. Below are my notes from the meeting.

The application will need to include a request to terminate the Paradise Valley DA applicable to our boundary area.

The City is considering a zone change to allow 90 degree radius streets and private driveways, 150' max length (two lots @ 75' each) - we will design assuming these changes to code.

Open space is 5% minimum. Please continue the pathway of Waverly Place along the drain.

PI has the option to share a pump house with Waterford as long as capacity and pressure are sufficient.



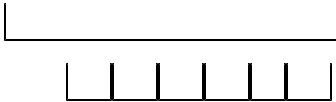
Would need to coordinate with irrigation companies, IDWR and Army COE if considering changing alignment of slough

Sewer in 9<sup>th</sup> Street.

Need to verify the latecomer fee.

City sewer is under a “sanitary restrictions” meaning there may be building restrictions until the treatment plan expansion is complete in 2 – 2.5 years. Sewer permits are tied to construction plan approval. Waterford 1 and 2 should be OK. Phase 3 of Waterford might be affected.

We will send over an overall map to allow Amy to evaluate the east-west Foxrock St connection option and eliminating Albright Ave.



## Patrick Connor

Director of Planning and Design

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p (208) 695-2001

m (214) 564-2812

**From:** [Chris Hopper](#)  
**To:** [Jennica Reynolds](#)  
**Cc:** [Roberta Stewart](#)  
**Subject:** RE: Middleton Notice of Public Hearing - Waterford P&Z  
**Date:** Tuesday, September 7, 2021 5:11:43 PM  
**Attachments:** [Notice - Agencies PZ 9-13-21.pdf](#)

---

Jennica-

CHD4 has reviewed the amended preliminary plat application for Waterford Subdivision, and has no comment or objection to the proposed development.

Respectfully,

**Chris Hopper, P.E.**

District Engineer

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

---

**From:** Jennica Reynolds <jreynolds@middletoncity.com>  
**Sent:** Friday, August 27, 2021 9:47 AM  
**To:** Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Carl Miller <cmiller@compassidaho.org>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development <D3Development.services@ITD.idaho.gov>; ITD - Sarah <Sarah.Arjona@itd.idaho.gov>; Julie Collette <gmprdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; zoninginfo@canyonco.org; vislas@starfirerescue.org; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Middleton Mill Ditch Co <irrigation.mm.mi@gmail.com>; Allen Funkhouser (allenfun50@hotmail.com) <allenfun50@hotmail.com>; Chris Hopper <CHopper@canyonhd4.org>; idwrinfo@idwr.idaho.gov; jessica.mansell@intgas.com  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>  
**Subject:** Middleton Notice of Public Hearing - Waterford P&Z

Please see the notice of Public Hearing for Waterford Amended Preliminary Plat.

The link to the application is here:

<https://middleton.id.gov/Portals/0/Public%20Hearings/Waterford%20Amended%20PP%20Application%20Combined%20-%20PRR.pdf>

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)



**Boise Office**

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Fax (208) 629-7559

**Challis Office**

1301 E. Main Ave.  
P.O. Box 36  
Challis, Idaho 83226  
Tel. (208) 879-4488  
Fax (208) 629-7559

**Twin Falls Office**

236 River Vista Place  
Suite 301  
Twin Falls, Idaho 83301  
Tel. (208) 969-9585  
Fax (208) 629-7559



# SAWTOOTH LAW

## OFFICES, PLLC



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Katie L. Vandenberg – Van Vliet

Andrew J. Waldera \*\*

James R. Bennetts (retired)

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

Tuesday, September 07, 2021

City of Middleton

Attn: Roberta Stewart

P.O. Box 487

Middleton, Idaho 83644

Re: Amended Preliminary Plat - Waterford Subdivision

Dear Ms. Stewart:

The Newman Ditch Company, the Middleton Mill Ditch Company and Middleton Irrigation Association (collectively referred to as "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. In addition, the Drainage District No. 2 (referred to as "District") has a ditch and easement that runs through or abuts this property. The District's easement is 100 feet, 50 feet to either side for open drains and 50 feet, 25 feet to either side for piped or closed drains. The developer must contact the Ditch Companies and District's attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies and District's facilities occur. The Ditch Companies and District must review drainage plans and construction plans prior to any approval.

The Ditch Companies and District 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 neither the Ditch Companies or District approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Company and District may make an exception on a case by case basis, which requires the developers/owners to obtain written permission from the Ditch Companies and District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

A handwritten signature in blue ink, appearing to read "S. Bryce Farris".

S. Bryce Farris

SBF:krk

cc: DD2/Newman Ditch Company/MM-MI



**From:** [Amy Woodruff](#)  
**To:** [Jennica Reynolds](#); [Roberta Stewart](#)  
**Subject:** RECOMMENDATION - Waterford Amended PP P&Z 9-13-2021  
**Date:** Monday, September 13, 2021 2:42:51 PM  
**Attachments:** [Waterford Revised PrePlat recommendation.pdf](#)

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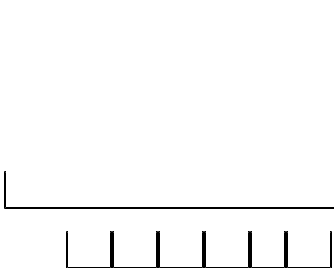
Jennica, please find attached. I will drop a copy by if you don't respond, ok.

*Amy Woodruff*  
453-2028

---

**From:** Patrick Connor [mailto:pconnor@hubblehomes.com]  
**Sent:** Friday, September 10, 2021 10:17 AM  
**To:** Amy Woodruff; Matt Derr; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Much appreciated, thanks Amy.



**Patrick Connor**

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Amy Woodruff <amy@civildynamics.net>  
**Sent:** Friday, September 10, 2021 10:10 AM  
**To:** Matt Derr <MDerr@kmengllp.com>; Patrick Connor <pconnor@hubblehomes.com>; Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards <aedwards@hubblehomes.com>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Thank you for sending over the revised preliminary plat. No further comments or requested revisions. I will follow up with a recommendation letter for Jennica's presentation to the P/Z Commission. Amy

---

**From:** Matt Derr <MDerr@kmengllp.com>  
**Sent:** Thursday, September 9, 2021 5:21 PM  
**To:** Amy Woodruff <amy@civildynamics.net>; Patrick Connor <pconnor@hubblehomes.com>; Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards <aedwards@hubblehomes.com>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Revised attached.

Matthew Derr, P.E.  
KM Engineering  
208.639.6939

---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Thursday, September 9, 2021 4:11 PM  
**To:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

The preplat should reflect what is being developed, if possible.

Amy Woodruff  
453-2028

---

**From:** Matt Derr [<mailto:MDerr@kmengllp.com>]  
**Sent:** Thursday, September 9, 2021 4:10 PM  
**To:** Patrick Connor; Amy Woodruff; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Patrick,

I just spoke with Amy on a revision to the duff lane detail. I can incorporate that into the revision if you want

Matthew Derr, P.E.  
KM Engineering  
208.639.6939

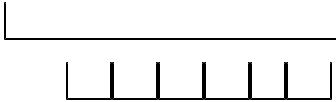
---

**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Sent:** Thursday, September 9, 2021 4:08 PM  
**To:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy, Roberta and Jennica,

I want to add a note here that the updated preliminary plat with the phasing plan and Albright elimination does not reflect the changes we made to the drainage lots during the Phase 1 construction plan review process.





## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>

**Sent:** Thursday, September 9, 2021 3:16 PM

**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>;  
Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards  
<[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>

**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Attached is the updated PDF for your use.

Matthew Derr, P.E.  
KM Engineering  
208.639.6939

---

**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Sent:** Thursday, September 9, 2021 2:10 PM

**To:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>;  
Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards  
<[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>; Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>

**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – thanks for getting back to us. KM will send you all the updated prelim plat with the changes very soon.

Patrick



## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Thursday, September 9, 2021 12:08 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>; Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Patrick, I think it is ok to eliminate Albright from 9<sup>th</sup> to the north along Waterford boundary. As the Waterford preplat is tweaked, please keep Foxrock north so the north right of way is congruent with Bayne south parcel boundary. We can work on how to best connect to Bayne parcel with Waterford east, but please be thinking that direction ok.

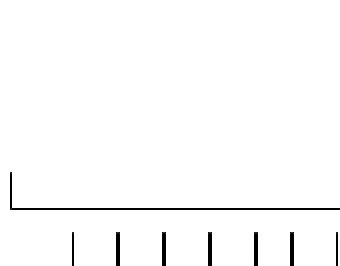
Amy Woodruff  
453-2028

---

**From:** Patrick Connor [<mailto:pconnor@hubblehomes.com>]  
**Sent:** Thursday, September 9, 2021 9:03 AM  
**To:** Amy Woodruff; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards; Matt Derr  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – Checking in so see if you’ve reviewed the updated layout without Albright St. I need to stay on track for next week’s hearing. KM Engineering can turn around the prelim plat update without Albright St as soon as you give us the greenlight.

Thanks,  
Patrick



**Patrick Connor**  
Director of Planning and Design  
e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

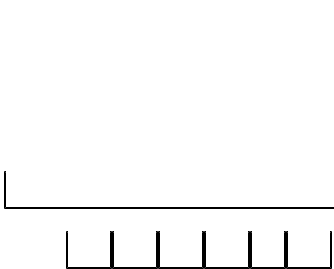
---

**From:** Patrick Connor  
**Sent:** Wednesday, September 8, 2021 11:53 AM  
**To:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)> <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – good timing, please see the proposed overall layout attached. The first attachment is the overall with Waterford, Waterford East and Waverly Place. The second is just Waterford East. You will see we are keeping Foxrock Rd the same location and just continuing it into Waterford East. The difference is that we are proposing that Albright from 9<sup>th</sup> St north to Foxrock at the far east side is removed since it doesn't really serve a purpose and the connectivity is made with Waterford East. In addition, the drain, all the large trees and irrigation easement can stay in place. This 100' area between the back of lots of Waterford and Waterford East can have pedestrian pathway for connectivity to 9<sup>th</sup> Street as well as additional greenspace for both communities.

Please let me know what you think about the prospect of eliminating Albright from the Waterford Preliminary Plat and KM can get it revised for the hearing next week.

Pttrick



## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Wednesday, September 8, 2021 11:28 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Jennica and KM – we still need to see the revisions on the east end of the project, Albright Street and the East Waterford interface to move forward with a recommendation.

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Jennica Reynolds [<mailto:jreynolds@middletoncity.com>]  
**Sent:** Wednesday, September 8, 2021 11:21 AM  
**To:** Stephanie Hopkins; Patrick Connor  
**Cc:** Amy Woodruff; Roberta Stewart  
**Subject:** Staff Report - Waterford Amended PP P&Z 9-13-2021

Please see the attached staff report for the Planning and Zoning Meeting this Monday, September 13<sup>th</sup>. This staff report is subject to change once I have Amy's final comments. I also need a final



version (digital and hard copy) of the preliminary plat once all the engineer comments have been addressed.

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning

City of Middleton

208-585-3133

[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

September 13, 2021

TO: Jennica Reynolds, Planner

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



**RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval**

---

Thank you for the opportunity to review the above referenced preliminary plat submittal. Please note: Albright Avenue between 9<sup>th</sup> Street and Foxrock has been eliminated from both Waterford and Waterford East (future application). Albright between 9<sup>th</sup> and Foxrock is not required for connectivity.

We recommend Mayor and City Council approve the preliminary plat as presented.

# Exhibit “6”



**From:** [Dale Sanger](#)  
**To:** [Jennica Reynolds](#)  
**Subject:** Waterford subdivision and zoning  
**Date:** Monday, September 13, 2021 4:31:24 PM

---

Thank you for taking my call today Jennica and explaining the process of what took place in 2020 amidst COVID that everyone was affected by.

With great certainty I am sure that most if not all of my fellow neighbors would have attended in 2020 to suggest an alternate development idea for the proposed Waterford subdivision plans.

Many of the people in the area of Foothill road cherish the country life that it is apparent the developers have no desire in maintaining. Changing the Zoning to R3 to add this subdivision will have zero advantages to anyone involved with one exception (the ability for the developer to purchase more toys) . Duff lane cannot support the existing traffic that is necessary to normal everyday activity let alone the construction trucks and related vehicles that are there now! But in addition to this we are going to add 270 more homes to an already stressed traffic system.

Foothill road is also the road biking capitol of Middleton that is now going to be packed with cars every morning trying to drive to Lansing to get into town for work. This in itself is going to pose an additional risk to pedestrian related accidents as the population of cars and incidence of speeding has already increase immensely.

The idea that should have been put forward and embraced was a compromise whereas the subdivision in question should have been developed into 1 or 2 acre parcels still allowing conservation of minerals such as water while allowing for a group of homes that would have provided the tax base that the city counsel so needs to have!!

I will make a point to attend the next meeting at city counsel so that stuff doesn't get slipped in for approval such as it did in 2020 COVID times!!

—Thank you again for your time.

-Dale Sanger











# Middleton Planning & Zoning Commission

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

---

In the Matter of an application by Providence Properties, LLC for Amended Preliminary Plat with respect to the Waterford Subdivision located at 0 Duff Lane (Tax Parcel Nos., R3386101000 and R3386100000). The applicant is requesting a revision of the phasing plan from 7 to 5 phases and to change 3 duplicative road names. The proposed amended preliminary plat is zoned R-3 ("Single Family Residential") and consists of 261 single family buildable lots and 16 common lots, and 1 emergency access lot on 99 acres of vacant land.

### A. Findings of Fact:

1. Hearing Facts: (See Staff Report for the hearing date of September 13, 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 September 13, 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 September 13, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3 and 5-4 and Idaho Code Sec., 67-65: (See Staff Report for the hearing date of September 13, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.)

### B. Conclusions of Law:

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the 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.
3. That notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the city has kept a record of the application and related documents.
5. That codes applicable to the application are Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, 5-4 and Idaho Code Sec., 67-65.

### C. Decision and Recommendation:

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

recommended that:

City Council approve the application for Waterford Amended Preliminary Plat.

**D. Right to Request Regulatory Taking Analysis:**

The Applicant is hereby notified of his right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: October \_\_\_\_, 2021.

---

Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

---

Jennica Reynolds  
Planning and Zoning Department



# APPENDIX

## **Exhibit "A"**



## STAFF REVIEW AND REPORT

### Middleton Planning and Zoning Commission

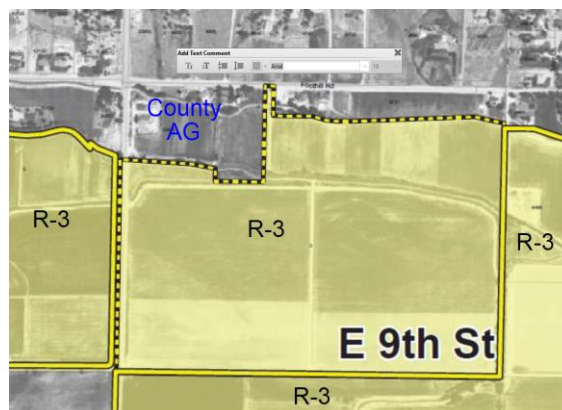
## Waterford Amended Preliminary Plat Application

### Snapshot Summary



| DESCRIPTION       | DETAILS                                                            |
|-------------------|--------------------------------------------------------------------|
| Acreage           | 99 acres                                                           |
| Current Zoning    | R-3 (Single Family Residential)                                    |
| Proposed Zoning   | to remain the same                                                 |
| Current Land Use  | Residential Special Area                                           |
| Proposed Land Use | Residential Special Area                                           |
| Lots              | 262 single-family lots, 16 common lots, and 1 emergency access lot |

- A. **Planning & Zoning Commission Hearing Date:** September 13, 2021
- B. **Project Description:** Amended Preliminary Plat of Residential subdivision with 262 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- C. **Application Requests:** An application submitted by Providence Properties, LLC for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names.
- D. **Current Zoning & Property Condition:** The property is currently zoned R-3 (Single-Family Residential) and was annexed into the city in 2020.

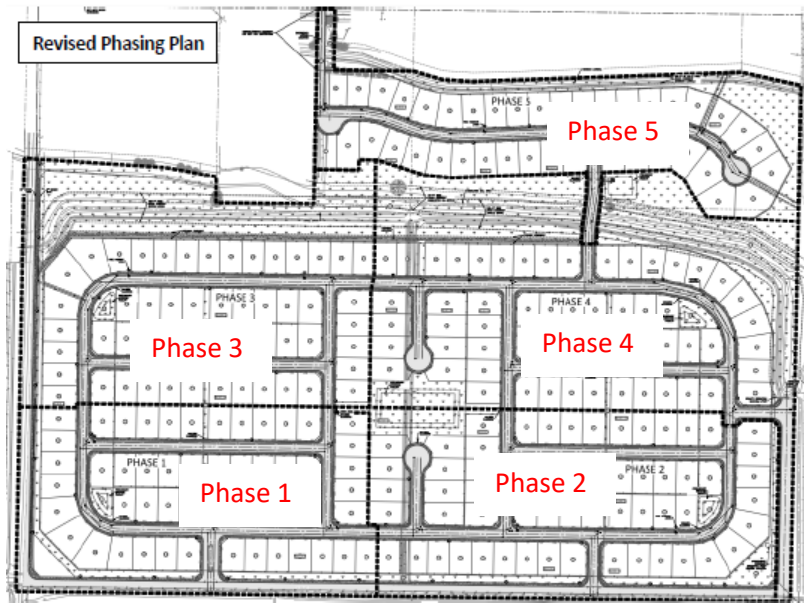
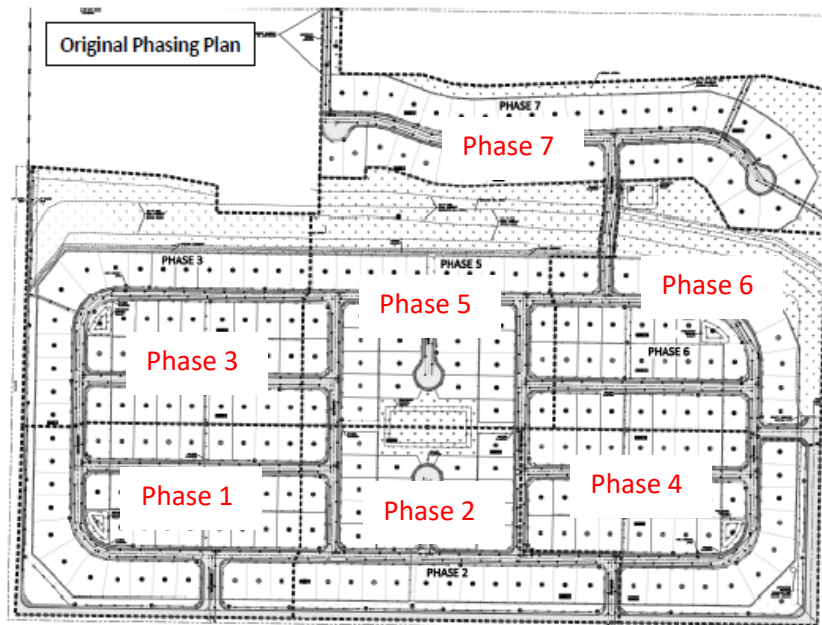


- E. **Amended Preliminary Plat Application:** The Amended Preliminary Plat complies with all standards and codes of the City of Middleton. The applicant is requesting a revision to the phasing. The intent of this revision is to add additional buildable lots to



each phase. The number and construction of common lots for each phase remains unchanged from the initial approval.

Planning Staff has also requested a change of 3 duplicative street names (Kinsale St. to Edenderry St, Cork St. to Roscommon St, and Limerick Ct to Carlow Ct.) to alleviate confusion for delivery vehicles and emergency services.



| Waterford Phasing Plan |                       |                               |
|------------------------|-----------------------|-------------------------------|
| Phase                  | Original Phasing Plan | Proposed Revised Phasing Plan |
|                        | Buildable             | Buildable                     |
| 1                      | 40                    | 52                            |
| 2                      | 34                    | 59                            |
| 3                      | 42                    | 53                            |
| 4                      | 37                    | 58                            |
| 5                      | 34                    | 40                            |
| 6                      | 35                    | n/a                           |
| 7                      | 40                    | n/a                           |
| TOTAL                  | 262                   | 262                           |

**F. Comments Received from Surrounding Landowners:** None.

**G. Comments from Agencies:**

- Canyon Highway District No. 4 comments dated 9/7/2021 state “No comment or objection to the proposed development.” (Exhibit 3)
- Sawtooth Law Offices (dated 9/7/2021) Typical ditch and easement comments. (Exhibit 4)

**H. Comments from City Engineer and Planning Staff:** Copies of City Engineer comments dated 8/25/2021 attached as Exhibit, comments dated 9/7/2021 as Exhibit 2, and comments 9/13/2021 attached as Exhibit 5.

**I. Applicant Information:** Application was received and accepted on June 25, 2021. The Applicant/Owner Providence Properties, LLC located at 701 S Allen Street, Suite 104, Meridian, ID 83642.

**J. Notices:**

**Dates:**

Newspaper Notification

08/29/2021

Radius notification mailed to  
Adjacent landowners within 300'

08/27/2021

Circulation to Agencies

08/27/2021

Sign Posting property

08/27/2021

Planning staff finds that notice was given according to law.

**K. Applicable Codes and Standards:**

Idaho State Statue Title 67, Chapter 65  
Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

**L. Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission is tasked with considering the application for Amended Preliminary Plat for a revision to the phasing plan from 7 to 5 phases and to change 3 duplicative street names.

If the Commission is inclined to recommend to City Council approval of the application, Planning Staff recommends the approval be without any conditions of approval.

If the Commission is inclined to deny the application, State law requires the Commission to identify what measures, if any, the Applicant can take to gain approval.

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 9/13/2021

**From:** [Stephanie Hopkins](#)  
**To:** [Amy Woodruff](#); [Jennica Reynolds](#)  
**Cc:** [Roberta Stewart](#)  
**Subject:** RE: Amended Preliminary Plat - Waterford  
**Date:** Wednesday, August 25, 2021 4:06:16 PM

---

Hi Amy,

I will coordinate with our engineer/surveyor to get that updated.

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

---

**From:** Amy Woodruff <amy@civildynamics.net>  
**Sent:** Wednesday, August 25, 2021 4:02 PM  
**To:** Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>  
**Subject:** RE: Amended Preliminary Plat - Waterford

Jennica, thank you for cc-ing me here.

Stephanie, please revise the Duff Lane typical section to reflect the 5 lane urban, 36ft to tbc. Please add a note or asterisk "actual pavement widths and dimensions to be determined at final design".

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Jennica Reynolds [<mailto:jreynolds@middletoncity.com>]  
**Sent:** Wednesday, August 25, 2021 1:48 PM  
**To:** Stephanie Hopkins  
**Cc:** Roberta Stewart; Amy Woodruff  
**Subject:** RE: Amended Preliminary Plat - Waterford

I have updated our files.

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning  
City of Middleton



208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

---

**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Wednesday, August 25, 2021 11:30 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

Hi Jennica,

Please find the updated Waterford preliminary plat attached here with updated street name.

Please let me know if there are any additional comments or questions and we'll have those addressed ASAP. Amy has been working with our engineers on the first and second phases of Waterford, so she may not have any additional comments on the pre-plat.

Thanks,

Stephanie Hopkins  
Land Planning Manager  
**KM ENGINEERING**  
[5725 North Discovery Way | Boise, ID 83713](#)  
208.639.6939

---

**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Tuesday, August 24, 2021 11:36 AM  
**To:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

We are scheduling Waterford for Sept 13<sup>th</sup> P&Z Hearing. Fingers crossed we make it

*Thank You,*  
*Jennica Reynolds*  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

---

**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Tuesday, August 24, 2021 10:39 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Subject:** RE: Amended Preliminary Plat - Waterford

Hi Jennica,

Hope you're having a good day so far. Just wanted to check-in, do you think Waterford is going to be on the Sept. 7<sup>th</sup> P&Z hearing? Or will it be at a later date?

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

---

**From:** Stephanie Hopkins

**Sent:** Monday, August 23, 2021 3:58 PM

**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>

**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hi Jennica,

Not a problem, thanks for letting me know. We'll make the change but will hold on resubmitting until we hear from Amy on any further revisions needed.

Thanks!

Stephanie Hopkins

Land Planning Manager

**KM ENGINEERING**

[5725 North Discovery Way | Boise, ID 83713](#)

208.639.6939

---

**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>

**Sent:** Monday, August 23, 2021 3:54 PM

**To:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>

**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Stephanie,

Not to be a pain, but Roscommon Dr. Needs to be changed to Roscommon St. Only Avenues and Streets are allowed in the code. When you submit the final after you get Amy's comments please make this change.

Thank You,  
Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

---

**From:** Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Sent:** Thursday, August 12, 2021 3:56 PM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hi Jennica,

Please see the attached revised preliminary plat for Waterford Subdivision to reflect the new street names.

Let me know if you have any questions or need any additional information!

Thanks,

Stephanie Hopkins  
Land Planning Manager  
**KM ENGINEERING**  
[5725 North Discovery Way | Boise, ID 83713](https://www.kmengllp.com)  
208.639.6939

---

**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Monday, August 9, 2021 3:18 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Patrick,

I think you are probably correct in thinking that is how you were advised previously. We are really trying to make addresses easy for emergency services and delivery personnel to be able to find.

Since all new subdivisions are required to have cluster mailboxes, it really becomes a problem for someone driving down the road and having it stop and then not pick backup for a couple more blocks. It can be a bit confusing.

Thank you for your patience.

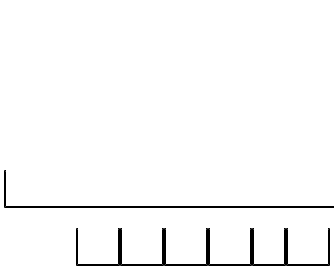
Thank You,

Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

---

**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Sent:** Monday, August 9, 2021 3:02 PM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** RE: Amended Preliminary Plat - Waterford (Duplicate Street Names)

Ok Jennica – we will revise the street names. I believe we were advised to have the street names match based on their common alignment but we can change them if that is the standard now.



**Patrick Connor**  
Director of Planning and Design  
e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>  
**Sent:** Monday, August 9, 2021 2:49 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Subject:** Amended Preliminary Plat - Waterford (Duplicate Street Names)

Hello,

I have been reviewing the Amended Pre-Plat for Waterford and after talking with Roberta and Amy we need you to make a change to the street names.

Currently the plat shows 2 Limerick Ct streets, 2 Kinsale St. streets and 2 Cork St. streets. Even though they line up along the same section lines, because they do not connect we need to change the names of 1 of each. I hope this makes sense. Please submit the changes along with an updated Narrative so that we can keep this moving to Planning and Zoning.

Thank You,  
Jennica Reynolds  
Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)



**From:** [Amy Woodruff](#)  
**To:** [Jennica Reynolds](#); [Roberta Stewart](#)  
**Subject:** FW: Waterford East pre-app  
**Date:** Tuesday, September 7, 2021 9:58:11 AM

---

Please see below. I think both those plats should reflect the Albright configuration.

Jennica, let's see what they send over before I get you a P/Z recommendation letter over. Please let me know if you have a different path in mind.

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Amy Woodruff  
**Sent:** Tuesday, September 7, 2021 9:56 AM  
**To:** 'Patrick Connor'; Roberta Stewart; Jennica Reynolds  
**Cc:** Austin Edwards  
**Subject:** Waterford East pre-app

Patrick, generally YES. Agree with your notes and subjects below.

Waterford is applying for an amended preliminary plat and I would like to capture the Waterford/Waterford East interface in that revised plat as well. Please send over the sketch and we will provide follow up comments, if any.

Thank you.

*Amy Woodruff*  
453-2028

---

**From:** Patrick Connor [mailto:pconnor@hubblehomes.com]  
**Sent:** Friday, September 3, 2021 10:56 AM  
**To:** Roberta Stewart; Jennica Reynolds; Amy Woodruff  
**Cc:** Austin Edwards  
**Subject:** Waterford East pre-app

Roberta, Amy and Jennica,  
Thanks for having Austin and me over to discuss Waterford East. Below are my notes from the meeting.

The application will need to include a request to terminate the Paradise Valley DA applicable to our boundary area.

The City is considering a zone change to allow 90 degree radius streets and private driveways, 150' max length (two lots @ 75' each) - we will design assuming these changes to code.

Open space is 5% minimum. Please continue the pathway of Waverly Place along the drain.

PI has the option to share a pump house with Waterford as long as capacity and pressure are sufficient.

Would need to coordinate with irrigation companies, IDWR and Army COE if considering changing alignment of slough

Sewer in 9<sup>th</sup> Street.

Need to verify the latecomer fee.

City sewer is under a “sanitary restrictions” meaning there may be building restrictions until the treatment plan expansion is complete in 2 – 2.5 years. Sewer permits are tied to construction plan approval. Waterford 1 and 2 should be OK. Phase 3 of Waterford might be affected.

We will send over an overall map to allow Amy to evaluate the east-west Foxrock St connection option and eliminating Albright Ave.



## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)

o (208) 433-8800

p (208) 695-2001

m (214) 564-2812

**From:** [Chris Hopper](#)  
**To:** [Jennica Reynolds](#)  
**Cc:** [Roberta Stewart](#)  
**Subject:** RE: Middleton Notice of Public Hearing - Waterford P&Z  
**Date:** Tuesday, September 7, 2021 5:11:43 PM  
**Attachments:** [Notice - Agencies PZ 9-13-21.pdf](#)

---

Jennica-

CHD4 has reviewed the amended preliminary plat application for Waterford Subdivision, and has no comment or objection to the proposed development.

Respectfully,

**Chris Hopper, P.E.**

District Engineer

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

---

**From:** Jennica Reynolds <jreynolds@middletoncity.com>  
**Sent:** Friday, August 27, 2021 9:47 AM  
**To:** Alicia Krantz - MSD <akrantz@msd134.org>; Canyon County Paramedics <MStowell@ccparamedics.com>; Carl Miller <cmiller@compassidaho.org>; Idaho Power - Mike Ybarguen <MYbarguen@idahopower.com>; ITD - Development <D3Development.services@ITD.idaho.gov>; ITD - Sarah <Sarah.Arjona@itd.idaho.gov>; Julie Collette <gmprdjulie@gmail.com>; Lacey Grooms - MSD <lgrooms@msd134.org>; zoninginfo@canyonco.org; vislas@starfirerescue.org; Middleton Mill - Sawtooth Law <bryce@sawtoothlaw.com>; Middleton Mill Ditch Co <irrigation.mm.mi@gmail.com>; Allen Funkhouser (allenfun50@hotmail.com) <allenfun50@hotmail.com>; Chris Hopper <CHopper@canyonhd4.org>; idwrinfo@idwr.idaho.gov; jessica.mansell@intgas.com  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>  
**Subject:** Middleton Notice of Public Hearing - Waterford P&Z

Please see the notice of Public Hearing for Waterford Amended Preliminary Plat.

The link to the application is here:

<https://middleton.id.gov/Portals/0/Public%20Hearings/Waterford%20Amended%20PP%20Application%20Combined%20-%20PRR.pdf>

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning  
City of Middleton  
208-585-3133  
[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

**Boise Office**

Golden Eagle Building  
1101 W. River St., Ste. 110  
P.O. Box 7985  
Boise, Idaho 83707  
Tel. (208) 629-7447  
Fax (208) 629-7559

**Challis Office**

1301 E. Main Ave.  
P.O. Box 36  
Challis, Idaho 83226  
Tel. (208) 879-4488  
Fax (208) 629-7559

**Twin Falls Office**

236 River Vista Place  
Suite 301  
Twin Falls, Idaho 83301  
Tel. (208) 969-9585  
Fax (208) 629-7559



# SAWTOOTH LAW

## OFFICES, PLLC



David P. Claiborne \*

S. Bryce Farris

Patxi Larrocca-Phillips

Evan T. Roth

Daniel V. Steenson

Matthew A. Sturzen

Katie L. Vandenberg – Van  
Vliet

Andrew J. Waldera \*\*

James R. Bennetts (retired)

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

Tuesday, September 07, 2021

City of Middleton

Attn: Roberta Stewart

P.O. Box 487

Middleton, Idaho 83644

Re: Amended Preliminary Plat - Waterford Subdivision

Dear Ms. Stewart:

The Newman Ditch Company, the Middleton Mill Ditch Company and Middleton Irrigation Association (collectively referred to as "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. In addition, the Drainage District No. 2 (referred to as "District") has a ditch and easement that runs through or abuts this property. The District's easement is 100 feet, 50 feet to either side for open drains and 50 feet, 25 feet to either side for piped or closed drains. The developer must contact the Ditch Companies and District's attorneys, Sawtooth Law Offices, PLLC, for approval before any encroachment, change of easement, or drainage discharge into Ditch Companies and District's facilities occur. The Ditch Companies and District must review drainage plans and construction plans prior to any approval.

The Ditch Companies and District 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 neither the Ditch Companies or District approve of trees within their easements. Therefore, any existing trees within easement will need to be removed. On occasion, the Ditch Company and District may make an exception on a case by case basis, which requires the developers/owners to obtain written permission from the Ditch Companies and District for existing trees to remain.

Please contact me if you have any questions.

Yours very truly,

A handwritten signature in blue ink, appearing to read "S. Bryce Farris".

S. Bryce Farris

SBF:krk

cc: DD2/Newman Ditch Company/MM-MI

**From:** [Amy Woodruff](#)  
**To:** [Jennica Reynolds](#); [Roberta Stewart](#)  
**Subject:** RECOMMENDATION - Waterford Amended PP P&Z 9-13-2021  
**Date:** Monday, September 13, 2021 2:42:51 PM  
**Attachments:** [Waterford Revised PrePlat recommendation.pdf](#)

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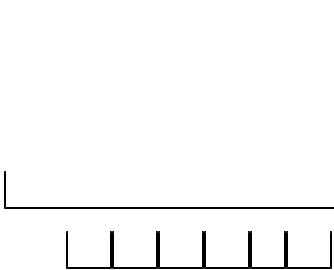
Jennica, please find attached. I will drop a copy by if you don't respond, ok.

*Amy Woodruff*  
453-2028

---

**From:** Patrick Connor [mailto:pconnor@hubblehomes.com]  
**Sent:** Friday, September 10, 2021 10:17 AM  
**To:** Amy Woodruff; Matt Derr; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Much appreciated, thanks Amy.



**Patrick Connor**

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Amy Woodruff <amy@civildynamics.net>  
**Sent:** Friday, September 10, 2021 10:10 AM  
**To:** Matt Derr <MDerr@kmengllp.com>; Patrick Connor <pconnor@hubblehomes.com>; Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards <aedwards@hubblehomes.com>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Thank you for sending over the revised preliminary plat. No further comments or requested revisions. I will follow up with a recommendation letter for Jennica's presentation to the P/Z Commission. Amy

---

**From:** Matt Derr <MDerr@kmengllp.com>  
**Sent:** Thursday, September 9, 2021 5:21 PM  
**To:** Amy Woodruff <amy@civildynamics.net>; Patrick Connor <pconnor@hubblehomes.com>; Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>  
**Cc:** Roberta Stewart <rstewart@middletoncity.com>; Austin Edwards <aedwards@hubblehomes.com>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Revised attached.

Matthew Derr, P.E.  
KM Engineering  
208.639.6939

---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Thursday, September 9, 2021 4:11 PM  
**To:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

The preplat should reflect what is being developed, if possible.

Amy Woodruff  
453-2028

---

**From:** Matt Derr [<mailto:MDerr@kmengllp.com>]  
**Sent:** Thursday, September 9, 2021 4:10 PM  
**To:** Patrick Connor; Amy Woodruff; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Patrick,

I just spoke with Amy on a revision to the duff lane detail. I can incorporate that into the revision if you want

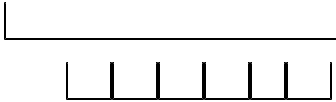
Matthew Derr, P.E.  
KM Engineering  
208.639.6939

---

**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Sent:** Thursday, September 9, 2021 4:08 PM  
**To:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy, Roberta and Jennica,

I want to add a note here that the updated preliminary plat with the phasing plan and Albright elimination does not reflect the changes we made to the drainage lots during the Phase 1 construction plan review process.



## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>

**Sent:** Thursday, September 9, 2021 3:16 PM

**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>;  
Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards  
<[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>

**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Attached is the updated PDF for your use.

Matthew Derr, P.E.  
KM Engineering  
208.639.6939

---

**From:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>

**Sent:** Thursday, September 9, 2021 2:10 PM

**To:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>;  
Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>

**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards  
<[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>; Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>

**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – thanks for getting back to us. KM will send you all the updated prelim plat with the changes very soon.

Patrick



## Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812



---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Thursday, September 9, 2021 12:08 PM  
**To:** Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>; Matt Derr <[MDerr@kmengllp.com](mailto:MDerr@kmengllp.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Patrick, I think it is ok to eliminate Albright from 9<sup>th</sup> to the north along Waterford boundary. As the Waterford preplat is tweaked, please keep Foxrock north so the north right of way is congruent with Bayne south parcel boundary. We can work on how to best connect to Bayne parcel with Waterford east, but please be thinking that direction ok.

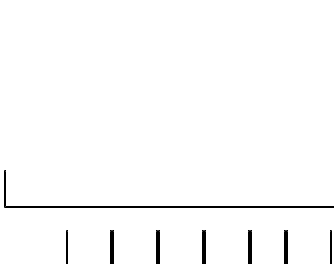
Amy Woodruff  
453-2028

---

**From:** Patrick Connor [<mailto:pconnor@hubblehomes.com>]  
**Sent:** Thursday, September 9, 2021 9:03 AM  
**To:** Amy Woodruff; Jennica Reynolds; Stephanie Hopkins  
**Cc:** Roberta Stewart; Austin Edwards; Matt Derr  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – Checking in so see if you’ve reviewed the updated layout without Albright St. I need to stay on track for next week’s hearing. KM Engineering can turn around the prelim plat update without Albright St as soon as you give us the greenlight.

Thanks,  
Patrick



**Patrick Connor**  
Director of Planning and Design  
e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

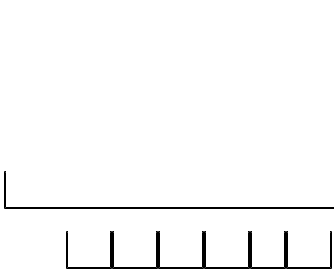
---

**From:** Patrick Connor  
**Sent:** Wednesday, September 8, 2021 11:53 AM  
**To:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>; Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>; Austin Edwards <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)> <[aedwards@hubblehomes.com](mailto:aedwards@hubblehomes.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Amy – good timing, please see the proposed overall layout attached. The first attachment is the overall with Waterford, Waterford East and Waverly Place. The second is just Waterford East. You will see we are keeping Foxrock Rd the same location and just continuing it into Waterford East. The difference is that we are proposing that Albright from 9<sup>th</sup> St north to Foxrock at the far east side is removed since it doesn't really serve a purpose and the connectivity is made with Waterford East. In addition, the drain, all the large trees and irrigation easement can stay in place. This 100' area between the back of lots of Waterford and Waterford East can have pedestrian pathway for connectivity to 9<sup>th</sup> Street as well as additional greenspace for both communities.

Please let me know what you think about the prospect of eliminating Albright from the Waterford Preliminary Plat and KM can get it revised for the hearing next week.

Pttrick



### Patrick Connor

Director of Planning and Design

e [pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)  
o (208) 433-8800  
p (208) 695-2001  
m (214) 564-2812

---

**From:** Amy Woodruff <[amy@civildynamics.net](mailto:amy@civildynamics.net)>  
**Sent:** Wednesday, September 8, 2021 11:28 AM  
**To:** Jennica Reynolds <[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)>; Stephanie Hopkins <[shopkins@kmengllp.com](mailto:shopkins@kmengllp.com)>; Patrick Connor <[pconnor@hubblehomes.com](mailto:pconnor@hubblehomes.com)>  
**Cc:** Roberta Stewart <[rstewart@middletoncity.com](mailto:rstewart@middletoncity.com)>  
**Subject:** RE: Staff Report - Waterford Amended PP P&Z 9-13-2021

Jennica and KM – we still need to see the revisions on the east end of the project, Albright Street and the East Waterford interface to move forward with a recommendation.

Thank you.

Amy Woodruff  
453-2028

---

**From:** Jennica Reynolds [<mailto:jreynolds@middletoncity.com>]  
**Sent:** Wednesday, September 8, 2021 11:21 AM  
**To:** Stephanie Hopkins; Patrick Connor  
**Cc:** Amy Woodruff; Roberta Stewart  
**Subject:** Staff Report - Waterford Amended PP P&Z 9-13-2021

Please see the attached staff report for the Planning and Zoning Meeting this Monday, September 13<sup>th</sup>. This staff report is subject to change once I have Amy's final comments. I also need a final

version (digital and hard copy) of the preliminary plat once all the engineer comments have been addressed.

Thank You,

*Jennica Reynolds*

Deputy Clerk, Planning

City of Middleton

208-585-3133

[jreynolds@middletoncity.com](mailto:jreynolds@middletoncity.com)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

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September 13, 2021

TO: Jennica Reynolds, Planner

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



**RE: Waterford Subdivision Preliminary Plat – Recommendation of Approval**

---

Thank you for the opportunity to review the above referenced preliminary plat submittal. Please note: Albright Avenue between 9<sup>th</sup> Street and Foxrock has been eliminated from both Waterford and Waterford East (future application). Albright between 9<sup>th</sup> and Foxrock is not required for connectivity.

We recommend Mayor and City Council approve the preliminary plat as presented.







# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

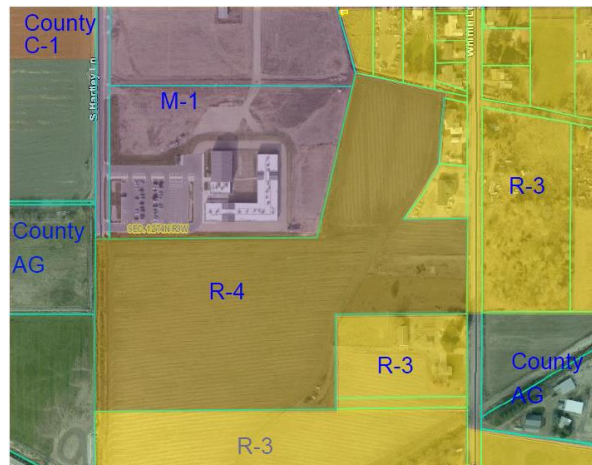
### Carlton Meadows Special Use Permit Application

#### Snapshot Summary



| DESCRIPTION                    | DETAILS                                                                    |
|--------------------------------|----------------------------------------------------------------------------|
| Acreage                        | 18.29 acres                                                                |
| Current Zoning                 | R-4 (Single Family Residential)                                            |
| Proposed Zoning                | to remain the same                                                         |
| Current Land Use               | Residential Special Area                                                   |
| Proposed Land Use              | Residential Special Area                                                   |
| Lots                           | 66 residential lots and 6 common lots                                      |
| Special Use Permit Application | Remove outdated housing types in R-4 set forth in 2009 Middleton City Code |

- A. Planning & Zoning Commission Hearing Date:** October 18, 2021
- B. Project Description:** Application for a Special Use Permit for Carlton Meadows Subdivision phases 1 & 2. The subject property is located at 0 Whiffin Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R17610018A0.
- C. Application Requests:** An application submitted by D&N Investments, LLC – David Buich. Represented by B&A Engineers, Inc – Nick LaCross for Special Use Permit to remove the requirement of housing types set forth in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) for R-4 zoning district.
- D. Current Zoning & Property Condition:** The property is currently zoned R-4 (Single-Family Residential) and a preliminary plat was approved August 19, 2020.



**E. Special Use Permit Application:** The Applicant is requesting a Special Use Permit Application to remove provisions of housing types designated in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) for R-4 zoning stated as following:

“4. For subdivisions/developments with 30 or more lots or larger than 5 acres the following shall be applied:

- a. A minimum of 20 percent of dwelling units shall utilize side garages.
- b. A minimum of 10 percent of dwelling units shall utilize garages set back 10 feet from the living space front area.
- c. A minimum of 10 percent of dwelling units shall utilize garages set back 20 feet from the living space front area.”

The applicant stated the reason for the application “is to be able to utilize a wider range and more attractive housing floorplan options. With the side entry garage, this limits the builders’ options of which floorplan to build. With the newly revised code (with R-4 Zone taken out), the said code has been deleted from the Middleton City Code...this request, if approved, will have no effect on any adjacent homeowners in any way.”

In order to approve the SUP, Middleton City Code 1-15-7(A)(1) requires the Planning & Zoning Commission to find that the SUP request is not unreasonable or incompatible with the types of uses permitted in the areas.

**Findings:**

Planning Staff finds that the project and the application is not “unreasonable or incompatible with the types of uses permitted in the areas” for the following reasons:

- Surrounding areas are zoned R-3. R-3 does not stipulate specific housing types and the designation of such is outdated and undesirable by builders and residents.
- This designation specific to R-4 was removed from the Middleton City Code in 2011.
- In addition, this requirement also creates an undue burden on planning staff to count and track specific housing types with each building permit issued.

**F. Comments Received from Surrounding Landowners:** None.

**G. Comments from Agencies:** None.

**H. Comments from City Engineer:** None.

**I. Applicant Information:** Application was received and accepted on July 20, 2021. The Applicant/Owner D&N Investments, LLC – Dave Buich. P.O. Box 516, Eagle, ID 83616.

| <b>J. Notices:</b>                                            | <b>Dates:</b> |
|---------------------------------------------------------------|---------------|
| Newspaper Notification                                        | 10/3/2021     |
| Radius notification mailed to Adjacent landowners within 300' | 10/1/2021     |
| Circulation to Agencies                                       | 10/1/2021     |
| Sign Posting property                                         | 10/1/2021     |
| Neighborhood Meeting                                          | 6/29/2021     |

*Planning staff finds that notice was appropriate and given according to law.*

**K. Applicable Codes and Standards:**  
Idaho State Statute Title 67, Chapter 6512  
Middleton City Code 1-14, 1-15.  
Middleton City Code 2009 5-2-4, Table 2 Height, Setback and Area Schedule.

**M. Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission is tasked with considering the application of Special Use Permit to remove requirements for specific housing types set forth in the 2009 MCC 5-2-4, Table 2, as applicable for R-4 developments. To properly perform this task, the Commission must ultimately make findings of facts, conclusions of law, and an order with respect to the application.

**As to Findings of Facts,** Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. Staff will also set forth the findings of facts in the presentation at the Public Hearing. If the Planning & Zoning Commission agrees with Staff's findings of facts, then the Commission can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

**As to Conclusions of Law,** Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application in order that it may be approved or denied and that public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the application. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

**As to the Order,** If the Planning & Zoning Commission is inclined to approve the application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be without any conditions of approval.

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

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 10/14/2021







# Middleton Planning & Zoning Commission

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

---

**In the Matter of an application submitted by D&N Investments, LLC – David Buich, represented by B&A Engineers, Inc – Nick LaCross for Special Use Permit in regard to Carlton Meadows Subdivision to remove the requirement of housing types set forth in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) for R-4 zoning district.**

### **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, 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 October 18, 2021, which Report is attached hereto as Exhibit “A’ and incorporated herein by this reference.)
4. Required Findings per Middleton City Code 1-14, 1-15, Middleton City Code 2009 5-2-4, Table 2 Height, Setback and Area Schedule, and Idaho Code Sec., 67-6512: (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.)

### **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 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.
3. That notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission’s public hearing was conducted according to law, and the city has kept a record of the application and related documents.
5. That codes applicable to the application are Middleton City Code 1-14, 1-15, Middleton City Code 2009 5-2-4, Table 2 Height, Setback and Area Schedule, and Idaho Code Sec., 67-6512.

### **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 ordered that:**

The Special Use Permit in regard to Carlton Meadows Subdivision to remove requirements for specific housing types set forth in the 2009 MCC 5-2-4, Table 2, as applicable for R-4 developments be approved.

**D. Right to Request Regulatory Taking Analysis:**

The Applicant is hereby notified of his right to request a regulatory taking analysis pursuant to section 67-8003, Idaho Code.

WRITTEN ORDER AND DECISION APPROVED ON: October \_\_\_\_, 2021.

---

Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

---

Jennica Reynolds  
Planning and Zoning Department

# APPENDIX

## **Exhibit "A"**





# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

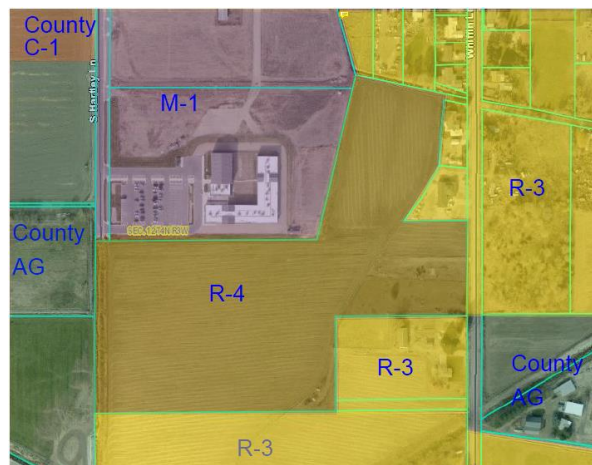
### Carlton Meadows Special Use Permit Application

#### Snapshot Summary



| DESCRIPTION                    | DETAILS                                                                    |
|--------------------------------|----------------------------------------------------------------------------|
| Acreage                        | 18.29 acres                                                                |
| Current Zoning                 | R-4 (Single Family Residential)                                            |
| Proposed Zoning                | to remain the same                                                         |
| Current Land Use               | Residential Special Area                                                   |
| Proposed Land Use              | Residential Special Area                                                   |
| Lots                           | 66 residential lots and 6 common lots                                      |
| Special Use Permit Application | Remove outdated housing types in R-4 set forth in 2009 Middleton City Code |

- A. Planning & Zoning Commission Hearing Date:** October 18, 2021
- B. Project Description:** Application for a Special Use Permit for Carlton Meadows Subdivision phases 1 & 2. The subject property is located at 0 Whiffin Lane, Middleton, Idaho, commonly referred to as Canyon County Parcel No. R17610018A0.
- C. Application Requests:** An application submitted by D&N Investments, LLC – David Buich. Represented by B&A Engineers, Inc – Nick LaCross for Special Use Permit to remove the requirement of housing types set forth in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) for R-4 zoning district.
- D. Current Zoning & Property Condition:** The property is currently zoned R-4 (Single-Family Residential) and a preliminary plat was approved August 19, 2020.



**E. Special Use Permit Application:** The Applicant is requesting a Special Use Permit Application to remove provisions of housing types designated in the 2009 Middleton City Code 5-2-4 Table 2, Height, Setback and Area Schedule, Footnote 4(a-c) for R-4 zoning stated as following:

“4. For subdivisions/developments with 30 or more lots or larger than 5 acres the following shall be applied:

- a. A minimum of 20 percent of dwelling units shall utilize side garages.
- b. A minimum of 10 percent of dwelling units shall utilize garages set back 10 feet from the living space front area.
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The applicant stated the reason for the application “is to be able to utilize a wider range and more attractive housing floorplan options. With the side entry garage, this limits the builders’ options of which floorplan to build. With the newly revised code (with R-4 Zone taken out), the said code has been deleted from the Middleton City Code...this request, if approved, will have no effect on any adjacent homeowners in any way.”

In order to approve the SUP, Middleton City Code 1-15-7(A)(1) requires the Planning & Zoning Commission to find that the SUP request is not unreasonable or incompatible with the types of uses permitted in the areas.

**Findings:**

Planning Staff finds that the project and the application is not “unreasonable or incompatible with the types of uses permitted in the areas” for the following reasons:

- Surrounding areas are zoned R-3. R-3 does not stipulate specific housing types and the designation of such is outdated and undesirable by builders and residents.
- This designation specific to R-4 was removed from the Middleton City Code in 2011.
- In addition, this requirement also creates an undue burden on planning staff to count and track specific housing types with each building permit issued.

**F. Comments Received from Surrounding Landowners:** None.

**G. Comments from Agencies:** None.

**H. Comments from City Engineer:** None.

**I. Applicant Information:** Application was received and accepted on July 20, 2021. The Applicant/Owner D&N Investments, LLC – Dave Buich. P.O. Box 516, Eagle, ID 83616.

| <b>J. Notices:</b>                                            | <b>Dates:</b> |
|---------------------------------------------------------------|---------------|
| Newspaper Notification                                        | 10/3/2021     |
| Radius notification mailed to Adjacent landowners within 300' | 10/1/2021     |
| Circulation to Agencies                                       | 10/1/2021     |
| Sign Posting property                                         | 10/1/2021     |
| Neighborhood Meeting                                          | 6/29/2021     |

*Planning staff finds that notice was appropriate and given according to law.*

**K. Applicable Codes and Standards:**  
Idaho State Statute Title 67, Chapter 6512  
Middleton City Code 1-14, 1-15.  
Middleton City Code 2009 5-2-4, Table 2 Height, Setback and Area Schedule.

**M. Conclusions and Recommended Conditions of Approval:**

The Planning & Zoning Commission is tasked with considering the application of Special Use Permit to remove requirements for specific housing types set forth in the 2009 MCC 5-2-4, Table 2, as applicable for R-4 developments. To properly perform this task, the Commission must ultimately make findings of facts, conclusions of law, and an order with respect to the application.

**As to Findings of Facts,** Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. Staff will also set forth the findings of facts in the presentation at the Public Hearing. If the Planning & Zoning Commission agrees with Staff's findings of facts, then the Commission can accept the findings of facts by passing a motion to accept all or a portion of the findings of facts.

**As to Conclusions of Law,** Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application in order that it may be approved or denied and that public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the application. If the public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and public hearing.

**As to the Order,** If the Planning & Zoning Commission is inclined to approve the application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be without any conditions of approval.

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

Prepared by Planning Deputy Clerk, Jennica Reynolds

Dated: 10/14/2021





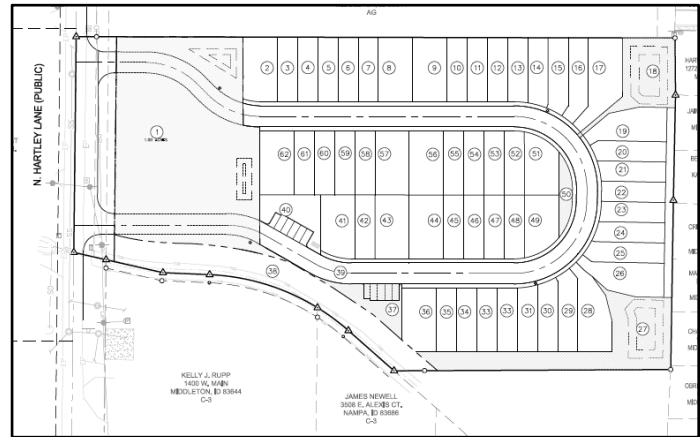
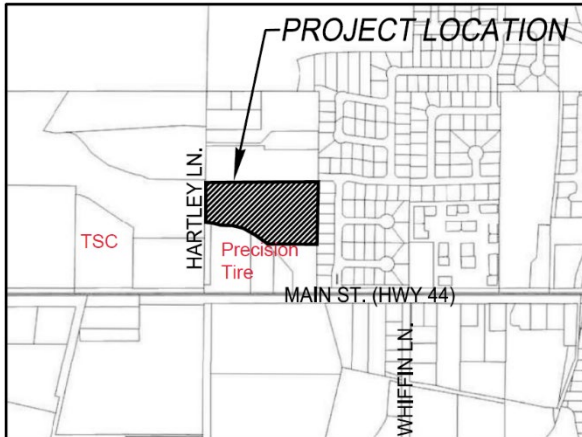


# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### Carter John Mixed Use Subdivision

#### Snapshot Summary



| DESCRIPTION       | DETAILS                                               |
|-------------------|-------------------------------------------------------|
| Acreage           | 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              | 54 Townhome lots, 1 commercial lot, and 5 common lots |
| Density           | 18 units per acre allowed by DA                       |
| Amenities         | Tot Lot and large common lot green spaces.            |

- A. Planning & Zoning Commission Hearing Date:** October 18, 2021
- B. Project Description:** Subdivision with 54 townhome lots and a large commercial lot that fronts Hartley Lane. Amenities include a tot lot and two expansive common lots that provide open green space.

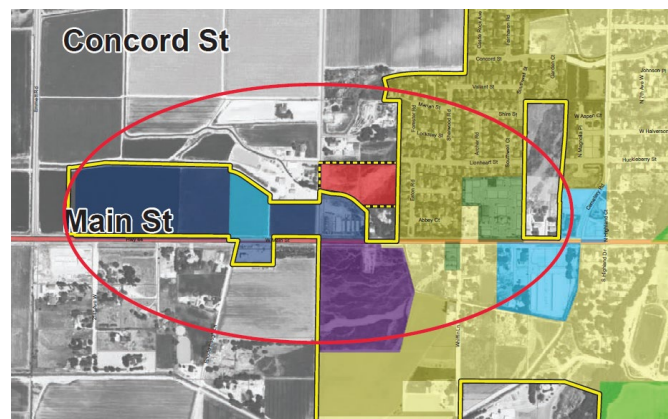
Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 67 townhomes. The DA also requires Developer to provide

a commercial lot fronting Hartley 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, and the Development Agreement was executed.

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.

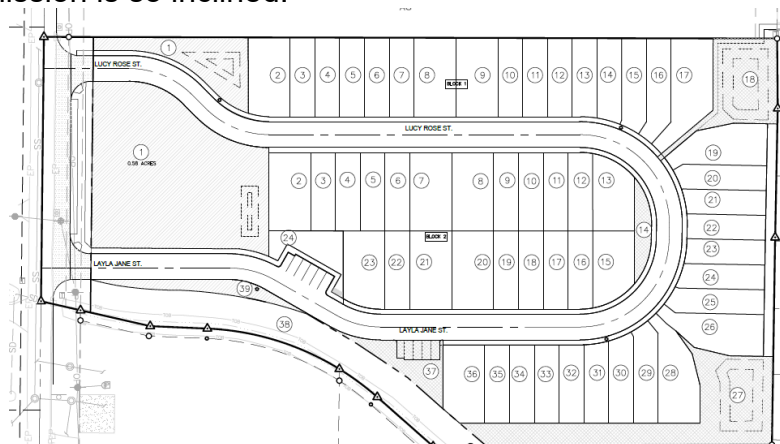


*Planning Staff finds that City services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.*

- F. Traffic, Access & Streets:** the project provides two accesses off Hartley Lane. The streets are public and will be dedicated to the City of Middleton.

Developer completed a traffic impact analysis. Idaho Transportation Department is still reviewing the TIS to determine the extent of Developer's proportionate share of Traffic Impacts. If this Commission is inclined to recommend approval of the application, it should do so with a condition that Developer/Owner pay all proportionate share traffic fees required by the City before approval of final plat.

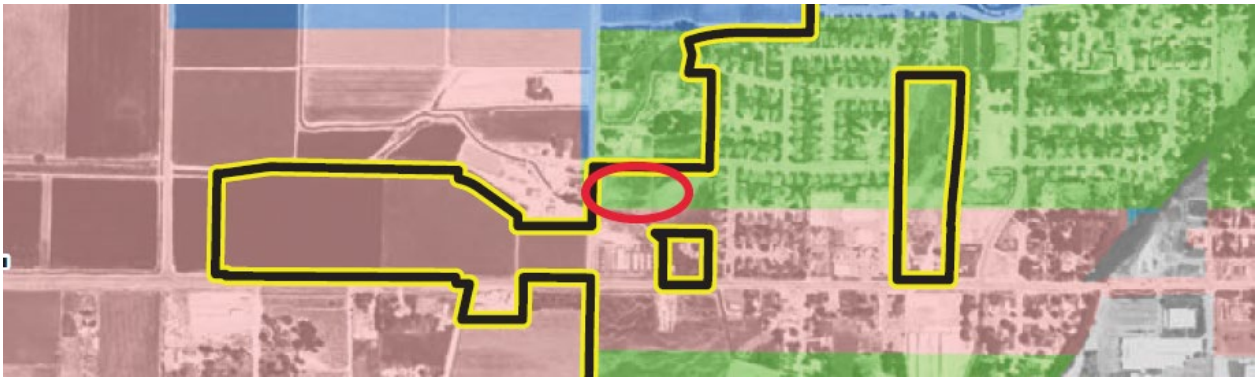
- G. Pathway, Sidewalks & Open Space:** Applicant has surpassed the 5% open space requirement by providing 7.7% open space in the form of common lots with tot lot and green space, and 2 large grassy detention areas that will also serve as open play areas or gathering spaces.
- H. Middleton Rural Fire District:** Like many agencies, the Middleton Rural Fire District has a long queue of Middleton and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments to this preliminary plat yet. Planning Staff will not allow this application to proceed to City Council without final comments from Middleton Fire. In the meantime, however, if the Planning & Zoning Commission is inclined to recommend approval of this application, Staff recommends that compliance with all Middleton Fire District comments be made a condition of approval. This will cover any issues that may be brought to light by Deputy Chief Islas.
- 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. Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the Planning & Zoning Commission is so inclined.



*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 K 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 Owner is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2<sup>nd</sup> St., Meridian ID 83642 – [Jim@neUdesignArch.com](mailto:Jim@neUdesignArch.com). 208.884.224. Application was accepted on March 19, 2021.

| <b>O. Notices &amp; Neighborhood Meeting:</b>                 | <b>Dates:</b> |
|---------------------------------------------------------------|---------------|
| Newspaper Notification                                        | 10/03/2021    |
| Radius notification mailed to Adjacent landowners within 300' | 10/01/2021    |
| Circulation to Agencies                                       | 09/30/2021    |
| Sign Posting property                                         | 09/30/2021    |
| Neighborhood Meeting                                          | 03/18/2021    |

**P. 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, 5-3, and 5-4.

**Q. Conclusions and Recommended Conditions of Approval:**

The recommendation to approve or deny a preliminary plat application must be based upon findings of facts and conclusions of law.

**As to Findings of Facts,** Planning staff has set forth findings of facts above in parentheses. If the Commission agrees with those findings of facts and agrees with the testimony and evidence presented at the public hearing, the Commission need merely make a motion to accept those findings of facts.

**As to Conclusions of Law,** Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of 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 recommendation on the application. If the October 18th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission 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 Commission is inclined to recommend approval of the preliminary plat application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends that any 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. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Owner/Developer shall obtain approval from the Design Review Committee for each style of townhome to be constructed.
7. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.
8. Change Note 7 to add Lot 39, Block 1 to the list of common lots and change Lot 15/Block 2 to Lot 14/Block 2.

Finally, if the Commission recommends denial of the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(8), the Commission must state on the record what Applicant can do, if anything, to gain approval of the application(s).

Prepared by Middleton City Planner, Robert Stewart

Dated: 10/14/2021

# 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

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Adam Hegstrom  
520 Waltman Ln  
Meridian, ID 83642

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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.

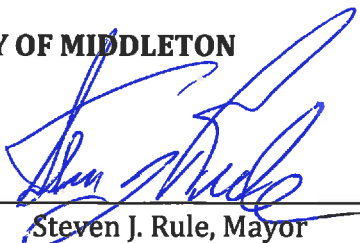
5.9 Time is of the essence for performance of each obligation in this Agreement.

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

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

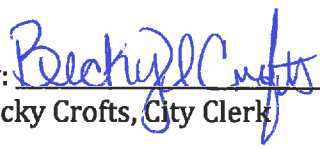
**CITY OF MIDDLETON**

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 1<sup>st</sup> 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

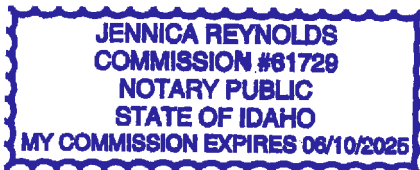
[Signature]  
Amy Davis

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:**

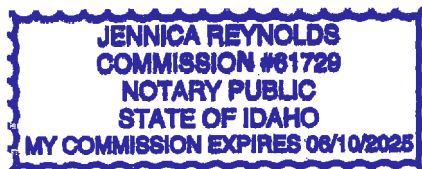
[Signature]  
Adam Hegstrom

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**



1. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
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 18, 27, AND 37 AND BLOCK 2: LOT 15 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 OR AS SPECIFICALLY APPROVED AND /OR REQUIRED.
9. PRESSURIZED IRRIGATION WILL BE PROVIDED TO EACH LOT FROM THE MIDDLETON MILL DITCH CO. & CATCH 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, EXCLUDING LOT 38, TO BE OWNED BY THE SUBDIVISION HOME OWNER'S ASSOCIATION. LOT 38 TO BE OWNED BY 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.
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 HOME OWNER ASSOCIATION IN RETENTION AREAS
18. STORM WATER WILL BE MANAGED IN RETENTION AREAS ON LOTS ###

|                                           |                          |
|-------------------------------------------|--------------------------|
| <u>SITE DATA</u>                          |                          |
| EXISTING ZONING                           | M-U                      |
| COMPREHENSIVE PLAN DESIGNATION            | MIXED-USE                |
| AREA CALCULATIONS                         |                          |
| RESIDENTIAL BUILDABLE LOT AREA            | 3.05 ACRES               |
| COMMERCIAL BUILDABLE LOT AREA             | 0.74 ACRES               |
| COMMON AREA (INCLUDES STREET LOT AREA)    | 1.38 ACRES               |
| ROW                                       | 0.91 ACRES               |
| TOTAL AREA OF SITE                        | 6.09 ACRES               |
| <u>OVERALL LOT DATA</u>                   |                          |
| SINGLE FAMILY (ATTACHED) RESIDENTIAL LOTS | 54                       |
| COMMON LOTS                               | 4                        |
| STREET LOT                                | 1                        |
| IRRIGATION CHANNEL LOT                    | 1                        |
| COMMERCIAL LOT                            | 1                        |
| TOTAL LOTS                                | 61                       |
| MINIMUM RESIDENTIAL PROPERTY SIZE         | 1,975 SQ. FT. (0.045 AC) |
| AVERAGE RESIDENTIAL PROPERTY SIZE         | 2,482 SQ. FT. (0.057 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

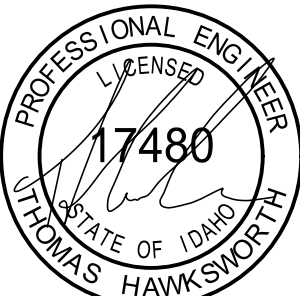
2020-037265



**TYPICAL 26' STREET - VERTICAL CURB  
COMMERCIAL LOT PUBLIC ROAD SECTION**

HARTLEY LANE - 3 LANE COLLECTOR ROAD SECTION PER MODIFIED STANDARD DRAWING NO. ACCHD-102A

CARTER JOHN  
MIXED-USE SUBDIVISION  
MIDDLETON, IDAHO  
PRELIMINARY -NOT FOR CONSTRUCTION



COVER

SHEET NUMBER

1 of 3

DATE: 10/13/2021









# **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: <b>Highway 44 (Main St)</b><br>Pedestrian level of stress: <b>PG</b><br>Bicycle level of stress: <b>PG-13</b>                                           | Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.                                        |
|    | Housing within 1 mile: <b>1,320</b><br>Jobs within 1 mile: <b>700</b><br>Jobs/Housing Ratio: <b>0.5</b>                                                               | A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.                                   |
|   | Nearest police station: <b>0.4 miles</b><br>Nearest fire station: <b>1.3 miles</b>                                                                                    | Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.                                                      |
|  | Farmland consumed: <b>Yes</b><br>Farmland within 1 mile: <b>732 acres</b>                                                                                             | 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: <b>&gt;4 miles</b><br>Nearest public school: <b>0.9 miles</b><br>Nearest public park: <b>0.8 miles</b><br>Nearest grocery store: <b>&gt;4 miles</b> | Residents who live or work less than <b>½ mile</b> 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](http://www.compassidaho.org)

Email [info@compassidaho.org](mailto: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

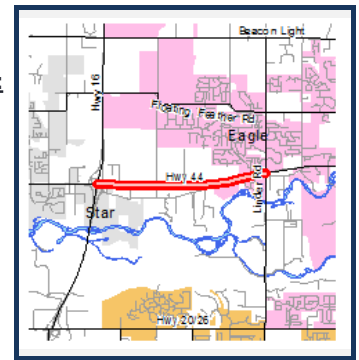
Total Cost (Prev. + Prog.): \$9,133

**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          |         |
| <b>Fund Totals:</b> | <b>\$0</b>              | <b>\$0</b>                         | <b>\$0</b>   | <b>\$0</b> | <b>\$765</b>             | <b>\$7,905</b> | <b>\$8,670</b> | <b>\$0</b>                               | <b>\$8,670</b> |         |

## 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

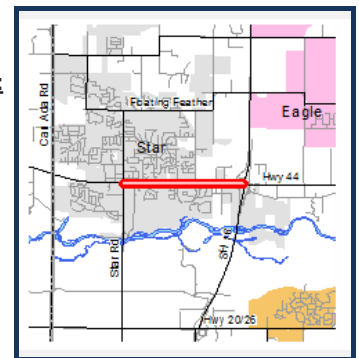
Total Cost (Prev. + Prog.): \$13,236

**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          |         |
| <b>Fund Totals:</b> | <b>\$61</b>             | <b>\$0</b>                         | <b>\$1,000</b> | <b>\$0</b> | <b>\$704</b>             | <b>\$10,071</b> | <b>\$11,836</b> | <b>\$0</b>                               | <b>\$11,836</b> |         |



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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



**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 3<sup>rd</sup> 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.



# CITY OF MIDDLETON

P.O. Box 487 | 1103 W Main Street, Middleton, ID 83644  
Tele (208) 585-3133 | Fax (208) 585-9601  
citmid@middletonidaho.us | www.middleton.id.gov

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 3<sup>rd</sup> 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 3<sup>rd</sup> 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





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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



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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





# 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 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: 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 \_\_\_\_, 2021.

---

Ray Waltemate, Chairman  
Planning and Zoning Commission

Attest:

---

Roberta Stewart  
Planning and Zoning Department

# Exhibit “A”

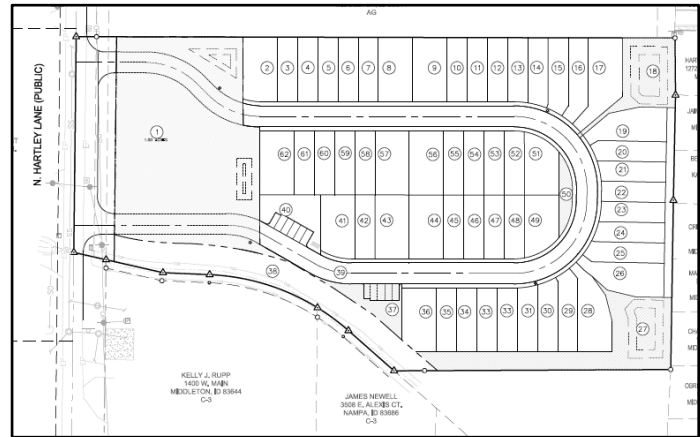
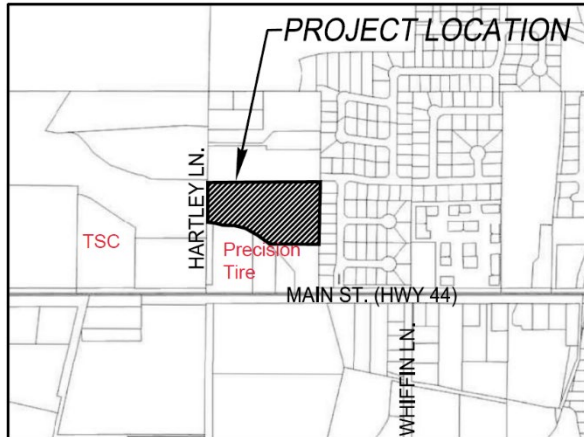


# STAFF REVIEW AND REPORT

## Middleton Planning and Zoning Commission

### Carter John Mixed Use Subdivision

#### Snapshot Summary



| DESCRIPTION       | DETAILS                                               |
|-------------------|-------------------------------------------------------|
| Acreage           | 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              | 54 Townhome lots, 1 commercial lot, and 5 common lots |
| Density           | 18 units per acre allowed by DA                       |
| Amenities         | Tot Lot and large common lot green spaces.            |

- A. Planning & Zoning Commission Hearing Date:** October 18, 2021
- B. Project Description:** Subdivision with 54 townhome lots and a large commercial lot that fronts Hartley Lane. Amenities include a tot lot and two expansive common lots that provide open green space.

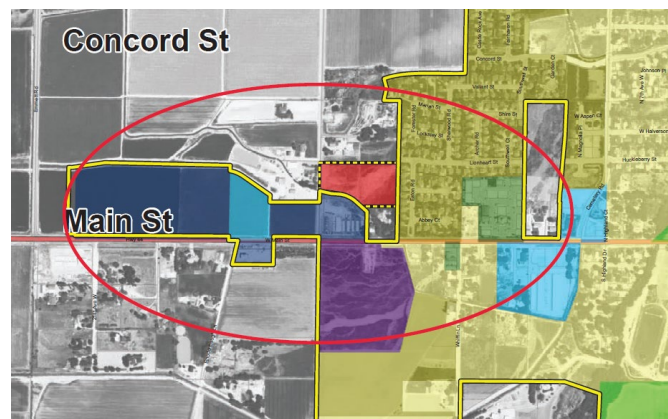
Pursuant to a 2020 Development Agreement with the City, Owner/Developer is allowed to construct up to 67 townhomes. The DA also requires Developer to provide

a commercial lot fronting Hartley 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, and the Development Agreement was executed.

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.

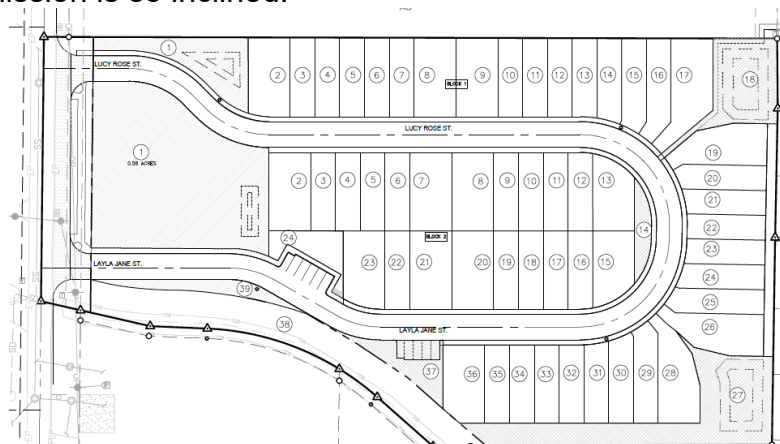


*Planning Staff finds that City services are nearby and available. However, sewer and water capacity will not be reserved until Construction Drawings are approved by the City.*

- F. Traffic, Access & Streets:** the project provides two accesses off Hartley Lane. The streets are public and will be dedicated to the City of Middleton.

Developer completed a traffic impact analysis. Idaho Transportation Department is still reviewing the TIS to determine the extent of Developer's proportionate share of Traffic Impacts. If this Commission is inclined to recommend approval of the application, it should do so with a condition that Developer/Owner pay all proportionate share traffic fees required by the City before approval of final plat.

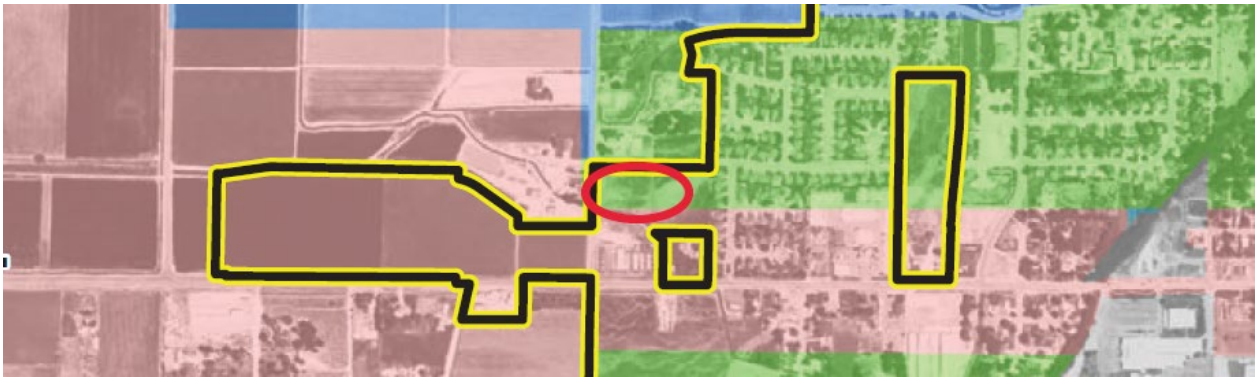
- G. Pathway, Sidewalks & Open Space:** Applicant has surpassed the 5% open space requirement by providing 7.7% open space in the form of common lots with tot lot and green space, and 2 large grassy detention areas that will also serve as open play areas or gathering spaces.
- H. Middleton Rural Fire District:** Like many agencies, the Middleton Rural Fire District has a long queue of Middleton and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments to this preliminary plat yet. Planning Staff will not allow this application to proceed to City Council without final comments from Middleton Fire. In the meantime, however, if the Planning & Zoning Commission is inclined to recommend approval of this application, Staff recommends that compliance with all Middleton Fire District comments be made a condition of approval. This will cover any issues that may be brought to light by Deputy Chief Islas.
- 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. Waivers to code are allowed in a preliminary plat application per MCC 1-15-2 if the Planning & Zoning Commission is so inclined.



*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 K 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 Owner is David Buich/Hartley Lane LLC & Representative is James Escobar, AIA. 725 E. 2<sup>nd</sup> St., Meridian ID 83642 – [Jim@neUdesignArch.com](mailto:Jim@neUdesignArch.com). 208.884.224. Application was accepted on March 19, 2021.

| <b>O. Notices &amp; Neighborhood Meeting:</b>                 | <b>Dates:</b> |
|---------------------------------------------------------------|---------------|
| Newspaper Notification                                        | 10/03/2021    |
| Radius notification mailed to Adjacent landowners within 300' | 10/01/2021    |
| Circulation to Agencies                                       | 09/30/2021    |
| Sign Posting property                                         | 09/30/2021    |
| Neighborhood Meeting                                          | 03/18/2021    |

**P. 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, 5-3, and 5-4.

**Q. Conclusions and Recommended Conditions of Approval:**

The recommendation to approve or deny a preliminary plat application must be based upon findings of facts and conclusions of law.

**As to Findings of Facts,** Planning staff has set forth findings of facts above in parentheses. If the Commission agrees with those findings of facts and agrees with the testimony and evidence presented at the public hearing, the Commission need merely make a motion to accept those findings of facts.

**As to Conclusions of Law,** Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of 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 recommendation on the application. If the October 18th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission 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 Commission is inclined to recommend approval of the preliminary plat application based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends that any 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. Owner/Developer shall construct, at its own cost, all frontage improvements to Hartley Lane and dedicate the same to the City.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Owner/Developer shall obtain approval from the Design Review Committee for each style of townhome to be constructed.
7. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.
8. Change Note 7 to add Lot 39, Block 1 to the list of common lots and change Lot 15/Block 2 to Lot 14/Block 2.

Finally, if the Commission recommends denial of the preliminary plat application, then pursuant to Middleton City Code 1-14(E)(8), the Commission must state on the record what Applicant can do, if anything, to gain approval of the application(s).

Prepared by Middleton City Planner, Robert Stewart

Dated: 10/14/2021

# 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

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Adam Hegstrom  
520 Waltman Ln  
Meridian, ID 83642

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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.

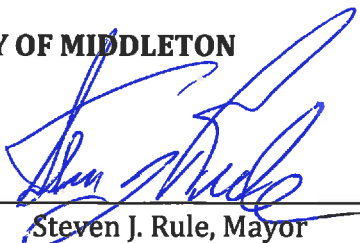
5.9 Time is of the essence for performance of each obligation in this Agreement.

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

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

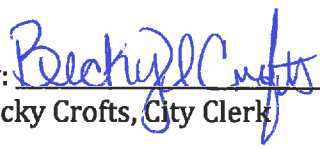
**CITY OF MIDDLETON**

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 1<sup>st</sup> 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

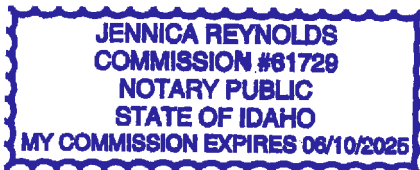
[Signature]  
Amy Davis

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:**

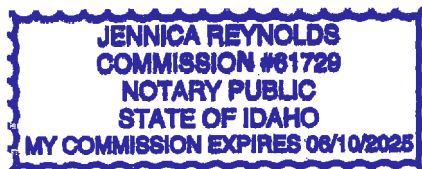
[Signature]  
Adam Hegstrom

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**



1. ANY RESUBDIVISION OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE REGULATIONS IN EFFECT AT THE TIME OF THE RESUBDIVISION.
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 18, 27, AND 37 AND BLOCK 2: LOT 15 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 OR AS SPECIFICALLY APPROVED AND /OR REQUIRED.
9. PRESSURIZED IRRIGATION WILL BE PROVIDED TO EACH LOT FROM THE MIDDLETON MILL DITCH CO. & CATCH 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, EXCLUDING LOT 38, TO BE OWNED BY THE SUBDIVISION HOME OWNER'S ASSOCIATION. LOT 38 TO BE OWNED BY 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.
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 HOME OWNER ASSOCIATION IN RETENTION AREAS
18. STORM WATER WILL BE MANAGED IN RETENTION AREAS ON LOTS ###

|                                           |                          |
|-------------------------------------------|--------------------------|
| <u>SITE DATA</u>                          |                          |
| EXISTING ZONING                           | M-U                      |
| COMPREHENSIVE PLAN DESIGNATION            | MIXED--USE               |
| AREA CALCULATIONS                         |                          |
| RESIDENTIAL BUILDABLE LOT AREA            | 3.05 ACRES               |
| COMMERCIAL BUILDABLE LOT AREA             | 0.74 ACRES               |
| COMMON AREA (INCLUDES STREET LOT AREA)    | 1.38 ACRES               |
| ROW                                       | 0.91 ACRES               |
| TOTAL AREA OF SITE                        | 6.09 ACRES               |
| <u>OVERALL LOT DATA</u>                   |                          |
| SINGLE FAMILY (ATTACHED) RESIDENTIAL LOTS | 54                       |
| COMMON LOTS                               | 4                        |
| STREET LOT                                | 1                        |
| IRRIGATION CHANNEL LOT                    | 1                        |
| COMMERCIAL LOT                            | 1                        |
| TOTAL LOTS                                | 61                       |
| MINIMUM RESIDENTIAL PROPERTY SIZE         | 1,975 SQ. FT. (0.045 AC) |
| AVERAGE RESIDENTIAL PROPERTY SIZE         | 2,482 SQ. FT. (0.057 AC) |

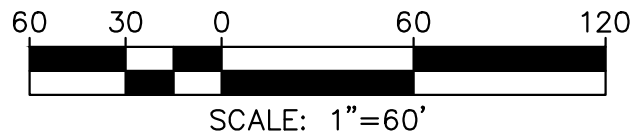
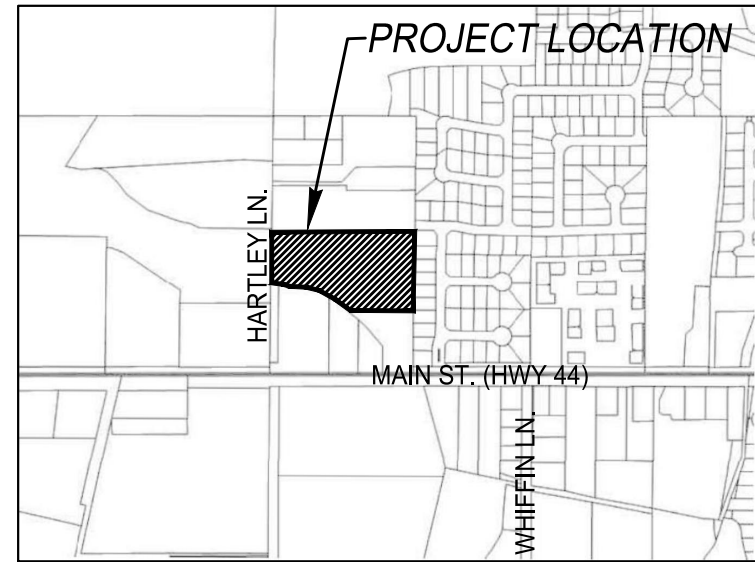
|              |                                                  |
|--------------|--------------------------------------------------|
| WATER:       | CITY OF MIDDLETON                                |
| SEWER:       | CITY OF MIDDLETON                                |
| POWER:       | IDAHO POWER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

## R1788901

2020-037265



## VICINITY MAP : 1"=1,000'



|                                                                                     |                                |
|-------------------------------------------------------------------------------------|--------------------------------|
|  | SECTION LINE                   |
|  | BOUNDARY LINE                  |
|  | OFFSITE BOUNDARY LINE          |
|  | PROPOSED EASEMENT              |
|  | CENTERLINE                     |
|  | PROPOSED LOT LINE              |
|  | PROPOSED<br>RIGHT-OF-WAY LINE  |
|  | COMMON LOT AREA                |
|  | COMMERCIAL LOT AREA            |
|  | FOUND 1/2 INCH IRON<br>PIN     |
|  | FOUND 5/8 INCH IRON<br>PIN     |
|  | FOUND ALUMINUM CAP<br>MONUMENT |
|  | CALCULATED POINT               |

(2645) CONTOUR LINE  
 —OP— OVERHEAD POWER LINE  
 —X—X—X— EXISTING FENCE  
 —EP— EDGE OF PAVEMENT  
 — — — — — EASEMENT  
 —SD— STORMDRAIN  
 —SS— SEWER  
 PROPOSED IMPROVEMENTS  
 → DRAINAGE DIRECTION  
 === CURB AND GUTTER  
 ——— EDGE OF CONCRETE

| SHEET NO. | SHEET TITLE                      |
|-----------|----------------------------------|
| 1         | COVER                            |
| 2         | PRELIMINARY PLAT                 |
| 3         | PRELIMINARY GRADING AND DRAINAGE |

BENCHMARK CAN BE SEEN ON SHEET 2,  
UPPER RIGHT CORNER OF PROPERTY LINE

SET SCRIBED "X" @ B.O.W  
ELEVATION (NAVD '88)= 2401.10

N00°38'02"E BETWEEN THE SOUTH QUARTER-SECTION  
CORNER AND THE CENTER QUARTER SECTION CORNER

HARTLEY LANE LLC  
1313 WATERMARK AVE EAGLE, ID 83616  
PHONE: (208) 866-0594  
EMAIL: DAVEBUICH@GMAIL.COM  
CONTACT: DAVE BUCHICH

IDAHO SURVEY GROUP, LLC  
9955 W. EMERALD ST.  
BOISE, ID 83704  
PHONE: (208) 846-8570  
FAX: (208) 884-5399  
CONTACT: MICHAEL BYRNS, PLS 11334  
EMAIL: MBYRNS@IDAHOSURVEY.COM

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

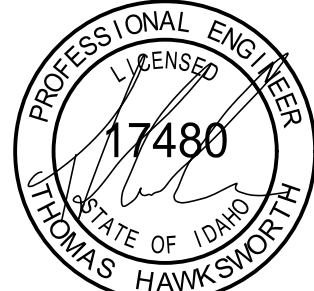
[illegible]

| REVISION RECORD |      |             |
|-----------------|------|-------------|
| NO.             | DATE | DESCRIPTION |

PROJECT INFORMATION

CARTER JOHN  
MIXED-USE SUBDIVISION  
MIDDLETON, IDAHO  
PRELIMINARY -NOT FOR CONSTRUCTION

PROFESSIONAL SEAL



SHEET TITLE

# COVER

SHEET NUMBER

1 of 3

BLUE PEAK JOB #: 086  
DATE: 10/13/2021









# **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: <b>Highway 44 (Main St)</b><br>Pedestrian level of stress: <b>PG</b><br>Bicycle level of stress: <b>PG-13</b>                                           | Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with <b>G or PG</b> ratings better support bicyclists and pedestrians of all ages and comfort levels.                                        |
|    | Housing within 1 mile: <b>1,320</b><br>Jobs within 1 mile: <b>700</b><br>Jobs/Housing Ratio: <b>0.5</b>                                                               | A good jobs/housing balance – a ratio between <b>1 and 1.5</b> – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.                                   |
|   | Nearest police station: <b>0.4 miles</b><br>Nearest fire station: <b>1.3 miles</b>                                                                                    | Developments within <b>1.5 miles</b> of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.                                                      |
|  | Farmland consumed: <b>Yes</b><br>Farmland within 1 mile: <b>732 acres</b>                                                                                             | 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: <b>&gt;4 miles</b><br>Nearest public school: <b>0.9 miles</b><br>Nearest public park: <b>0.8 miles</b><br>Nearest grocery store: <b>&gt;4 miles</b> | Residents who live or work less than <b>½ mile</b> 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](http://www.compassidaho.org)

Email [info@compassidaho.org](mailto: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:

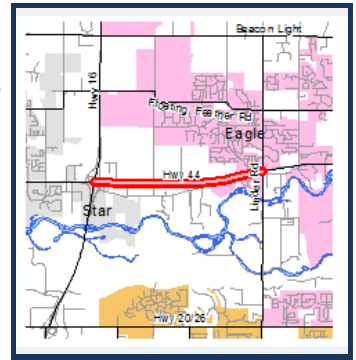
Congestion Reduction/System Reliability

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          |         |
| <b>Fund Totals:</b> | <b>\$0</b>              | <b>\$0</b>                         | <b>\$0</b>   | <b>\$0</b> | <b>\$765</b>             | <b>\$7,905</b> | <b>\$8,670</b> | <b>\$0</b>                               | <b>\$8,670</b> |         |

## 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:

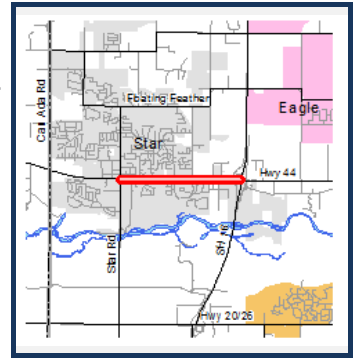
Congestion Reduction/System Reliability

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          |         |
| <b>Fund Totals:</b> | <b>\$61</b>             | <b>\$0</b>                         | <b>\$1,000</b> | <b>\$0</b> | <b>\$704</b>             | <b>\$10,071</b> | <b>\$11,836</b> | <b>\$0</b>                               | <b>\$11,836</b> |         |



**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

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 \*\***

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# **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



**RE: CARTER JOHN MIXED USE PRELIMINARY PLAT**

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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**

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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 3<sup>rd</sup> 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.



# 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 3<sup>rd</sup> 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 3<sup>rd</sup> 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



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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



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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