



AGENDA
Middleton Planning and Zoning Commission
Middleton, Idaho

Date: Monday, September 13, 2021

Time: 5:30 p.m.

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

Call To Order, Pledge of Allegiance, Roll Call

Introduction: Heidal Summers – Commissioner
Jennica Reynolds – Deputy Clerk, Planning

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.
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

Public Comments, Commission and Staff Comments, Adjourn

Posted by:


Jennica Reynolds - Deputy Clerk, Planning

Date: September 8, 2021 at 5:00 p.m.

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

1a

**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
AUGUST 9, 2021**

The August 9, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:44 p.m.

Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate, and Commissioners Jackie Hutchison, Janet Gregory, Whitney Springston and were present. Commissioner Kip Crofts was absent. Special Legal Counsel Jeff Wardle was also present.

Information Item: Middleton River Walk Preliminary Master Plan presentation – Stack Rock Group.

The Stack Rock Group presented the Middleton River Walk Preliminary Master Plan. This was just a concept design and no final decisions have been made. Information was shared, not decision or action was taken. (Exhibit IA)

Action Items

1. **Consent Agenda (items of routine administrative business)**
 - a. **Consider approving July 12, 2021 regular meeting minutes.**
 - b. **Consider approving FCO for Blake Wolf-McKinley Meadows Development Agreement Modification.**
 - c. **Consider approving FCO for Waverly Park Amended Preliminary Plat**
 - d. **Consider approving FCO for River Pointe subdivision application – Public Hearing June 7, 2021**

Chairman Waltemate called the items.

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

2. **Public Hearing: (Continued from July 12, 2021) Application from City of Middleton for amendment and revision to the following 2019 Comprehensive Plan Maps: (1) Area of Impact Map, (2) Functional Classification Map, (3) Transit Map, (4) Future Land Use Map, (5) Transportation, Schools, and Recreation Map and (6) Future Acquisitions Map. The City of Middleton will further apply to delete the following Maps from the 2019 Comprehensive Plan: (1) Crane Creek Park Map, (2) 2018 Current Land Use Map, and (3) River Park Plan Map. –Becky Crofts & Roberta Stewart**

Chairman Waltemate opened the Public Hearing at 5:53 p.m.

Roberta Stewart gave a presentation on how roads are built (See Exhibit 1)

Chairman Waltemate asked to hear from ITD first.

Caleb Lakey from ITD: He handed the commission a handout (See Exhibit 2) Stated that at the previous hearing the Commission had tasked him with coming back with a plan if the South Alternate route is removed. He presented a power point presentation (See Exhibit 3)

Commission Questions:

Springston: Does ITD currently have ROW through Middleton on SH44?

Lakey: Yes, they have ROW through town, they have not purchased any additional ROW so that ROW varies from 60-100 ft.

Springston: The 2027 timeline (given in the presentation), is that contingent on being able to buy property from private citizens that are impacted by the alternate route?

Lakey: 2027 timeline is for the Southern Alternate route, not a route that stays on Main Street, the current SH44.

Springston: Is the proposed Southern Alternate route timeline of 2027 contingent on being able to buy property from private owners?

Lakey: Absolutely, yes

Springston: Have you had conversations with the property owners and what are their feelings about that?

Lakey: Informally yes, we have met at public meetings. Of course, property owners don't want to have impact on their property.

Springston: A point of feasibility that needs to be taken into account is the willingness for private owners to sell. If we are holding our economic hostage and those folks are not going to sell that property anyway, is it really feasible?

Lakey: It is feasible in his opinion. It will be a negotiation process. The process can be delayed. There are mechanisms to allow projects to continue. There is opportunity there, but that is a valid risk to the project timeline.

Springston: So we are talking about eminent domain?

Lakey: That would be correct.

Hutchison: If we go with the alternate route? How many feet/miles does the city reclaim as our property to do with as we wish as far as traffic on Main Street? Just asking for clarification.

Lakey: Think the alternate route is about 4 miles.

Hutchison: So, we would be looking at about 2 miles in city limits.

Lakey: There typically is an exchange of some sort for the ROW south of town for the ROW in town. Those are negotiations between parties: City, ITD and Canyon County.

Chairman Waltemate introduced City Administrator, Becky Crofts who presented to the commission:

Crofts: Deviation from alternate route is built on a number of different factors, the most significant is the alternate route on the east and west ends is proposed by ITD to be blocked access. When coming from Star going west, just past Duff you will be forced off SH44. You will not be able to continue down SH44, you will be forced off the highway, where you will be redirected to Middleton Road, you will have to take a right, go up to the stoplight and then go back east if you are trying to get anywhere north of SH44. And the same thing happens on the west end. You are forced off. Forced. You really can't get back onto what we consider our downtown core today. When City staff saw this change, we are talking about killing our current downtown. Commercial businesses thrive on drive by traffic. When we look at Middleton's economic development and economic viability, 19-20 years ago when this started to be planned, that southern route was a really good idea. There was nothing down there. 20 years later and a blocked access it becomes problematic for Middleton.

We have traffic today, there is no doubt about that. We also need economic development in Middleton. The bypass as it sits today, was meant that there is restricted access. Restricted access doesn't mean businesses can move and have access to their business and grow and flourish; it means a diversion around and back through. Eagle

did a bypass. It took their downtown 20 years to recover. They fought and fought ITD and are still probably fighting a little bit today. All that being said, we have traffic that needs to be solved. We have two alternate routes; one could go south, one could stay in the current alignment. We have had an Urban Renewal District in our downtown for the last 15 years and it has done relatively nothing. We have seen some redevelopment with some of the businesses and some small improvements. We are not bringing new business.

Middleton, if you want economic development in this city. You are going to have to do something different. What is being proposed different has an impact on where our traffic runs. It absolutely does. Either it is going to run south, and Mr. Lakey has said 2027. I am not sure we can get there in that time frame. There is ROW that has to be purchased and if that has to be condemned that is a long process. We are years away, 20 years into this and 15 years before we are solving this problem. We have economic development in front of us today that we need to solve. What we are proposing downtown, we have the ability today for 43 acres of commercial development. We can build a destination in Middleton that we don't have right now, like an Indian Creek or Middleton Village. We will not be able to develop that type of economic development on the existing SH44. It will not happen. The proposed plan is developed in such a way that it will connect the new economic area and with the old. As Mr. Lakey points out, it will redevelop if SH44 gets widened and there will be impacts. This is a hard decision, where we are 15 years away from an alternate route, or we can try to manage our traffic and manage our economic growth and development today and build something here in Middleton.

Looking at the Project Map (Exhibit 4)

In the last year Middleton is close to completing 4 traffic intersection improvements. In the last 10 years that she has worked for the city she has seen very little traffic improvements come to Middleton. Middleton hasn't had the right tools in place really to make an impact on its ability to solve traffic problems. The number one tool we have in place that we didn't 3 years ago is impact fees. All we had was property tax dollars. Now we have an impact fee. Last commission meeting the commission recommended for that fee to go to city council and that fee almost doubles.

- Cornell/Middleton Road – mini roundabout at a 7.34% match by the city.
- Sawtooth Lake canal crossing – water crossing that makes S Cemetery Road extension possible. That was about \$850,000 project that the city completed this year.
- S. Cemetery Rd phase 1 is ready for pavement. The city got into a really good bidding climate and the project came in under funding. We were able to complete phase 1 and phase 2 saving the citizens of Middleton about \$350,000.

Those four projects will be completed by the end of 2021.

Moving forward these are the planned projects:

1. 2022 - Hartley Traffic Signal Intersection will go in next year before school starts. It is about a \$1.3 million project. The city took a lot of heat over selling a small portion of park to help pay for that. Traffic is important, we want to solve problems, we are making every effort to get that funded.

2. 2022 - 9th Street connection will be completed. Currently there is a tree farm there the owners are paying rent to the city for use of the land.

3. 2023 Sawtooth Drive/Middleton Roundabout. That is about a \$2.5 million project.

4. 2025 Straighten Middleton Road and add stoplight at SH44. It will straighten and connect with North Middleton Road as it exists today.

5. 2026 Stoplight at S. Cemetery Rd and SH44.

6. 2027 Stoplight at Duff Lane and SH44.

How is this possible? 7 of these projects are impact fee funded. The estimated cost for these projects is about 13-14 million dollars. That is a lot of money for a city that only brings in 2.5 million in property tax revenue each year. The impact fees are projected (with very conservative growth). In FY2019 the city issued about 150 building permits, FY2020 there were about 188. This year so far in FY2021 we are over 300. The growth is coming. But backing that off and being very conservative 200 building permits with a 3% growth rate over the next 6 years; the impact fees generated by those would be about \$6.5 million. That is Middleton's area of impact only. The new impact fee that the commission approved is in a much larger planning area and includes impact fees finally being paid by county residents building in Middleton's Area of Impact. A real conservative number would say that maybe over the next 6 years the city would get impact fees of \$641,000. She thinks that number will be more. That puts the impact fee revenue at \$7.1 million. Added to a capped property tax of \$1 million (from the \$2.5 million of which ½ goes to police/safety). Adding that to the cap from HSB 389 and capped at 8% each year over the next 7 years we are at an additional \$7 million dollars.

Looking at how roads are built from Roberta's presentation, now we have impact fees, property tax and another way is Pro-rata share. As each development comes into the city, they submit a Traffic Impact Study of anywhere of 1-5 intersections that the development could impact. That study is sent to ITD who then assigns a percentage of the intersection improvement needed at each intersection impacted. Conservatively looking over the next 6 years the city would get about \$475,000.

Another tool in the city toolbelt is the 2-year gravel extraction lease negotiated with Knife River anticipated to bring in about \$1.5 to \$2 million for the 26-acre gravel extraction piece. We have the ability to lengthen that contract one – two more times down there.

If you add in that money and all of those funds and we look at solving real traffic problems today, by 2027 Middleton will have intersection improvements for projects # 1, 4, 5, 6 previously listed. This is where we are seeing most of our traffic problems today.

After that, we are working with CHD4 to for the best option for an additional east/west route for local traffic, to get local traffic off the highway is 9th Street. As it continues through new development, those developers will bring those pieces in and that is how it will get built.

When we ask where is the city going and what is our plan for moving traffic? This is where we are at. City Staff thinks it is very doable in the next 5 years to solve real traffic problems on the existing state highway. In the next 5 years we are planning an economic development center to Middleton that brings businesses, commercial, recreation and a destination center to Middleton. We are planning an urban renewal area in that same area that will help with tax increment financing to help finance some of the improvements that go in there, sidewalk, curb gutter, fiber, sewer, water. Yes, ITD will be a part of this city. ITD state highway 44 and traffic will be a part of our city. What you give today to get in 15 years or what you give today to build over the next 15 years, that is your decision.

Question from Commissioners:

Springston: Didn't we also approve impact fees help pay for policing?

Crofts: They are different impact fees, but yes, they do.

The city has 3 types of impact fees:

- Fire Impact Fee (City collects on behalf of Fire district)
- Police Impact Fee, which supports our police with capital improvements. Doesn't buy people or cars. The longevity of the things it purchases have to be greater than 10 years.

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- Park Impact Fee which will help develop that park area as well as Urban Renewal
 - Transportation Impact Fee

The city has worked to get our traffic impact fee in a large study working with CHD4 and the City of Star in looking at all of the intersections and roadways that need to be widened and assessing a fee to developers that comes at building permit (so it is a little behind the growth) but other things are collected at the front with the roadways and frontage improvements. But it does build overtime. Those are the tools we have to use to build our city infrastructure.

Hutchison: To Lakey: Confused by the exists on Alternate Route?

Lakey: Access on east end, left in, right in, right out only. Left out restricted due to safety concerns. Access into city is at Ballard. The west end of the alternate route. Staff reconsidered the 3 tie in points, because they are mirrored on the west and east end. Staff said it is not ideal to have an access point mid curve, and already has some safety concerns. Would it function to only take traffic through the 3 signalized intersections proposed in the alternate route? After completing that study ITD staff determined that could work. The city said absolutely not. Proposed was on the west end, Emmett Rd was proposed to be extended by the city down to the alternate route. The city said it no longer intends to extend Emmett Rd., at which point Lakey proposed moving proposed signal at Emmett and move it further to the west at Ballard and providing both signalized access at the far end in replacement for the Emmett Rd. So, you have full access on the west end at Ballard, then at Cemetery, Middleton and on the far east end there is a restriction on the far east end on access out of city, no access in. Yes, it cul-de-sacs existing SH44 down by the daycare because it has to. We are working to provide additional public comment maps that would show this proposal.

Chairman Waltemate opened the public comment at 6:55 p.m.

Peter Cotty – Question about what are the intensions for light at Duff Lane and SH44?

Crofts: Currently in CIP the SH44 and Duff is the intersection that was studied, and impact fees are being gathered for that. Roadway sections that were studied for widening, Duff is not on the list to be impact fee eligible. Duff is currently owned and maintained by CHD4. So, widening that road would need to be on their list.

Matthew Watkins: In Favor – Respects everything ITD has tried to do on the bypass, but it seems that after 20-25 years of this planning, 6 years beginning construction seems a little ridiculously optimistic. The cities plan looks to be something feasible. Are we willing to sacrifice commercial and a plan that brings this development much sooner for a lot of what ifs from ITD?

Patricia Watkins: Family has been Middleton residents since 1863. It is their sincere belief that the plan the city has presented will help provide the best benefit for the residents of Middleton.

Lori Smith: Clarification if city is proposing deleting bypass, then is the plan to widen SH44 as it is?

Jay Gibbons – *CHD4: Opposed:* CHD4 is very opposed to the removal of the bypass. They sent a letter to the city and strongly support the southern bypass. He is concerned about current commercial businesses that will be adversely affected, as well as safety concerns for the children who attend the middle school.

Carlene Thie: She doesn't want to see 5 lanes of traffic going through main street.

Tyler Hess: In Favor: Support the Cities vision. He owns the property to the east of the connector. He met with ITD 2 ½ years ago and started talking a timeline for the bypass. They said they wouldn't have any timeline, if anything it would be another 15 years before the design stage and then construction after that. But in the meantime, he needed to set aside 12 acres for the bypass to someday go in. 1 year later came back to the city and said they were at a standstill with ITD. They started working with the city and came up with a plan and a bigger vision. To come up with the solution now. To have a sustainable city, studies show cities need to have 80% residential and 20% commercial, Middleton has a 95% residential and 5% commercial. Our development will provide an opportunity to flop the tax burden.

Mike Graefe: Who owns SH44? If the state owns it, why is the city responsible for fixing the intersections? It appears ITD is dictating how Middleton is going to move our traffic. If ITD is going to have to do eminent domain, etc. do it where it already exists instead of cutting through beautiful projects that will be a big benefit to the city.

Chris Hopper: CHD4 – Opposed: Must do something to accommodate traffic concerns. The local routes that the city is proposing to use are not sufficient to handle the increase traffic the city will experience in the future. There are 2 choices. Keep the existing route or do the southern route.

Spencer Kofoed: In Favor: Developers did not ask for the bypass to be removed. It was removed after the conflict with access to downtown. He believes the city has the best interests of the residents in mind and after working with the city for 2 years, he has bought into this vision.

Brian Burnett – In Favor: He is Co-owner of property all the way the west where the bypass comes through. He has heard different things coming from ITD about the access of the bypass as well as the timeline. He doesn't trust what they are saying. They city has worked with him, lined out the collector roads, fees and timelines. If you want to control the outcome of your city, you have to go with the people who did what they said they would do.

Lyle Zufelt: In Favor: Confused with 9th Street cut off. Doesn't see where it starts. The 9th street bypass that is being proposed doesn't seem to benefit traffic flow through the city.

Becky Crofts: Local roads that the city is proposing are meant to move local traffic. Not to move trucks, or commuters to work. Right now, everything goes to SH44 and then you leave. The city is trying to build network for local roads for local people. Once 9th street is complete you will be able get all the way to Emmet and then east to CanAda. Local collector roads are not meant to move traffic at 55 mph. They generally do not have driveway access to them. They are meant to move local traffic. And prevent you from going down to SH44 to get anywhere.

ITD builds road to move traffic at 55 mph speeds. This bypass is meant to move traffic at high speeds. Middleton has great north/south routes. It suffers from the additional east/west routes.

Chairman Waltemate closed the public comment at 7:32 p.m. He called a recess at 7:32 p.m. and resumed the meeting at 7:39 p.m.

Chairman Waltemate asked the City and ITD representative to address two questions: What happens to SH44 without the bypass?

If we have two competing agencies outside of Middleton, ITD and CHD4 and they are asking the city to postpone development, because the intersection is not adequate for that development, how do you plan on Middleton fixing that when we do not own any of those roads.

Caleb Lakey: Without the southern bypass SH44 would have to be widened and a lot of previous things agreed to would have to be relooked at.

Dan McElhinney: Discussion funding and timeline. If infrastructure package passes there will be 400 million given to Idaho. We want to keep this project in momentum and

Caleb Lakey: East and west ends are not closed. Right in/Right out, Left in access on the far east end on the current 2019 public comment maps. On the far west end it shows the same thing currently. After discussions with the city, we have proposed making that a full access signal that connects to the south at Ballard. With the elimination of the extension of Emmett Rd south there is no longer a need at Emmett Rd. Most cities ask for a way to take through traffic out of the city. Once that way is gone there is no option. Restricted access to the highway. Yes, the highway is proposed to be a controlled access facility, with limited access at the controlled intersections. Will not have private approaches. The alternate route is proposed to be a modern design 55 mph expressway.

Likely that answers have changed because the conditions keep changing. Every time we get more comment, we have to go back to the drawing board to address those changes.

Dan McElhinney: would like more time to finish the EA and perhaps come back next spring to address the design phase.

Becky Crofts: Important to remember the Southern Alternate route design is not complete. Referring to 2019 plan that is on the table today. The city sat in a meeting with several ITD designers and were reviewing that plan and the exact access that ITD is saying is a right in/left out was just x-ed though. So, it is not designed, not final. It can change. It changed in that meeting and that is when the city said No. It was always proposed with access. Mayor Rule was very specific that if it did not have open access at both ends, he did not support the Southern Alternate route. He did not want the existing downtown accessibility for the residents, for the city to be removed. Know that what is planned today may not be what it looks like in the future.

Intersections coming onto SH44, because the city is causing the disruptions, we are responsible for the improvements to those intersections.

Additional funding. There was a lot of federal funding that came to the state of Idaho. The city is no in charge of the funding we get. The funding formulas determine that. Of the millions that came to the state, the city received \$97,000. We are grateful to have it. But federal funding doesn't always mean that it will solve local problems. If you look at ITD's local project list there are hundreds of millions of dollars needed for projects.

You can take charge now and start to build or you can wait and see what happens. The city does not have control over what happens with SH44, it would be at the discretion of ITD.

Waltemate: Eminent Domain was brought up. If the bypass does not go through at what point do we lose downtown to make improvements to SH44?

Caleb Lakey: The ownership remains with ITD, and the focus would drop dramatically, and

the priority drops out.

Dan McElhinney: Still open to discuss the connections at each end. We don't want it to drop out of the option for the federal funding.

Springston: The traffic study through 2045 doesn't take into consideration other improvements to alternate roads, it only shows taking away the bypass. You also brought up independently that Chinden will go all the way through which will inadvertently alleviate traffic. Is that traffic study considering any of the local improvements, or is it just assuming that everything stays the exact same as it is in this moment in time or what it was in 2019? It sounds like an ultimatum on the traffic light on Hartley.

Caleb Lakey: The No-build option does take into consideration the additional improvements planned by ITD and COMPASS. It does not take into account local roads/improvements.

Matt Stoll: COMPASS it does include local roads if they are in the CIP at the time the model is run.

Waltemate: It does include those local roads, however, what the city proposed is not reflected in those numbers.

Stall: Correct

Caleb Lakey: Signal at Hartley is not meant to be an ultimatum. Previous discussions all assumed we were going to build a southern alternate route. That influenced the decision to go to the decision at Hartley. It would restart discussions.

Hutchison: Chief Timinsky from MRFD said if we do not do the bypass and the traffic is as is, he would have to consider moving the Fire Station.

When was the last time you talked with Mayor Rule? Is he talking on you with his recommendations, is he working with you?

Caleb Lakey: The last time I corresponded directly with the mayor was late winter, early spring at the same time we were talking about the access points on the east and west ends.

Hutchison: If residents are encouraged to use 9th Street won't that potentially take traffic from downtown?

Crofts: Potentially yes.

Hutchison: With today's prices will the downtown be impacted?

Crofts: Think the market will level out, Middleton has a real opportunity. We need to grow economically. If we don't preserve the area to grow, we never will. That 43 acres and a couple other parcels, we have very limited areas where Middleton can grow. Our downtown has been the same downtown for years, even with an Urban Renewal District. Middleton is most likely to grow that area south of SH44. That attracts economic viability for Middleton. If the state legislature continues capping funds, we have to bring some commercial growth to Middleton. It is very important. The numbers shown on impact fees, didn't consider one commercial impact fee. Those fees are much larger. It is critical that we preserve this area for commercial development in Middleton. If we don't, we will be a bedroom community. We will.

Hutchison: Duff Lane, the city doesn't own that so when does ITD or CHD4 step in to help the local towns with these roads?

Hopper: The CIP that this commission approved, and we are hoping that City Council will approve includes traffic impact fees which includes those portions of Duff Lane outside

of SH44. It also includes additional turn lanes at an intersection necessary to handle additional traffic. Additionally, some type of intersection control will be needed. Our study included the use of a traffic signal as being the most likely, with the amount of traffic volume expected over the next 20 years. The CIP would provide Impact fee dollars to make improvements to the local road portions of that intersection. The city has also entered into an agreement with ITD whereby they collect a proportionate share of impacts to each intersection from new development. That is going to conclude a small percentage of the total traffic volume that is attributable to a specific development. ITD develops the estimated costs of improvements to that intersection, and then recommends that the city exact from those developers, a pro-proportionate share of that cost. Those improvements do not happen until after the building construction starts, there is a lag – several years at a minimum in order to complete a design, buy ROW for a project and then ultimately go to construction. The houses and businesses are in place and then years later the improvements are done.

Springston: How does that change, if at all, depending on our decision of the Southern bypass?

Hopper: It has no effect on SH44 and Duff Lane.

Discussion by Commission:

Springston: We have to grow the right way. 95% residential to 5% business is not an opinion or idea.

Hutchison: Looking at the people from ITD and CHD4 that are for the bypass and then there is the City Officials that are hands on, seem to be against it. But we are being told that all this additional development that the city wants to do is going to be 3-5 years out. The officials from ITD and CHD4 are also saying the timeline is in the future.

Springston: This conversation is entirely contingent, ITD keeps saying we are in competition for this money. This is one of many projects that ITD is considering. We don't know that we will get this money. The city has a timeline to make the improvements.

- Without the bypass we have unsafe foot traffic. She argues that putting a 5-lane highway right behind a subdivision will create unsafe foot traffic.
- Most of the residential is on the north side of town. To alleviate some of that traffic the city has a good plan. That is not saying that ITD is going to do nothing if the bypass goes away. The city's plan is contingent on working with ITD for the traffic intersections – lights and roundabouts.
- Something has to widen. SH44 gets widened will cause some pain/impact to the downtown businesses. But there are also some really good opportunities for creating a good core. The business owners will get paid for the ROW.
- Having a plan that includes more commercial and developing that, sans the bypass, has economic benefits, and creates entry level jobs for youth. When cities develop economically in that way, there is a reduction in crime.
- She likes that the River Walk plan has a walking path that will take residents to businesses that currently exist downtown and connects to the new commercial areas.

Hutchison: The developers were willing to work with ITD, but ITD was either not communicating or things were not moving in a timely direction.

Waltemate: The options for the southern bypass allow the city to eventually own SH44. Owning infrastructure of where you live is imperative to survival. If the southern bypass access points could be reconsidered, it makes sense. He doesn't like the route concept downtown. That being said the city has had a plan in the past for the southern route

bypass. At one point the southern route was an absolute must; working groups were put together to make this work. Today it is not. If the only reason it is not, is because of the way it connects on both ends, he believes that can be changed and a compromise can be made. He both agrees and disagrees with the southern route, on the concept of connectivity. If we don't have connectivity, no access, or limited/restricted access to Middleton, we will suffer economically. If we owned highway 44, we have an opportunity based on the connections. So, there is still some deliberation that needs to be done on the south route bypass concept. He also agrees that if highway 20/26 is complete all the way to the freeway, traffic will not cut through Middleton. Without the southern route, the city doesn't own SH44 ever. If we remove the southern route, ITD and CHD4 will continue to work with us to improve the road conditions with the city. He thinks the city has a great plan. Currently there is no access to the river anywhere in Middleton unless you go on private property.

Prices are going down; the market is changing. The timeline for the city is likely 10-15 years. So, the timeline is unknown.

To Lakey: How much persuasion does the city of Middleton have on those intersections on the bypass of the Southern Route?

Caleb Lakey: On the east end there was not a plat represented. That is why that intersection access was proposed. The southern route concept started in 1999 and the screening report came in 2012 that officially talked about the different alternatives and selected the southern alternative.

Crofts: It is important to recognize that ITD will serve ITD's best interest. They will design a roadway that will move traffic. When we look at a right in, left out, that best serves that purpose.

Waltemate: IF we don't have a bypass and we don't own SH44 and ITD will do whatever they want anyway, then our hands are really tied.

Hutchison: ITD will do whatever they want, we don't have a lot of control, but that could also mean the same thing on the current SH44 with all the signals.

Crofts: You can move forward for economic development today, or you can wait. When you say you want to own SH44, that is 15-30 years down the road. In all fairness, it could be 8 years. In all fairness, we have been dealing with this subject off and on for 20 years. There are no promises in this process. What is before you is how do you want to grow and develop Middleton. Either with the southern route, or the existing route. Both have positives and negatives. She believes that the city plan is much more achievable. And it takes the city where it needs to go economically, faster.

Waltemate: He would recommend approval to city council as it is worded in the public hearing, with removal of the bypass.

Motion: Motion by Commissioner Springston to recommend for approval to City Council an Application from City of Middleton for amendment and revision to the following 2019 Comprehensive Plan Maps: (1) Area of Impact Map, (2) Functional Classification Map, (3) Transit Map, (4) Future Land Use Map, (5) Transportation, Schools, and Recreation Map and (6) Future Acquisitions Map. The City of Middleton will further apply to delete the following Maps from the 2019 Comprehensive Plan: (1) Crane Creek Park Map, (2) 2018 Current Land Use Map, and (3) River Park Plan Map.

Motion not seconded.

Motion: Motion by Commissioner Hutchinson to recommend for approval to City Council an Application from City of Middleton for amendment and revision to the following 2019 Comprehensive Plan Maps: (1) Area of Impact Map, (2) Functional Classification Map, (3)

Transit Map, (4) Future Land Use Map, (5) Transportation, Schools, and Recreation Map and (6) Future Acquisitions Map. The City of Middleton will further apply to delete the following Maps from the 2019 Comprehensive Plan: (1) Crane Creek Park Map, (2) 2018 Current Land Use Map, and (3) River Park Plan Map. With the exception of NOT removing the bypass.

Motion seconded by Commissioner Gregory.

Vote:

Waltemate: Yes

Hutchison: Yes

Gregory: Yes

Springston: Nay

Chairman Waltemate closed the public hearing at 8:52 p.m.

Chairman Waltemate called a brief recess at 8:52 p.m. and resumed the meeting at 8:57 p.m.

- 3. Public Hearing: A remanded application by Breckon Design for Robert Brian Burnett, Drake Investments, Deep River Investments & Deep Water LLC for Annexation/Rezone, Preliminary Plat, Development Agreement Modification, and Comprehensive Plan Map Amendment with respect to the River Pointe Subdivision located at 10481 Hwy 44, 0 Hwy 44, and 0 Duff Lane. The proposed preliminary plat consists of seven commercial lots, 115 townhome lots, 67 garden/patio single family lots, 92 single family lots, and 44 common lots on 88.51 acres of vacant land zoned City "Mixed Use" and County "Agricultural." Additionally, as to the annexation of 14 acres adjacent to Duff Lane (Tax Parcel No. R33935010A), Applicants are requesting a rezone to R-3 and a Comprehensive Plan Map Amendment to change the use designation from "Transit Station and Transit Oriented Development" to "Residential." With respect to the 74-acre Mixed Use parcel, Applicant is requesting a change from "Restaurant, Retail, and Recreation" use to "Commercial" use and "Residential" use.**

Chairman Waltemate opened the public hearing at 9:01 p.m.

City Planner Roberta Stewart entered into the record the following items:

Exhibit F: CHD4 August 5, 2021 Comment letter in opposition to River Pointe

Exhibit G: White Peterson August 9, 2021 letter in opposition to River Pointe

Exhibit H: Attorney Matthew Johnson, Riverbend Homeowners Group letter in opposition to River Pointe.

Exhibit I: Sterling & Lori Smith letter dated July 1, 2021 in opposition to River Pointe

Exhibit J: Armino & Maria Fernandes letter dated June 14, 2021 in opposition to River Pointe.

Exhibit K: Regina Henley letter dated June 16, 2021 in opposition to River Pointe.

Roberta Stewart presented the staff report in the power point format. See Exhibit L

Questions by Commission:

Hutchison: Impact Fees for Commercial lots seem low.

Stewart: This is CHD4 and their analysis of what the impact will be. There are only seven lots on this commercial. CHD4 has no plans to widen Duff Lane. The intersections

will be fixed. The widening will be fixed in a patchwork manner.

Applicant: John Breckon – Breckon Land Design: Presented the PowerPoint presented at City Council, highlighting the slides that show the improvements to SH44 and Duff Lane. (Exhibit M)

Stewart: City council asked to know what CHD4 plans to improve Duff Lane. The applicant is only required by city code to improve along his frontage. She did go back to CHD4 for their opinion/comment, and CHD4 said they don't improve the roads.

Breckon: The Preliminary Plat shows the improvements for Duff Lane. Commission reviewed the preliminary plat and road improvements (Exhibit N). The Duff frontage length of improvements will be 350 ft improvements north on Duff Lane and 50 ft frontage.

Waltemate: The Duff frontage will be improved 25 ft of roadway, and 50 ft of the frontage.

Commission Discussion:

Gregory: Design Requirements for Commercial Buildings pg. 7 of the DA: There have to be 4 architectural elements.

Stewart: Their DA will trump that.

Waltemate: This is an amended DA since 2006. The developer doesn't even have to be here today. They can start developing based on the other DA. The problem is none of that former DA of 2006 complies with city code. The amended DA is them saying we still want to develop and do it within city code.

Stewart: Commission can make that a condition that of approval that they comply with 4 architectural elements at the design review.

Springston: Has the traffic study been updated?

Stewart: The TIS has been updated and resubmitted per the current preliminary plat.

Springston: Is there a city policy that puts expirations on a DA?

Stewart: We do, it is not in the code. But is something that should be done in most instances. Some development agreements have a termination built into it. This one is very odd, because if you terminate this new DA modified it goes back to the old 2006 DA where there were 0 side setbacks for small homes. What was added to this is that they have to bring on final plats every 2 years or the Preliminary Plat will become null and void. That means the DA will still exist with the good zoning and things the city requires. Development Agreements are attached to the land, not the developer. Phases 1-3 need to be built before a secondary access will be required to be built. But if the developer pauses, the preliminary plat dissolves, and the process starts again.

Chairman Waltemate opened the public comment at 9:54 p.m.

Lori Smith: Opposed: Concerned that E Sawtooth Lake Dr dead ends at Duff Pond. If the Comp plan calls for a transit station on Sawtooth and Duff, we have never seen that in any of the plans and applicant is asking for a waiver of that. If it is required by the comp plan, why isn't it there and being addressed?

Matthew Johnson: Attorney White Peterson Law: He represents input from people in the area wanting to make the project better. They are not trying to target planning staff, but the reason the questions were remanded back to the commission from city council was due to transparency. There was confusion about the Preliminary Plat;

the confusion came because of how it was presented, and that has been cleared up. The bulk of his comments are about the Development Agreement. This was not just to check the box to make sure the development agreement is in contractual a format. It was a remand to address what are the concerns the city has in relation to this development that need to be documented in this DA. He referred to his letter sent earlier (Exhibit G) and the letter from CHD4 August 5, 2021 (Exhibit F). He thinks the TIS needs to be updated to reflect accurate traffic patterns. The DA should take into account the comments from CHD4. He thinks the city should do a fiscal impact analysis. This is a tool that cities are under utilizing and would be a means of understanding what the fiscal impact will be of these types of development as well as how HSB 389 will affect it. His clients would like to see a less density zoning granted, as well as a berm requirement in the DA to ease the transition to the development to the north.

Hutchison: What was the name of the report you advised?

Johnson: A Fiscal Impact Analysis or Fiscal Impact Study. The most recent was the City of Cascade and was done by Galeana Consulting out of Boise. The TIS was revised most recently and sent to CHD4 for comment on July 15, 2021. On CHD4 August 5, 2021 comment letter that was hurried.

Peter Cottock: Has no issue with the development. His issue is with Sawtooth to Duff. Duff Lane won't get widened to SH44 until those people sell, and he doesn't see them selling anytime soon.

Matt Hoffman: Growth will not pay for growth. A fiscal impact study is necessary to understand the impact of this new development, especially on the officers in our Police force. There is a very small chance that it will ever be widened. CHD4 states in their letter that this development will cause 17,000 commutes on a workday.

Michael Jackoloni: Duff Lane can't handle the traffic.

Brian Burnett: He is the owner of the property. All the way from Lansing to where this connects at CanAda Road that connection is already making its way through.

Chairman Waltemate closed the public comment at 10:15 p.m.

Applicant – John Breckon:

- Explained the transition from density of development to the north and then to the south.
- Transit Station: that item in the comp plan proposes a much higher density, which is why they are not addressed on the current plan.
- TIS has been updated, it is current. Per the letter from CHD4 it states that "CHD4 recommends re-evaluation of the estimated usage of this approach to Duff Lane when a decision on the SH44 alternative route is finalized, and timing of development of the Marjorie Ave approach to SH44 is clarified." That was addressed on the previous item on the agenda tonight.
- One of the reasons for the connection to Duff Lane – The city required a secondary access for emergency vehicle access. Sawtooth Dr is a collector road and part of the master plan for this project and the project to the west.
- The main entrance to this project is off of SH44 and the other main connection point is off of Middleton Rd. Duff is the secondary access.

- The pro-rata shares for intersection light at Duff and SH44 is being collected.
- Originally, they had a berm planned for the separation, after comments from neighbors that didn't want a berm, it was changed to a drainage which is what is currently shown on the plans. They are willing to do either way and agree that it needs to be a nice, landscaped buffer to provide separation.
- He can't speak to the Fiscal Impact Analysis.
- They have worked very hard with the neighbors and City to accommodate all that is required for the DA, as coordinate with the neighbors to the west and other agencies.

Commission Questions:

Hutchison: Can we put a berm in writing for those homeowners?

Breckon: We are open to whatever is amicable to all parties or the preference on that 15-foot buffer, whether it be a berm, and are in agreement for that to be included that in the recommendations.

Hutchison: Is there an opportunity to put a barrier along the bottom loop until there is a signal at the intersection of Duff Lane and SH44, so that all of the commercial and residential traffic is not going to go through the 14 lots onto Duff?

Waltemate: Restrict access to Duff Lane for emergency vehicles, until the signal at SH44 is in.

Stewart: The connection through the 14 acres to Duff isn't going to occur until phase 8, and the last phase.

Motion: Motion by Commissioner Springston to recommend approval to City Council for A remanded application by Breckon Design for Robert Brian Burnett, Drake Investments, Deep River Investments & Deep Water LLC for Annexation/Rezone, Preliminary Plat, Development Agreement Modification, and Comprehensive Plan Map Amendment with respect to the River Pointe Subdivision located at 10481 Hwy 44, 0 Hwy 44, and 0 Duff Lane. The proposed preliminary plat consists of seven commercial lots, 115 townhome lots, 67 garden/patio single family lots, 92 single family lots, and 44 common lots on 88.51 acres of vacant land zoned City "Mixed Use" and County "Agricultural." Additionally, as to the annexation of 14 acres adjacent to Duff Lane (Tax Parcel No. R33935010A), Applicants are requesting a rezone to R-3 and a Comprehensive Plan Map Amendment to change the use designation from "Transit Station and Transit Oriented Development" to "Residential." With respect to the 74-acre Mixed Use parcel, Applicant is requesting a change from "Restaurant, Retail, and Recreation" use to "Commercial" use and "Residential" use. With the following conditions:

- Restricted access to Duff Lane for emergency vehicles only until an updated TIS has been submitted to show that Duff Lane is capable of handling traffic from the subdivision and a traffic light at the intersection Duff and SH44 is present.
- An 8-10ft landscaped berm is added to the DA.
- 3.26 of the DA recommend comply with 4 of the architectural design elements.
- And all conditions in the August 9, 2021 Staff Report.

Motion seconded by Commissioner Gregory. Approved Unanimously.

Chairman Waltemate closed the public hearing at 10:43 p.m.

4. Public Hearing: Applications by Hess Properties LLC and KM Engineering for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment with respect to the River Walk Crossing Subdivision located at

10669 Hwy 44 and 0 Hwy 44. The proposed preliminary plat consists of 81 single-family homes, 80 single family patio homes, 36 commercial lots, 17 common lots, and one cell tower lot on 118.81 acres of land currently zoned Canyon County "Agricultural." As part of the Annexation request, Applicants are requesting a zone change to City C-3 ("Heavy Commercial") for 35.68 acres, zone change to M-U ("Mixed Use") for 25.94 acres, and zone change to R-2 ("Large Lot Residential") for 57.19 acres. Applicants are also requesting a Comprehensive Plan Map Amendment to change the Future Land Use Map to change the "Restaurants, Retail, and Recreation" use to "Commercial" use and "Residential" use. – Roberta Stewart

Chairman Waltemate opened the public hearing at 10:48 p.m.

City Planner Roberta Stewart added into the record the following:
Exhibit O – Letter dated August 5, 2021 from CHD4

Stewart then presented her staff report on power point. (See Exhibit P)

Because the commission recommended the South Alternate route not be removed from the Comp Plan map applications, this application is no longer in compliance with the comp plan. Her recommendation is that the commission let the applicant make their application and then the commission needs to state their finding after that, recognizing the current application does not comply with what the commission has decided on previously tonight.

Applicant: Stephanie Hopkins – KM Engineering: Power point presentation (See Exhibit Q)

Commission Questions:

Hutchison: 5 ft side setbacks on the 55+ community. Can the cell tower be built so as not be obvious? Is the option to bring your own builder or is there going to be one builder? Will the water feature have anything to provide movement?

Hopkins: There is a cell tower existing. Not sure of the builder. They will have movement with the water through some sort of mitigation. Fountains as well as pumps for pressurized irrigation.

Waltemate: Why are you no longer in compliance with the map showing the ITD bypass? Those lines could be moved.

Hopkins: Initially the bypass bisected the northern part of the subdivision. When they originally were working through this project, they proposed several layouts with the bypass incorporated and didn't get much movement with ITD so through various conversations determined that incorporating the collector road with this layout and the neighboring subdivisions would be better. If she understands Roberta Stewart she is saying because they are not showing the bypass bisecting their plat, they are not in compliance with that part of the Comprehensive Plan.

Hutchison: #11 on DA – Centerline radius of 90ft. We need to get that fixed in our code.

Stewart: We are working to get all the changes to the code done.

Applicant: Tyler Hess – Owner: Has been working on this project for the last 2 years. We have been working for 2 years to get to this meeting. The frustration is with ITD always who comes back and says they do not have an approved plat, so ITD won't continue the conversation. Once they have an approved plat with roadways, they can then go back to ITD to adjust ITD's plans to accommodate our roadways.

Stewart: This would be a preliminary plat and Tyler is right, ITD has to work with things that are existing so it would give more teeth to their proposal.

Applicant: Spencer Kofoed – Development Team: He had asked one of the commissioners of the Highway district why ITD wouldn't work with his team on the bypass, it was because ITD had leverage, until the city removed it and took it to this vote, ITD was not willing to continue the conversation because they had leverage. Please approve with conditions as that will allow the applicant to have some leverage with ITD to continue negotiations.

Applicant: Tyler Hess: Per recommendation of the Lawyer, He requests that the commission approve the preliminary plat with conditions to work with ITD but that shows the road access, that could accommodate the Bypass options once the plat is approved. That way they can go back to ITD and continue the conversation.

Chairman Waltemate opened the public comment at 11:26 p.m.

Mike Graefe: Worked for government for 19 years. If ITD operates like other government and if the infrastructure bill passes, Middleton will be lucky to get a small amount. What is being proposed here, will be a lot more valuable than what we have downtown. He is against the bypass. He likes the new commercial.

Matthew Watkins: He has been working with Tyler and his team for a long time. He has had a lot of people request purchasing this land. He didn't want to sell to just anyone. He and his team will work with ITD and would appreciate the commission considering approval of this project.

Chairman Waltemate closed the public hearing at 11:33 p.m.

Motion: Motion by Commissioner Springston to recommend approval to City Council the Applications by Hess Properties LLC and KM Engineering for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment with respect to the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44. The proposed preliminary plat consists of 81 single-family homes, 80 single family patio homes, 36 commercial lots, 17 common lots, and one cell tower lot on 118.81 acres of land currently zoned Canyon County "Agricultural." As part of the Annexation request, Applicants are requesting a zone change to City C-3 ("Heavy Commercial") for 35.68 acres, zone change to M-U ("Mixed Use") for 25.94 acres, and zone change to R-2 ("Large Lot Residential") for 57.19 acres. Applicants are also requesting a Comprehensive Plan Map Amendment to change the Future Land Use Map to change the "Restaurants, Retail, and Recreation" use to "Commercial" use and "Residential" use. With the following conditions:

- Upon approval of the preliminary plat, the applicant works to become compliant with the plan including the bypass.

Motion seconded by Commissioner Hutchison. Approved unanimously.

5. Consider approving FCO for River Pointe subdivision remand applications from public hearing on August 9, 2021. – Roberta Stewart

Commissioners reviewed the FCO.

Motion: Motion by Commissioner Springston to approve FCO for River Pointe subdivision remand applications from public hearing on August 9, 2021 with changes discussed by the commission including traffic light, landscaped berm and restricted access. Motion seconded

by Commissioner Gregory and approved unanimously.

Public/Commission/Staff Comments:

Commissioner/Staff Comment: None

Adjourn: Chairman Waltemate adjourned the meeting at 11:40 p.m.

ATTEST:

Ray Waltemate, Chairman

Jennica Reynolds, Deputy Clerk, Planning
Approved: September 13, 2021

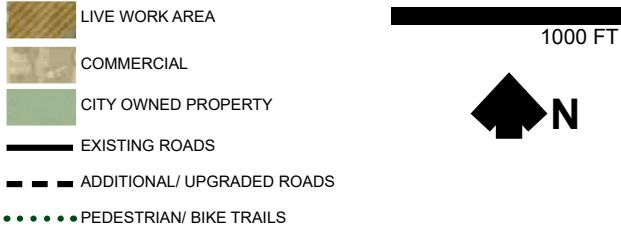
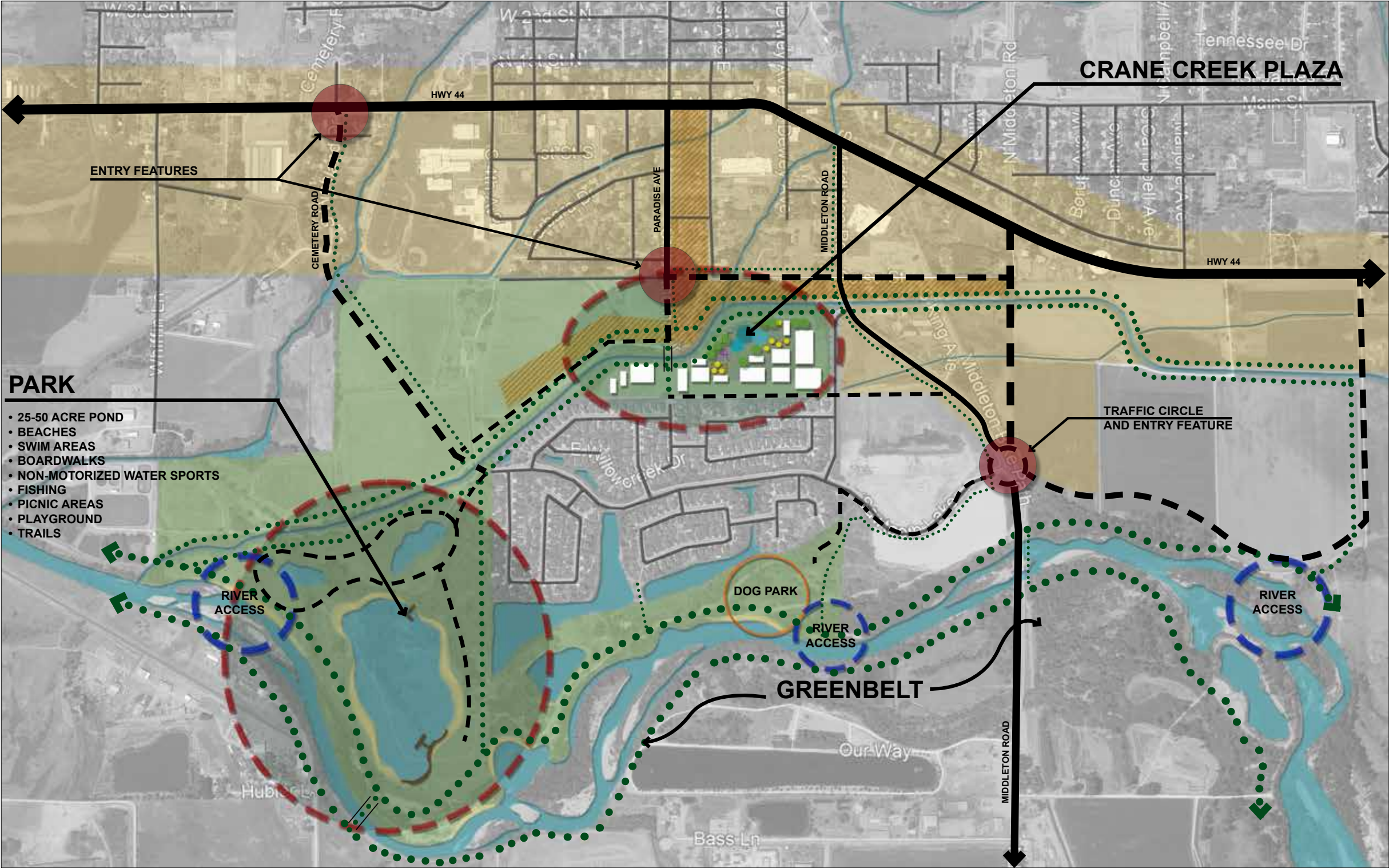
Middleton River Walk

PRELIMINARY CONCEPT +
INSPIRATION IMAGERY
AUGUST 9, 2021

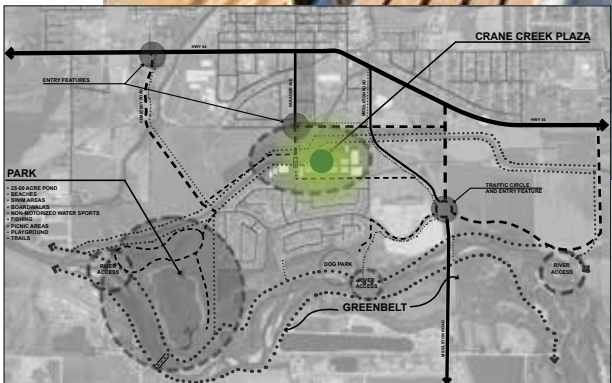
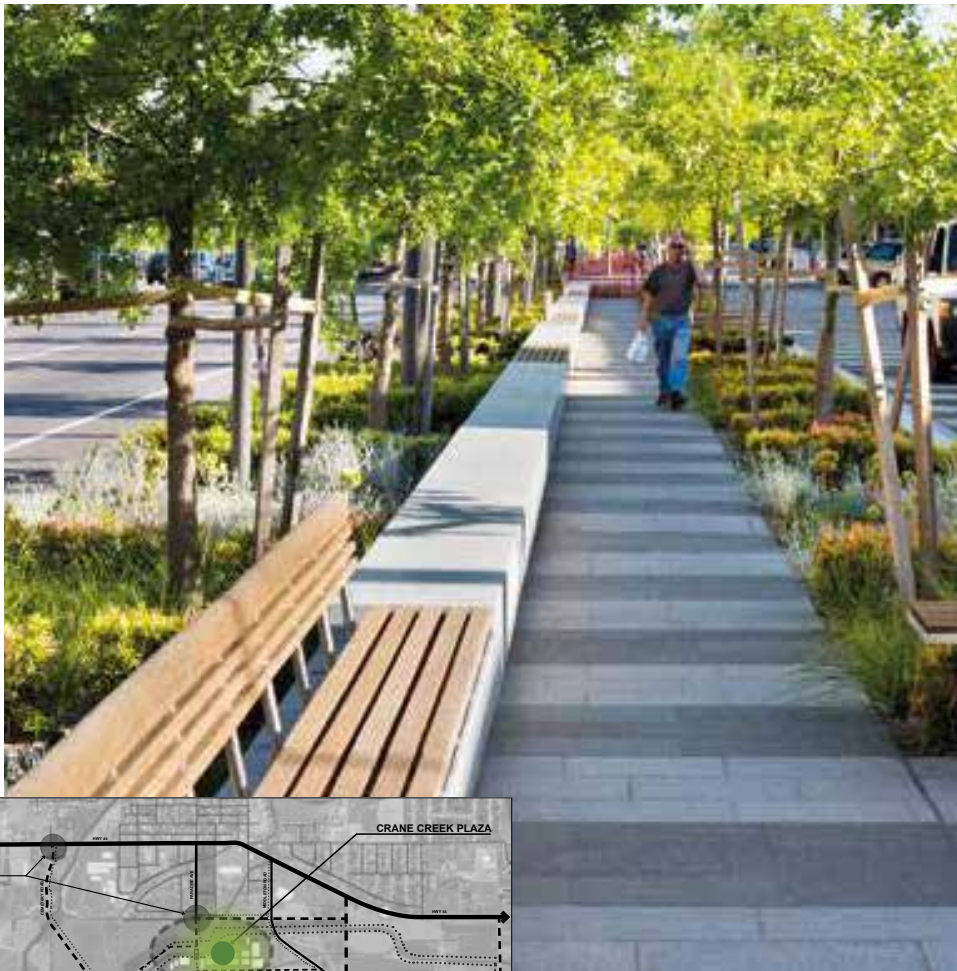


DESIGN FRAMEWORK

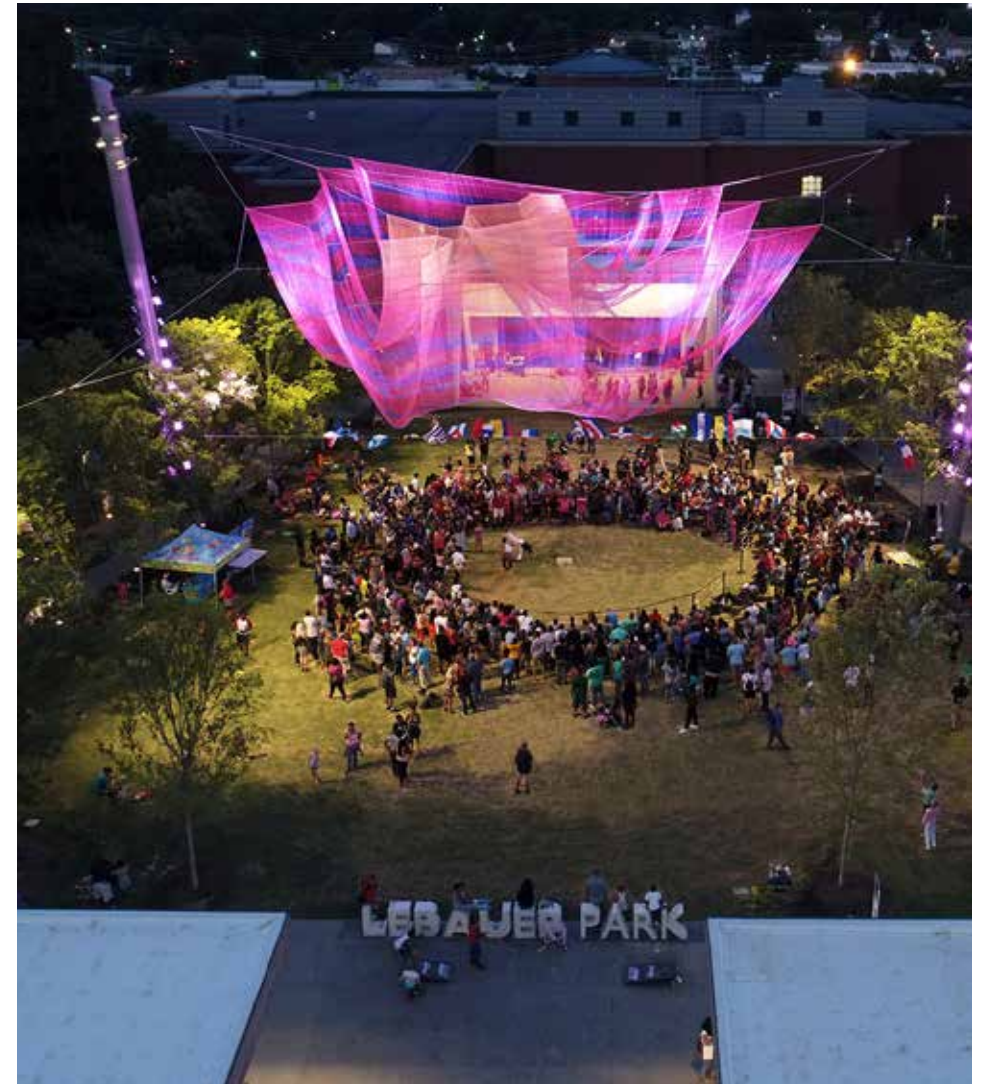
CONCEPT DIAGRAM



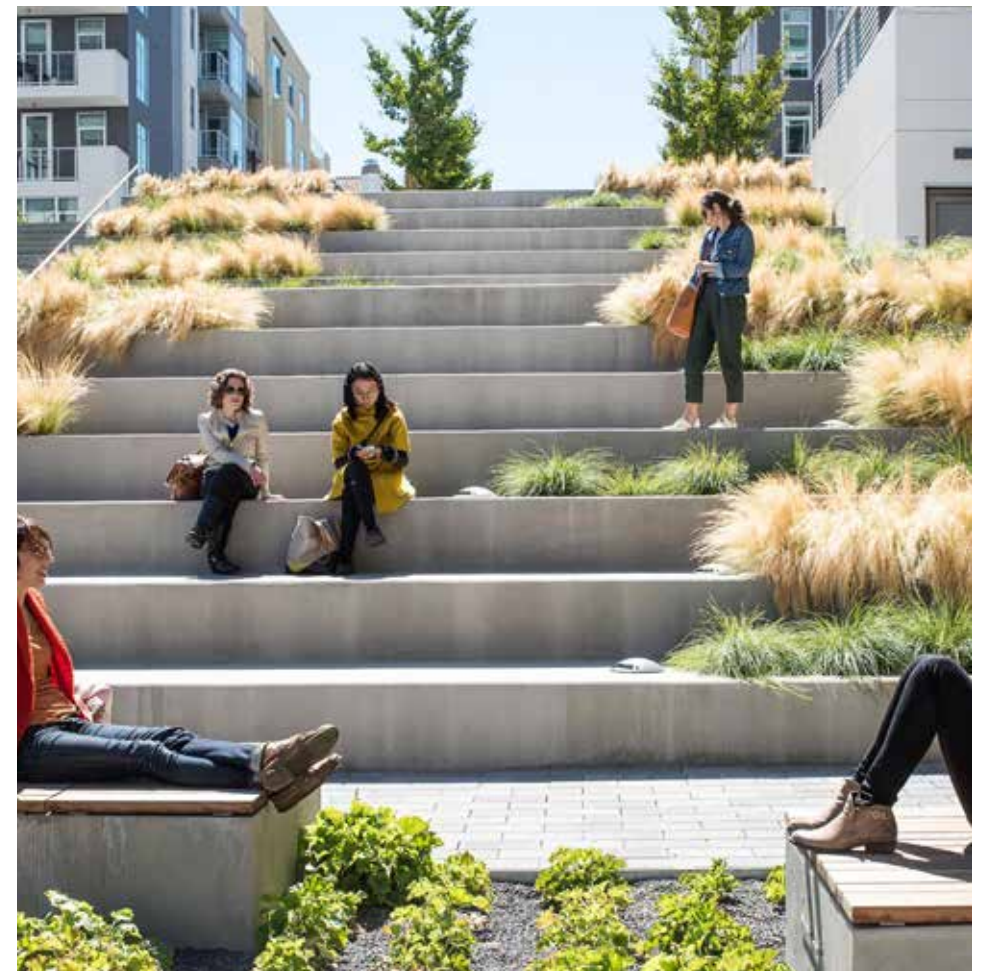
CRANE CREEK PLAZA



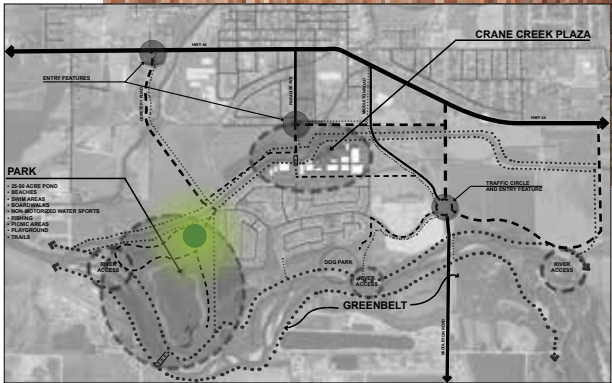
HAPPENINGS



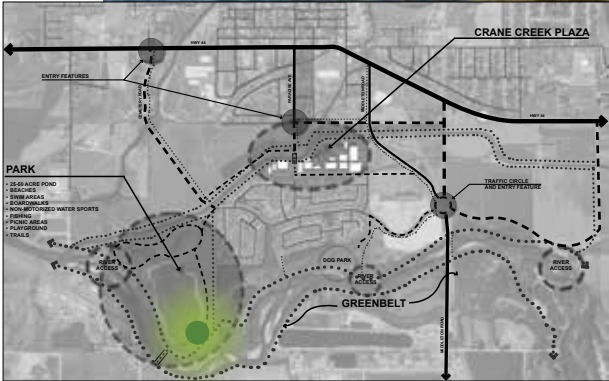
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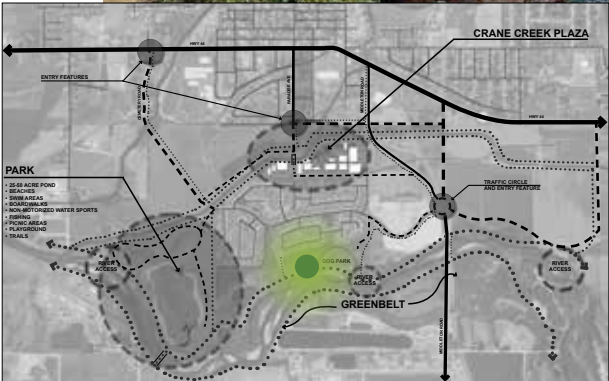
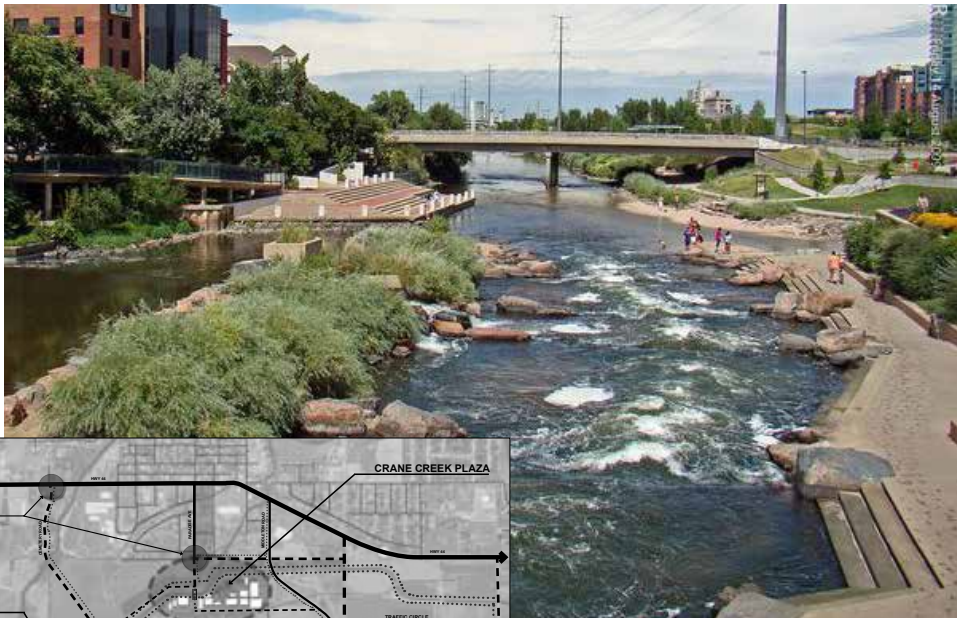
RIVER WALK PARK



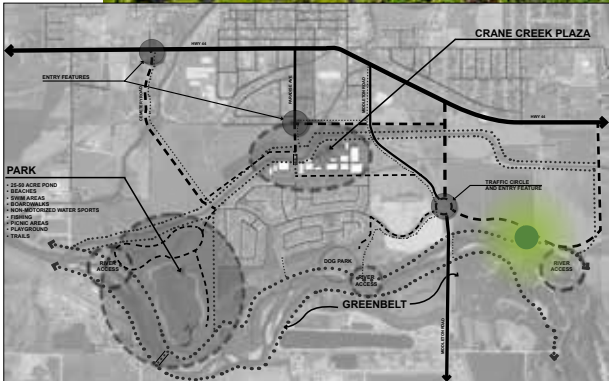
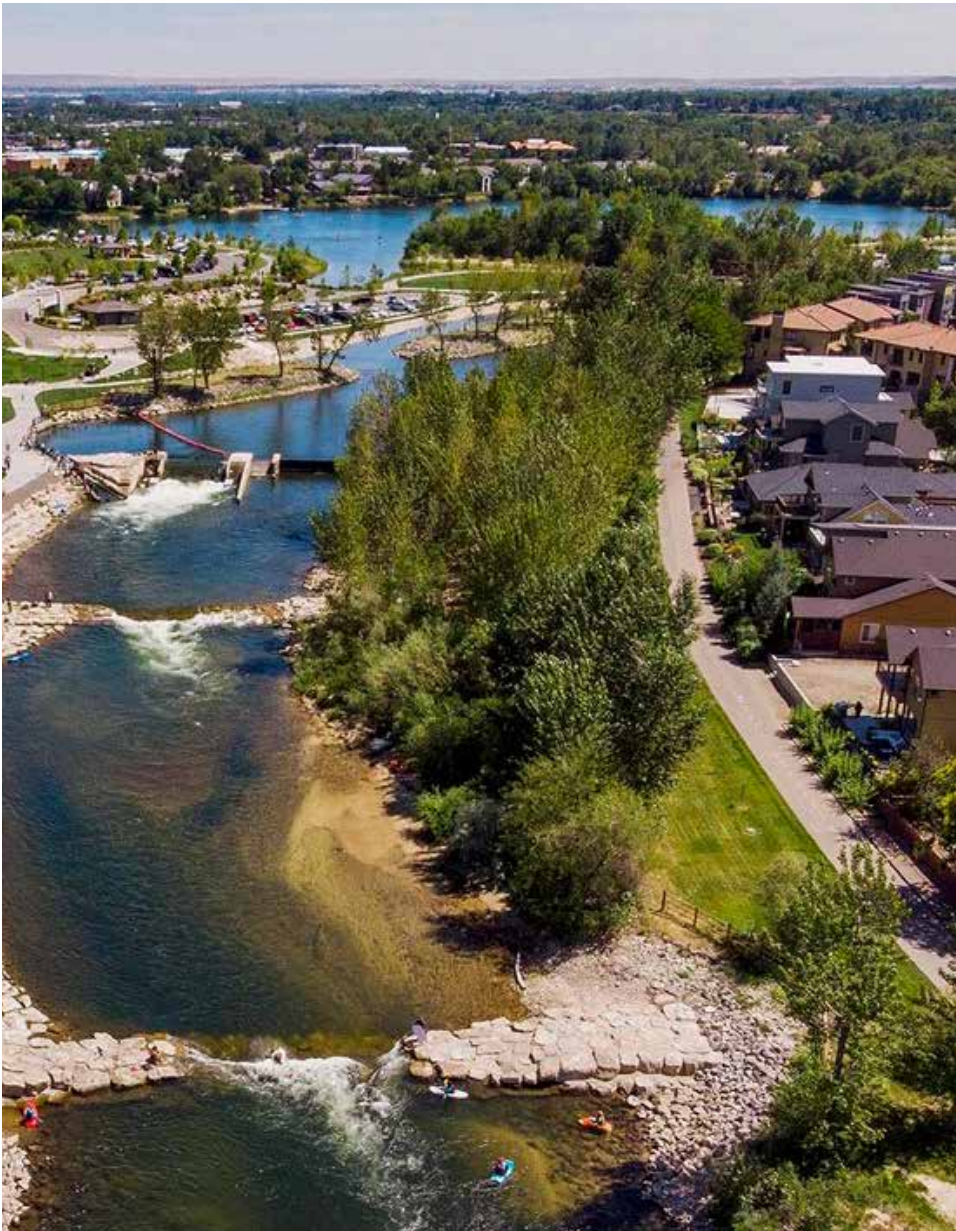
FISHING POND



GREENBELT



NEIGHBORHOODS



DESIGN FRAMEWORK

PROGRAM ELEMENTS ACTIVE



INTEGRATED WATER FEATURES



LIVE / WORK



OUTDOOR SOCIAL



POP UP SPACES



ART



INTEGRATED STORMWATER



EVENTS



BIKE AMENITIES



SEATING

DESIGN FRAMEWORK

PROGRAM ELEMENTS PASSIVE



RIVER ACCESS



NATURAL PLAY



PADDLEBOARD



BIKE PATH



BEACHES



FISHING



AMPHITHEATER



DOCKS /BOARDWALKS



SWIMMING

DESIGN FRAMEWORK
CONCEPT DIAGRAM

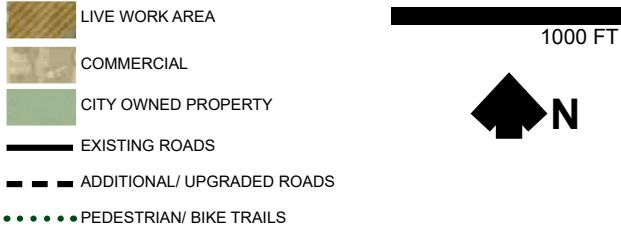
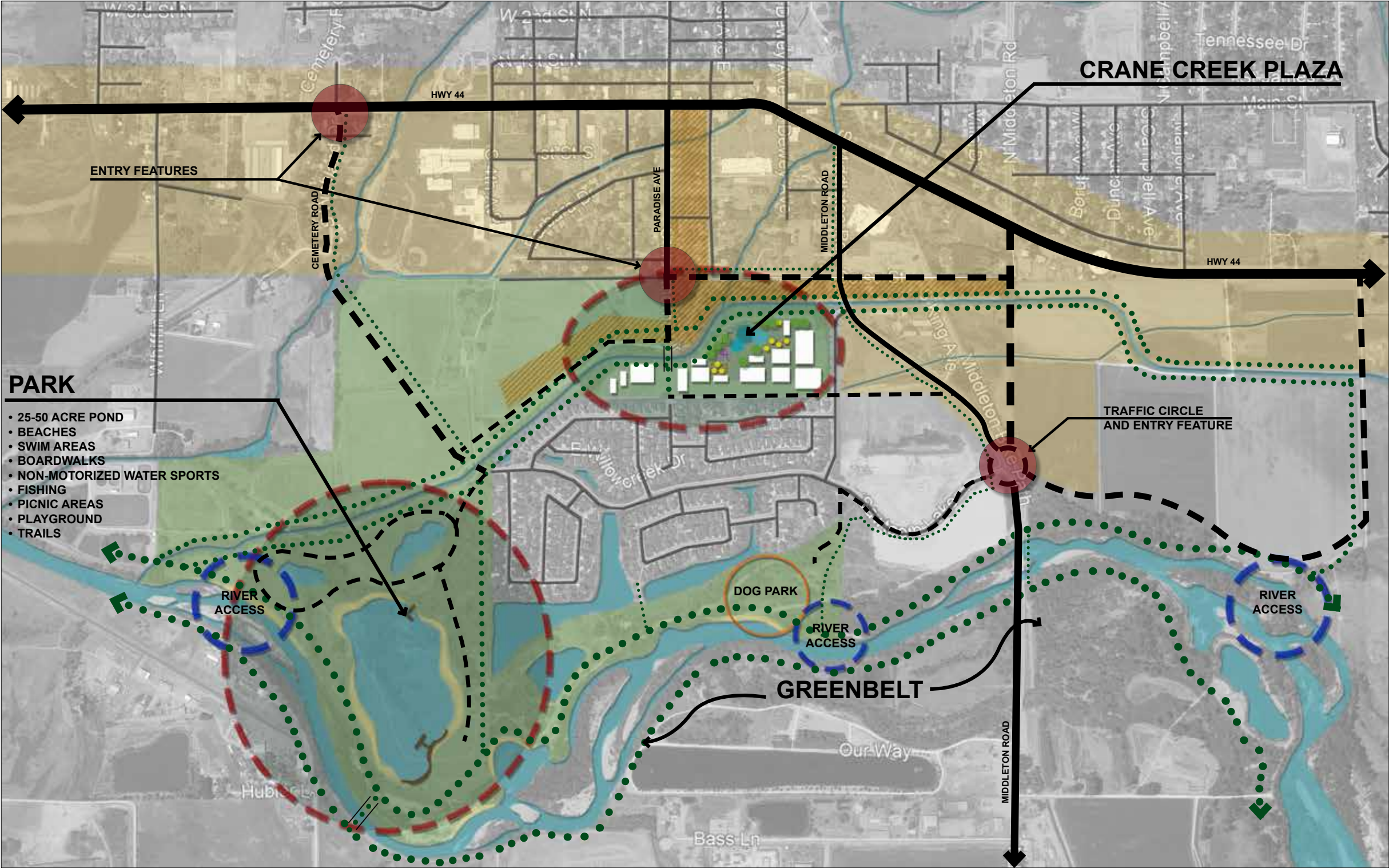
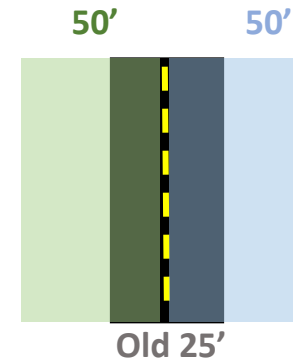




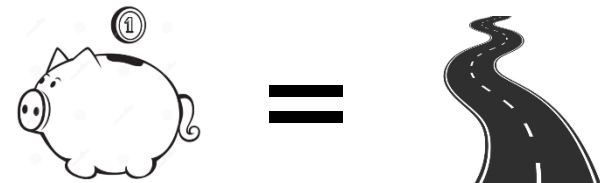
Exhibit 1

HOW ROADS ARE BUILT AND IMPROVED IN MIDDLETON

1. **Developer improvements:** Developers improve $\frac{1}{2}$ roads, curb/gutter, and sidewalks, at their own cost, along the entire frontage of their property. Once the Developer on the opposite side improves frontage, a 25' old road will be a new 100' wide road.



2. **Developer Exactions:** City charges Developers *Traffic Impact Fees* and/or *Proportionate Share Fees* to improve specific intersections and roadways in the future. The fees are saved until enough money is accumulated to begin the work.



3. **Taxes & Urban Renewal:** City and highway district get money annually from City, County, and State taxes. The tax money is used to maintain and build roads.



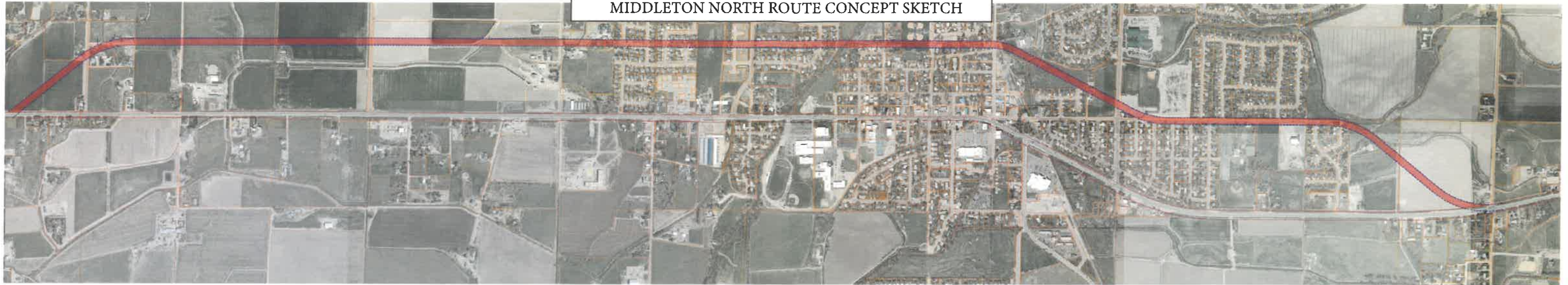
4. **Collaborative Projects:** City will partner with Federal, State, and/or County to improve a specific project. Money comes from Taxes and Traffic Impact Fees.



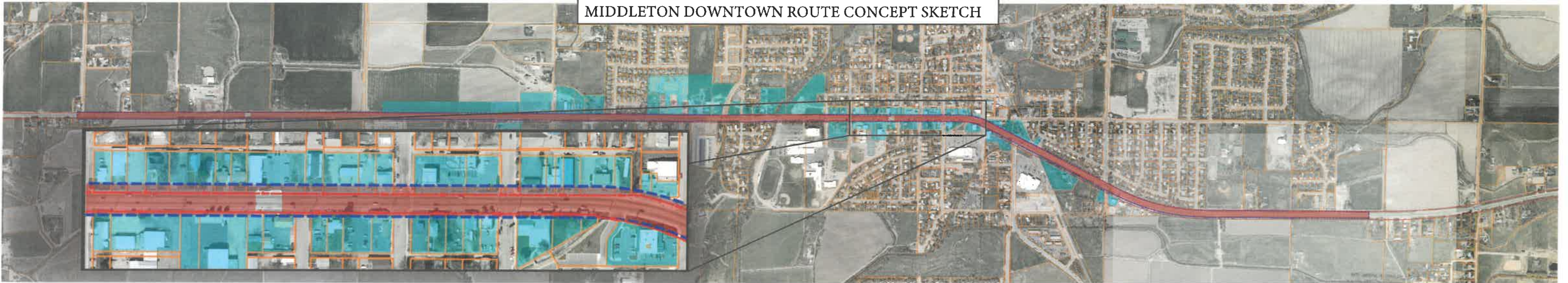
5. **City Bond:** The City can borrow money to build roads. Requires voter approval in an election.



MIDDLETON NORTH ROUTE CONCEPT SKETCH



MIDDLETON DOWNTOWN ROUTE CONCEPT SKETCH



MIDDLETON SOUTH ROUTE CONCEPT SKETCH



Existing Alignment

Address	Land Use/Business Name	Parcel #	Owner
1100 W MAIN ST	Residence	R1789800000	HUDDLESTON MARGARET
1060 W MAIN ST	Clock Tower Orthodontics	R1789511600	L AND C PROPERTIES LLC
W MAIN ST	Welstone Business Park	R1789510000	WEBPAY LLC
1002 W MAIN ST	Middleton Fitness Center	R1789511700	GOLDEN WILLOW INVESTMENTS LLC
880 W MAIN ST	Residence	R1790001000	REED GORDON E REED PENNY L
820 W MAIN ST	Residence	R1790000000	RENK MICHAEL RENK HEATHER
HWY 44	The Cottages	R1790220100	COTTAGES SENIOR LIVING LAND LLC
760 W MAIN ST	The Cottages	R1790220000	COTTAGES SENIOR LIVING II LLC
712 W MAIN ST	Jack in the Box	R1790101000	FEAST PROPERTIES LLC
704 W MAIN ST	Jack in the Box	R1790100000	FEAST PROPERTIES LLC
10 N HIGHLAND CT	Residence	R1761750000	BUTLER BONNIE L
612 W MAIN ST	Residence	R1791400000	BUTLER BONNIE L
606 W MAIN ST	Residence	R1791700000	VAUGHN BRYON KEITH TRUST
520 W MAIN ST	Picadilly Park	R1791200000	MIDDLETON CITY OF
318 W MAIN ST	Morgan Law Firm/ Kravs	R1807070000	MORGAN DAVID L MILLER MARQUELLE
314 W MAIN ST	Harris Chiropractic	R1807060000	MORGAN DAVID L
308 W MAIN ST	The Burger Den	R1807050000	MARWOOD INC
309 W MAIN ST	Church of Jesus Christ Latter Day Saints	R3391200000	CORP OF PRESIDING BISHOP OF JESUS CHRIST OF LDS
5 S VIKING AVE	Middleton School District Office	R1847300000	MIDDLETON SCHOOL DISTRICT NO 134
115 W MAIN ST	Middleton School District Maintenance Department	R1847200000	MIDDLETON SCHOOL DISTRICT NO 134
113 W MAIN ST	Greater Middleton Parks and Recreation Community Center	R1798500000	MIDDLETON SCHOOL DISTRICT NO 134
4 N VIKING AVE	Top Dog Grooming	R1801000000	BUNTING MARNIE BUNTING THOMAS
214 W MAIN ST	Residence?	R1870000000	VIS LEONARD A
0 W MAIN ST	Empty	R1786700000	VIS LEONARD A
208 W MAIN ST	Design Secrets: Hair and Nails Studio	R1787400000	DAYLEY KIM L
120 W MAIN ST	Three Rivers Insurance	R1787300000	GRANITE PROPERTIES LLC
136 W MAIN ST	Residence	R1787200000	BRENENSTAHL ARTHUR L BRENENSTAHL CHERYL
114 W MAIN ST	Residence	R1787100000	PERKINS NANCY AMBER FITZGERALD ROBERT DAVID
	Office Building: Middleton Accounting and Taxes Services, Eagle Land Surveying, LLC, Custom Creations Dental Laboratory, Simply Bliss Salon	R1793800000	STAR GAZERS ESTATES AND LAND LLC
106 W MAIN ST	Tacos El Rancho	R1817600000	E AND H INVESTMENTS LLC
103 W MAIN ST	Fendel Chiropractic and Chong's Barber	R1817500000	FENDEL KRISTIN FAMILY TRUST
111 W MAIN ST	Middleton Orthodontics, Middleton Dental	R1797400000	VORMANEY LLC
18 W main ST	Hi Pro Motors and Elara Home Communication	R1817200000	CHAMBERS KIPP
17 W MAIN ST	Hi Pro Motors and Elara Home Communication	R1817100000	CHAMBERS KIPP
11 W MAIN ST	Clarity Credit Union	R1816900000	CLARITY CREDIT UNION
0 W MAIN ST,	Clarity Credit Union	R1816901000	CLARITY CREDIT UNION
3 W MAIN ST	Geldien Comb	R1797700000	TREMBLE ALLEN TREMBLE KIRSTEN
2 W MAIN ST	Empty	R1797600000	TREMBLE ALLEN TREMBLE KIRSTEN
2 W MAIN ST	The Car Wash Clinic	R1797500000	THUESON TODD A THUESON DAVID O
16 W MAIN ST	Jacksons	R1848600000	JACKSONS FOOD STORES INC
7 E MAIN ST	Tsai's Kitchen	R1798600000	CJTSAI LLC
7 S HAWTHORNE AVE	Residence	R1798700000	DUBIE AARON
8 E MAIN ST	Empty	R1798800000	DUFOE MICHAEL @ @ DUFOE SANDRA @ @
12 E MAIN ST	Mike's Bargain Barn	R1798900000	DUFOE MICHAEL DUFOE SANDRA
14 E MAIN ST	Lee Physical Therapy	R1799000000	DE HI ROAD LLC KING DIANA M
18 E MAIN ST	Middleton United Methodist Church	R1799300000	METHODIST CHURCH
104 E MAIN ST	Empty	R1799400000	MIDDLETON VILLAGE PARTNERS
108 E MAIN ST	Chong's Barber Shop	R1799500000	WARFIELD CHARLES WAYNE WARFIELD DEBRA S
114 E MAIN ST	Subway	R1846600000	ALEXANDER ROBERT W ALEXANDER SANDRA L H/W
103 E MAIN ST	Blank's Printing	R1846700000	MERRIMAN SCOTT C
109 E MAIN ST	Middleton Upper Cervical Chiropractic	R1846800000	MIDDLETON UPPER CERVICAL CHIROPRACTIC PLLC
111 E MAIN ST	Adventure Plaza	R1846900000	FIRST BAPTIST CHURCH OF MIDDLETON
113 E MAIN ST	Middleton Collision & Refinishing	R1847000000	HARVEY TERRY AND DEE TRUST
117 E MAIN ST	Empty	R1847100000	MANFORD COYL LLC
119 E MAIN ST	The Dog House	R1775900000	MITCHELL GLADYS
209 E MAIN ST	Chaparral Bar & Grill	R1776000000	REYNOLDS KAMMI
3 N DEWEY AVE	Sunrise Cafe	R1799610300	MIDDLETON VILLAGE PARTNERS
298 E MAIN ST	Middleton Library Street Parking	R3389800000	MIDDLETON CITY OF
310 CORNELL ST	Roadside Park	R1801100000	MIDDLETON VILLAGE OF
E MAIN ST	Roadside Park	R33898010A0	MIDDLETON CITY OF
500 HARMON WAY	Residence	R1765300000	SUNBURST PROPERTY HOLDINGS LLC
0 S MIDDLETON RD	Empty	R1809800000	MIDDLETON CITY OF
0 HARTLEY LN	Idahome RV Resort	R3444001700	OKAMURA PAUL AND JANET TRUST
1500 W MAIN ST	Tractor Supply Co	R3444001400	FRONTUNE INVESTMENTS LLC
0 HWY 44	44 LIVESTOCK AND PET SUPPLY LLC	R3477501000	44 LIVESTOCK AND PET SUPPLY LLC
1663 W MAIN ST	44 LIVESTOCK AND PET SUPPLY LLC	R3477500000	44 LIVESTOCK AND PET SUPPLY LLC
0 HWY 44	44 LIVESTOCK AND PET SUPPLY LLC	R3477201000	GUAIJARDO JAVIER GUAIJARDO OLGA
0 HWY 44	Empty	R3477200000	PAYNE GREG S
1500 W MAIN ST	Perfection Tire	R17886010B0	RUPP KELLY J
0 HWY 44	Empty	R17886010B1	SHARK FIN LLC
12402 HWY 44	Residence	R1788601000	DE LUNA RENE DE LUNA ERIN
12400 HWY 44	Empty	R1788600000	KIRSCH SAMUEL H II KIRSCH DEBORAH LYNN H/W
302 E MAIN ST	MIDDLETON RURAL FIRE DISTRICT	R1809600000	MIDDLETON RURAL FIRE DISTRICT
500 E MAIN ST	Residence	R1868010000	MAAG BETTY MAAG W NEAL W/H
0 E MAIN ST	Residence	R1868010100	MAAG BETTY MAAG W NEAL W/H
622 E MAIN ST	Hometown Family Eyecare	R1802600000	DAYTON PROPERTIES LLC
706 E MAIN ST	Burgess Pump Co, Inc	R3394300000	MOUNTAIN WEST MANAGEMENT GROUP LLC

of Total Parcels impacted 76
of Parcels with Structure Impa 27
Parcels with Possible Structure 17
of Businesses Impacted 46
of Residences Impacted 13

Southern Alternate

Address	Land Use/ Business Name	Parcel #	Owner	Impact
13461 HWY 44	Open Land	R3471901000	NICOLONA JERRY NICOLONA RANDI	Structure
22780 BALLARD LN	Open Land	R3472201200	HOLT JACK HOLT KELLI H/W	Land
0 BALLARD LN	Open Land	R3472201100	WOOD DALE I	Land
13247 BALLARD LN	Open Land	R3472300000	RULE ANDREW P RULE JONI K	Land
12665 HWY 44	Open Land	R3476900000	RULE JONI K	Land
651 WHIFFIN LN	Open Land	R1761002500	BOWMAN FAMILY TRUST	Land
824 WHIFFIN LN	Sewer Treatment?	R1761002600	MIDDLETON VILLAGE OF	Structure
0 WHIFFIN LN	Open Land	R3475101000	WILSON M Z WILSON SANDRA L H/W	Land
400 S HIGHLAND DR	Open Land/ Back of large residential Parcel	R3474900000	FITZPATRICK HERBERT J FITZPATRICK JA	Land
321 W SAWTOOTH LAKE DR	Open Land	R3390900000	MIDDLETON CITY OF	Land
326 S HAWTHORNE AVE	Open Land	R3391000000	MIDDLETON CITY OF	Land
0 MIDDLETON RD	Open Land	R33900010A0	MIDDLETON CITY OF	Land
0 MIDDLETON RD	Open Land	R1849901100	CORDOVA MICHAEL C	Land
0 S MIDDLETON RD	City Park	R1850001100	MIDDLETON CITY OF	Removal of Park
702 BOISE ST		R1849800000	ANCHORED INVESTMENTS LLC	Land/ River Ranch Sub
10669 HWY 44		R3393800000	WATKINS PROPERTIES L P	Land/ River Ranch Sub
0 HWY 44		R3393801100	HESS PROPERTIES LLC	Land/ River Ranch Sub
10481 HWY 44		R3392000000	DRAKE INVESTMENTS LLC	Land/ River Pointe Sub

of Total Parcels impacted 17
of Parcels with Structure Impac 2
Parcels with Possible Structure 1
of Businesses Impacted 0
of Residences Impacted 0

LEGENDS

Land Use

Residential

Commercial

Municipal

Green space/agricultural

Impact

Structure removed

Possible Structure

Open Land

CONCEPT DISPLAY FOR PUBLIC MEETING, DECEMBER 2019



IDAHO 44 SEGMENT 3



CITY OF MIDDLETON

P.O. Box 487 • 6 N. Dewey • Middleton, ID 83644 • (208) 585-3133 • Fax (208) 585-9601
August 14, 2007

Dave Jones, P.E., District Engineer
Idaho Transportation Department
8150 Chinden Blvd.
P.O. Box 8028
Garden City, ID 83707-8028

RECEIVED

AUG 23 2007

DIST. NO. 3
DIVISION OF HIGHWAYS

SUSPENSE 03-07-055
REPLY DATE 08-30-07
ACTION Sullivan

Matt Stoll, Executive Director
COMPASS
800 S. Industry Way, Ste. 100
Meridian, ID 83642

Re: Highway 44 Corridor Study
City of Middleton Representation in Planning and Evaluation

Gentlemen:

Since 1999, the City of Middleton has taken a position of leadership in advocating for an improved Highway 44 corridor, particularly through the City and its Impact Area. One of the first COMPASS-assisted sub-regional alignment studies was conducted by COMPASS under Erv Olen, COMPASS staff and the City. After four well documented, well attended public meetings involving residents and people from outlying areas exploring a number of options including couplets, a northern route around the City, modifying and widening the existing highway alignment and a southern loop, an enthusiastic public voted 35 to 1 in favor of the southern alternative. On August 30, 2000, a final report of this effort was issued by COMPASS memorializing the work and decision. In 2001, City's Comprehensive Plan was subsequently amended adopting the proposed alignment and the selected alignment has been shown on all transportation planning documents. The history and results of this effort has been well publicized locally, with COMPASS, and ITD. Follow-up on-site meetings were held with ITD personnel to assess the adopted alignment for potential environmental "fatal flaws" and none were indicated. Subsequently, significant actions have been taken by the City to curtail development in the selected alignment area.

In 2002 the City requested of ITD that the alternate route adopted in our Comprehensive Plan be included in the state STIP program. After two years passed and a number of inquiries made, the City was informed that the state was going to consider a larger corridor study rather than simply focus on Middleton's segment while assuring the City that their input would be used. Since then, a number of meetings have been held with Sue Sullivan, ITD planner, attending to consider individual developments to ensure that the City and State were cooperatively working toward the same goals. Then Washington Group and Parametrics were engaged by the State to work on the corridor study resulting in additional meetings to make certain that the City's Comprehensive Plan and commitments to developments occurring along the corridor were being honored. After a number of verbal promises to aid and involve the City in areas so vital to our economic health, it appears that none of the persons that have met with the City and listened to our concerns and efforts are now substantially associated with guiding the corridor effort. Program leaders have apparently changed and the City of Middleton, for all its effort to plan for its future and that of the state highway that bisects its boundary, has no significant role or representation. It would appear that a record of diligence and consistent work, not to mention having to deal with tough questions from the developers and land owners along the path of the Alternate Route adopted in the Comprehensive Plan, has not earned the City the consideration of being included in the state planning process.

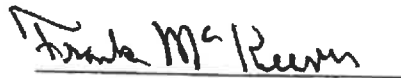
Planning • Zoning • Building • Code Enforcement
citmid@cableone.net • www.middleton.id.gov

To say that we are very concerned would be an understatement. Middleton has taken transportation planning very seriously, having teamed up with Canyon Highway District No. 4 to develop one of the most comprehensive sub-regional plans in the valley for our Impact Area. The City has adopted a more stringent highway access plan than ITD for Hwy. 44 lying within the City Impact Area to facilitate future traffic movement. Sue Sullivan of ITD, the Washington Group, and then Phil Choate of ITD have been given copies of our planned connectivity for the Alternate Route and Sue has repeatedly worked with the City to inform developers. The City has had to deal continually with criticism for protecting its plan and standing firm to protect the selected Alternate Route. At the present time we are exploring the use of Impact Fees primarily to support construction of critical intersections on the highway. Yet it is our distinct impression with all this history and effort that the City does not have a meaningful role in the ongoing process. Frankly, it is the City's impression that there is no one currently involved in the current planning that even knows where Middleton is let alone understands what issues are vital to the City.

It is our understanding that Erv Olen, formerly with COMPASS but now with Parametrics, has only a minimal role in planning for the corridor alignment. Of the entire project team currently in place, Erv represents the most informed person on Middleton issues as he guided the first COMPASS assisted alignment study. I met with Erv last week to gauge his involvement and asked why the City was being ignored or marginalized were disappointed to see that his input in the process has been minimized.

On behalf of the City of Middleton, I am requesting that the Highway 44 study be given top priority. I am also requesting that Erv Olen be appointed as the coordinator for the study for his knowledge of the issues and for continuity of the study in its entirety. The timing and outcome of this study is of vital interest to the future of Middleton.

Sincerely,
City of Middleton


Frank McKeever, Mayor

CC: Darrell Manning, ITD Board Chairman
Monte McClure, ITD Board Member
Washington Group
Parametrics

MEMORANDUM OF UNDERSTANDING
Between
THE IDAHO TRANSPORTATION DEPARTMENT, DISTRICT 3
And
THE CITY OF MIDDLETON

I. PURPOSE:

The purpose of this Memorandum of Understanding (MOU) is to document the project and plans that have been discussed to date between the Idaho Transportation Department, District 3 (ITD D3) and the City of Middleton, Idaho (City) to support the groundwork laid between Mayor Darin Taylor and ITD D3 staff regarding the transportation needs of the City.

II. AUTHORITY:

This MOU is entered into pursuant to Idaho Code Section 50-301 and Sections 67-2326 through 67-2333, Idaho Code, and any other provisions of state or federal law or regulation directly pertaining to the memorandum.

III. RESPONSIBILITIES AND PROCEDURES:

ITD D3 and the City agree as follows:

- State Highway 44 (SH-44)
 - SH-44 is the only east-west road through downtown Middleton; the next closest east-west through road is Purple Sage Road, two miles north.
 - Traffic congestion on SH-44 downtown ruins the small-town feel Middleton residents' desire.
 - The City is implementing the transportation-related policies and maps in the City's comprehensive plan to relieve congestion downtown on SH-44 downtown, including:
 - Increasing north-south vehicle, bicycle and pedestrian routes along section- and quarter-section lines through town identified as Emmett Road, Hartley Lane, Cemetery Road, Middleton Road and Duff Lane; and
 - Increasing the east-west vehicle, bicycle and pedestrian routes along section- and quarter-section lines through town identified as River Street, Ninth Street, Willis Road, and Meadow Park Street.

- River Street is the only east-west local transportation route planned by the City between the Boise River and SH-44 with planned intersections with Emmett Road, Hartley Lane, Cemetery Road, Crane Creek Way and Middleton Road.
- The City has acquired land between Middleton Road and Whiffin Lane, in the City for multiple purposes; one of which is to construct River Street to the City's local collector road standard, in cooperation with developers, as vacant land develops.
- River Street alignment transects existing the City's Centennial Grove Park, which will be removed when River Street is constructed.
- The City and ITD D3 believe it is in the best interest of the traveling public to preserve an east-west transportation corridor south of existing SH-44 and North of the Boise River for an alternate SH-44 route to remove state highway traffic from downtown.
- ITD D3 is working through the National Environmental Protection Act (NEPA) process and expects to have a final, federally accepted document by summer 2021. This document is expected to include the SH-44 Alternate Route South of the existing SH-44 and North of the Boise River. Once this document is approved, ITD D3 will design and construct the SH-44 Alternate Route at its sole expense.
- All or a portion of SH-44 Alternate Route appears on the same alignment with River Street, necessitating coordination and cooperation between ITD D3 and the City.
- The parties acknowledge eventually the city will convey real property to ITD D3 that may or may not contain River Street and/or other transportation and utility improvements, and eventually ITD D3 will convey a segment of existing SH-44 to the City.
- To maintain safety and mobility along the River Street/SH-44 Alternate Route alignment, accesses will be limited to Emmett Road, Hartley Lane, Cemetery Road, Middleton Road. In other cases, the use of frontage or backage roads to ensure adequate local traffic circulation will likely be required.
- The City acknowledges that eventually pertinent segment(s) of River Street will be conveyed to ITD in order for ITD at its sole expense to construct the SH-44 Alternate Route on the same alignment and that it will be converted to state highway standards.
- Once the future SH-44 Alternate Route is constructed (currently unfunded), ITD will repair drainage at an acceptable condition in the City's sole discretion and convey a segment of existing SH-44 to the City as a local road, to be

maintained and managed by the City, including the existing traffic signal at SH-44/North Middleton Road intersection and the traffic signal at SH-44/Hartley Lane intersection that is being designed for construction in 2020.

- The parties anticipate future discussions and agreements to continue the planned improvements discussed in this MOU.
- Intersection control
 - Current transportation plans adopted by the City show roundabouts as intersection controls at section and quarter-section lines intersections throughout town, including SH-44 intersections with Emmett Road, Cemetery Road, Middleton Road, Duff Lane, Lansing Lane, Kingsbury Road, and Blessenger Road.
 - ITD D3 acknowledges that roundabouts are the City's preferred intersection control type.
 - ITD D3 is coordinating with the City on design and future construction of these intersection improvements on the existing SH-44, potentially before the construction of the alternate route. ITD standard highway specifications are to be used for all structural roadway components, but Idaho Standards for Public Works Construction (ISPWC) standards for non-structural roadway components, in anticipation of the eventual relinquishment of the existing SH-44 to the City, are acceptable.

LIMITATIONS:

Nothing in this MOU between ITD D3 and the City shall be construed as limiting or expanding the statutory or regulatory responsibilities of any involved individual in performing functions granted to them by law; or as requiring either entity to expend any sum in excess of its respective appropriation. Each and every provision of this memorandum is subject to the laws and regulations of the state of Idaho and of the United States.

Nothing in this MOU shall be construed as expanding the liability of either party. In the event of a liability claim, each party shall defend their own interests at their own expense. Neither party is or shall be required to provide indemnification of the other party.

EFFECTIVE DATE:

This MOU is non-binding and is only to memorialize discussion between the City and ITD D3 regarding transportation issues.

METHOD OF TERMINATION:

This MOU is non-binding and is only to memorialize discussion between the City and ITD D3

regarding transportation issues.

SIGNATURES:

City of Middleton

Idaho Transportation Department, D3

By: Darin Taylor

Darin Taylor, Mayor

By: Amy Revis

Amy Revis, ITD D3 Administrator

Nov. 6, 2019
Date

Nov. 12, 2019
Date



The Future of State Highway 44

Caleb Lakey, ITD District 3 Administrator
August 9th, 2021

Your Safety • Your Mobility • Your Economic Opportunity

Future of State Highway 44

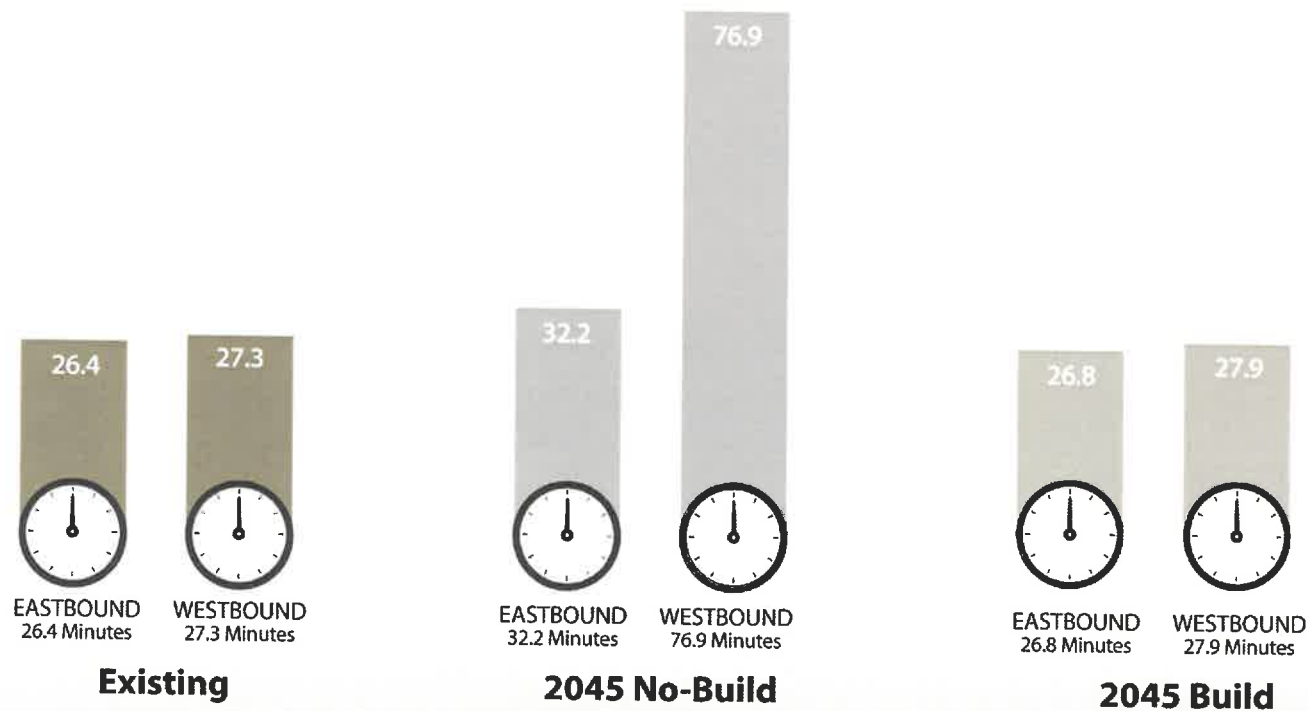
Purpose

- Reduce congestion and improve safety on SH-44 from I-84 to Ballantyne

Needs

- Achieve acceptable levels of service for delay and travel times
- Reduce crashes, which are higher within city limits
- Coordinate transportation and land use
 - Setbacks
 - Access
 - Noise Abatement

Corridor Mobility - I-84 to Ballantyne

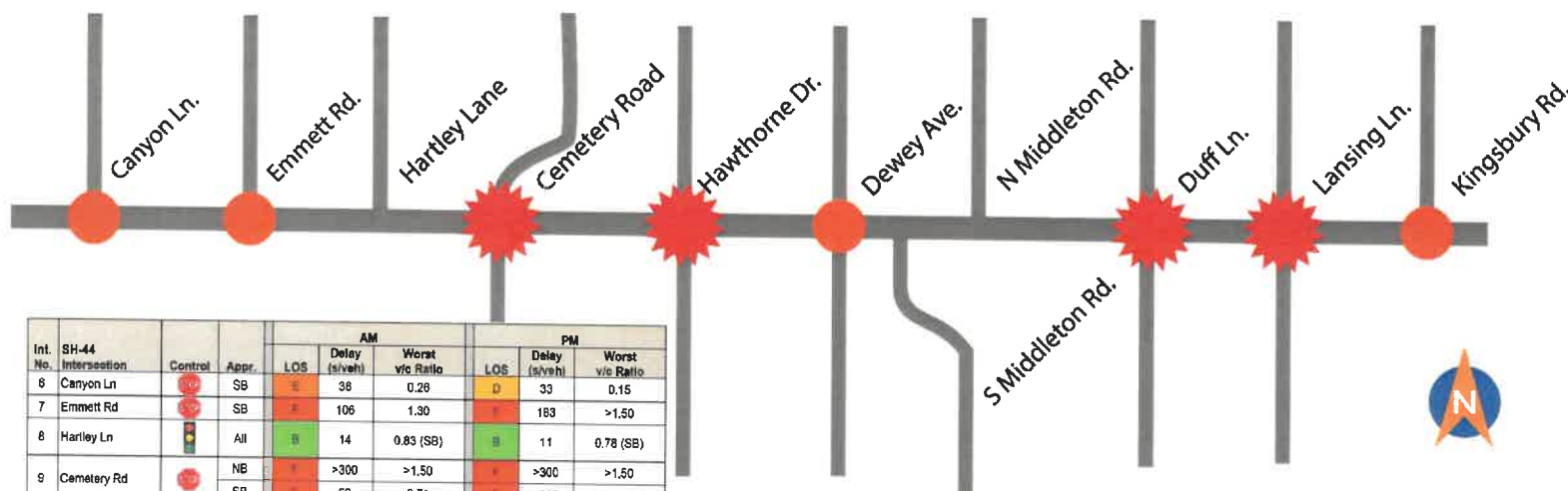


Your Safety • Your Mobility • Your Economic Opportunity



Middleton Mobility

2045 No-Build Traffic Projection



EXISTING
10,000 Vehicles



2045 NO-BUILD
24,000 Vehicles

Int. No.	SH-44 Intersection	Control	Appr.	AM			PM		
				LOS	Delay (s/veh)	Worst v/c Ratio	LOS	Delay (s/veh)	Worst v/c Ratio
6	Canyon Ln	◕	SB	F	36	0.28	D	33	0.15
7	Emmett Rd	◕	SB	F	106	1.30	F	183	>1.50
8	Hartley Ln	◕	All	B	14	0.83 (SB)	B	11	0.78 (SB)
9	Cemetery Rd	◕	NB	F	>300	>1.50	F	>300	>1.50
			SB	F	59	0.71	F	>300	>1.50
10	Hawthorne Dr	◕	NB	F	79	0.90	F	>300	>1.50
			SB	F	44	0.51	F	290	1.24
11	Dewey Ave	◕	NB	C	22	0.03	D	34	0.19
			SB	C	21	0.13	E	36	0.14
12	S. Middleton Rd	◕	NB	C	17	0.04	C	22	0.15
13	N. Middleton Rd	◕	All	B	18	0.75 (EBT)	C	22	0.78 (WBT)
14	Duff Ln	◕	NB	F	153	0.83	F	230	0.88
			SB	F	>300	>1.50	F	>300	>1.50
15	Lansing Ln	◕	NB	F	63	0.46	D	247	0.77
			SB	F	>300	>1.50	F	>300	>1.50
16	Kingsbury Rd	◕	SB	E	39	0.39	F	83	0.57



= LOCAL ROAD DELAY GREATER THAN FIVE MINUTES



= LOCAL ROAD DELAY EXCEEDS ACCEPTABLE LEVELS

Your Safety • Your Mobility • Your Economic Opportunity



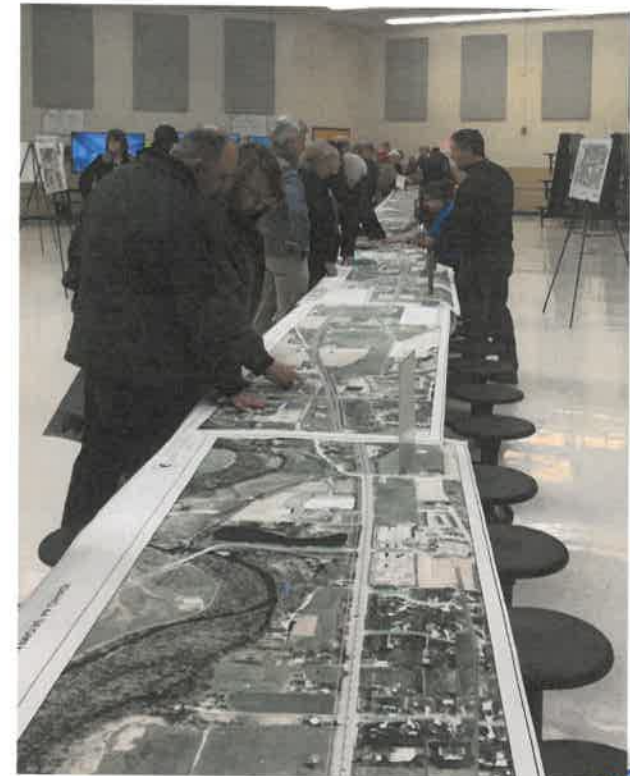
What Middleton Residents Asked For

1999: City of Middleton wanted inclusion in SH-44 Corridor Plan

2000: 97% of public meeting attendees supported southern alternate

2007: Mayoral letter re-emphasizes support for southern alternate route

2019: Shared concept design with public, general support for alternate route



SH-44 through Middleton Alternatives

Super North Route

North Route

Existing Route

South Route

Super South Route

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Super North Route



2021: Rejected as infeasible due to out of direction travel and property impacts

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Super South Alternative



2021: Rejected as infeasible due to high number of bridges

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North Route Alternative



2012: rejected as impractical and incompatible with platted land use

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Widen Existing Route

5-lane ROW

100'

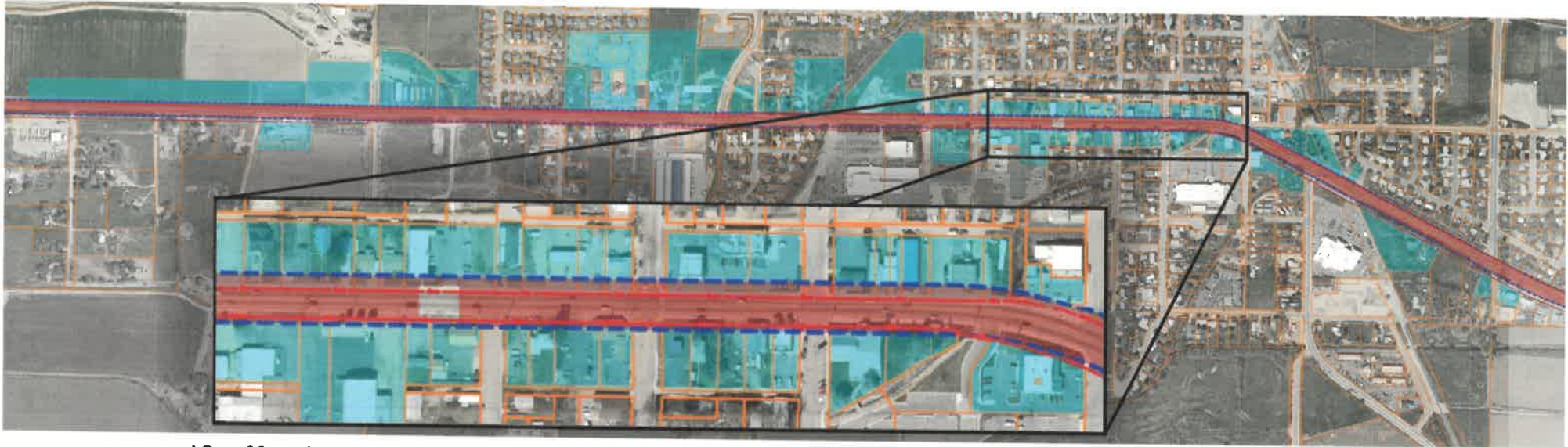
Impacted Parcels

76 significant*

60% Commercial

Access Points

~135

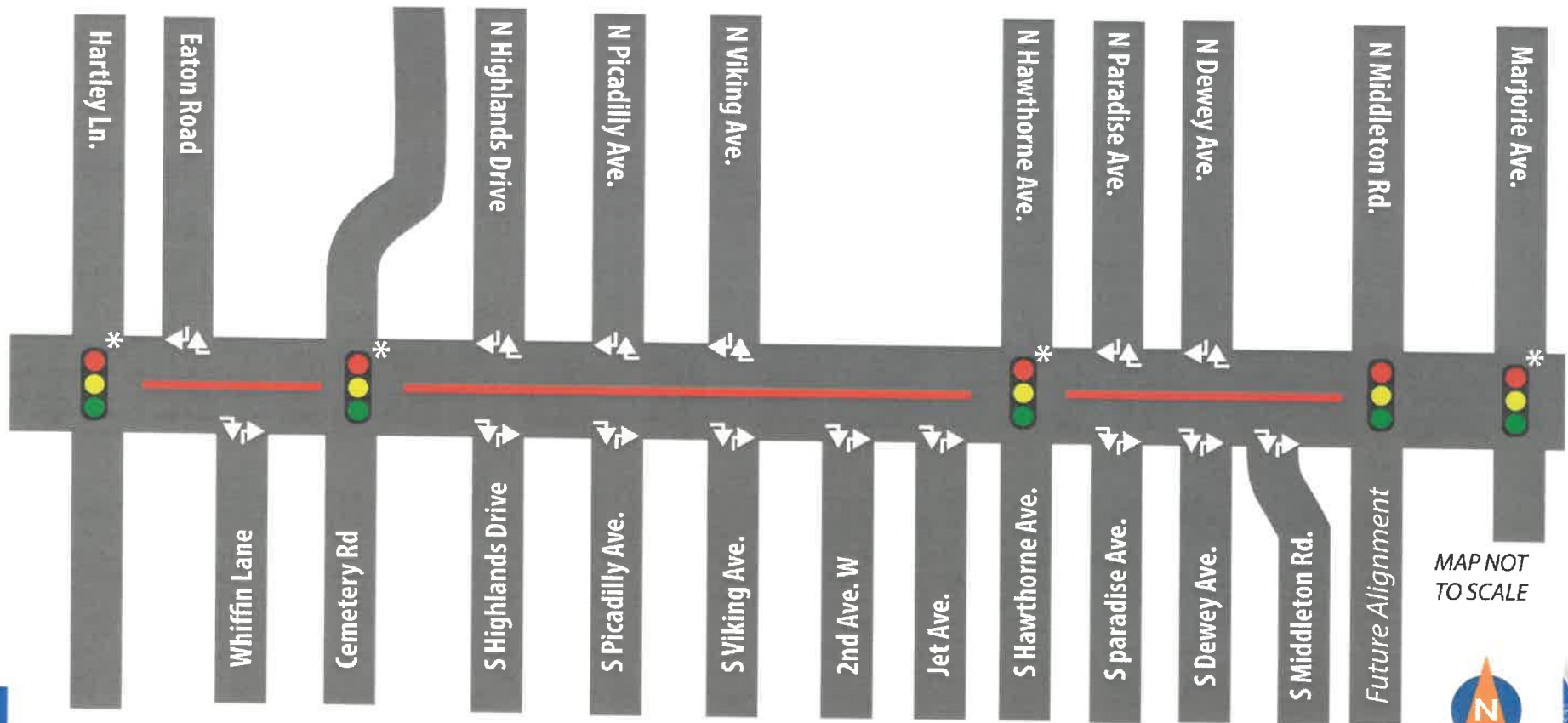


*Staff only counted likely significantly impacted parcels, in blue

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2045 5-Lane Build Out Access Management



MAP NOT
TO SCALE



*Potential signal, pending future traffic analysis

South Route Alternative

ROW

150'

Impacted Parcels

17 (2 structural)

4 City-owned

Access Points

5



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Two Options

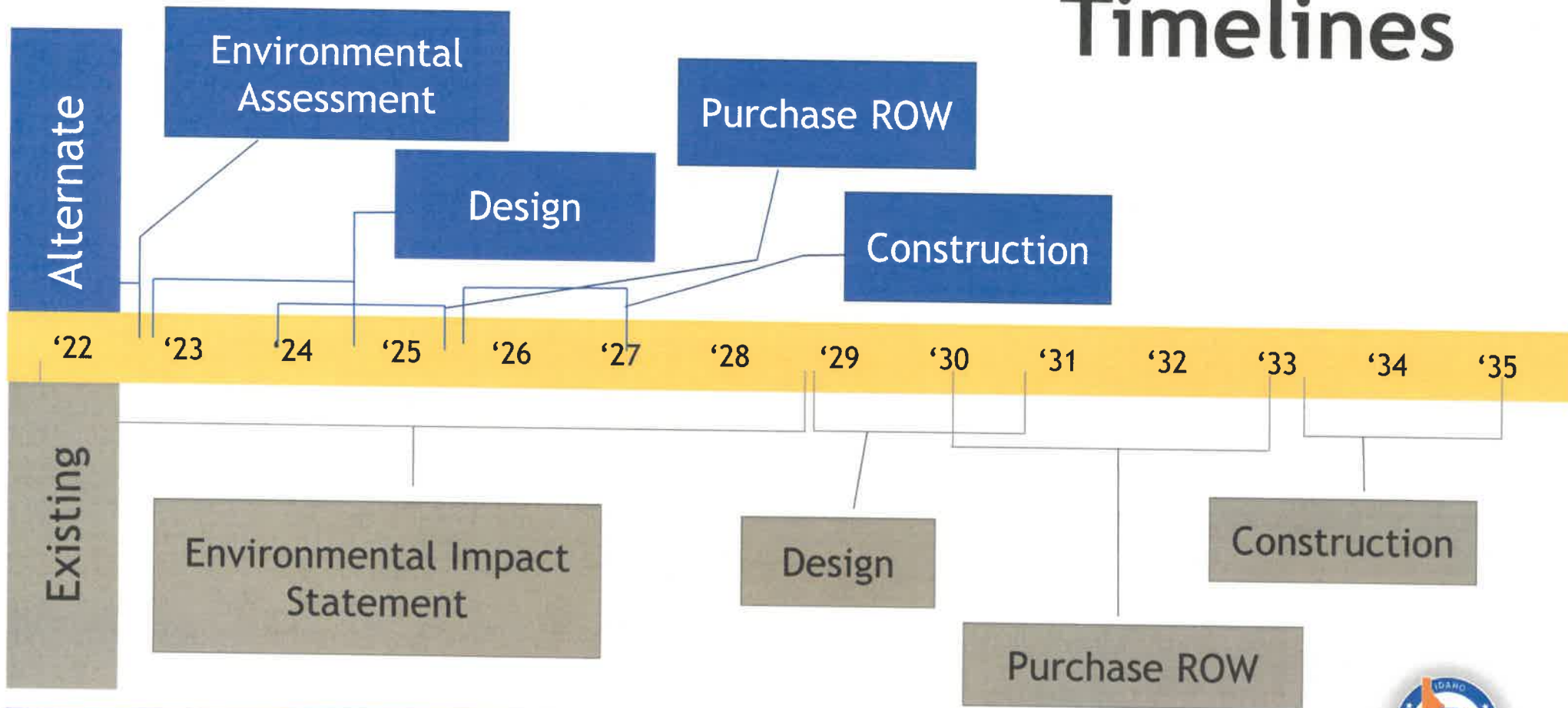
Build an alternate route

- + Modern highway safety standards
- + Accommodate multi-modal movement
- + Support city growth
- + Redevelop downtown
- + Expand commercial options
- + Options for future improvements
- + Remove regional trips from downtown
- Restrictive cross-movement
- Add'l property for new highway
- Right of way preservation required

Expand existing highway

- + Simpler long-range planning
- + Less property to widen existing hwy
- + Avoid preservation conflicts
- Restrictions on already built environment
- Conflict between regional trips and local trips
- Numerous access points reduce safety
- Increasing congestion

Timelines



Your Safety • Your Mobility • Your Economic Opportunity



The choice is yours

Alternate + Revitalize



Widen Existing



No-Build



Your Safety • Your Mobility • Your Economic Opportunity





Questions and Response

Your Safety • Your Mobility • Your Economic Opportunity



Exhibit F
River Pointe

CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44

CALDWELL, IDAHO 83607

4:50 p.m.

TELEPHONE 208/454-8135

FAX 208/454-2008

August 5, 2021

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

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

Dear Roberta:

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

River Pointe:

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

River Walk Crossing:

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

CHD4 provides the following comments on these applications:

General

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

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

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

Traffic Impacts

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

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

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

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

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

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

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

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

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a long horizontal flourish extending to the right.

Chris Hopper, P.E.
District Engineer

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

River Pointe

Exhibit "G"

WHITE PETERSON

ATTORNEYS AT LAW

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

WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
CANYON PARK AT THE IDAHO CENTER
5700 E. FRANKLIN RD., SUITE 200
NAMPA, IDAHO 83687-7901
TEL (208) 466-9272
FAX (208) 466-4405
EMAIL: mjohnson@whitepeterson.com

PHILIP A. PETERSON
WILLIAM L. PUNKONEY

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

* Also admitted in OR
** Also admitted in WA

August 9, 2021

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

Public Comment: River Pointe (Remand)

Dear Commissioners,

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

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

The Commission Should Require a Fiscal Impact Analysis

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

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

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

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

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

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

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

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

Please see our prior comment letters on this issue for further analysis. We strongly recommend if the City proceeds with annexation of the 14-acres that it zone the Property as R-1 (or at least R-2¹) to better preserve orderly land use transition. The preliminary plat should then be required to be updated to comply with this more appropriate zoning.

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

Traffic Impacts Still Require More Analysis

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

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

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

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

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

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

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

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

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

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

The DA Should Require Performance Commitments

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

Further Specific DA Comments:

- A CC&Rs requirement with respect to the 14-acre parcel development should be included to ensure ongoing preservation and maintenance of that portion of the development (See Provision 3.9 which is only applicable to the townhomes portion).
- Provision 3.10 should be updated to include a berm requirement between the 14-acre parcel development and Riverbend to the south.
- Provision 3.11 should be updated as to the 14-acre parcel to accurately reflected a lower density zoning designation.
- Provision 3.13: Why is a potential development agreement amendment being allowed without a public hearing? This appears to be in conflict with Idaho Code.

- Provision 3.16 is sparse and of minimal effect. It requires merely a traffic study, with no provision for having to actually take any action to mitigate traffic impacts based on what the study shows. Traffic mitigation, particularly as to Duff Lane, needs to be much more specifically addressed with commitments to take actual action based on the results of any traffic study. At minimum, language should be added whereby Developer commits to comply with any ITD and CHD mitigation requirements identified as a result of the traffic study.
- Provision 3.28 needs to specify a deadline for the Phase 1 final plat approval. The provision should also require that if the deadlines are not met that the DA must also be amended (not just a new preliminary plat submission) so as to ensure the City an appropriate opportunity to discuss and potentially address all concerns caused by the delay.

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

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Matthew A. Johnson', with a long horizontal flourish extending to the right.

Matthew A. Johnson

River Pointe Ex "H"

From: [Matthew A. Johnson](#)
To: [Steve Rule](#); [CTMID](#); [Carrie Huggins](#); [Rob Kiser](#); [Tim O'Meara](#); [Jeff Garner](#)
Cc: [Mark Hilty](#); [Becky Crofts](#); [Roberta Stewart](#)
Subject: River Pointe - Comment Letter
Date: Wednesday, July 7, 2021 10:37:54 AM
Attachments: [River Pointe - Middleton Council Comment Ltr on behalf of Riverbend.pdf](#)
[Council Comment Letter Attachment - PRR Email.pdf](#)

Dear Mayor and Council,

On behalf of the Riverbend Homeowners Group, please see the attached comment letter (and accompanying attachment as referenced in the comment letter) with respect to the River Pointe development applications. We appreciate and apologize that there is not more time between now and the meeting for you to review and consider this comment letter; unfortunately the timing of the letter is a product of the procedural circumstances and the attempt to provide comments that are more substantive based on actual up-to-date documents.

Your consideration is appreciated.

Matthew A. Johnson
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WHITE PETERSON

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July 7, 2021

To: Mayor and City Council
City of Middleton
1103 West Main Street
Middleton, ID 83644
Also delivered electronically to citymid@middletoncity.com

Public Comment: River Pointe – Annex/Zone/DA/Preliminary Plat

Dear Mayor and Councilmembers,

We represent the Riverbend Place Homeowners, a group of concerned community members living adjacent and proximate to the proposed River Pointe annexation and development. Riverbend Place is located to the southeast of the 75-acre MU property and directly south of the 14-acres proposed for annexation and R-3 zoning. On behalf of Riverbend Place, we hereby provide the following comments and concerns regarding the subject applications (Applications).

We apologize for this comment letter being submitted at what will seem the last minute. Unfortunately, due to the scheduling of this hearing immediately after a holiday weekend and the fact that the relevant materials that allow for substantive comment (including for the first time the draft Development Agreement) were not available until just before that holiday weekend, there has been very limited time to prepare comments in a meaningful way.

If your time is limited, I recommend your focus be on the next section of this comment letter designated as *Procedural Issues*. That section alone will indicate that you should remand these applications back to the Planning and Zoning Commission.

Procedural Issues and Objections

There have been substantial procedural errors in the hearing process to date. These errors have caused substantial harm to the ability of affected parties to comment in a meaningful manner. Due to these errors, this matter should be remanded back to the P&Z level for corrective actions and a new hearing.

1. The Planning and Zoning process failed to comply with Middleton City Code.

Idaho Code §67-6511A ties a development agreement into the land use process at the zoning stage. Middleton City Code 5-2-1 (B) requires that when the Commission determines

a development agreement is contemplated but not presented that “the commission shall retain jurisdiction of the matter, defer consideration of the rezone requested and set a time limit for submittal of the development agreement.” Per Idaho Code, development agreement amendments (including a restatement, which is a significant and substantial re-writing of a DA) are to go through the same processes as an original development agreement.

In other words, the Commission does not proceed to make a decision or recommendation on a zoning application where a development agreement is involved until a draft development agreement is actually presented to the Commission for hearing. This is a reasonable requirement, as the conditions of a development agreement are critical factors in evaluating whether the zoning change is appropriate and protected. Similarly, the public and affected parties providing comments for such a hearing can not provide any meaningful comment if the terms of a development agreement are not actually presented and are mere suppositions and a mystery.

No draft development agreement was presented to the Commission or available to the public for comment for the June 7, 2021 P&Z hearing. Your Council meeting today is the first time the Restated and Amended Development Agreement is being put forth publicly.¹ For these reasons, and per Middleton City Code 5-2-1(B), these applications should immediately be remanded back to P&Z for a full and appropriate hearing in compliance with City Code.

2. This Council hearing was inappropriately noticed and held, in violation of Idaho Code §67-6509.

The Local Land Use Planning Act (LLUPA) requires that the Council wait to notice and act on an application until a final recommendation has been received from P&Z. Most applications contemplated under LLUPA, including as to development agreements, require public hearings in compliance with the same hearing procedures used for a comprehensive plan. Therefore, the generally applicable public hearing process statute is Idaho Code §67-6509.

Idaho Code §67-6509(b) requires that “[t]he governing board shall not hold a public hearing, give notice of a proposed hearing, nor take action upon the plan, amendments, or repeal until recommendations have been received from the commission.”

Pursuant to this state law, the City may not even notice the Council public hearing on these applications, much less act, until the Commission finalizes and issues its recommendations. As part of our public records request, submitted on June 30, we requested a copy of the final and signed recommendation of the Commission. We received the following response from the City Clerk’s office:

“Those documents [P&Z Findings and Recommendation] will not be approved, finalized and signed until the next regularly scheduled Planning & Zoning Commission on July 12, 2021.”²

¹ This Restated DA draft was not even posted to the City’s website with the alleged development packet materials. We were able to obtain this draft only slightly in advance of today’s meeting only because we were lucky on the timing of a public records request for application materials. It is likely fair to say no other public comment letters previously submitted by other parties were in any way able to be informed by the now-presented terms of this DA.

² A full copy of the e-mail response is attached if you would like to see the full context.

In the absence of the Commission recommendation, which has not yet even been approved and won't be even finally considered for another five days, the Council can have no concrete idea of the recommendations and determinations the Commission is even making. The problem is compounded, as discussed above, by the fact that the Commission has never even been presented a draft development agreement as required to evaluate and make a recommendation on.

For these reasons, and to comply with Idaho Code §67-6509(b), these applications must be remanded back to the Commission and the Council should not act, nor even hold or notice a public hearing, until the Commission recommendations have been finalized and received.

3. These procedural issues harm and impair the due process rights of affected parties.

Land use applications require duly held public hearings to preserve due process rights for the parties involved. This includes applicants, but also affected parties. The intent is to provide opportunity for meaningful review and comments to identify issues, balance interests, and preserve appropriate land use development. Idaho courts do review whether any alleged procedural issues actually cause substantive harm to the ability of an affected party.

On these applications, there is little doubt that the procedural issues have substantially impaired and harmed the ability of affected parties to meaningfully participate in the public hearing process. No meaningful opportunity to review and comment on the development agreement, a critical document, has been provided. P&Z has never even seen the DA, despite a City Code requirement saying they must. Additionally, other significant information relevant to P&Z review was missing – an objection we raised before the P&Z at its hearing.

Similarly, proceeding with a Council hearing – without first having the required P&Z Recommendation – is a violation of Idaho Code and means affected and commenting parties do not even know specifically what to comment about as there can only be supposition and speculation about what recommendations and conditions P&Z may even be presenting. This is poor and inappropriate process, and violates the due process rights of the parties involved.

Based on the above-listed procedural objections, the City Council should take no further action on the applications and instead remand this matter back to P&Z for full compliance with Middleton City Code 5-2-1(B) and the notice and hearing requirements of Idaho Code §67-6509.

Applications Comments

It is important to note that this matter is actually four applications. Idaho Code does allow for applications to be considered in combination, but each application still constitutes a distinct and individual decision. This distinction has been glossed over in many of the proceedings to date. At the June 7 P&Z hearing in particular, the Commission was essentially told they had to approve the applications in total because “they have to” in relation to the total development concept – despite commissioners asking questions and raising concerns specific to certain applications.

The Council (and the Commission) should have the role of carefully evaluating each

application in relation to its specific standards. The City does not “have to” approve things just because an applicant has tied them all together into one general development proposal. Indeed, the very purpose of the public hearings and the City review is to identify substantive issues that need addressing or refinement.

Additionally, the discretion afforded the City upon review varies by the type of application.

Annexation Application

Idaho generally consider annexation as a legislative act. That means the City is afforded maximum discretion to determine whether it believes it is or is not appropriate to annex additional land into the City.

This annexation application contemplates annexation of the 14-acre parcel. This 14-acres juts out like a dagger into the middle of the county bordering the City to the east. The dagger nature of this proposed annexation necessarily should raise questions about the fiscal and service burdens that may be imposed on the City.³

As part of its annexation application process, the City requires the Applicant to make a showing of the fiscal impacts (benefits and costs). All the Applicant has provided is a blanket statement in its May 5, 2021 application cover letter that “The property taxes post-development will provide greater tax revenue to the City than continuing the agricultural use.”

That statement is not a fiscal impact analysis. While the statement may have some truth to it, the statement overlooks that the annexation, zoning, and development of the property will also incur costs to the City to provide services to the area. The development increases demand on water, sewer, City facilities, roads, fire and police, and City services. There is no true analysis included in the application materials or staff review showing the interplay of the property taxes and the service costs.

A true fiscal impact analysis is a standard part of major development applications. It allows a city to more truly evaluate the balance between the benefits and cost of a development. A fiscal impact analysis is a necessary component for determining whether an annexation really is economical, efficient, and constitute orderly growth.

The interplay of the 14-acre annexation with the 74-acre MU parcel is further reason a true fiscal impact analysis should be required. There is no showing in the record that a true fiscal impact analysis was done for the original 74-acre annexation. Even if one may exist, such is now outdated as that decision and development agreement is fifteen years old. An update, reflecting the current state as well as the addition of the 14-acres, is a critical tool the Council should require to truly be able to evaluate whether this constitutes orderly development.

The Applicant should be more than willing to conduct such a fiscal impact analysis as part of its application. If Applicant’s blanket statement is true, then the fiscal impact analysis can provide a true showing of the fiscal benefits of this development. This would be much more concrete evidence than just trying to sell the development as pretty on paper because it contains walking paths and fills in a large portion of the city with small homes.

Of additional importance, the City should require a fiscal impact analysis due to the unknowns and uncertainties created by House Bill 389. This legislation, passed by the State

³ Idaho Code §50-222, Annexation by Cities, specifically contemplates that a city should review a proposed annexation for whether it provides for “orderly development” and can “allow efficient and economically viable provision of tax-supported and fee-supported municipal services.”

Legislature this past session and of immediate effect, places significant constraints on the City's ability to recognize tax revenues from new construction. The uncertainties surrounding HB389, and how it may impair cities' abilities to fund and provide services, has caused many cities in Idaho to reconsider and even pause evaluations of new development. The City of Middleton would be highly advised to take note of HB389 and its potential impacts, particularly in relation to a proposed new development like River Pointe. Again, requiring a full fiscal impact analysis may go a long way to addressing some of these unknowns and uncertainties.

Zoning Application

The 14-acre parcel proposed for annexation is proposed to be zoned as R-3. The City Council should instead zone the parcel as R-1.

A lot of discussion has already been had about the Comprehensive Plan as it relates to zoning. First, it is important to note that a comprehensive plan is merely guidance. Second, all the parties have identified that the current Comprehensive Plan land use designation for the 14-acre parcel is obsolete. The Applicant admits as much, including that they were informed of such by City staff, in their original applications. The Comp Plan currently identifies this area as transit-centered or transit-oriented, but everyone has recognized that designation was put in place when a different approach was contemplated for this area. That approach has been rendered obsolete by regional changes to transportation plans, including Valley Transit moving away from a concentrated transit approach.

Essentially this means the Comprehensive Plan should more or less be considered as lacking a current designation for the 14-acre area. A look at the surrounding area though, even as identified in the Staff Report, makes clear that this area is a rural-urban transition zone. With the 74-acre parcel already slated for some more intensive urban, mixed-use style development, it is even more important that the surrounding areas, particularly to the east, be contemplated for an orderly and appropriate transition from rural to urban.

A R-1 zoning is more appropriate to preserve the nature and character of the City of Middleton and this area. R-1 would soften the transition area and help reduce and balance impacts that come with intensifying density. R-1 zoning is also more in line with the existing residential development to the south of the 14-acres. In particular, the traffic impacts – a major comment and concern in the proceedings to date – could be mitigated by lower density zoning of the 14-acre parcel. A R-1 zoning, as could likely be shown by a fiscal impact analysis, also more likely balances the increase in services and demands (such as traffic).⁴

Development Agreement

Development agreements, by Idaho Code, are connected to zoning decisions on a property. On these applications, the development agreement is therefore relevant as it is restating and amending a development agreement already required and in place in on the 74-acre parcel. Additionally, an additional development agreement – or addition to the existing development agreement, is contemplated in connection with the annexation and zoning of the 14-acre parcel.

It is very hard to substantively comment in full on the draft development agreement at

⁴ Our clients are also quite frustrated on the now proposed R-3 zoning application as it flies in the face of representations made them at the neighborhood meetings, a process infused with confusion due to the Applicant's shifting plans and statements.

this time due to lateness in which a draft was made publicly available and the fact that no development agreement has ever been presented at the P&Z level. However, the following preliminary comments immediately jump off the page.

- There are no timelines or deadlines designated in the draft DA. The DA would essentially entitle the development in perpetuity (a mistake that also appears to have been made in the now very-dated 2006 DA). Best practice would be for the City to require incorporation of some timelines and deadlines into the development agreement to ensure timely and orderly development. The recession, and accompanying development stall, in the 2007 time period should have been a lesson to all cities about the dangers of development entitlements without some requirements as to timing. A failure to include benchmarks and deadlines leaves the door open for vacant, unfinished neighborhoods – with little recourse for the City to take to require action on either development or a re-evaluation of the entitlements. Development entitlements in perpetuity are problematic. At minimum, the DA should include a maximum length of years for which it is in effect – thereby ensuring there are checkpoints where the City can apply more current updated standards if the development does not proceed according to anticipated schedule.⁵ Better yet would be to outline a timeline of phasing and accompanying improvements, with performance guarantees – such as bonds, on certain improvements. None of that is currently included in the draft DA.
- A development agreement for the 14-acres should be required to incorporate and ensure the timely development of appropriate mitigation and buffer techniques. This should include items like the no-parking requirements and ongoing maintenance of such signage, as well as the addition of buffering techniques between any development on the 14-acres and the existing residential properties to the south – such as berming and/or screening.
- The Staff Report identifies that the 2006 Development Agreement for the 74-acres is quite outdated and old at this point. While some initial work appears to have been done between staff and the applicant to negotiate on some updates, such as on setbacks, further careful attention should still be required to ensure the Restated DA is up to current standards (such as the timeline requirements as commented above). Additionally, the City should see this as an opportunity to address flaws that may have existed in the original 2006 DA. The Applicant has made the decision to seek re-opening of the DA so as to get some benefits such as reducing street size. Similarly, the City should be able to evaluate and seek some refinements to improve the City's ability to manage and provide services – in particular by incorporating more clear conditions on the traffic improvements to be installed and even more importantly the deadlines for doing so. As currently drafted the DA leaves much of those issues unaddressed, including unknowns as to when significant issues (like whether the Sawtooth Road connector) will be evaluated and determined for next steps based on outside circumstances such as the River Walk development proposal. There needs to be additional attention and refinement to set specific triggers or dates that these decisions are made, so such do not linger in perpetuity with no direction.

⁵ A reasonable developer should have little trouble in negotiating to an agreeable timeline. As an additional protection, a developer always has the opportunity to seek a development agreement modification to seek to extend out timelines if factors, such as general economic circumstances, require refining and re-thinking the original schedule.

- Duff Lane and street improvements and frontages associated with such require more careful attention and addressing in the DA. The current language (DA Provision 3.14) pushes any direction on Duff Lane out until Phase 8, which is very uncertain. Additionally, there is nothing that addresses how Duff Lane is handled and the traffic issues mitigated under the circumstances where Phase 4 leads to Duff Lane becoming a major outlet for traffic (something that may happen depending on how River Walk proceeds).
- While we are glad to see a draft development agreement finally presented publicly, significant additional time and refinement is necessary to allow for meaningful public comment and input, as well as to ensure the development agreement is actually up to contemporary standards. This should start with a remand of the applications, now with a draft DA, back to the P&Z Commission for proper consideration required by City Code and as should have been done originally.

Preliminary Plat

There is so much in the way of concern and uncertainty on the other applications, that meaningful comment on the Preliminary Plat is difficult. So much may need to be adjusted or changed still based on the direction from the other applications, particularly zoning. At minimum though, our clients want to strongly encourage the Council to push that any preliminary plat for the 14-acres incorporate substantial buffering or screening between that parcel development and the River Bend subdivision to its south. This is necessary to mitigate the light, noise, and visibility impacts between the neighborhoods in this rural-urban interface area.

At this point we want to include a comment previously made in our comment letter to P&Z and which remains appropriate for Council consideration. These comments are also applicable to the timing and way in which the Council packet materials and additional application materials, such as the draft DA, were made (or not made) available for public review and input.

Please note the following comment discusses a continuance of the hearing, as it was drafted for the P&Z level. It is recommended that the more appropriate step for the Council would be to actually remand the applications back down to P&Z for a new hearing.

The scope, scale, and timing of the Applications and supporting material require appropriate time to digest and comment.

Prior to last Friday, the City had only made available on the website the River Pointe Master Land Use Application, dated May 5, 2021. Prior to that Application, there had been multiple and different conceptual plans presented by the Applicant to neighboring property owners. This is one of the reasons that there ended up needing to be three neighborhood meetings. The shifting goalposts of the project is also a concern the Commission can see throughout many of the public comments submitted to date.

The Staff Report, including substantial additional new information related to the Application, was not posted and made available to the public until late afternoon on Friday, June 4, 2021. It is completely understandable that this is a complicated project that would require substantial time for City staff to review.

However, the complexity and significance of this Project also are a reason there can be no rush in deliberations.

The ability of affected parties to meaningfully participate in the process also requires reasonable time and process. That so much additional information and the staff analysis was not publicly available until just over 72-hours prior to the public hearing substantially impairs the ability of the public to meaningfully comment and participate. It also means that many of the public comments already submitted are based on outdated and/or incomplete information, which undermines the ability of such commenters to fully present their concerns and items of interest.

There is a substantial amount of new information now available about this project – with more to come due to the missing and incomplete information. At minimum, this necessitates a continuance of the hearing, so as to allow the information to be fully presented and digested by all parties, including the Commission, so as to provide meaningful due process.

Traffic

The following comment was provided to the P&Z, and we feel remains relevant for Council consideration:

Traffic Impacts Require More Scrutiny and Analysis

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

We strongly recommend the Commission fully exhaust these contingencies, in particular the impacts if River Ranch does not proceed. The Commission should also more fully evaluate and ask for study on the impact of the River Street connector road, and particularly its interface with Duff Road and then on north to 44 or south to other potential routes or future routes. Many of the public comments submitted as of the date of this letter already have referenced these concerns, particularly as to Duff Lane and Duff Pond. The traffic analysis must go beyond simply looking at how River Street will connect with Duff Lane, and instead be more comprehensive in evaluating the impact and improvements to Duff Lane itself. For efficiency we will simply refer to such again here and add our voice in support of those concerns as a reason for denial or delaying of deliberation on these Applications until these traffic issues are better analyzed and resolved.

Additional Comments

The following are additional miscellaneous comments previously submitted in our letter to P&Z and that remain relevant for the Council.

- It is alleged that there will be no driveway access to Yukon Street. A

review of the plat for the 14-acres though reveals that Lot 16 is essentially just a shared driveway, which does indeed interface substantially more similar to a driveway than a public road onto Yukon.

- Phasing was a new concept introduced with the Staff Report on Friday, and not clearly included in the Master Land Use Application previously available. The phases, and in particular where such phasing may be tied to the timing of required conditions, requires much more time to reasonably evaluate and comment. This again supports the argument for a continuation of the hearing and to better incorporation as conditions in the DA.
- The Staff Report references “variances.” See *Staff Report Sections K and L* in particular. However, there were no applications for variances as part of the Master Land Use Application; nor is there any analysis in the Staff Report of how the City Code on variances should be applied to this situation. This raises major concerns about whether variances are being adopted without appropriate procedure.
- In addition, Section L of the Staff Report is troubling in that it seems to suggest that these variances are an issue of compromise whereby the City settles for lower setbacks than standards require. It is the Developer who is bringing forward these new applications and seeking approvals for modifications and additions, including a substantial new 14-acre annexation and development. This is not a situation where the City should compromise on its standards, but instead should be looking to improve the Project and its impacts by using the opportunity to bring the Project up to current standards after a fifteen-year delay.
- It should be clarified how the development recreational facilities are being made available for public use. In particular, how are things like pickleball courts and swimming pools being maintained and made available on an ongoing basis. Will ownership be transferred to the City? How will the City pay for such if that is the case? Or how will the public access/use be preserved if the facilities are owned/maintained by a private entity or entities?

Conclusion

The Riverbend Homeowners Group understands that development will occur in this area and that there will be some transition of this area. However, it is imperative that the City take into careful consideration how such development occurs in an orderly and safe manner with appropriate buffering and transition. The Project as currently proposed does not satisfy the goals or criteria of orderliness and transition.

For the many reasons and questions stated above, as well as the many submitted in other public comments to date, we hereby request that this Council deny the Applications, in particular the annexation and zoning of the 14- acre parcel. In the alternative, based on the procedural and substantive issues highlighted above, we strongly recommend that this Council remand this matter back to P&Z for complete submission of required materials, further development of the Record, and full and appropriate deliberations as required by city code and state law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Matthew A. Johnson', with a long horizontal flourish extending to the right.

Matthew A. Johnson
for Riverbend Homeowners Group

Lori Smith Ex "I"

July 1, 2021

Mayor Steve Rule
City Council President Rob Kiser
City Council member Carrie Huggins
City Council Member Jeff Garner
City Council Member Tim O'Meara

City of Middleton, ID

**RE: Comments on June 7, 2021 Planning and Zone Meeting
River Pointe Subdivision**

We are Sterling and Lori Smith, residing at 10079 Riverbend Place, Middleton, ID. Our property is located east of and adjacent to the proposed 75 acre River Point Subdivision, and south of the proposed 14 acres.

We were in attendance at the June 7, 2021 Planning and Zoning Meeting and have listened to the audio tape as well to fully grasp the content and tone of the proceedings. We urge you to review the audio tape as well as there were several improprieties, some of which are outlined below, along with questions that were asked at the meeting but not answered:

Discriminatory Action with regards to Comment Letters received day of P&Z meeting

- Sterling Land Development
 - City Planner stated 2 Property Owners have requested denial of the project
 - "I need to get those into the record as Exhibit A"
 - Letters were given to Commissioners: they took ~ 7 minutes to read
- River Point Subdivision
 - In middle of City Planner's Staff Report, she stopped to insert a "little note" that an attorney has been hired to present tonight and just today we got a, I think a 5 page letter, opposing this subdivision. She then refutes the first three points in the attorney's letter but does not add the letter to the Record at that time or give to the Commissioners to read
 - She continues with her Staff Report for 3 more slides
 - She comments that a lot of comments came in today and so I need to put them into the record as Exhibit C
 - She need proceeded to state that "You are under no obligation to sit here and read them, there are a lot".

We believe that the City Planner's actions and comments towards the letters received on the River Point Subdivision were discriminatory in that she allowed the Commissioners to read letters during one Public Hearing but told the Commissioners that they were under no obligation to read the letters during another Public Hearing. We also believe that the City Planner's actions showed her bias towards approving the River Point Subdivision without all the required reports available for review.

Misleading Statements

- City Planner stated that the Comprehensive Plan **required** a Collector Road and Transit Station;
Isn't the Comprehensive Plan set as **guidelines** to be revised as conditions change?
- City Planner stated that north of the Proposed high density 14 acres is also high density, across Highway 44.
That is a true statement but she omitted to state that there are low density homes between the 14 acres and Highway 44. In fact, there are 26 homes with lot sizes ranging from .4 to 10 acres, on a total of 33 acres. The Proposal for the 14 acres is 26 houses on 14 acres.
See attached map
- City Planner stated that the Deputy Chief had verbally approved the application and that will be noted in his written report.
While her statement that he has verbally approved the application could be true, she can not give the Commissioners the guarantee of what his written report will state. The Commissioners should have the benefit of all the facts prior to approving a project. The report should not be dismissed because the Fire District is "too backed up".
- City Planner stated that the Collector Road (Yukon Street) is required by the Comprehensive Plan to alleviate the traffic on Highway 44 and is to provide an alternate route from Middleton Road to Duff Lane.
How can the addition of ~400-500 cars added to the Collector Road from the proposed 75 and 14 acres project and the proposed developments to the west of the 75 acres (River Ranch Crossing-on the P&Z meeting 7/12/21) dead-ending into Duff Lane at Duff Pond, a two lane county road, alleviate the traffic on Highway 44?

Is there a plan for continuing the Collector Road through to the east? This would require purchase of private rural residential and agriculture property.
- Applicant has stated that the project's services will pay for themselves but has not provided any accounting information to back up that statement.
This statement was made on the application prior to the passing of HB389 which now limits the increase on a City's budget for services.

Contradictory Statements

- Transit Station
 - City Planner stated the Comprehensive Plan requires Transit Station
 - Applicant is requesting for a Zoning Change from Transit Station to Residential
How can the Zoning Change be approved if a Transit Station is required?
- River Walk Loop
 - City Planner stated that the River Walk through the proposed 75 and 14 acre subdivision is something "all public can enjoy"
 - Applicant's Representative, Jon Breckon of Breckon Land Design, stated that the pathways through the 75 and 14 acres are not open to the public
How can both of these statements be true?
- Traffic Impact Study (TIS)
 - 1st application was dated 9/20/20 and included a TIS
 - 2nd application was dated 3/11/21 and included a revised TIS dated 4/14/21
 - 3rd application was dated 5/5/21 with changes made by City on 4/23/21 for the addition of a Collector Road as required by the Comprehensive Plan
Shouldn't the TIS be revisited again with the addition of the Collector Road?

Respectfully, it is not our intent to stop any of the Proposed Developments plans for the City of Middleton. We believe, however, that this project is such a large scope with many reports missing from key agencies that prudence should prevail in allowing everyone's concerns to be addressed and questions to be answered rather than rushing through the process.

Sincerely,



Sterling and Lori Smith
10079 Riverbend Place
Middleton, ID 83644

Enclosure

River Pointe Ex. "J"



June 14, 2021

Armindo and Maria Fernandes

10076 Riverbend Place

Middleton 83644

Re: Complaint regarding Staff on 6/7/2021 planning and zoning meeting.

Mayor Rule, after attending the planning and zoning meeting on 6/7/2021 I had to take a few days to absorb and try to make some sense of staffs' behavior, actions and comments that I find to be very biased and unprofessional.

My wife and I along with a few neighbors decided to hire representation for this meeting due to early conversations with staff in which we felt were not going anywhere and that our concerns and questions were not important. Ever since, staff has taken the attitude that nothing, we have to say matters and appears to have developed a I will ^{up} show attitude with an axe to grind, and a vendetta towards the group and neighborhood, that was in full display at this meeting.

Staff took a completely different tone and attitude when this item came up on the agenda, with an overly aggressive /dictator like demeanor with, not, guidance to the commissioners, but leading instructions that "this needed to be approved." "it was noted by staff that several letters of the opposition have been received but commissioners need not read them all, especially the one from the attorney because it was just a lot of legalese and mumbo jumbo" one of the commission members was struggling with approving, had a problem with traffic routing but was coursed by staff to "just approve everything so they didn't have to come back to this".

One of the commissioners felt the need to make a comment as they were deliberating "I must say the attorney did not move me at all one way or the other" with commissioners' quest to be neutral and fair, perhaps remarks like this would be better if kept to themselves, yes we oppose the project, but found this meeting to be very biased with a clear axe to grind. A lot of hostility towards the group and above all very unprofessional.

My wife and I clearly feel that if tax paying citizens questions and concerns are not important enough to be heard much less addressed, then city should not be so quick to take our tax dollars.

Respectfully:

Armindo Fernandes

Maria Fernandes

707-656-9191

River Pointe Ex "K"

June 16, 2021

Mayor Steve Rule
City of Middleton
1103 W. Main Street
Middleton, ID 83644
E-Mail: srule@middletoncity.com

RE: Riverpoint Subdivision
Planning and Zoning Meeting – June 7, 2021

Dear Mayor Rule:

I attended the Planning and Zoning Meeting on June 7, 2021 as a concerned neighbor of the above-mentioned subdivision that is being developed. I write this because of the inappropriate behavior, bias and hostility of the City Planner, and members of the Committee towards its citizens during that meeting. I feel that the City Planner and the Committee had already made up their mind before everyone spoke and that they had not considered the citizens' side of this issue at all. I don't know if anything can be done, but I am outraged about the events that took place.

Weeks before this meeting Ms. Stewart told me that people will only have three minutes to address the Committee, after that we will be told to stop. She told me that if there was a large group that the Committee would rather have one person speak on their behalf because if the Committee hears everyone speak about the same thing, they will just tune them out. When I asked her about when our response letters would be due she told me she would accept them right up to the date of the meeting. So we found one person to represent us and that was an attorney.

As I sat in the front row of the meeting Ms. Stewart told the Committee that response letters had arrived that day, one being from an attorney. She told the Committee that they didn't need to bother to read the letter because it just was a lot of "legalese and blah, blah, blah".

I can only assume the Committee did not read any of the other letters that arrived that morning, and maybe even others that were submitted before. Ms. Stewart spoke about points in the letter submitted by our attorney telling the Committee all the things that they should not be concerned about even before our attorney was given the chance introduce himself and discuss our concerns.

However, it should be noted that the application that was presented before ours, she gave the Committee late letters from neighbors for the Committee to read.

Our attorney was given only 10 minutes to speak and said that he would not be addressing the traffic issue because of the time constraint.

After our attorney's presentation Mr. Waltemate said that public comment would be heard from *others that were not a part of the group our attorney was representing.*

The committee then took comments from others including the developer Mr. Burnett. Mr. Burnett presented character witnesses on his behalf - a realtor and another developer who both would financially benefit if this project goes through. Ms. Stewart gave a slideshow presentation and which listed *some* but not all of the concerns that were expressed by the neighbors and our attorney in their letters. She included other development in the future straying from the application at hand. Clearly this was an attempt to sway the Committee by telling them that this application had to be submitted so we can have this beautiful subdivision that Mr. Burnett is planning. Her facial expression was happy and her voice upbeat as she spoke about Mr. Burnett's application but somber and cautious when she spoke about what our attorney presented.

Committee member Jackie Hutchinson, listened to all the other people that spoke and when it was all done Jackie said to our attorney with a scowl on her face and pointing a finger at him "I wasn't impressed or swayed by your presentation at all" in front of everyone in the meeting. She then said something to the effect of "you didn't do anything for them". I assume she means his clients, which is our group. She did not single out anyone else from the developer's side to voice her opposition to anything they said. This attack on our attorney was inappropriate, insulting and displayed outright contempt and bias on her part.

I was shocked at the beginning of the meeting when Ms. Hutchinson asked the other Committee members that "if there are no variances with an application we don't have to have a Planning and Zoning meeting on them, right?" Clearly she doesn't know the workings of a Planning and Zoning hearing or procedure.

At the end of the public comments, Commissioner Ray Waltemate voiced his concern about the Duff Lane traffic and safety issue during the discussion phase with the Committee. With waiving hands in the air Mr. Waltemate was saying "traffic, traffic, traffic! It's always about traffic!" He was clearly frustrated and then said something to break the tension in the room that made everyone chuckle. Ms. Hutchinson immediately said in a firm voice "that's not funny" pointing her finger and chastising everyone in the gallery.

Ms. Stewart continued to manipulate and prod Mr. Waltemate to just approving everything in the application so that they would not have to deal with this anymore. She leaned in toward him, spoke softly with a concerned look on her face, all the while stating "nothing is going to change", "you only have one option". In our attorney's letter, there were options that Planning and Zoning could take but that information was withheld by Ms. Stewart. He kept saying he just wasn't comfortable with it and his back was against the wall. But Ms. Stewart just kept manipulating him until he caved. It reminded me of a timeshare salesman saying you can't leave this room until you sign this. He could have continued the meeting until he had a chance to consider all sides before making a decision on the application.

Janet Gregory didn't say anything during the meeting and just kept holding up her index finger attempting to silence people in the meeting.

Since Ms. Stewart is a former attorney I find her bias and unethical, prejudicial actions towards the citizens voicing their concerns on development. Her willful withholding of information to

the Committee disturbing to me. She should be held to a higher standard with her background to working in the interest of not only the City of Middleton, but its citizens as well.

This is an extremely large development that is taking place and it should be looked at with careful consideration by the City. It will forever change the character of Middleton and the lives of the citizens who live here. I believe that development does have to happen to make Middleton thrive and prosper. But that development should not be left to people that only seek what their vision of that development should be and ignore or oppress the people who live here just because they are in a position of power to do so.

Thank you for your time and attention to this matter.

Regina Henley
1005 Riverbend Place
Middleton, ID 83644

cc: Carrie Huggins (chuggins@middletoncity.com)
Rob Kiser (rkiser@middletoncity.com)
Tim O'Meara (tomeara@middletoncity.com)
Jeff Garner (jgarner@middletoncity.com)

Exhibit L

River Pointe Subdivision

Annexation & Rezone / Preliminary Plat / Development Agreement Modification / Comprehensive Plan Map Amendment

Project Description:

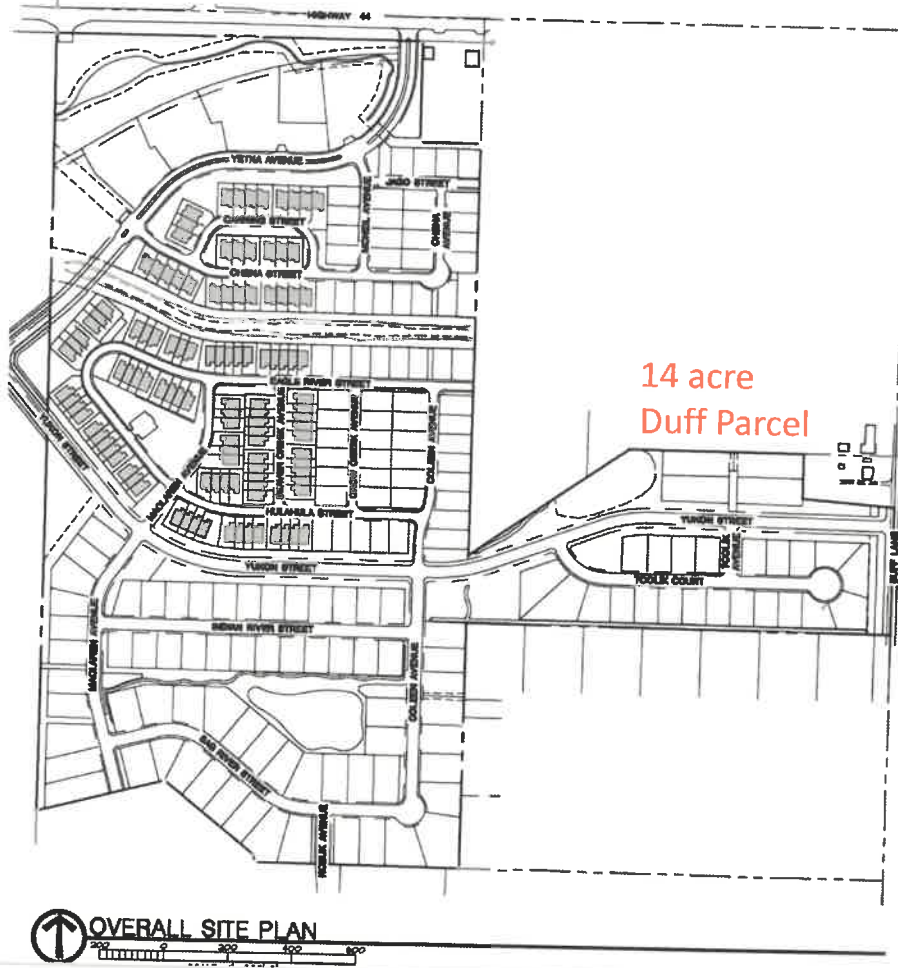
As you may recall, River Pointe is a Subdivision with (a) 7 commercial lots, (b) 92 single family homes, (c) 28 "Garden/Patio homes" for 55+ homebuyers, (d) 39 Garden Homes not for 55+, (e) 30 single story townhomes for 55+ homebuyers, (f) 85 two-story townhomes with no 55+ restriction, and (g) 44 common lots on 88.5 acres of vacant land located at 10481 Highway 44 and 0 Duff Lane.

The project includes numerous amenities such as swimming pool facility, five pickleball courts, large playground, community ponds, large greenspace common lots, and lengthy 10' wide pathways that will connect to a large city-wide "River Walk Loop" planned for the City of Middleton.

On June 7, 2021, this Commission conducted a public hearing on Applicant's applications for: (1) Annexation/Rezone, (2) Preliminary Plat, (3) Development Agreement Modification, and (4) Comprehensive Plan Map Amendment. After closing public comment, the Commission recommended to City Council approval of the four applications with the conditions of approval set forth in the Staff Report for the June 7th public hearing.



M-U Zone



Remand from City Council:

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

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



A. Development Agreement Modification:

At the July 7, 2021, City Council public hearing, the attorney for the neighboring Riverbend Ranch subdivision argued that Planning Staff had presented the Amended DA terms to the P&Z Commission in an improper format. I had chosen to inform the P&Z Commission of the specific DA provisions by simply setting forth the terms in the Staff Report in a descriptive manner. The Riverbend attorney argued that this violated City Code because all the provisions should have been set forth in "contractual format" in a separate Amended DA.

Although Planning Staff and the Middleton City Attorney disagreed with Riverbend's attorney, in an over abundance of caution, the City Council chose to remand the applications back to the P&Z Commission for reconsideration of the Modified DA after it had been formatted into "contractual format" using the City's template.

Now that this Commission has had a chance to review the Modified DA (aka Reformed and Restated DA) as set forth in your packet last week, this remand will remove any allegations that there is a violation of City code.

It will also serve another purpose. Since the time of the P&Z hearing in June, it became clear that there were more provisions that needed to be added to the modified DA to protect both the City and the Developer. This remand provided the opportunity to "go backwards" and place those additional provisions in the proposed Modified Development Agreement. The additional provisions can be found at paragraphs 3.2, 3.8, 3.9, 3.24, 3.25, 3.26, 3.27 and 3.28 of the Modified DA.)

FINDINGS:

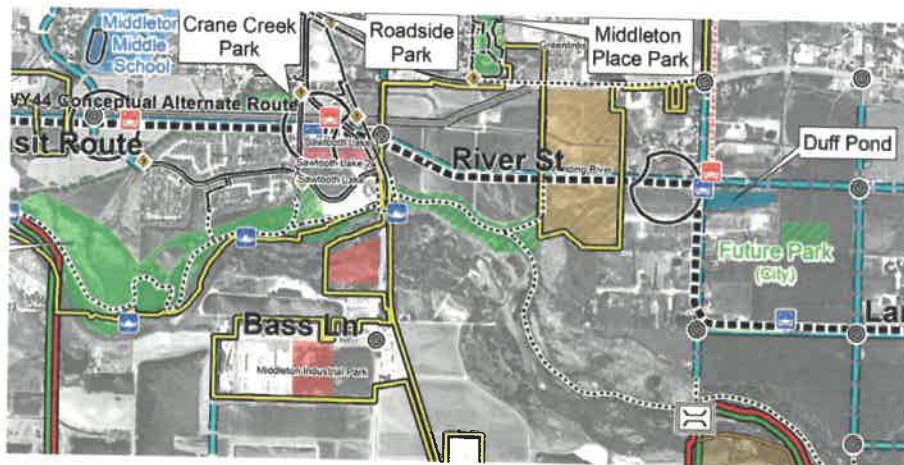
Planning Staff finds that the modified Development Agreement is still in harmony with the Comprehensive Plan's Goals, Objectives & Strategies as specifically set forth in the Staff Report for the June 7, 2021, public hearing.





Duff Lane Considerations:

As the P&Z Commission may recall, both the River Pointe Subdivision and the adjacent River Walk Crossing Subdivision involve the construction of a critical east/west street that is intended to relieve some of the traffic pressure off of the downtown Hwy 44 corridor. The roadway known as E. Sawtooth Lakes Street has been shown on the Comprehensive Plan Maps since at least 2016, and it will be one of many local roads that will help move traffic east and west through the City of Middleton.



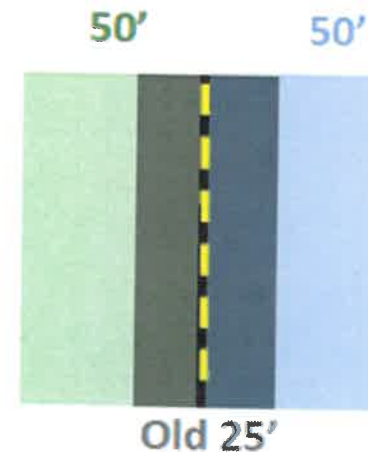
At the City Council public hearing on the matter, members of the public voiced concerns about whether Duff Lane and the intersection at Duff Lane and Hwy 44 have the capacity to handle the traffic that would be crossing back and forth on E. Sawtooth Lake Street. For this reason, City Council remanded the River Pointe applications back to the P&Z Commission to consider the future planning for Duff Lane and to consider how it affects the current applications. City Council further tasked Planning Staff with gathering information from Canyon Highway District #4 (CHD4) on future planning for Duff Lane.

CHD4 has considered the River Pointe preliminary plat two times. In their first comments dated 5/27/2021, CHD4 set forth their typical comments regarding the need to collect proportionate share fees and recommendation that all street improvements be dedicated to the City. After the City Council hearing, planning staff contacted CHD4 for updated comments, if any, on Duff Lane. CHD4 responded to the request on July 13th and also late in the day on August 5th. CHD4 stated the following:

1. CHD4 is not planning on widening the capacity of Duff Lane in the next 10 years.
2. The River Pointe and River Walk Crossing subdivisions will have "significant impacts" on surrounding intersections, including the Duff Lane and Hwy 44 intersection. Most of the affected intersections are on the Mid-Star Traffic Impact CIP, but the planned improvements will lag behind the development because Traffic Impact Fees are collected at building permit.
3. CHD4 objects to the removal of the Hwy 44 alternate bypass.
4. If the Hwy 44 bypass is removed, the River Pointe subdivision Traffic Impacts should be reevaluated.
5. CHD4 recommended additional sources of funds to improve roadways and intersections prior to the development of River Pointe.

Although City Council specifically requested Planning Staff to obtain information from CHD4 on plans for future improvements to Duff Lane, it should be noted that CHD4 is not the agency typically tasked with improving or constructing roads. Its main responsibility with respect to roads in and around Middleton is to maintain the roads once they are built and improved by others. In Middleton, roads are primarily built and improved by Developers. As projects are approved and begin to develop, the Developers, at their own cost, improve ½ portions of the roadway fronting their respective projects. For instance, the River Pointe Developer, at its own cost, will widen Duff Lane by approximately 37' along all frontage areas. This will include widened paving, curb and gutter, and sidewalks. As other development projects begin construction along Duff Lane, Duff Lane will get improved along their frontages until Duff Lane is eventually complete and widened to the 100' width required by the City.

Developer will also construct needed improvements along Hwy 44, at its own cost.



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

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

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

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

FINDINGS:

The Commission must determine whether the additional information provided by CHD4 shows that that the preliminary plat will be materially detrimental to the health, safety and welfare of Middleton residents. Planning Staff finds that there are some burdens on the Citizens of Middleton due to the fact that improvements from Traffic Impact & Proportionate Share Fees necessarily lag behind the impacts since the fees are collected at building permit or final plat. But the fees have been designed to ultimately remedy the impacts caused by new development. The formulas are based upon that goal and criteria. The more development, the more fees are collected. It's a sliding scale. Therefore, ultimately, the River Pointe subdivision will not be materially detrimental to the health, safety and welfare of Middleton Residents because it will have paid all fees determined by CHD4 and ITD to eradicate those impacts. If the developer's \$2,000,000 traffic fees do not pay for its impact on the roadways, then CHD4 should reevaluate the formulas used in the Mid-Star CIP and ITD should revisit their Technical Conditions memos setting forth the amount of Proportionate Share fees due.

Finally, no new information provided by CHD4 affects Planning Staff's earlier finding that the preliminary plat is in harmony with the Middleton Comprehensive Plan. (See earlier Staff Report for full details in the record).

Preliminary Plat:

At the July 7, 2021, public hearing before City Council, a Council Member stated that the record was unclear about the exact preliminary plat that was under review. Planning Staff had set forth in the record the exact preliminary plat under review. However, the record also contained concept plans with color renderings submitted by Developer, apparently causing some confusion.

Regardless, in order to ensure there is no confusion during this hearing or the future hearing before City Council, Planning Staff has set forth the exact preliminary plat under consideration as Exhibit "E" to the Staff Report uploaded to your packets and to the public last week.

It should be noted that the Preliminary Plat was updated since the time of the City Council Public Hearing on July 7, 2021. At that hearing, the public voiced concern about a specific pickleball court being located along the backyards of the Riverbend Ranch subdivision. In the spirit of compromise, the Developer voluntarily moved the pickleball court across E. Sawtooth Lakes to ensure sufficient distance from the neighboring backyards. This necessitated an updated preliminary plat dated July 16, 2021, as shown in Exhibit "E".

FINDINGS:

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

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

Finally, as already stated above in the section on Duff Lane, Planning Staff finds that the preliminary plat as a whole is not materially detrimental to the health, safety and welfare of Middleton residents.

Comments from Agencies: As already discussed above, the comments in issue are CHD4's May 27, 2021, July 13, 2021, and August 5, 2021, comments.

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

A. Notices & Neighborhood Meeting:

Dates:

Newspaper Notification

07/25/2021

Radius notification mailed to
Adjacent landowners within 300'

07/23/2021

Circulation to Agencies

07/23/2021

Sign Posting property

07/23/2021

Neighborhood Meeting

08/18/2020, 3/8/2021 &
4/12/2021

Applicable Codes and Standards:

Idaho State Statute Title 67, Chapter 65

Idaho Standards for Public Works Construction and Middleton Supplement thereto

Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.



Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission had already considered the Applicant's four applications at the previous June 7, 2021, public hearing on the matter. After closing the public hearing, the Commissioners approved the applications for (1) annexation/rezone, (2) preliminary plat, (3) development agreement modification, and (4) Comprehensive Plan map amendment with the conditions of approval set forth in the Staff Report for the June 7, 2021, public hearing.

In this public hearing for the Remand, this Commission is tasked with doing only three discrete tasks: (1) review the modified Development Agreement in "contractual" format, (2) consider whether there is planned improvements to Duff Lane and the impact of those improvements on this project, and (3) determine the "exact" preliminary plat under review. If after doing these three tasks the Commission is still inclined to recommend to City Council approval of the Applicant's four applications, then the Commission may simply state that they reaffirm the "Findings of Facts" and "Conclusions of Law" made at the earlier June 7, 2021 public hearing on the applications and that they agree with the additional "Findings of Facts and "Conclusions of Law" set forth in this current Staff Report and Public Hearing.

Additionally, if the Commission is inclined to re-affirm its earlier recommendation for approval, Planning Staff recommends that the Commission do so with the added recommendation that Developer be subject to the following conditions of approval:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All requirements of the Middleton Rural Fire District are to be completed and approved.
4. All Floodplain Administrator review comments are to be completed and approved.
5. Developer to comply with all terms of the proposed Modified Development Agreement as set forth in the Staff Report for the public hearing date of August 9, 2021, except.... (if the Commission is not inclined to recommend portions of the DA for approval, those discrete portions can be removed from the DA via a motion calling out the specific provision in issue.)

If the Commission is inclined to reverse its earlier recommendation of approval and recommend denial instead, then under MCC 1-14-2(E)(8), the Commission "shall identify what the applicant can modify in the application in order to be approved."

Prepared by Middleton City Planner, Robert Stewart

Dated: 8/9/2021

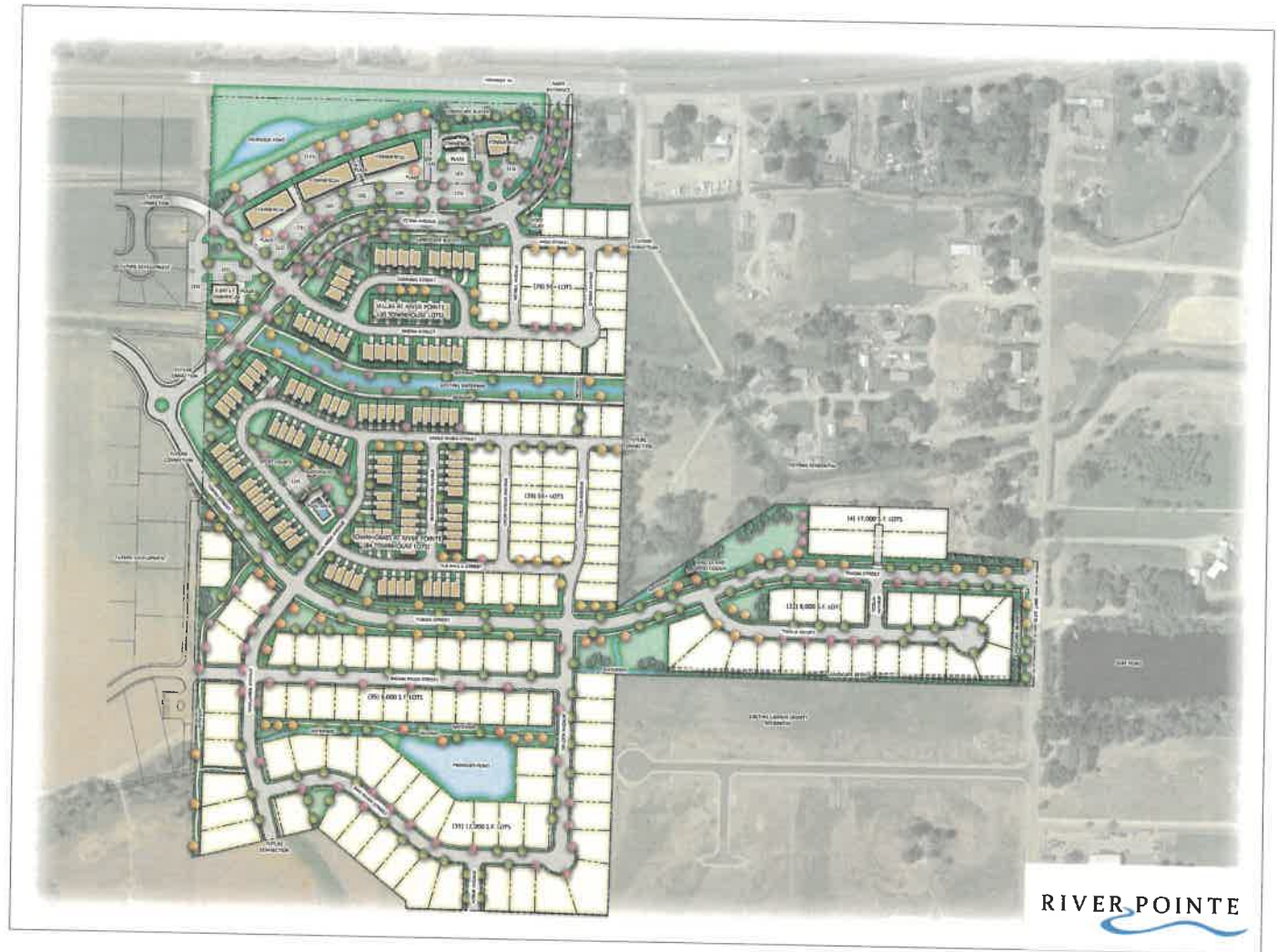


RIVER POINTE

Middleton, Idaho

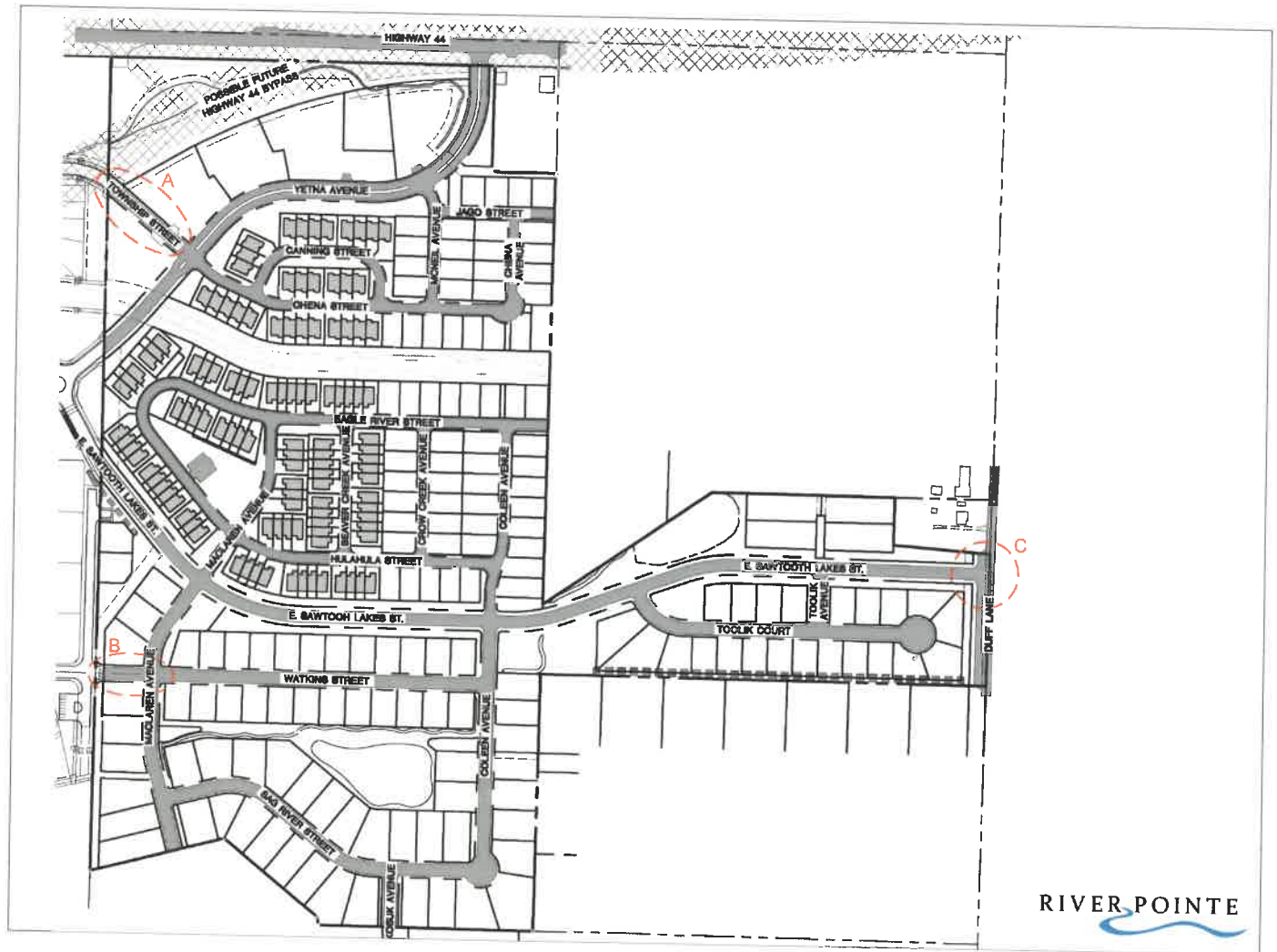
City Council - Items for Review

- Updated Preliminary Plat
- Hwy 44 Improvements
- Duff Lane - proposed and future improvements
- P&Z reconsideration of the Development Agreement after formatted into a contractual document
- Very brief summary of the River Pointe Development



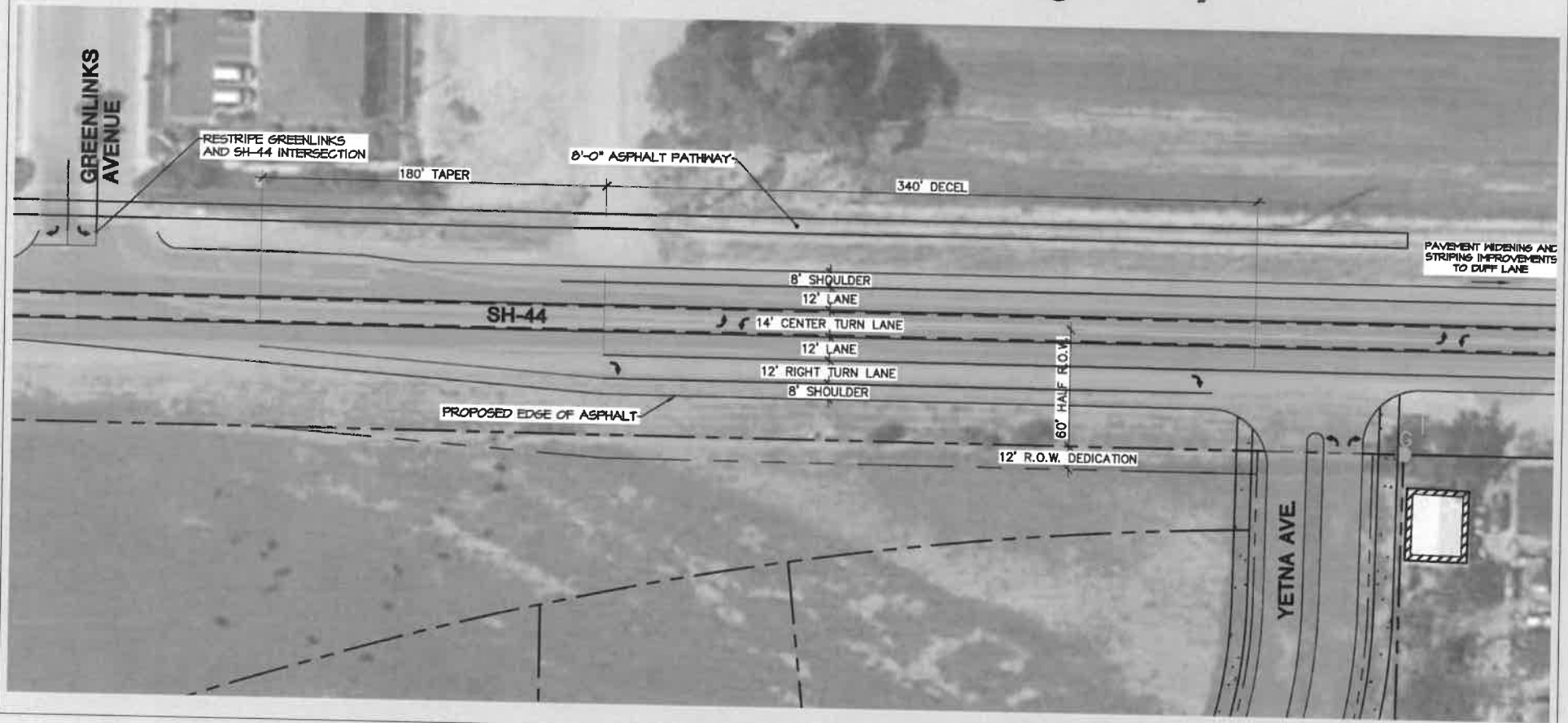
Updated Preliminary Plat

- A - Township Street connection to River Walk development
- B - Watkins Street connection to River Walk development
- C - Sawtooth Lakes St. & Duff Lane connection



RIVER POINTE

Planned Improvements to Highway 44



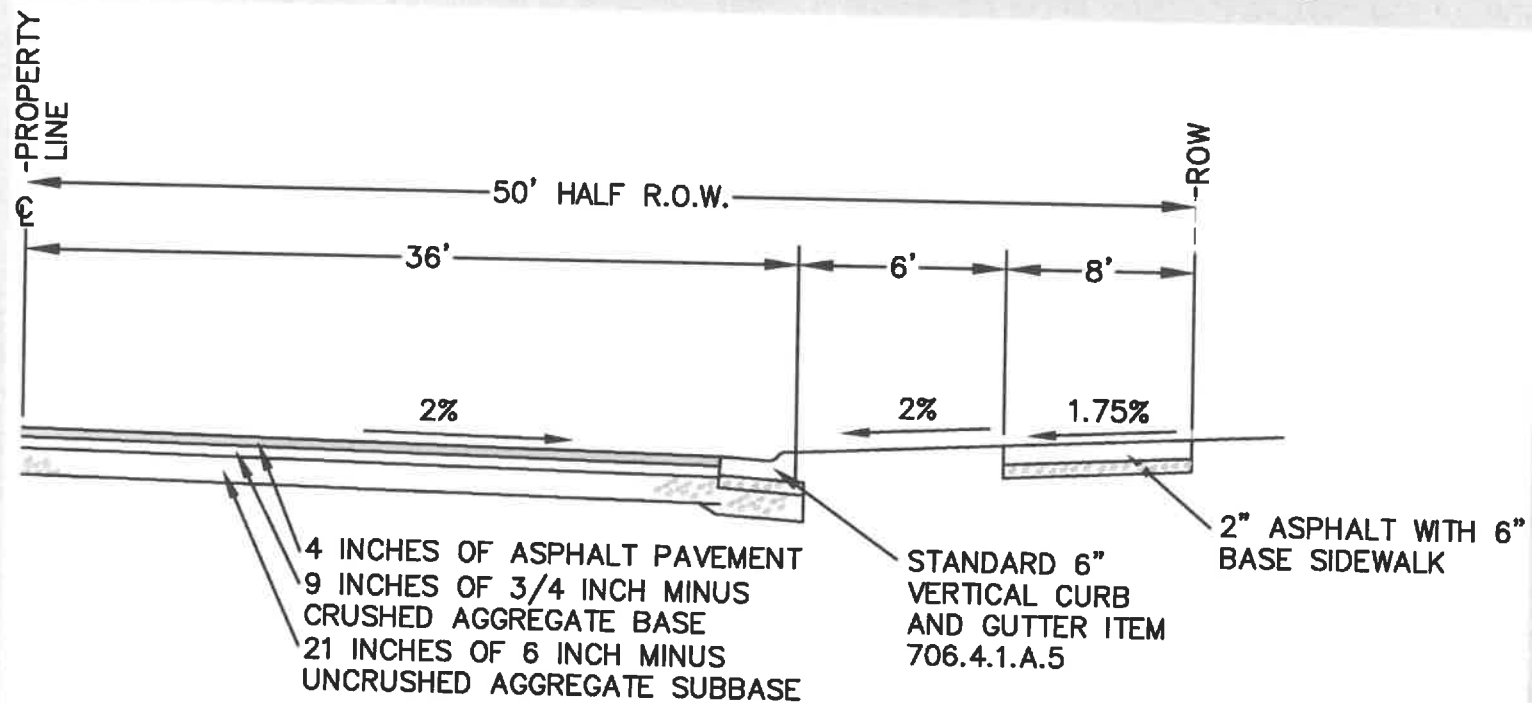
Planned Improvements to Highway 44



Planned Improvements to Duff Lane Frontage



Cross-Section of the Duff Lane Frontage



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

Scale: NTS

Development Agreement

- All proposed provisions recommended by the Planning & Zoning Commission were included in the contractual DA, presented to the P&Z Commission and, again, recommended for approval.
- DA provisions added in response to City and/or Neighbor comments:

Increase the number of design elements on commercial buildings to four (was three)

Allow an exception to Middleton City Code for signage on commercial buildings along Highway 44 permitting signs on both the rear and front elevations

Two-year intervals for recording of final plats for each phase of project

Added a 15-foot-wide berm between Riverbend Ranch Subdivision and the River Pointe Subdivision for privacy

Sawtooth Lakes Street connection to Duff Lane must be completed with Phase 4 (or 1st phase south of the drain) of the development



GARDEN HOMES AT RIVER POINTE

- Active Adult (55+) north of Kennedy Drain
- No age restriction south of Kennedy Drain
- Single Level Patio Homes
- Small Lots, Low Maintenance
- Minimum house size -1,250 SF
- Minimum lot size - 6,000SF

RIVER POINTE



SOUTH RIVER POINTE

- Family Living
- Single Level and 2-story Homes
- Traditional Home Designs
- Minimum house size -1,750 SF
- Minimum lot size - 8,000SF

RIVER POINTE

SOUTH RIVER POINTE



RIVER POINTE

THE TOWNHOMES AT RIVER POINTE

- Luxury Townhomes
- Front yard landscaping maintained by the HOA
- CC&R's that assure upkeep and high-quality living
- Low Maintenance Living
- South of Kennedy Drain



RIVER POINTE





COMMERCIAL DEVELOPMENT

- Up to 80,000 sf commercial space
- Restaurant Pad
- Two drive through sites
- Flexible business opportunities
- Connected to River Walk commercial district and the River Walk Loop
- Plaza area



RIVER POINTE

COMMERCIAL DEVELOPMENT

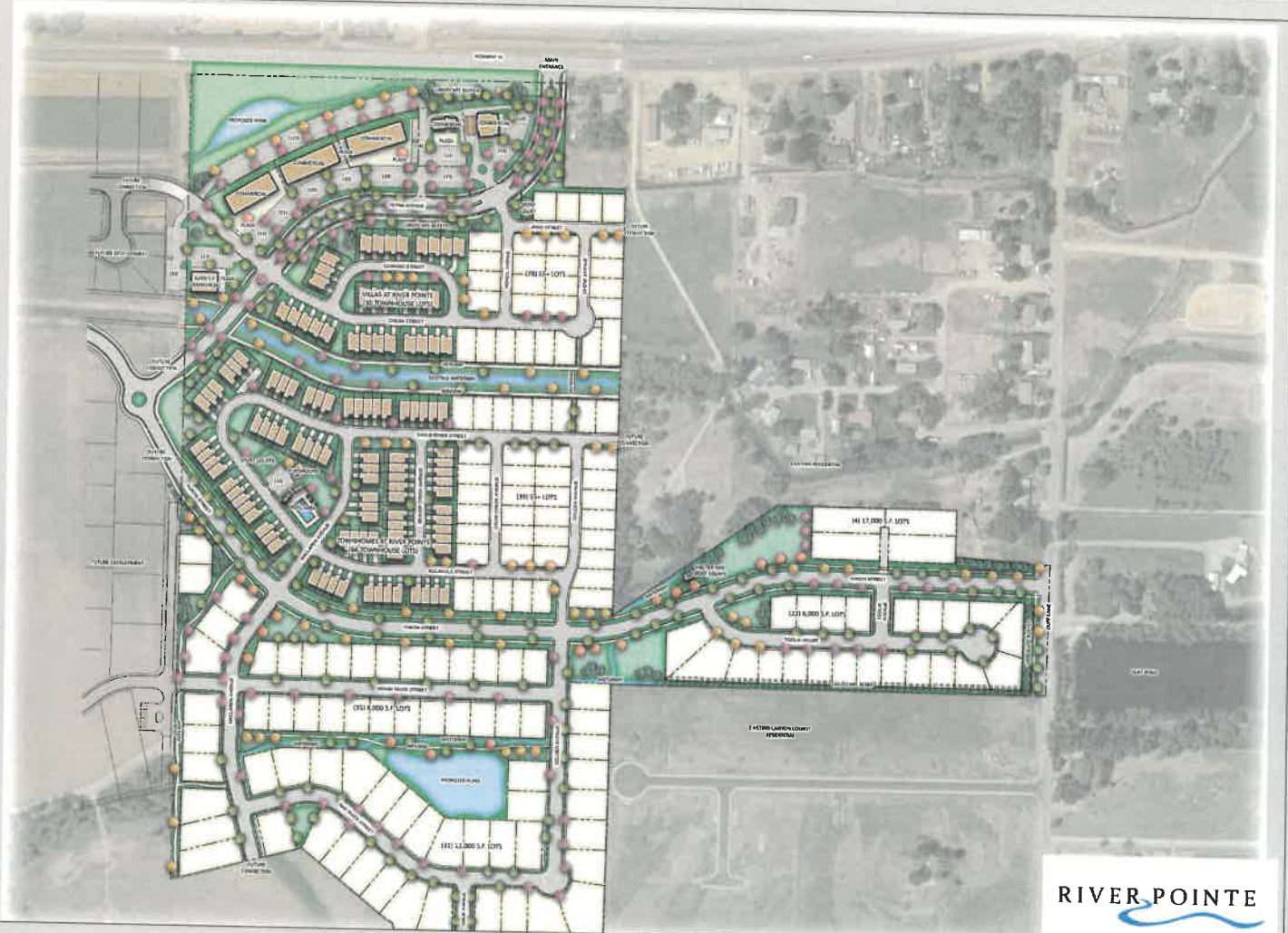
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- Two drive through sites
- Flexible business opportunities
- Connected to River Walk commercial district and the River Walk Loop
- Plaza area



RIVER POINTE

Thank You

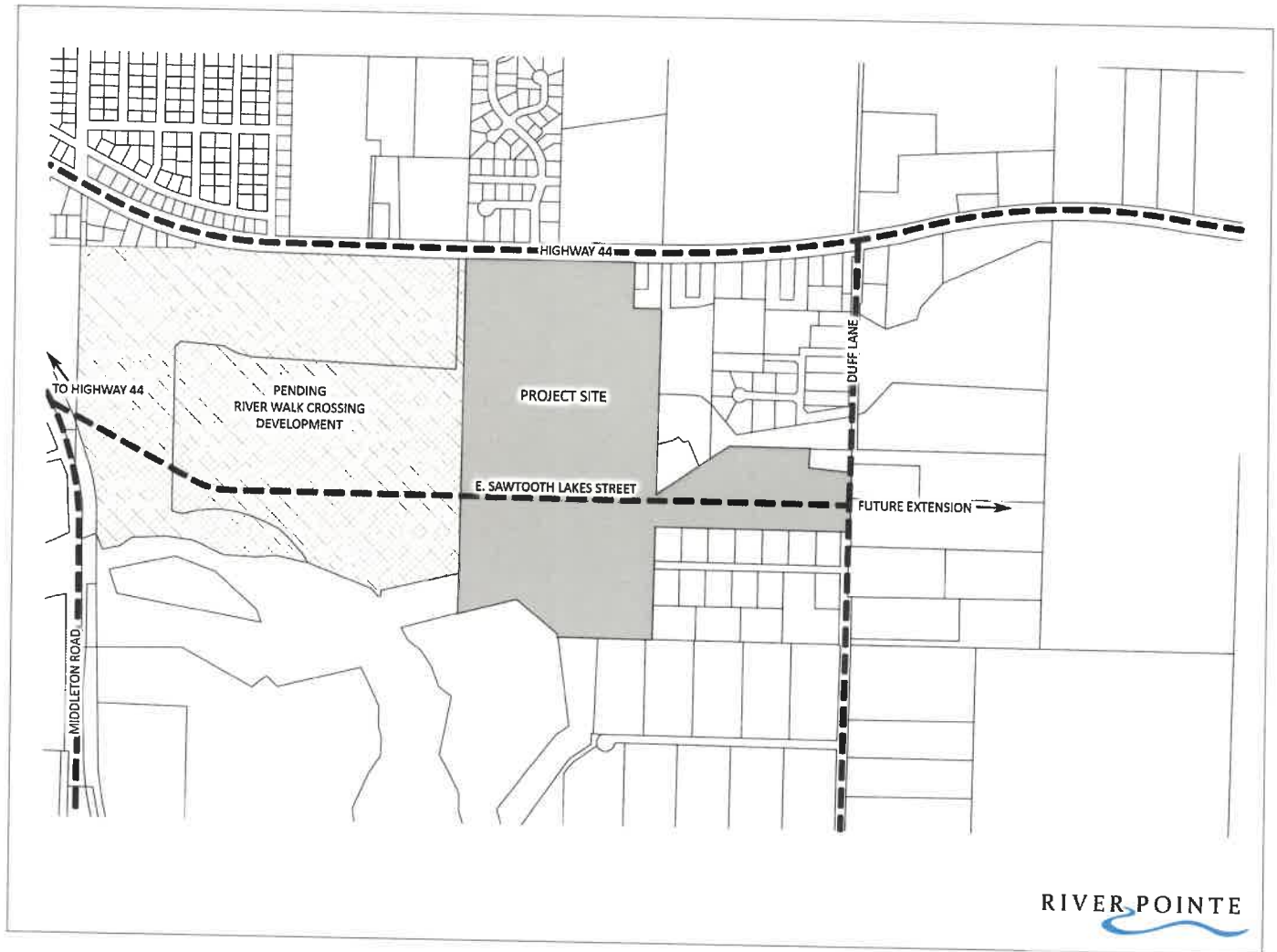
from the
River Pointe Team



RIVER POINTE

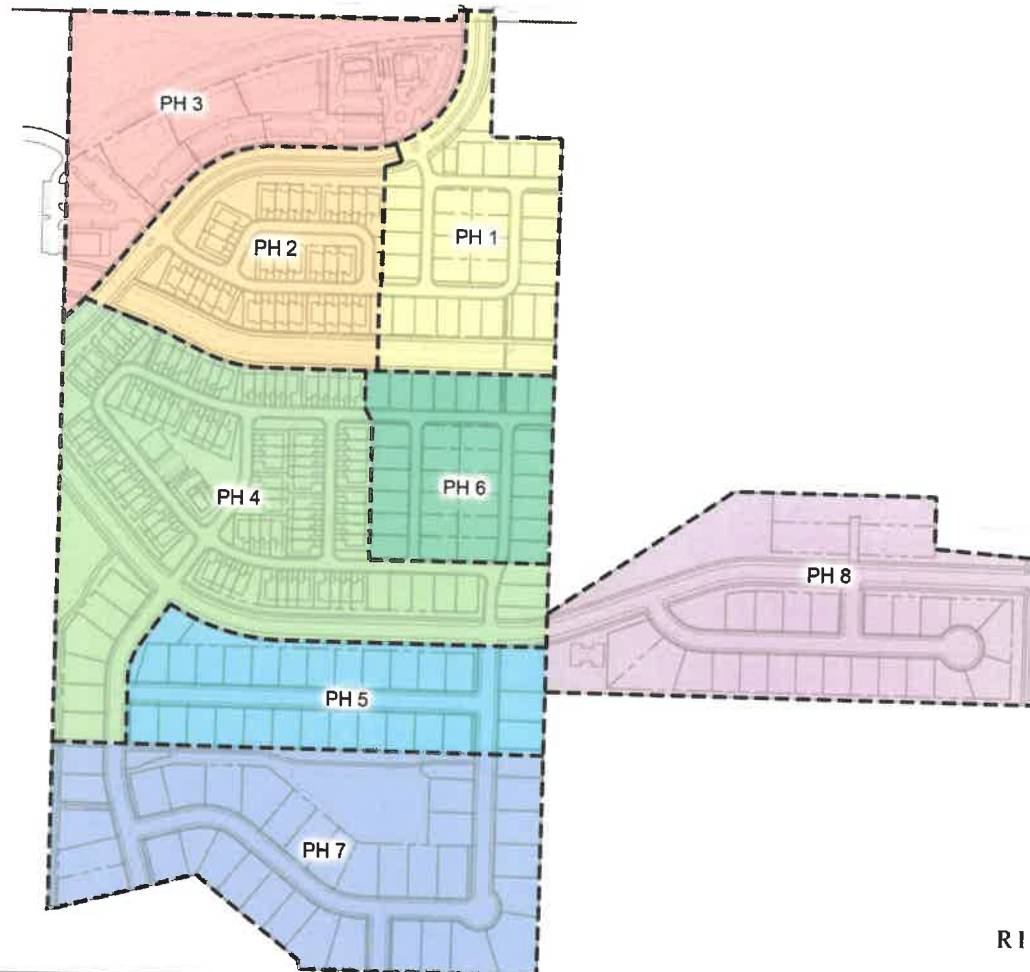
Middleton Traffic Circulation Plan

- E. Sawtooth Lakes St. will extend west to Middleton Road when River Walk Crossing is developed
- E. Sawtooth Lakes Street will be a 60-foot wide east-west collector



Proposed Phasing Plan

- **Phase 1** - Garden Homes-55+
- **Phase 2** - The Villas-Townhomes for 55+
- **Phase 3** - Commercial
- **Phase 4** - Townhomes, Garden homes & Single-Family
- **Phase 5** - Single-Family
- **Phase 6** - Garden Homes
- **Phase 7** - Single-Family
- **Phase 8** - Single Family



RIVER POINTE

Proposed CC&R's

- **Front yard landscaping for ALL townhomes maintained by the Homeowners Association**
- **Board adopted guidelines regulating the landscaping on building lots**
- **Regulations on the upkeep of visible areas -- fines for non-compliance**
- **Fully enclosed garage adequate for a minimum of two (2) standard size automobiles**
- **ACC Design Standards - for initial building and any building modifications**
- **ACC review and approval required for any exterior improvements (fencing, screening, solar systems, etc.)**
- **Upkeep and maintenance repair requirements (timely repair of damaged items)**
- **No parking or storage of inoperative automobiles**
- **Time limits on parking of non-auto vehicles (motorhomes, trailers, boats, etc)**
- **Limit type and number of pets, no breeding of pets or livestock**
- **No commercial or business activity**

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

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

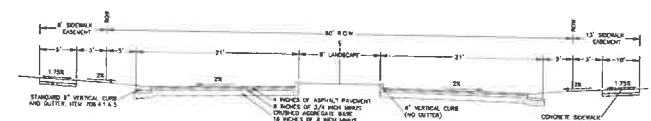
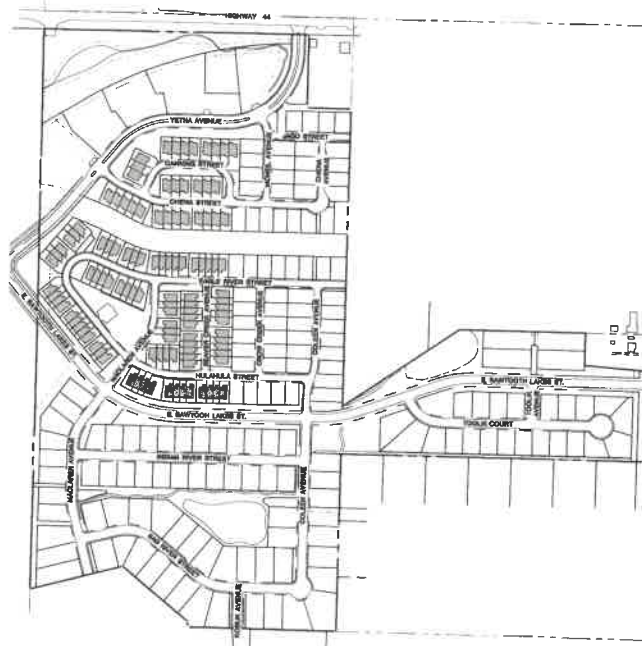


Diagram illustrating the cross-section of a curb and gutter. The curb is 36" wide and 12' long. The curb height is 5'. The curb is constructed from 1.75" concrete. The curb is topped with 3" of asphalt pavement. The curb is labeled "3" ROLLED CURB AND GUTTER".

Figure 1 is a plan view diagram showing the layout of the study area. A horizontal line at the top is labeled "50' HALF ROW". Below this line, a horizontal line is labeled "1700'". The distance between these two lines is marked as "1700'". To the left of the "1700'" line, there is a rectangular area labeled "SA" (Study Area). The width of the "SA" is marked as "35'".

A number line is shown with tick marks at every integer from 1 to 6. A point is marked on the line between 4 and 5, closer to 4.



 OVERALL SITE PLAN

[illegible]

SURVEY WAS CONDUCTED BY
ACCURATE SURVEYING AND MAPPING
BY MCNAUL 1 SPRUCE
NAD 83 E.L. 2488.80
BY MCNAUL 2 SPRUCE
NAD 83 E.L. 2489.86
BY MCNAUL 3 1/2" IRON PIN
NAD 83 E.L. 2488.81
BY MCNAUL 4 1/2" IRON PIN
NAD 83 E.L. 2487.83
ESTABLISHED ON THE NAD 83 EARTH

CHIL KWON JIN
BRIEF FOR LAND DESIGN
CONTACT : MARY WU L
PHONE: 202-578-1868

OHANIAN/DEVELOPER
DRAKE INVESTMENTS, LLC
PHONE: 202-594-1881

ACQUICOR
ACQUISITIVE SURVEYING AND
MAPPING CONTACT: NATSIAN DAVID
PHONE: 202-588-4327

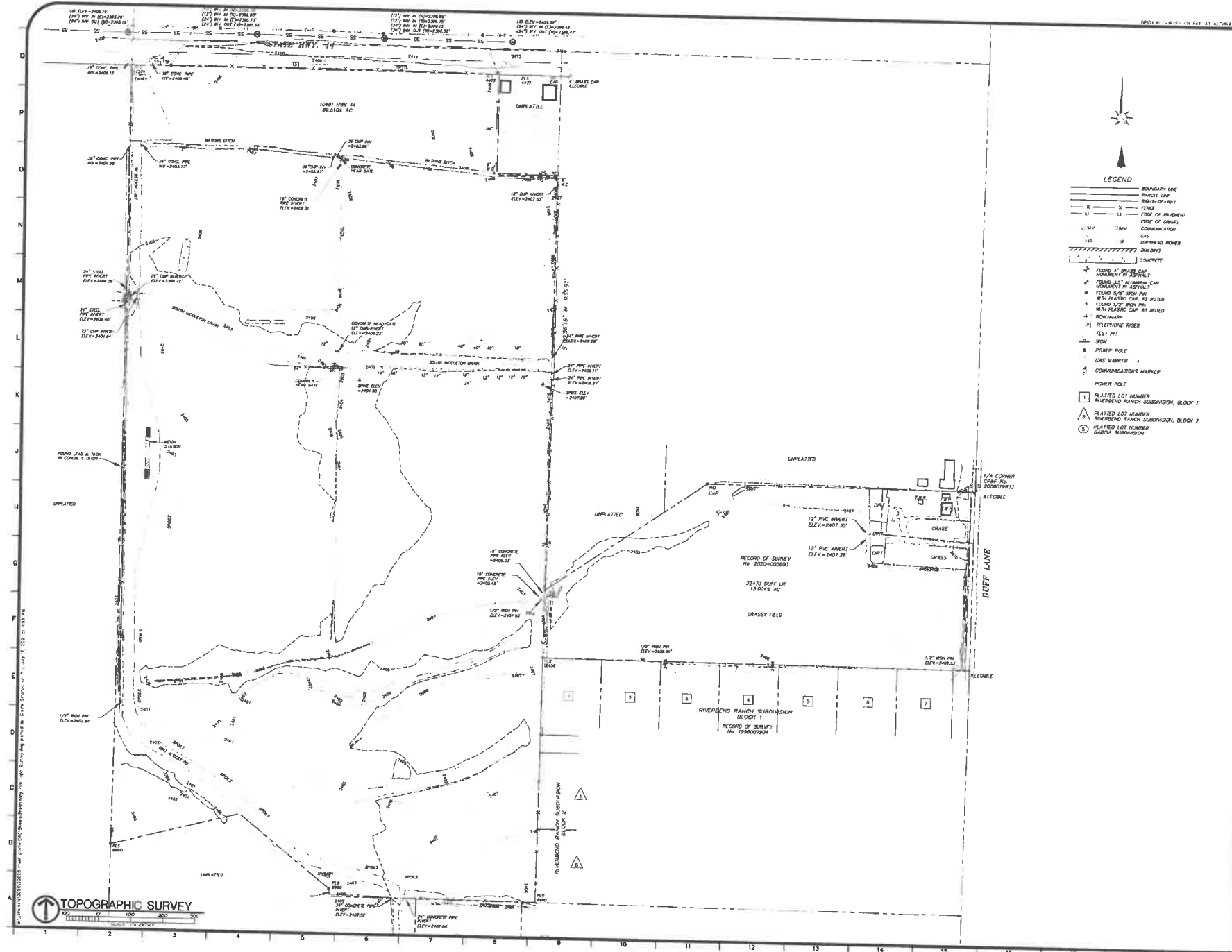
SENIOR
CITY OF WASHINGTON
PHONE: 202-555-2133

WATER
CITY OF WASHINGTON
PHONE: 202-555-2133

SCHOOL DISTRICT
MIDDLETON SCHOOL DISTRICT

PRINCE GEORGE DISTRICT
GANNON COUNTY PRINCE GEORGE

[illegible]



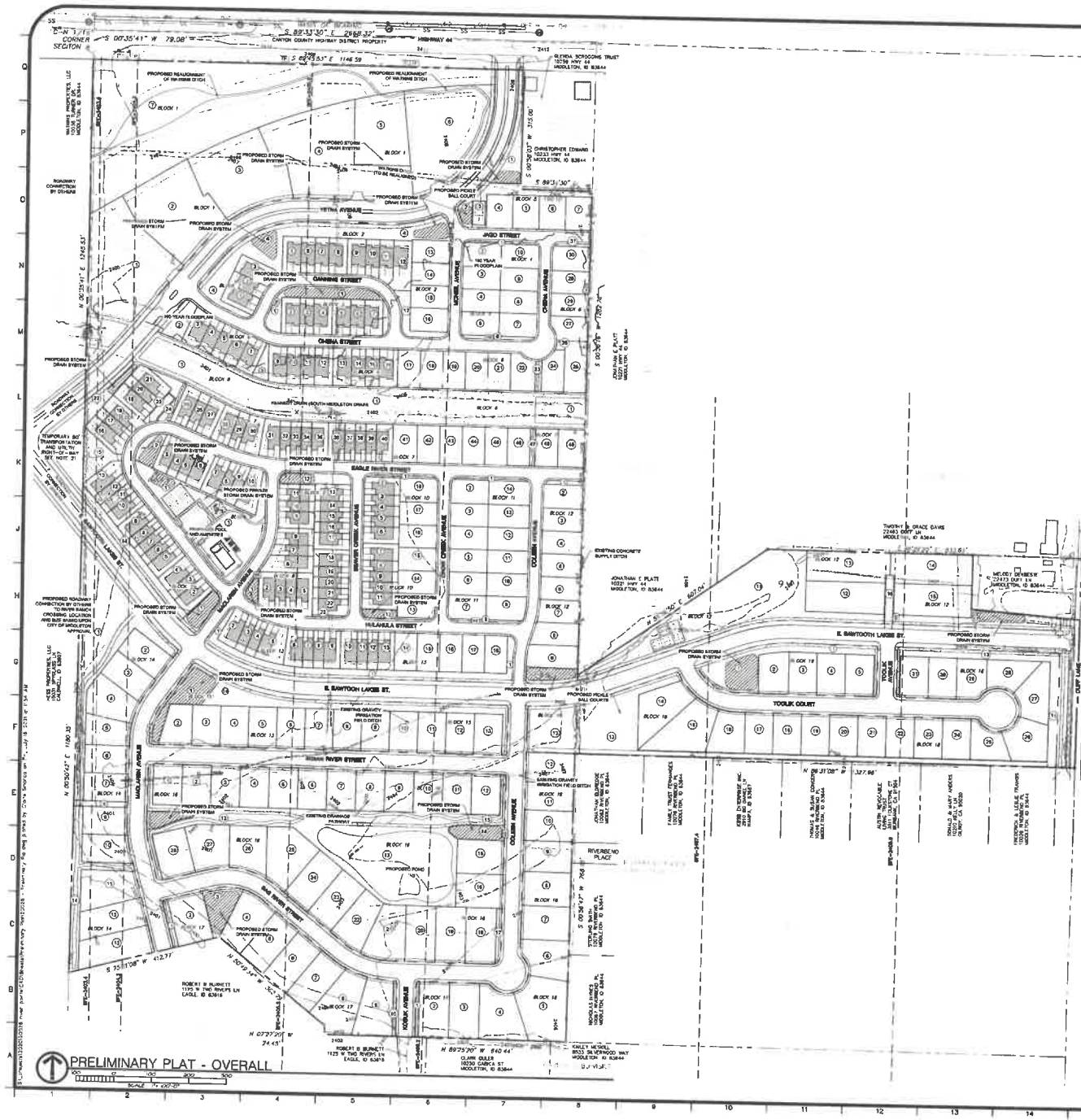
PRELIMINARY
NOT FOR
CONSTRUCTION



RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
TOPOGRAPHIC SURVEY



PROJECT NO.
20238
DRAWN BY
JL/CS
CHECKED BY
JL/CS
DATE
10/26/20
SHEET NUMBER
TOPO



- ### PLAT LEGEND

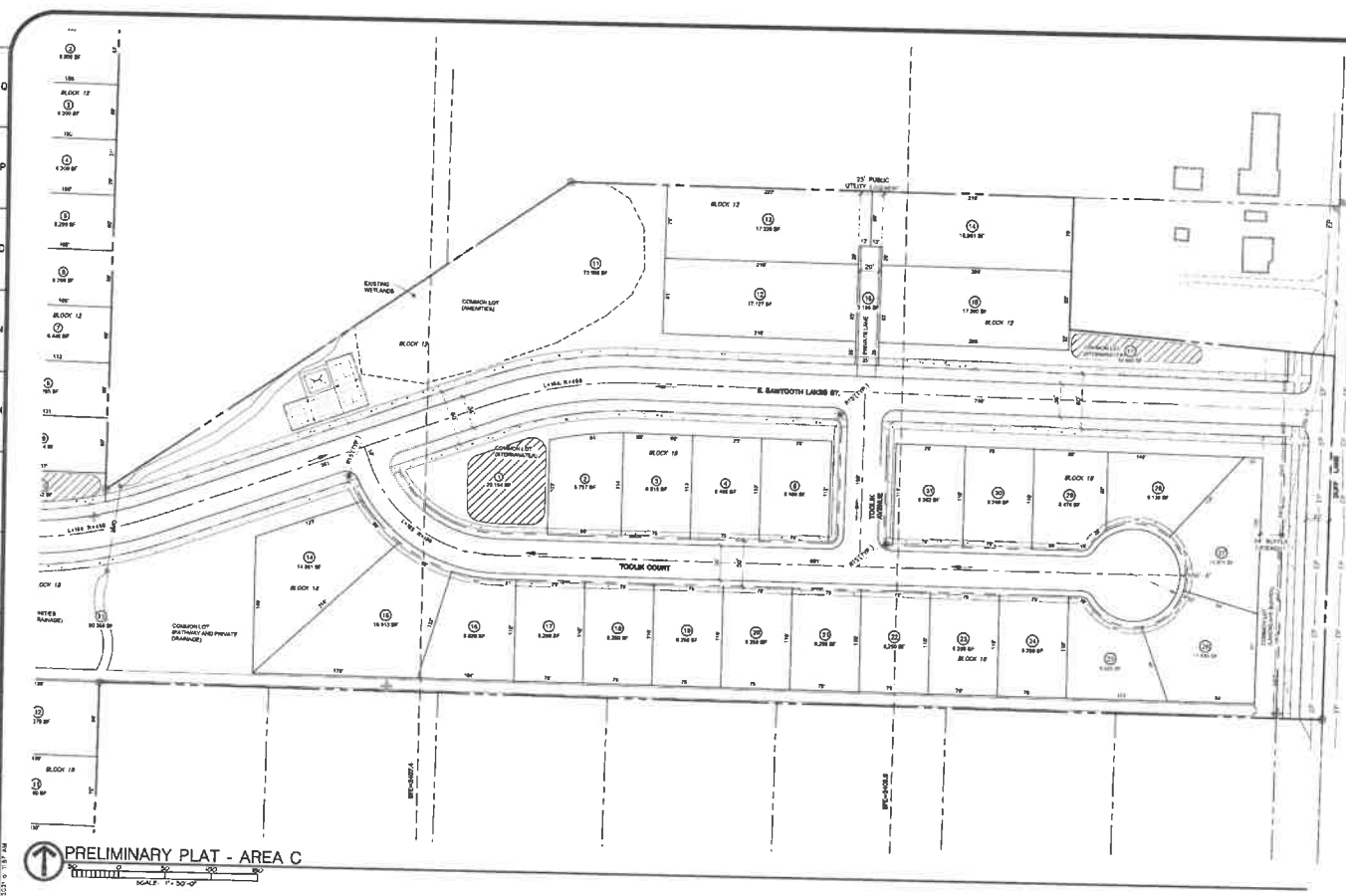
DIANE S HURLEY
22470 DUFF LN
MIDDLETON, ID 83644

STATE OF IDAHO FIRE
AND GAME DEPT
PO BOX 25
BOISE, ID 83707

RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
OVERALL

SHEET NUMBER
PP1.2

PRELIMINARY PLAT



PRELIMINARY PLAT - AREA C
SCALE: 1" = 50'-0"

- PLAT LEGEND**
- EXISTING PROPERTY LINE
 - - - PROPOSED LOT LINE
 - - - PROPOSED RIGHT-OF-WAY
 - - - PROPOSED CENTERLINE
 - - - PROPOSED BACK OF CURB
 - - - PROPOSED FRONT OF CURB
 - - - PROPOSED CONCRETE INTERLOCK
 - - - PROPOSED GRAVITY IRRIGATION
 - - - PROPOSED DRAINAGE FACILITY
 - - - DRAINAGE FLOW ARROW
 - - - EXISTING ELEVATION
 - - - BASE FLOOD ELEVATION
 - - - PROPOSED STREET LIGHT



RIVER POINTE SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT
AREA C

PROJECT NO: 20036
DRAWN BY: JLS
CHECKED BY: JLS
DATE: 05/09/21
SHEET NUMBER: PP15





River Walk

Exhibit u/f

CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44

CALDWELL, IDAHO 83607

TELEPHONE 208/454-8135

FAX 208/454-2008

Exhibit 0

August 5, 2021

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

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

Dear Roberta:

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

River Pointe:

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

River Walk Crossing:

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

CHD4 provides the following comments on these applications:

General

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

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

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

Traffic Impacts

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

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

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

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

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

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

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

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

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

Respectfully,

A handwritten signature in blue ink, appearing to read "Chris Hopper", with a stylized flourish at the end.

Chris Hopper, P.E.
District Engineer

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

River Walk Crossing Subdivision



Project Description:

Subdivision with (a) 36 commercial lots, (b) 81 half acre single family home lots, (c) 80 patio style home lots for 55+ homebuyers, (d) 1 cell tower lot and (e) one historical lot on 119 acres of vacant land located at 10669 HWY 44 Highway 44 and 0 Hwy 44.

Amenities include extensive 10' and 12' wide asphalt pathways that will become a central part of the Middleton River Walk Loop recreational trail.



Applications:

Applicant has submitted four applications. They are (1) Annexation/Rezone (130 acres), (2) Preliminary Plat, (3) Development Agreement, and (4) Comprehensive Plan Map Amendment.

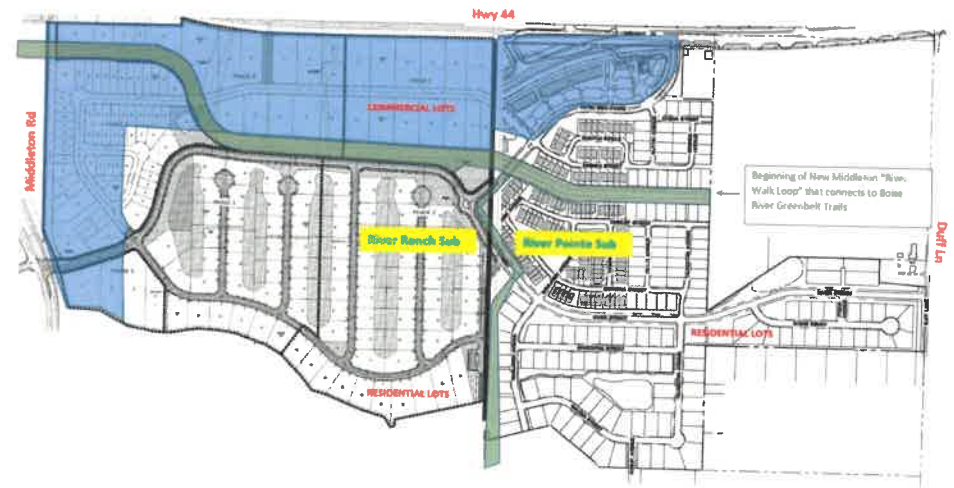
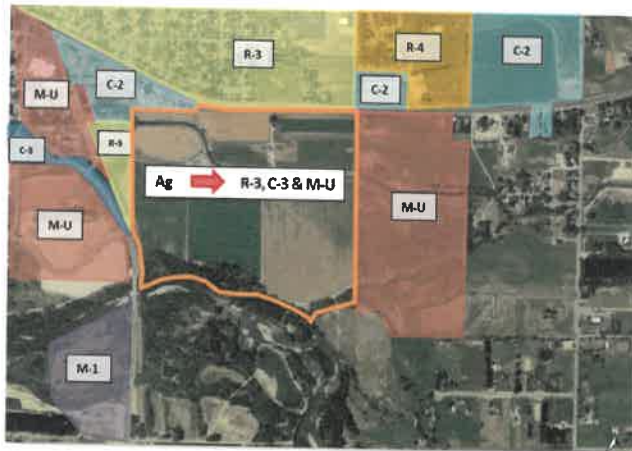




History & Condition of Property:

The project property is currently located in Canyon County and is zoned "agricultural." It is surrounded on the north, west, and east side by City property zoned Mixed Use, C-2 Commercial, and R-3 Residential. The Boise River floodway is located on the south side of the project.

As you know from earlier presentations, River Walk Crossing is being developed in collaboration with the River Pointe Subdivision. If both projects are approved and completed, they will create a new and vibrant commercial center for Middleton along with a River Walk Loop that will provide numerous gathering places for social and recreational uses.





City Services:

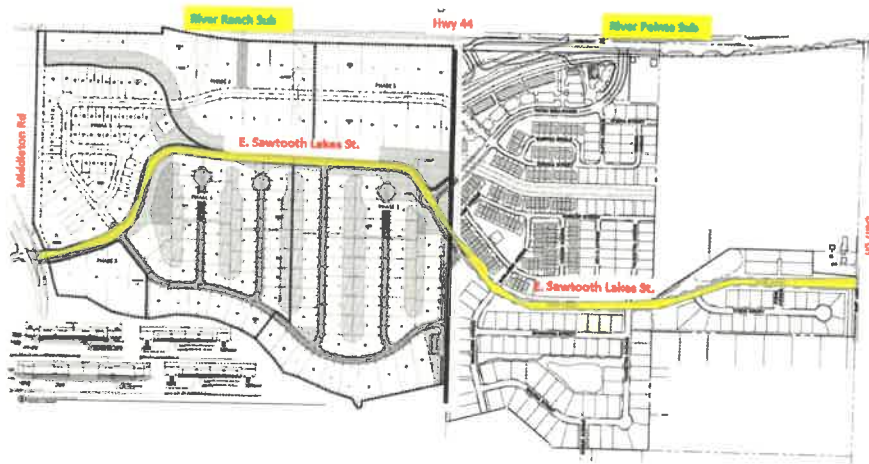
Domestic water and sanitary sewer are located in Middleton Road adjacent to the project as shown here with the green and blue lines.

Planning Staff finds that City services can be easily extended to serve the proposed project.

Middleton Rural Fire District:

The Middleton Rural Fire District has reviewed the preliminary plat. Deputy Chief Islas approved the preliminary plat with the standard comments.





Traffic, Access & Streets: Access to the project is through Middleton Road, Highway 44, and E. Sawtooth Lakes Street.

Sawtooth Lakes Street is a collector street that is a “planned” street set forth in the Comprehensive Plan’s *“Transportation, Schools & Recreation Map”*. This street is critical to Middleton’s long-term transportation planning and circulation because it will relieve a lot of traffic pressure from the Hwy 44 downtown corridor. For that reason, there will be no driveway access or parking allowed on E. Sawtooth Lakes Street.



Traffic, Access & Streets con't: This project will pay for much of its impacts on traffic and the surrounding community by improving roadways that front the property and by paying Traffic Impact fees and Traffic Proportionate Share fees. Under the new Mid Star Traffic Impact fee schedule (which was recently recommended for approval by this Commission), the River Walk Developer will contribute \$813,050 to the improvement of nearby intersections by paying \$5050 for each residential building permit (161 homes x \$5050). As to the commercial portion of the project, there are 36 commercial lots. The Impact fees are based upon uses and the fees span from \$3500 per unit up to \$20,000 per unit depending on the use. Although it is difficult to predict exactly what types of uses will be developed in the commercial area, the commercial impact fees collected could add up to approximately \$300,000 to \$500,000 for a total of \$1.3 million in traffic impact fees.

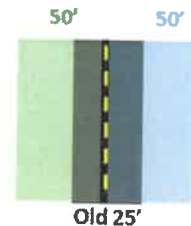
In addition to the \$1.3 million in Mid-Star traffic impact fees, the Developer will be required to pay "Proportionate Share" traffic fees for intersections not included in the Mid Star CIP Schedule. Those fees may total between \$100,000 and \$200,000, but the final amount cannot be determined until City Council approves the Mid-Star fee schedule and ITD re-calculates the proportionate share fees.

Although the fees cannot be firmly established for a few more weeks, the Commission can still recommend approval and protect the City's right to collect these fees by simply recommending that the payment of all City required impact fees and proportionate share fees be made a condition of preliminary plat approval.



HOW ROADS ARE BUILT AND IMPROVED IN MIDDLETON

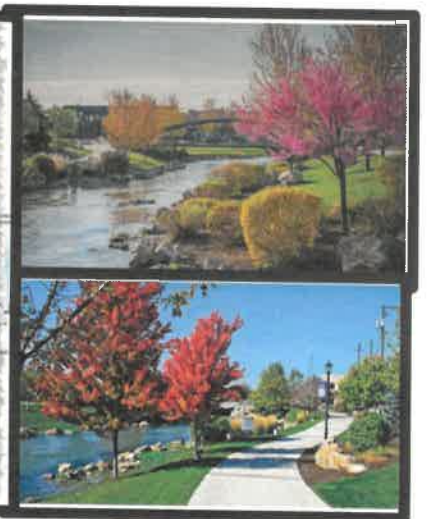
1. **Developer improvements:** Developers improve $\frac{1}{2}$ roads, curb/gutter, and sidewalks, at their own cost, along the entire frontage of their property. Once the Developer on the opposite side improves frontage, a 25' old road will be a new 100' wide road.

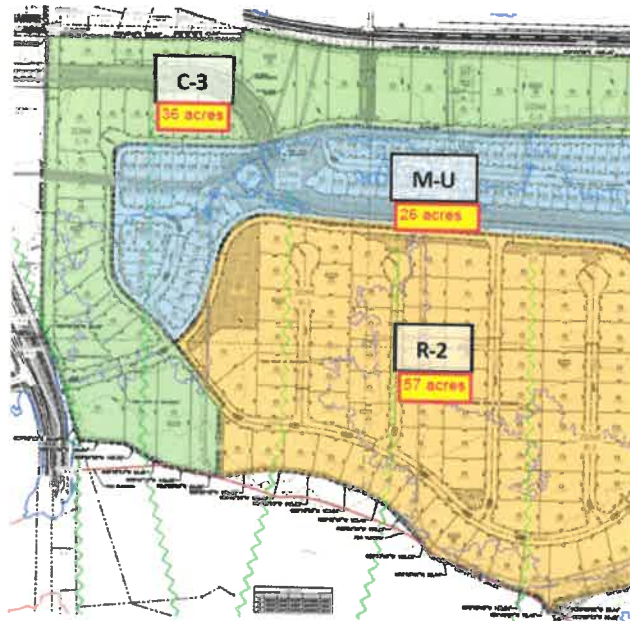


2. **Developer Exactions:** City charges Developers *Traffic Impact Fees* and/or *Proportionate Share Fees* to improve specific intersections and roadways in the future. The fees are saved until enough money is accumulated to begin the work.



Open Space & Pathways: Applicant has exceeded the 5% Open Space requirement by providing 7.2% of open space in the form of extensive walking paths and small gathering places along the trails. These extensive pathways are in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation Map*, and they will be integrated into the City's new River Walk Loop that is currently being designed.





Applicant is requesting the annexation and rezone of the project. The project will contain three zones: C-3 "Heavy Commercial (36 acres), R-2 "Large Lot Residential" (57 acres), and M-U "Mixed Use" (26 acres).

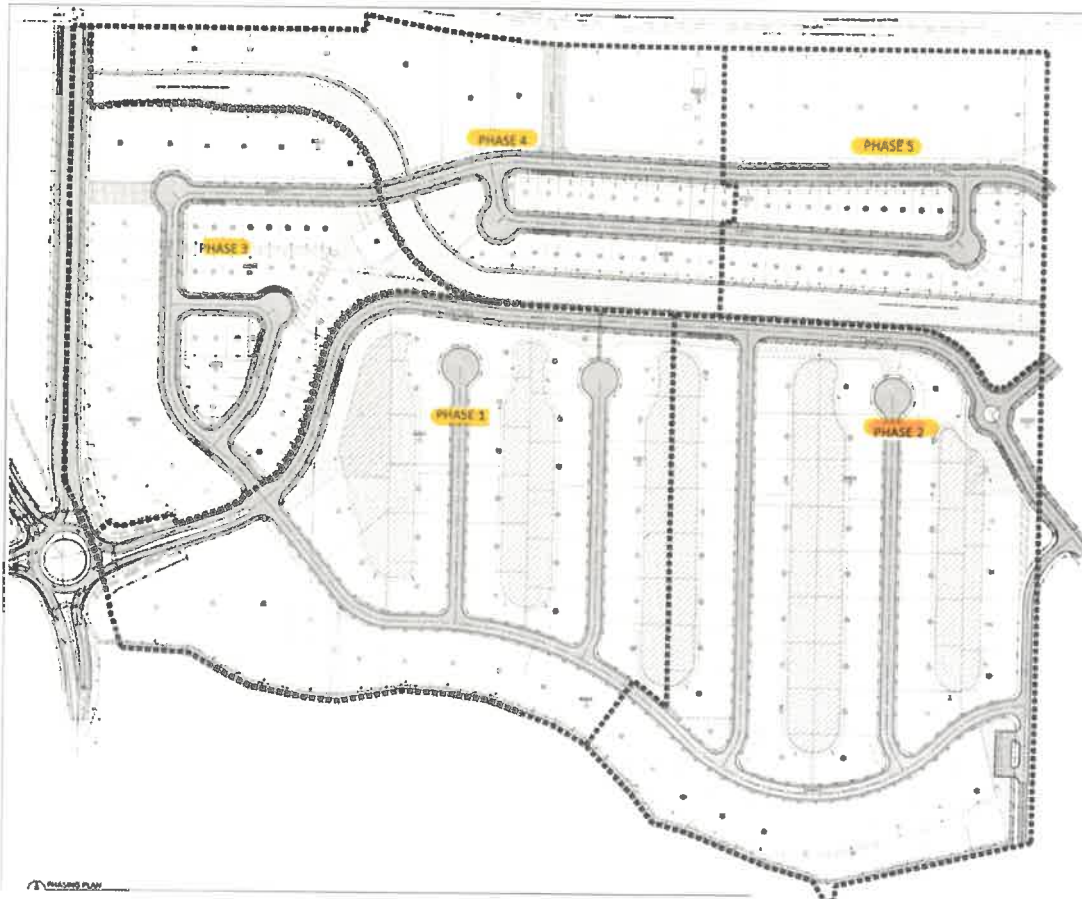
As to Annexation there are primarily three requirements: (1) the property is contiguous to City limits (2) City sewer and water can be extended to serve the site, and (3) the annexation is in the best interest of the City and not adverse to the public health and welfare.

Planning Staff finds that Applicant's project meets all three of these requirements: (1) the property is contiguous; (2) sewer and water are available as shown earlier, and (3) the annexation does not adversely affect the City but benefits the City because

- (a) it provides a variety of housing and commercial lots,*
- (b) it creates extensive recreational pathways, and*
- (c) it creates safe streets for vehicle and pedestrian circulation that will relieve some of the traffic pressure on Hwy 44 in the downtown corridor.*

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





Preliminary Plat Application: Developer is proposing five phases for the development of the plat:

Planning Staff finds that the preliminary plat complies with the dimensional standards and requirements of the Middleton City Code and Idaho State Code except for the waivers set forth in the proposed Development Agreement.

Planning Staff further 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 as will be shown below



Development Agreement: Applicant has applied for a Development Agreement with the City, which agreement sets for the rights and obligations of both the City and the Developer. The following conditions of development are proposed for the Development Agreement:

1. A concept plan generally matching the current preliminary plat shall be attached to the DA. Developer must develop the property substantially consistent with the Concept Plan.
2. Patio style homes on M-U lots will be deed restricted to 55+ homebuyer/occupancy in compliance with Idaho State Law.
3. Because the patio style homes will be for 55+ homebuyers, setbacks requested are (1) 20' front yard, (2) 15' rear yard, (3) 5' side yard, and (4) 20' side street yard.
4. Developer to construct, at its own cost, all road frontage improvements on Hwy 44 and Middleton Road, required by the City.
5. Owner/Developer shall pay all traffic impact and proportionate share fees required by the City.
6. Developer may develop Phase 1 and 2 without a 2nd access (as approved by Middleton Rural Fire Dist.) but must construct a 2nd access prior to final plat of phase 3.
7. Because of the large amount of commercial lots and need for market flexibility, Owner will not be required to go through the formal preliminary plat process to amend the phasing and lot configuration in the C-3 zone section of the plat. Instead, Owner can apply administratively to the Planning & Zoning Department to change the phasing of the plat.
8. All 10' and 12' pathways must have a public access easement shown on the plat to ensure public recreational access. The pathways must be constructed prior to approval for Phase 3. Owner shall be responsible for installing, repairing and maintaining the pathways.
9. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm on streets that contain both commercial and residential uses. Instead, Developer must install a 15' landscape buffer on one side of the street or the other.
10. The existing cell tower may remain on site and operate at its current level, but if the use intensifies or is changed, the owner must apply to the City for a Special Use Permit.
11. Developer will be allowed a minimum centerline radius of 90'.



Development Agreement Application con't:

12. Developer shall provide an east/west collector road. (fulfilled with "E. Sawtooth Lakes Street").
13. Developer must execute and record a cross-access easement and utility easement on the plat to ensure that no parcels are landlocked.
14. Only black wrought iron fencing will be allowed in the project.
15. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building facades on Highway 44 and Middleton Road.
16. Owner is permitted two wall signs per commercial unit.
17. Developer is permitted to extract gravel for residential ponds if it obtains all City, State and Federal Permits and submits to the city all forms and plans required by MCC 1-15-16-2. Construction hours are Monday through Saturday 7 a.m. to 6 p.m., but once homeowners occupy Phase 1 homes, the hours must change to Monday through Friday 7 a.m. to 6 p.m.
18. CC&Rs shall set forth responsibility for maintaining common areas.
19. Developer has 2 years to bring each phase to final plat. A 1 year extension will be allowed for each phase if a written request for extension is timely made.
20. Developer has only 2 years to obtain final plat for Phase 1. This can be extended 1 year with a written request. If Developer does get final plat within this time-line, then the City can modify or terminate the DA if it chooses to do so. The preliminary plat will also automatically become null and void.



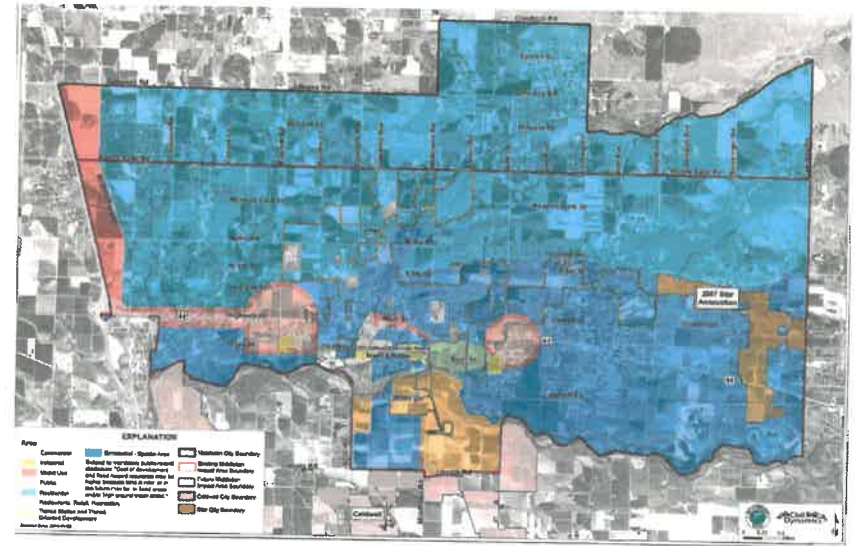
Comprehensive Plan Map Amendment Application: The Future Land Use Map in the Comprehensive Plan shows the project parcel as “Restaurant, Retail, and Recreation.” Applicant is requesting that the Future Land Use Map show a “Commercial” use in the C-3 zoned portion of the project and “Residential” use in the M-U and R-2 portions of the project to match the zoning.

Planning Staff finds that this change is in harmony with the Comprehensive Plan. Specifically, it complies with Goal 4 to concentrate commercial uses between Crane Creek Way and Duff Lane and to allow mixed uses within the City. Additionally, the proposed changes comply with Goal 11 to provide diverse housing and in-fill housing.

The Planning & Zoning Commission is also tasked with determining whether the other three applications for annexation/rezone, preliminary plat, and development agreement are in harmony with the “Goals, Objectives, and Strategies” of the 2019 Middleton Comprehensive Plan.

Planning Staff finds that the project and all applications are in harmony as follows:

1. *First and foremost, the Project completes the east/west collector street shown on the Transportation, Schools & Recreation Map (E. Sawtooth Lakes St.), which will take a lot of traffic pressure off Hwy 44.*
2. *As shown in more detail in the Staff Report, Applicant's applications comply with Goals 3, 4, 6, 7, 8, 10, and 16.*



Comments Received from Surrounding Landowners: City received an 8/4/2021 letter from CPC Paving noting that it operated a mining/hot plant south of the River Walk Subdivision.

Comments from Agencies: Comments from Middleton Rural Fire District have already been discussed above. COMPASS forwarded a 7/29/2021 comment wherein it objected to this application because of the removal of the SH-44 alternative bypass. COMPASS noted that the bypass is critical to regional planning, and traffic will be adversely affected if the bypass is eliminated from the city. ITD also forwarded letters indicating its objection to the removal of the Hwy 44 alternate bypass. CHD4 reviewed the plat and submitted comments indicating its objection to the removal of the Hwy 44 Alternate bypass. CHD4 further stated that this project will result in significant impacts to surrounding roadways that may not be improved through impact fees for years to come. (Exhibit "F")

Comments from City Engineer, Planning Staff & Floodplain Administrator: Comments from City Engineer, Planning Staff, and Floodplain Administrator were appended to the Staff Report and have been made a part of the Record.

Applicant Information: Application was received and accepted on December 23, 2020. The Applicant is Hess Properties, LLC & KM Engineers, / 9233 W. State Street, Boise, ID 83714 / 208.639.6939 / sleonard@kmengllp.com



**Notices & Neighborhood Meeting:**

Newspaper Notification
Radius notification mailed to
Adjacent landowners within 300'
Circulation to Agencies
Sign Posting property
Neighborhood Meeting

Dates:

07/25/2021

07/23/2021
07/23/2021
07/23/2021
11/24/2020

Planning Staff finds that Notice for the Planning & Zoning public hearing was appropriate and given according to law.

Applicable Codes and Standards:

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

Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering four separate applications for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment. The Commission may recommend approval or denial and determine conditions of approval, if any. To perform this task properly, the Commission must ultimately make findings of facts, conclusions of law, and a recommendation with respect to each application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code as shown in the Staff Report and in this presentation. If the Commission agrees with the findings of facts in the Staff Report, and after hearing public testimony, the Commission may simply state on the record that it accepts the findings of fact in the Staff Report and accepts all, or a portion, of the facts stated during public testimony, setting the foundation for the recommendation.

Conclusion & Recommendations (con't)

As to Conclusions of Law, Planning Staff finds that the Commission has the authority to hear these applications in order that they may be recommended for denial or approval and that the public notice requirements were met. Planning Staff further listed the portions of the Idaho State Code and Middleton Code considered in rendering a decision on the applications. If the Commission agrees with these conclusions of law, it can simply state so on the record. Finally, if the August 9th public hearing is held and conducted in compliance with Idaho State Code and the Middleton City Code, then the Commission may also simply state this "conclusion of law" on the record.

As to the Recommendation, if the Commission is inclined to recommend approval of the applications based upon the noted findings of facts and conclusions of law, then Planning Staff recommends the approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.
5. All Floodplain Administrator review comments are to be completed and approved.
6. Developer to pay all City Required Traffic Impact Fees and Traffic Proportionate Share fees.
7. Developer to construct, at its own cost, City required street frontage improvements on Middleton Road and Hwy 44.
8. Developer to comply with all terms of the proposed Development Agreement. (if the Commission is not inclined to approve portions of the DA, those discrete portions can be removed, or excepted, from the DA via a motion calling out the specific provisions to be removed.)

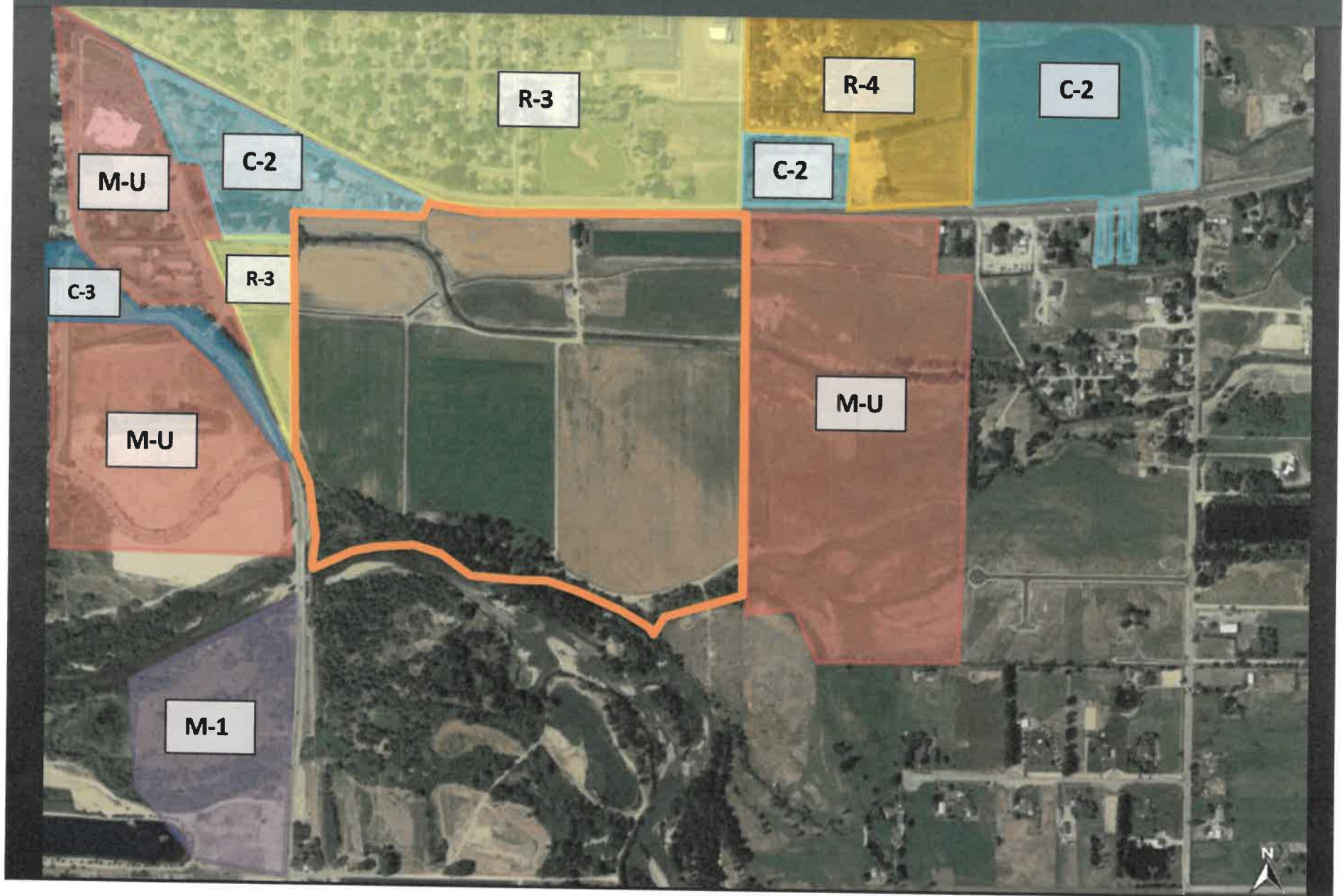
If Commissioners are not inclined to recommend approval of the applications, then per MCC 1-14-2(E)8, the Commissioners should state what the Applicant can do, if anything, to gain a recommendation of approval.



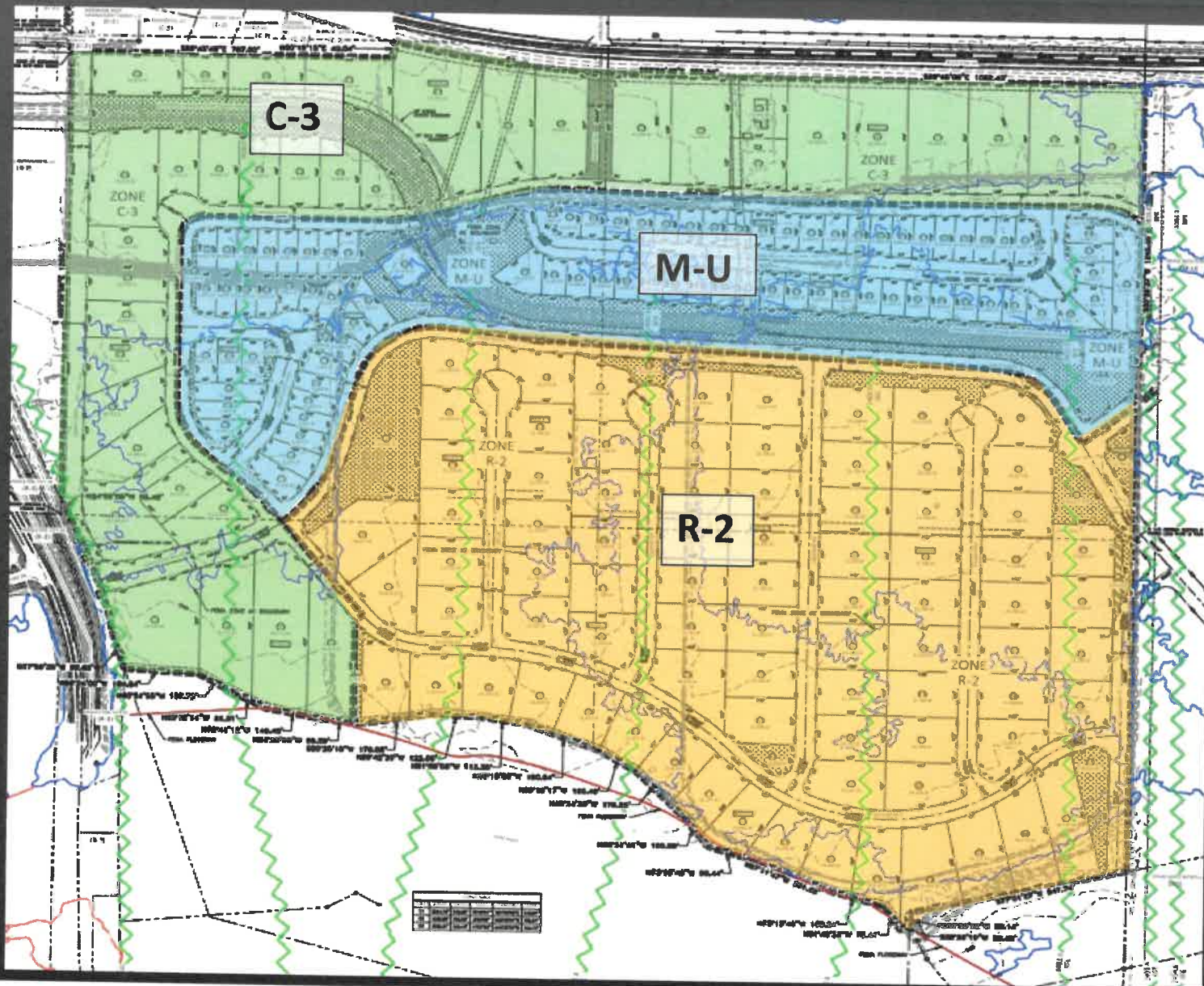


**River Walk Crossings
Annexation & Zoning, Development Agreement,
Preliminary Plat, Floodplain Development
City of Middleton**

Project Location & Information



Requested Zoning Boundaries

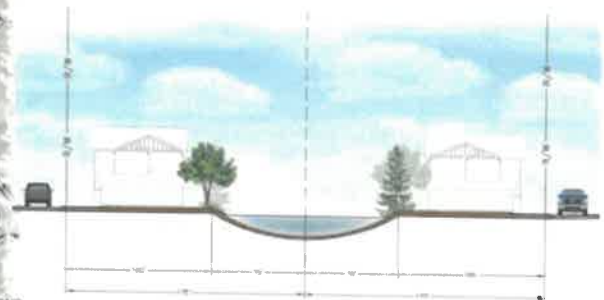


Preliminary Plat / Development Plan

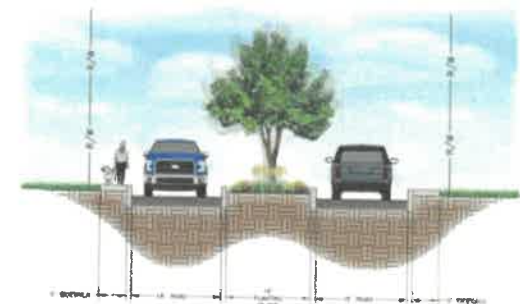


CONCEPTUAL, SUBJECT TO CHANGE

TYPICAL LOT SECTION



ENTRY BOULEVARD SECTION



Schematic Video – Entry & Residential



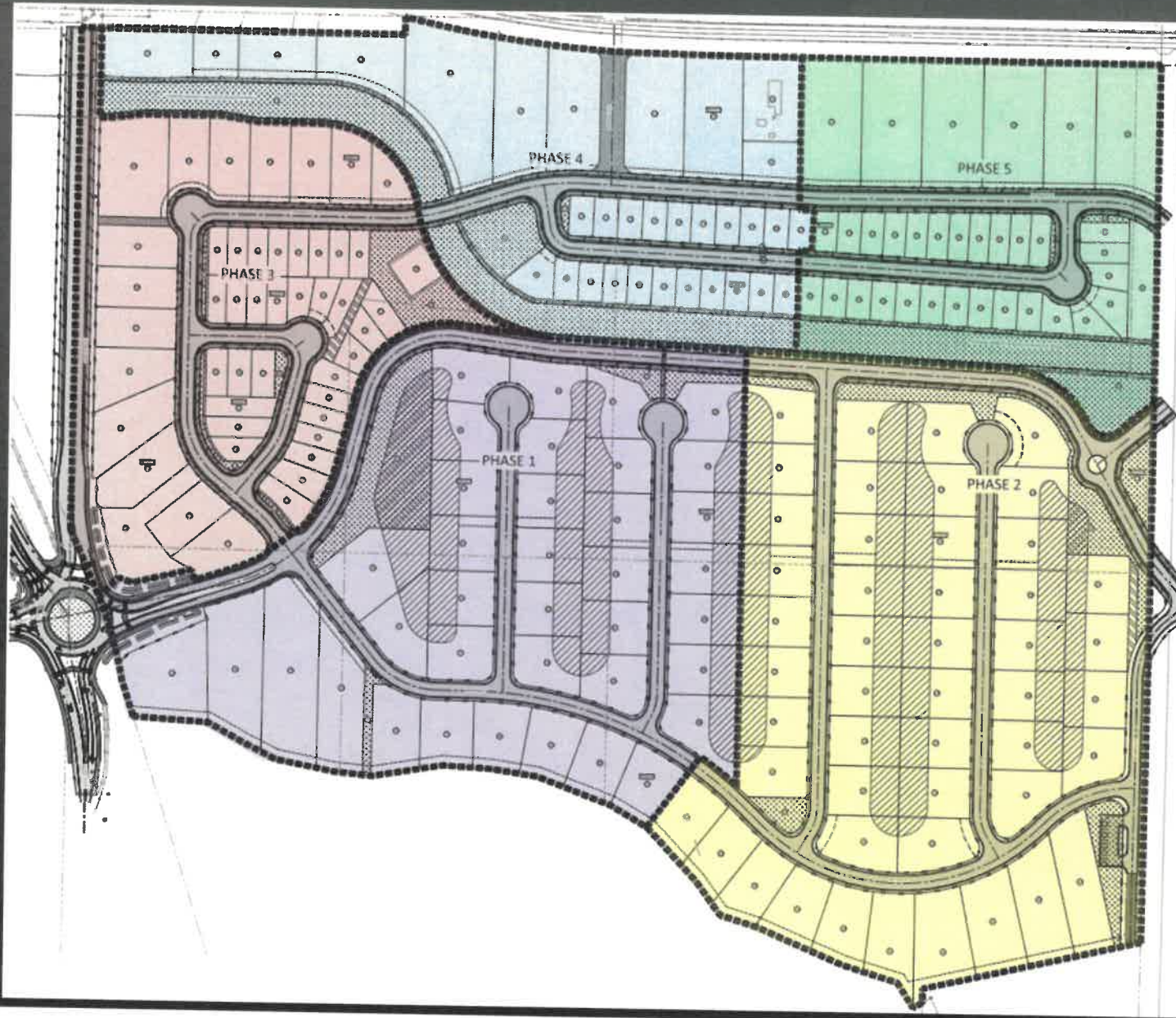
Schematic Video – Commercial Portion



Schematic Video – Commercial Portion



Phasing Plan



Typical Home Elevations



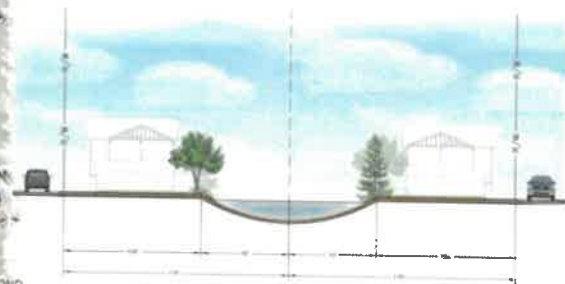
Age-Restricted Inspiration





CONCEPTUAL, SUBJECT TO CHANGE

TYPICAL LOT SECTION



ENTRY BOULEVARD SECTION



Thank you



2) Comprehensive Plan Amendment

August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email	In Favor	Neutral	Opposed	Testify
✓	Caleb Lacey	8150 W Cottonwood Base ID	caleb.lacey@mtc.idaho.gov		X		X
✓	Peter Coddling	10031 Riverbend Middleton ID	petercoddlingconst1@gmail.com			X	
+	Steffi Jarrett	25160 Duff				X	
✓	LEROY G. LLIFER	511 N DEWEY	208-860-8115			X	
✓	MATTHEW A. WATKINS	10669 Hwy 44 Middleton	(208) 899-3141 mawatkins@icloud.com	✓			✓
✓	Patricia M Watkins	10038 Turner Dr Middleton	(208) 585-2730 patsy1d@yahoo.com				
✓	Lori Smith	10079 Riverbend Pl Middleton	lori1001@comcast.net			✓	✓
✓	Jay GIBBONS	10167 Willis Rd. Middleton	208-863-1815			X	X
✓	Cartene Tine						



2) Comprehensive Plan Amendment
 August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
✓	✓ <u>Ther Hess</u>	15031 STUBBINS Ln.	208-409-0864	X			
✓	✓ <u>J. SH SHACKELFORD</u>	14051 BLACKHAWK LN	208-854-8313		X		
✓	✓ <u>TAMER VERKES</u>	12885 QUAIL ROW	208-391-3830	X			
✓	✓ <u>Mike Drape</u>	1889 Ridge Way	208-527-6247				
✓	✓ <u>CHRIS HOPPER</u>	15435 Hwy 44	208-454-8135				
✓	✓ <u>SPENCER KOTED</u>	8454 BROOKHAVEN Pl. Middleton	208 863 5164	X			
✓	✓ <u>DAVID Toney</u> <u>DAVID Toney</u>	9865 GRAND T. Middleton ID 9865 GRAND Tanager	208 629 9181				
✓	✓ <u>Brian Bush</u>	7125 W Tanager	208 944 1602				⓪
✓	✓ <u>LYLE EUTEN</u>	9965 GRAND Tanager MIDDLETON		X			



3) Breckon Design - River Pointe (Remand)

August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
✓	MICHAEL KIELLEY	10073 RIVERBEND PL.	MPK@THEGRID.NET			✓	
✓	Kathleen Kelley	10073 Riverbend PL	MPK@theGrid.net			✓	
✓	Brian Buzant	1125 W Two Rivers Ln	(208) 994 1607	✓			✓
✓	Mary Wall	6661 Glenwood Rd	mwall@breckonld.com	✗			✓
✓	STERLING SMITH	10079 RIVERBEND PL	SSmith613@Comcast.net			✗	
✓	Loei SMITH	"	"			✗	✓
✓	Peter Coddings	10031 Riverbend Middleton	petercoddingsconst.1@gmail.com			✗	
✓	Matt Hoffman	19851 Dominion Way Caldwell, ID 83605	"			✗	✗
✓	LEROY G. LILES	511 N DREWY	208-860-8115			✗	



3) Breckon Design - River Pointe (Remand)
 August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
✓	Maria Hernandez	10076 Riverbend Pl.				X	
✓	Carlene Thie						
✓	Kelly Falsa	2350 W McMillan		✓			
✓	Regina Henley	10055 Riverbend				✓	
✓	GORDON SHADDOAN	22568 DUFF LN.	841-330-8178			X	
✓	CHRISTINE SHADDOAN	" "	" "			X	
✓	TANNER VERHOEKS	208-391-3838 12835 QUAIL RUN	208-391-3838	X			
✓	Mike Grafe	1889 RIDGE WAY	208-527-1229				
✓	DOUG BENNE	25794 AMBLE WAY	207 334 8343			X	

[illegible]



4) Hess Properties - River Walk Crossing - Annexation/Rezone, PP, DA, Comp Plan Map Amendment

August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email	Please check			
				In Favor	Neutral	Opposed	Testify
	Caleb Lacey Dan McElhinney ITD	8150 W CITRUS BOISE, ID	CALEB. LACEY @ ITD. IDAHO. GOV		✓		✓
	Brian Burnett	1125 W THE RIVERS LN	208 994 1607	✓			✓
	LEON GILLIES	511 N. DEEP W.	208-860-8114			X	
	SHERI JARRETT	25160 DUFF				X	NO
	MATTHEW A. WATKINS	10669 Hwy 44 Middleton	(208) 899-3141 mawatkins208@icloud.com	✓			✓
	Patricia M Watkins	10038 Turner Dr Middleton	(208) 585-2730 patsy1dr@yahoo.com	✓			✓
	THOMAS HESS	15022 STEPHENS LN.	208-409-0864	✓			
	CARLENE THIE						
	Jim Costa	24444 Hartley LN	208-761-1423				



4) Hess Properties - River Walk Crossing - Annexation/Rezone, PP, DA, Comp Plan Map Amendment
 August 9, 2021 - Planning & Zoning - Public Hearing

Please check

	Name	Address	Phone or Email				
				In Favor	Neutral	Opposed	Testify
	Nicole Shackelford	14051 Blackhawk Ln, Caldwell	208-857-3140		<input checked="" type="checkbox"/>		
	TANNER VERHOEKS	12885 QUAIL RUN	208-391-3832	<input checked="" type="checkbox"/>			
	Mike Grafe	1889 Ridge Way	208-527-6227				
	LYLE ZUFERT	9965 GRAND TARGHEE	208-			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	SPENCER KOFOED	8454 BROOKHAVEN, Middleton	208 863 5164	<input checked="" type="checkbox"/>			
	DOUG BENNE	25794 AMBLE WAY	707 334-8343	<input checked="" type="checkbox"/>			
	ALAN MILLS	Box 206 Middleton Id	208-880-0525	<input checked="" type="checkbox"/>			
	ANDREW Knowles	1521 CROWNIE PORTE	208 794-7480	<input checked="" type="checkbox"/>			



Public Comment Sign In

August 9, 2021 Planning & Zoning Meeting

	Name	Address	Phone or Email	Topic/Agenda Item #
1	Carlene Thier			
2	Mike Lipe	1889 Ridge Way	208-527-6227	
3	DOUG BENNE	25794 AMBLE WAY	707 334-8343	Duff Lane
4	DAVID Toney	9865 GRAND Tanager TR Middleton	208 629-9182	Duff Lane
5	JEREMY RUDOLPH	507 TRIUMPH DR MIDDLETON	650 296 8659	
6				
7				
8				
9				
10				

Middleton Planning & Zoning Commission

Findings of Facts, Conclusions of Law, & Recommendation



In the Matter of the Request of the City of Middleton (the “Applicant”) for amendment to the following Comprehensive Plan Maps: (1) Area of City Impact Map, (2) Future Land Use Map, (3) Transportation, Schools, and Recreation Map, (4) Transit Map, (5) Functional Classification Map, (6) Future Acquisitions Map, (7) Current Land Use Map, (8) Crane Creek Park Map, and (9) River Park Plan Map:

A. Findings of Fact: The Planning & Zoning Commission reviewed the facts as outlined in the staff report for the hearing date of July 12, 2021, (incorporated herein by this reference and made a part hereof as if set forth in full, a copy of which is attached hereto as Exhibit A), considered public testimony at both the July 12, 2021 public hearing and continued August 9, 2021 public hearing, and considered all Idaho State Statutes and City ordinances, standards and codes relevant to the application.

1. Hearing Facts: See facts in the Staff Report for the public hearing date of July 12, 2021, which Report is attached hereto as Exhibit “A” and incorporated herein by this reference. Additionally,
 - i. The Commission noted concern with the current Hwy 44 Alternative Bypass Route (“Alternative Route”) as shown on the current Comprehensive Plan Maps because it may not be in the best location for the City of Middleton. Instead, it may hurt economic development and circulation because it may hinder easy access to Middleton’s current downtown corridor.
 - ii. The Commission reviewed the additional alternative plans for a bypass that Idaho Transportation Department (ITD) presented at the August 9, 2021 public hearing.
 - iii. The Commission reviewed the City of Middleton’s Transportation Plan presented by City Administrator Becky Crofts, which plan would be a substitute for the current Alternative Route if the Alternative Route is removed from the Comprehensive Plan Maps.
2. Procedural Status: See the facts in the Staff Report for the hearing date of July 12, 2021, which Report is attached hereto as Exhibit “A” and incorporated herein by this reference. Further, the public hearing of July 12, 2021 was continued to August 9, 2021 to allow ITD and the City to meet on the issue of alternative plans, to allow ITD time to present alternative bypass plans to the Commission, and to allow the City time to present the City’s proposed traffic plan to substitute for the Alternative Route.
3. Application Facts: See the facts outlined in the Staff Report for the hearing date of July 12, 2021, which Report is attached hereto as Exhibit “A” and incorporated herein by this reference.

B. Conclusions of Law: The Middleton Planning & Zoning Commission has the authority to hear this application and recommend to City Council that it be approved or denied. The public notice requirements were met, the hearing was legally noticed, and the

hearing was held and conducted under the requirements of Idaho State Code and City ordinances. Specifically, based upon the findings of fact, the Middleton Planning & Zoning Commission finds the following:

1. That the Planning & Zoning Commission has the authority to exercise the powers conferred upon it by the “Local Land Use Planning Act of 1975,” codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That the Planning & Zoning Commission properly exercised said authority.
3. That due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction and comment(s) from the public received in written form and through public testimony.
4. That notice of the application and public hearing were given according to law.
5. That the 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.
6. That codes and standards applicable to the applications are the Idaho State Statute, Title 67, Sections 6508, 6509, 6517, 6525, and 6526 together with Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4.

C. Recommendation:

Pursuant to the Planning & Zoning Commission’s authority as provided in Middleton City Code 1-5-5, and based upon the Findings of Fact and Conclusions of Law, the Planning & Zoning Commission recommends the following to the Middleton City Council:

The Application of the City of Middleton to amend the Comprehensive Plan (1) Area of City Impact Map, (2) Future Land Use Map, (3) Transportation, Schools, and Recreation Map, (4) Transit Map, (5) Functional Classification Map, (6) Future Acquisitions Map, (7) Current Land Use Map, (8) Crane Creek Park Map, and (9) River Park Plan Map should be approved with the condition that the Idaho Transportation Department Alternative Route conceptually shown on the maps should remain on the maps.

WRITTEN RECOMMENDATION APPROVED ON: September ____, 2021.

Ray Waltemate, Chairman
Middleton Planning & Zoning Commission

Attested by:

Roberta Stewart, Middleton City Planner

Exhibit "A"



STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

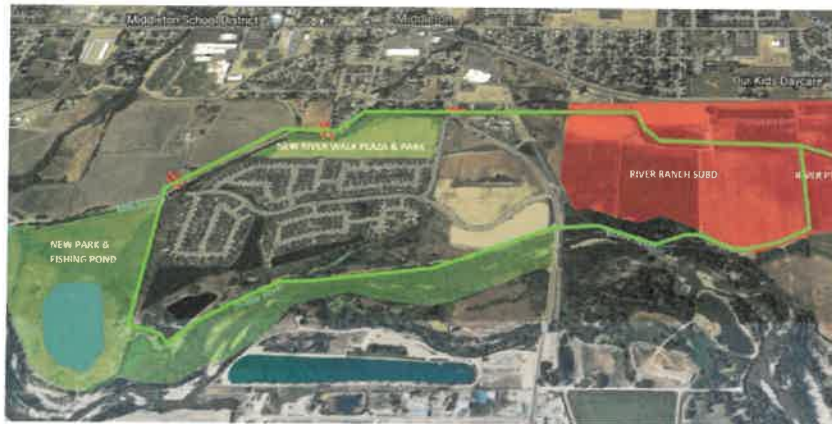
Application for Comprehensive Plan Map Amendments

Planning & Zoning Commission Hearing Date: July 12, 2021

- A. Application Requests:** The City of Middleton is proposing amendments to the following Comprehensive Plan Maps: (1) Area of City Impact Map, (2) Future Land Use Map, (3) Transportation, Schools, and Recreation Map, (4) Transit Map, (5) Functional Classification Map, (6) Future Acquisitions Map, (7) Current Land Use Map, (8) Crane Creek Park Map, and (9) River Park Plan Map.
- B. History & Purpose of Updates:** The City of Middleton has experienced a great deal of growth during the past few years, necessitating some changes to our long-term planning. City limits are expanding, and growth is beginning to occur in and around the current Area of Impact boundary. For that reason, the City Staff is proposing expanding the Area of Impact boundary on all Comprehensive Plan Maps.

City limits have also changed in the past three years, and those changes are shown on the proposed maps.

Another reason for this application is the fact that the City is contemplating a new commercial and recreational center in the "Heart of Middleton." That design is requiring the City to review and refresh its old planning goals. The City recently hired an engineering firm, Stack Rock Engineering, to study our City and begin concept design work for a connection system "informally" known as the "River Walk Loop." This pathway system will connect neighborhoods with commercial centers, parks, a large City plaza, and the Boise River greenbelt trails and boardwalk.



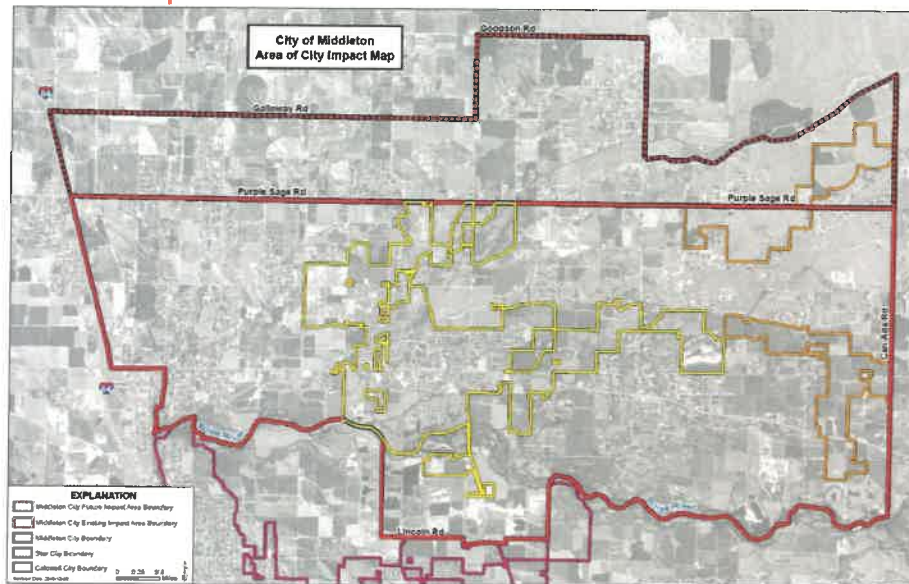
In order to facilitate this design, Middleton Road will be straightened and the proposed Hwy 44 Alternate Route must be eliminated from the planning process. The Alternate Hwy 44 bypass is a 20 year old idea that has yet to come to fruition. Much growth has occurred since the plan was first proposed, and if constructed today, it will adversely affect the City by (1) cutting off access to downtown Middleton, affecting the City's economic growth, (2) bisecting the City in an inconvenient location, and (3) preventing the creation of a new River Walk Loop. For that reason, City Staff proposes eliminating the Hwy 44 alternate route from all Comprehensive Plan Maps.

As a final matter, City Staff proposes changes to the Future Land Use Map to update it to the current planning goals and Staff proposes the elimination of three Comprehensive Plan Maps that are outdated and no longer relevant.

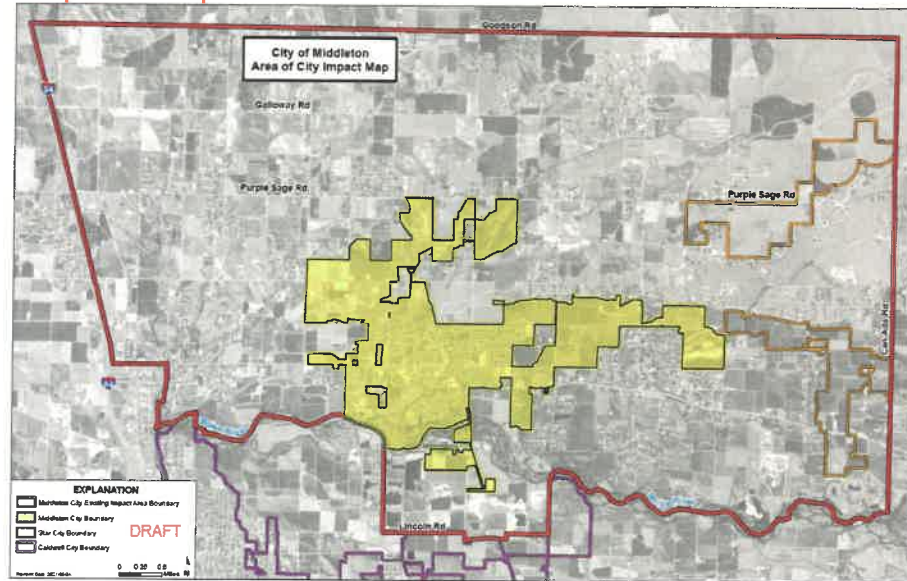
C. Map Amendment Details: Below is a brief description of changes to each map.

1. **Area of Impact Map:** Changes include (1) expansion of the Area of Impact boundary (2) revision to City limits to reflect new boundary, and (3) deletion of the “future area of impact” boundary line and (4) changes to colors for better visual design.

Current Map

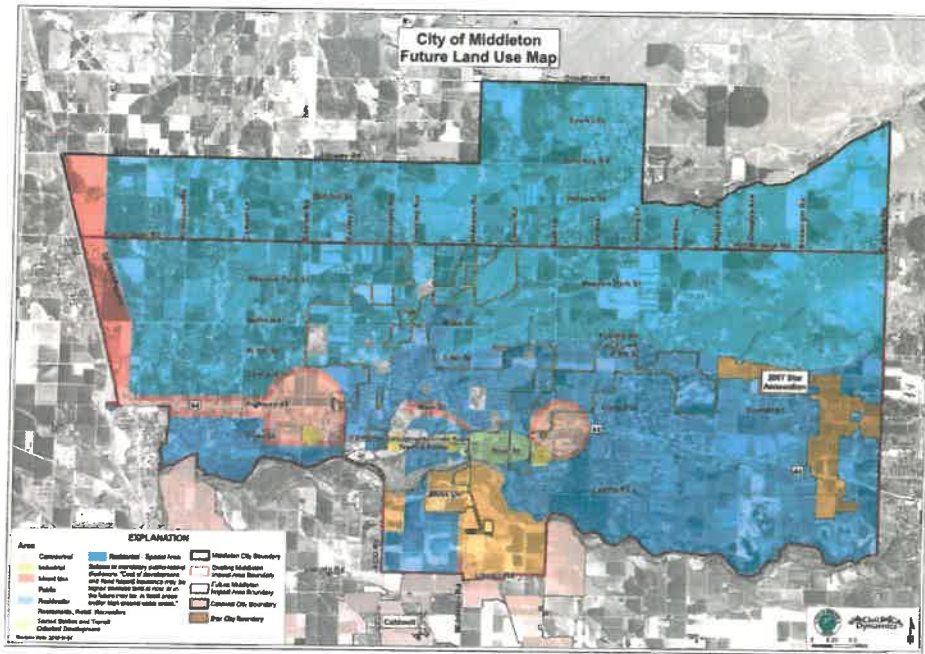


Proposed Map:

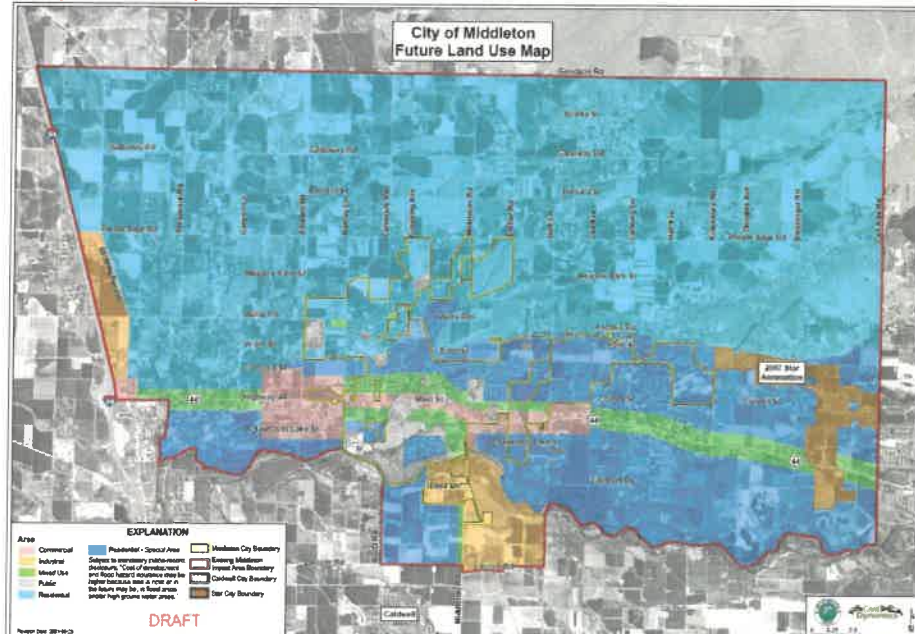


2. **Future Land Use Map:** Changes include (1) expansion of Impact Area boundary, (2) revision to City limits to reflect new boundary, (3) elongation of Commercial uses along Hwy 44 with transition to Mixed Use, (4) removal of future Hwy 44 alternate route, (5) removal of concept circles and tied designated use areas to streets and intersections for clarity, and (6) addition of industrial use along I-84 and removal of small amount of Industrial use south of the Boise River.

Current Map

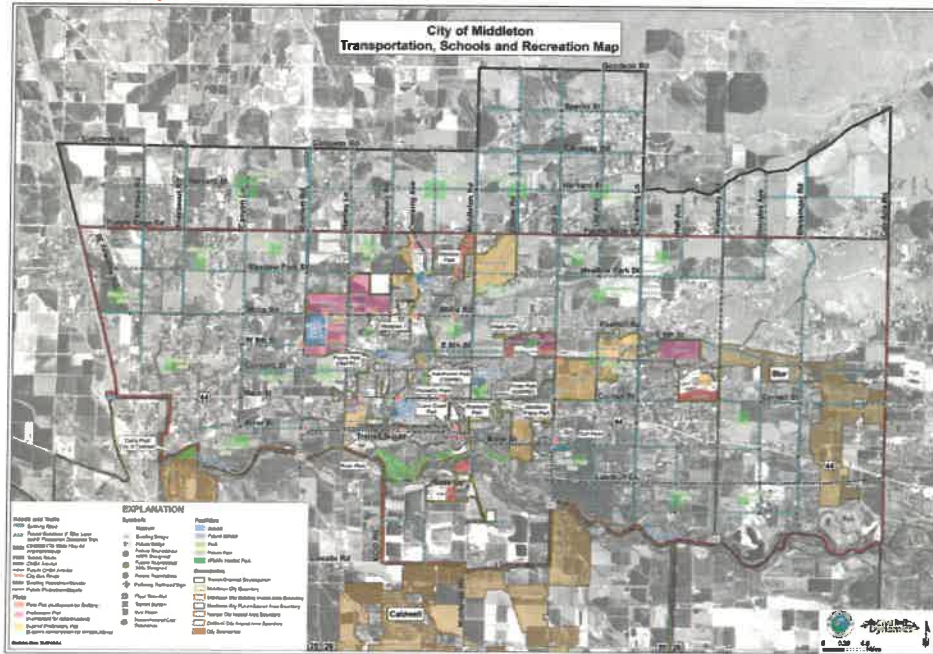


Proposed Map

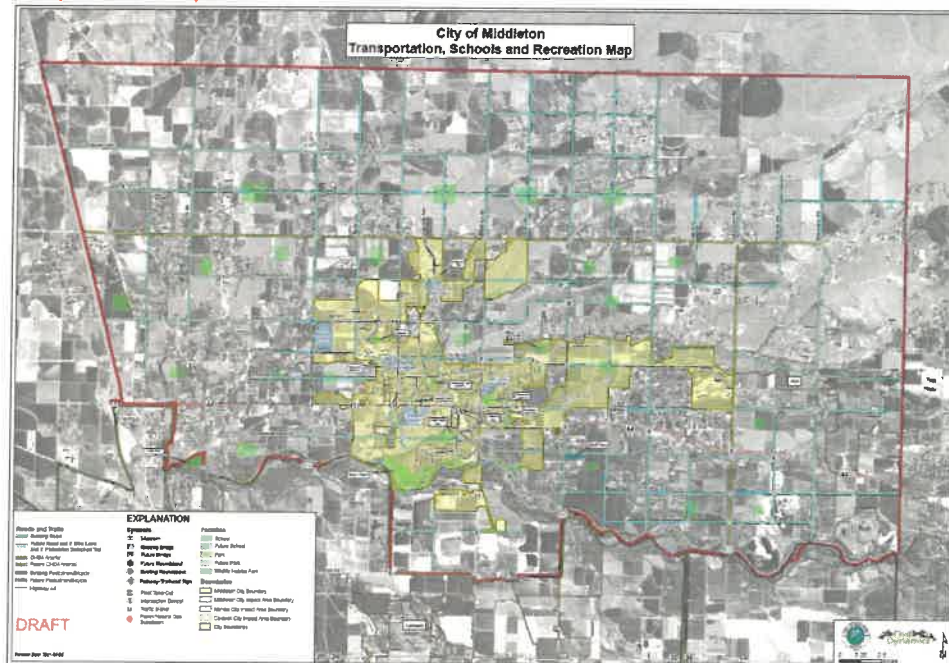


3. **Transportation, Schools & Recreation Map:** Proposed changes include (1) expanded Area of Impact boundary (2) revised City limits, (3) removed reference to State Hwy 44 Alternative Route, and (4) removed confusing colors regarding old preliminary plat applications and subdivisions and added better color design.

Current Map

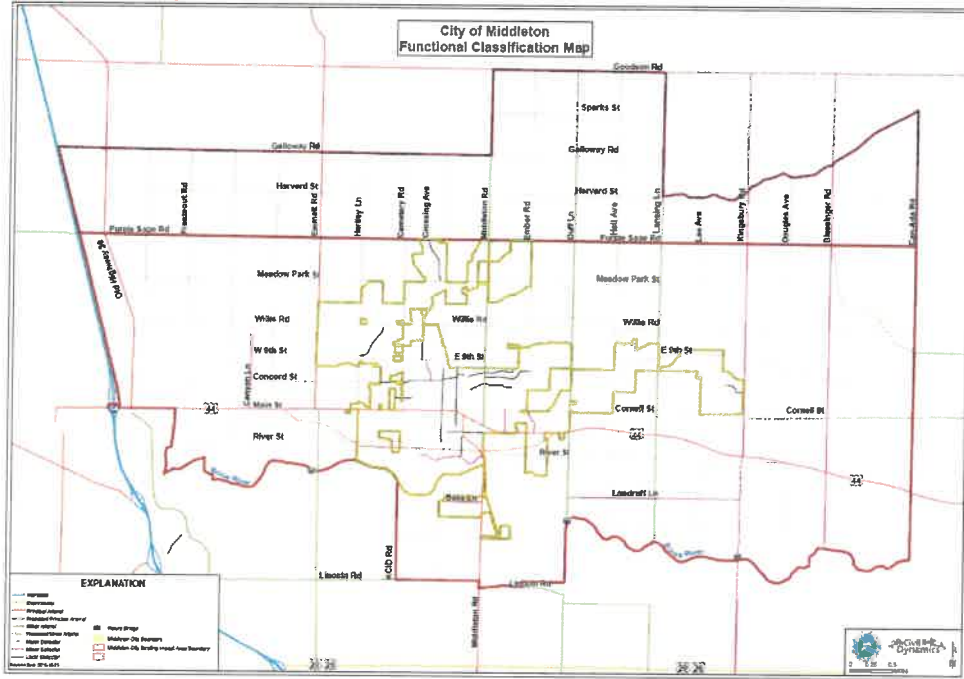


Proposed Map

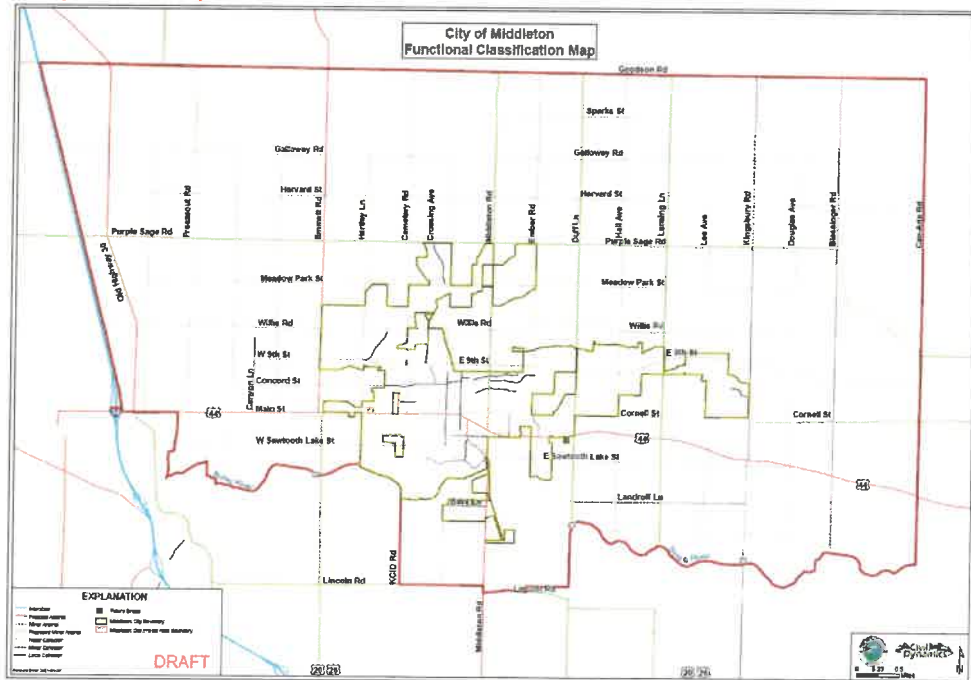


4. **Functional Classification Map:** Proposed changes include (1) expansion of Area of Impact boundary, (2) removal of Alternate Hwy 44 Route, and (3) revision to City limits.

Current Map

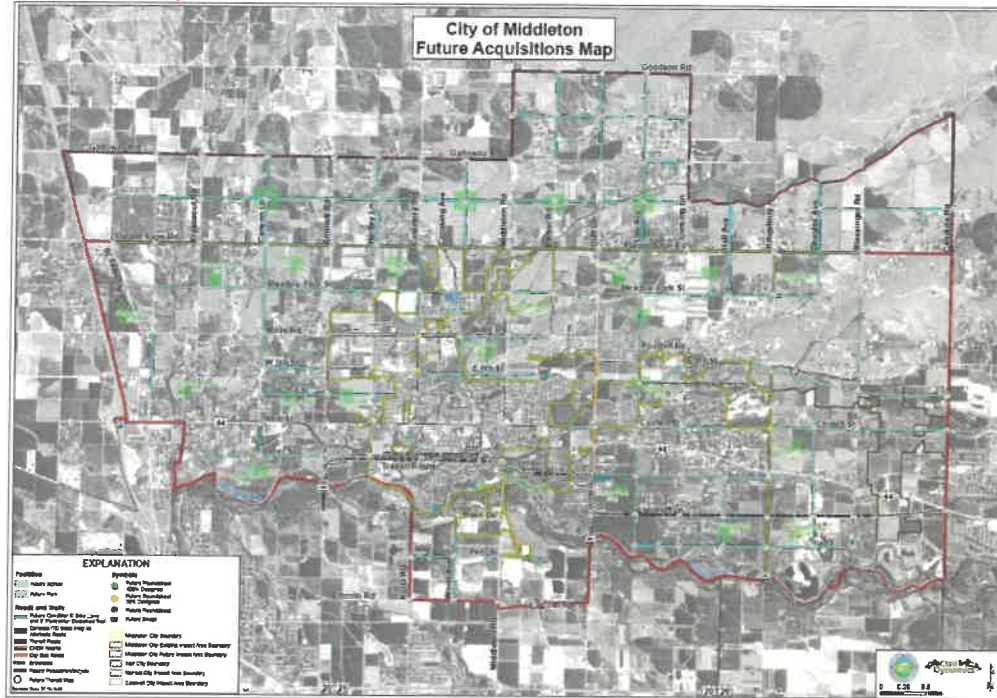


Proposed Map

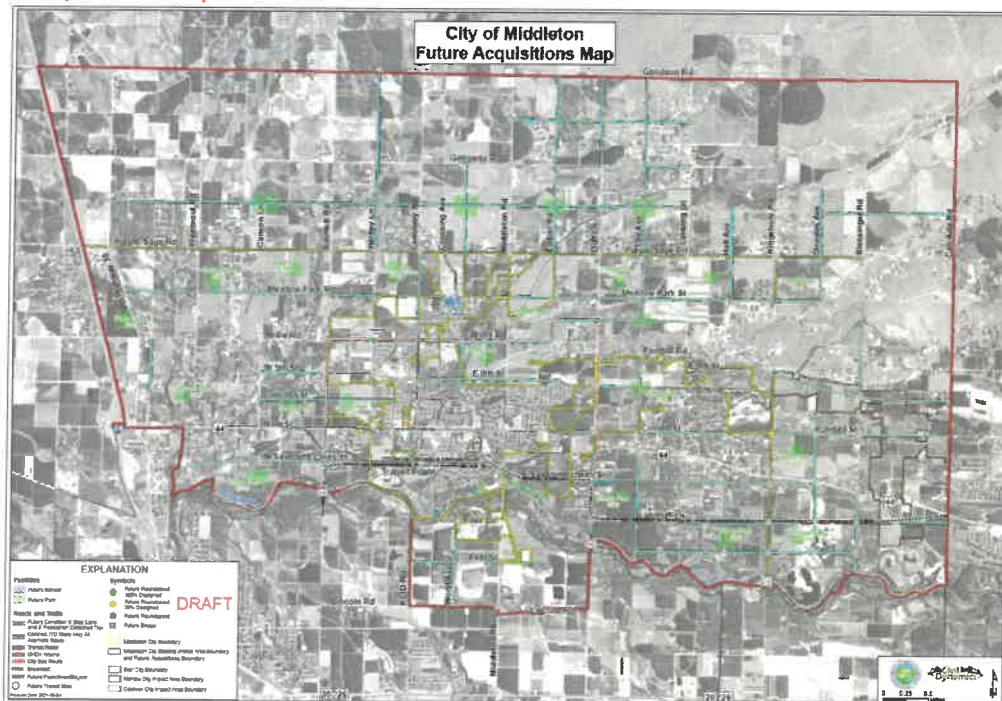


6. **Future Acquisitions Map:** Proposed change is expansion of Area of Impact and revision to City limits.

Current Map

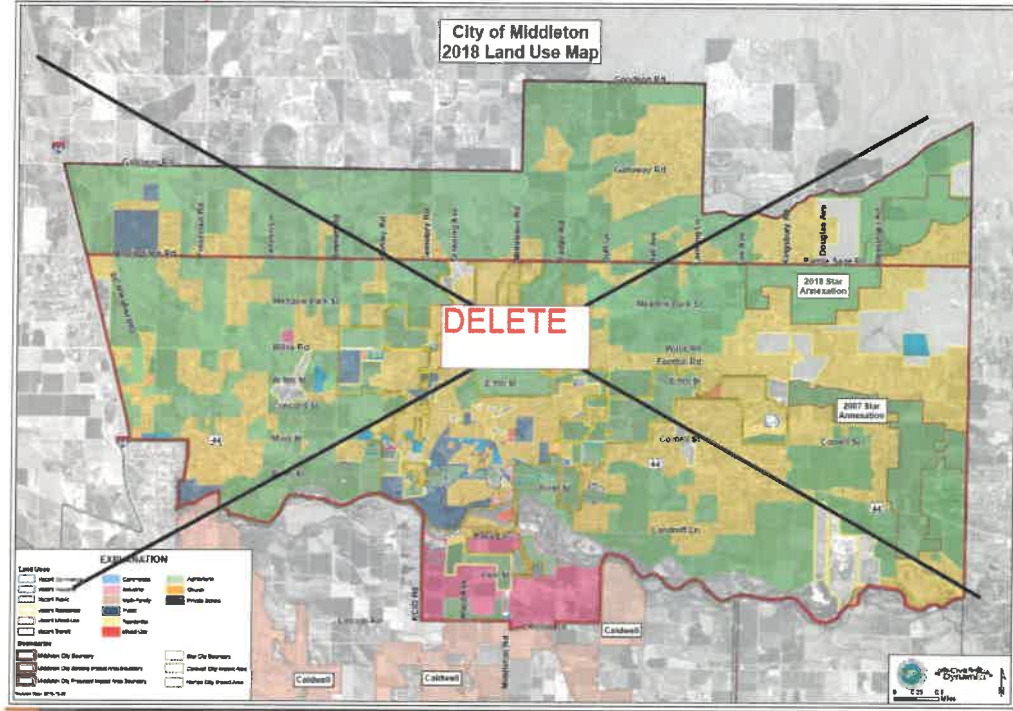


Proposed Map



7. **Maps to be Deleted:** City Staff proposes the elimination of the three Maps shown below because they are obsolete or irrelevant to future planning efforts.

Land Use Map



Crane Park Map



[illegible]

- Planning Staff finds that the revisions to the Impact Area Map incorporate these considerations. The boundaries are extended north, and that is the direction of recent growth. It is reasonably expected that the property in the extended boundary will be annexed in the future.*

Planning Staff finds that the proposed Map amendments are in harmony with the Comprehensive Plan as follows:

- 9

- d. *Goal 10 and 16: The Maps (1) show parks and open space aggregated in large open areas rather than dispersed in smaller sections and (2) show public pathways that create a scenic and usable waterfront on the north side of the Boise River.*
- e. *Goal 22: The Maps establish interesting gathering places that encourage walkability and promote good health and positive social interaction.*

E. Comments Received from Public: None.

F. Comments from Agencies: Canyon Highway District #4 submitted comments on May 14, 2021 and July 8, 2021. CHD4 recommended a number of technical changes and requested that the Functional Classification Map be changed to match CHD4's Functional Classification Map. They also noted the adverse consequences that could occur as a result of removing the Highway 44 alternate route.

We also received a July 7, 2021, comment from Mayor Trevor Chadwick of the City of Star. Mayor Chadwick indicated his opposition to removing the alternate Hwy 44 bypass from the Comp. Plan Maps. He asserts that the elimination of the bypass will create an adverse traffic impact on the surrounding community.

G. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	06/27/2021
Circulation to Agencies	06/25/2021

H. Applicable Codes and Standards:

Idaho State Statute Title 67, Sections 6508, 6509, 6517, 6525, and 6526
And Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-3, and 5-4.

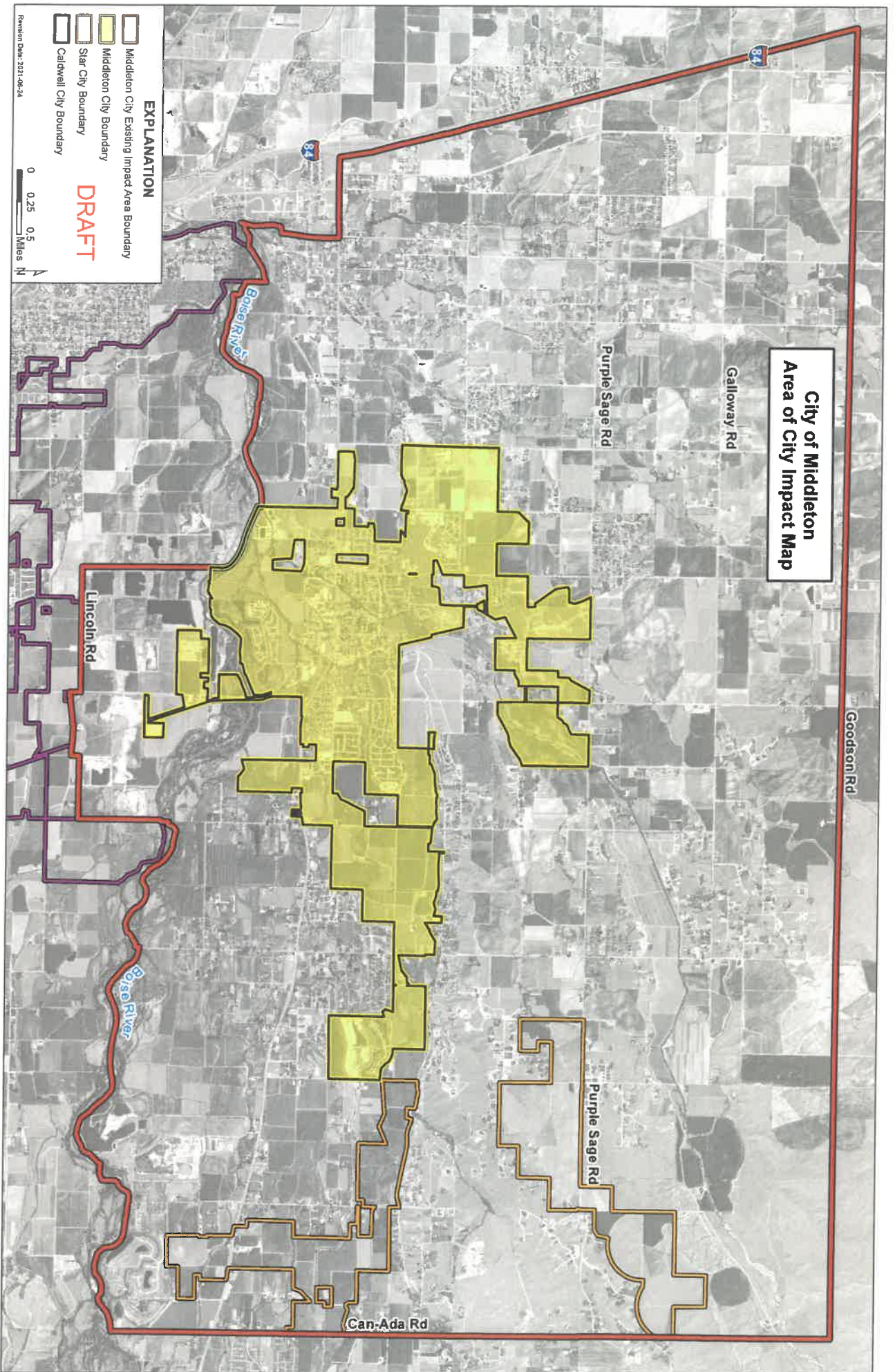
I. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with recommending to City Council the approval or denial of the City's request to amend the nine Comprehensive Maps noted above. If the Commission is inclined to approve the request, Staff does not recommend any conditions of approval.

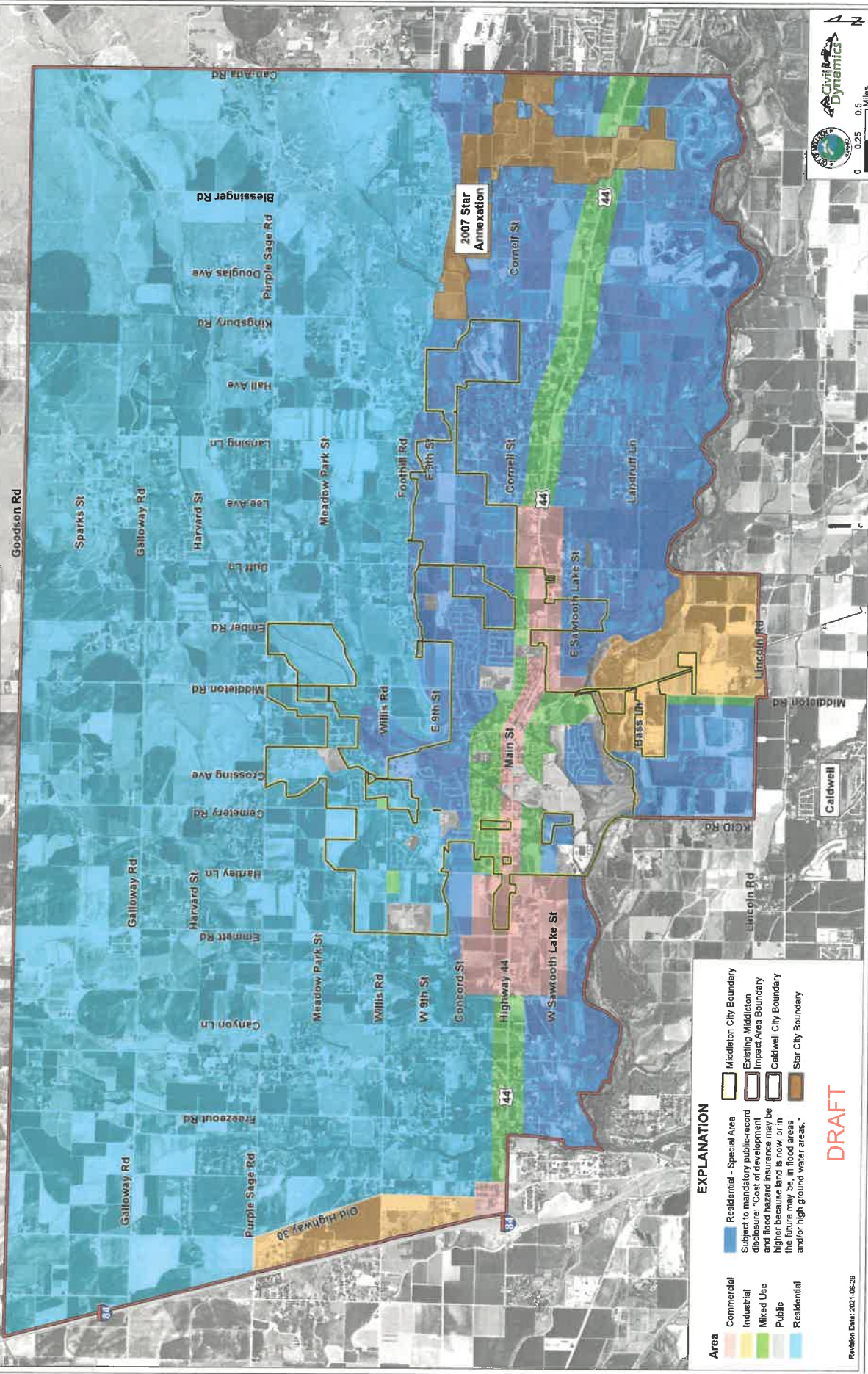
11x17 copies of proposed Comp Plan Maps and current Comp Plan Maps attached.

APPENDIX

PROPOSED MAP AMENDMENTS



City of Middleton Future Land Use Map



EXPLANATION

- | | | |
|--------------------|--|--|
| Area | Residential - Special Area
Subject to mandatory public-record disclosure: "Cost of development and flood hazard insurance may be higher because land is now, or in the future, in flood areas and/or high ground water areas." | Middleton City Boundary |
| Commercial | Industrial | Existing Middleton Impact Area Boundary |
| Mixed Use | Public | Caldwell City Boundary |
| Residential | | Star City Boundary |

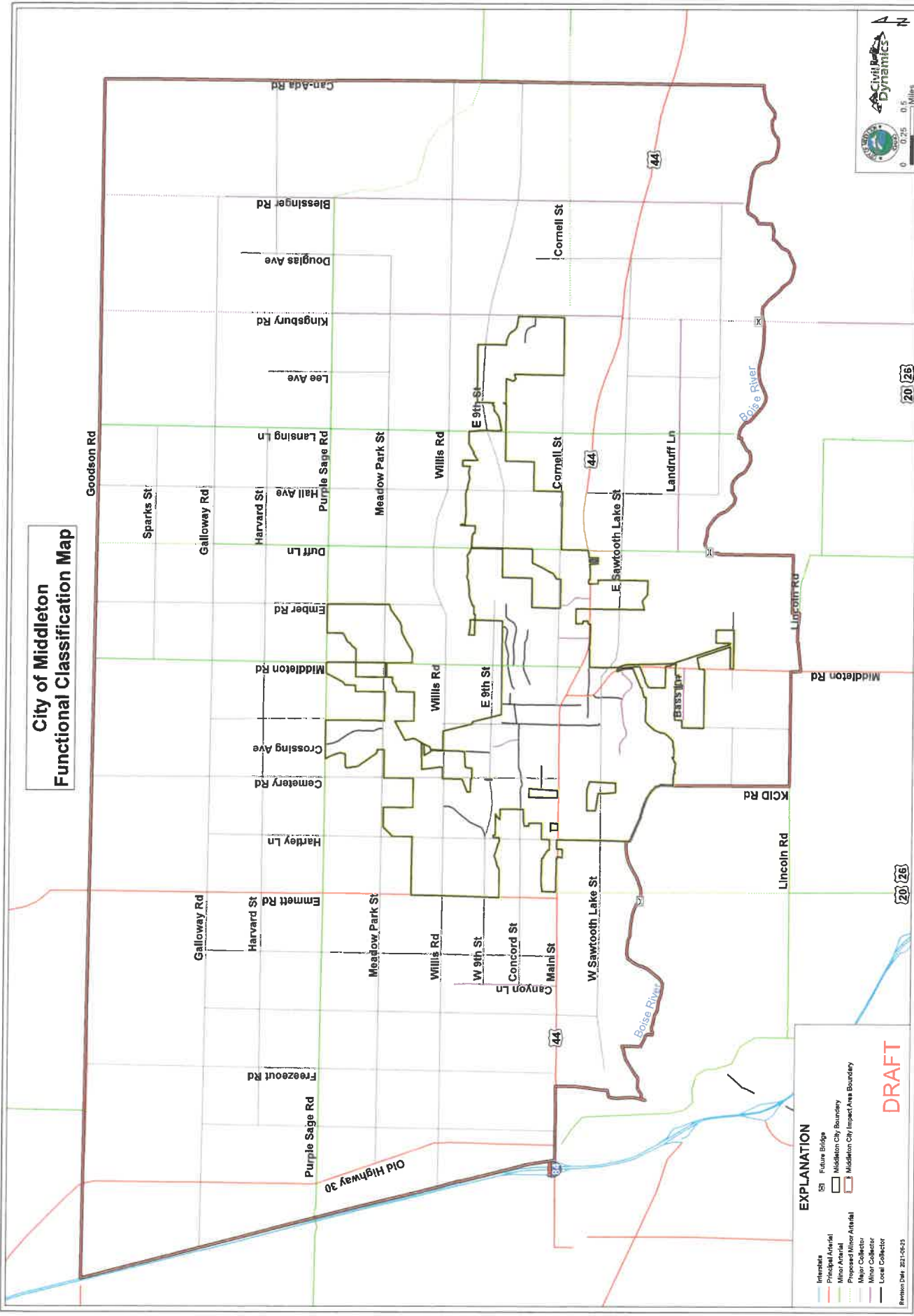
DRAFT

[illegible]

Revision Date: 2021-04-29

Revision Date: 2021-04-29

City of Middleton Functional Classification Map



Interstate

Principal Arterial

Minor Arterial

Proposed Minor Arterial

Major Collector

Minor Collector

Local Collector

Future Bridge

Middleton City Boundary

Middleton City Impact Area Boundary

EXPLANATION

DRAFT

Revision Date: 2021-06-23

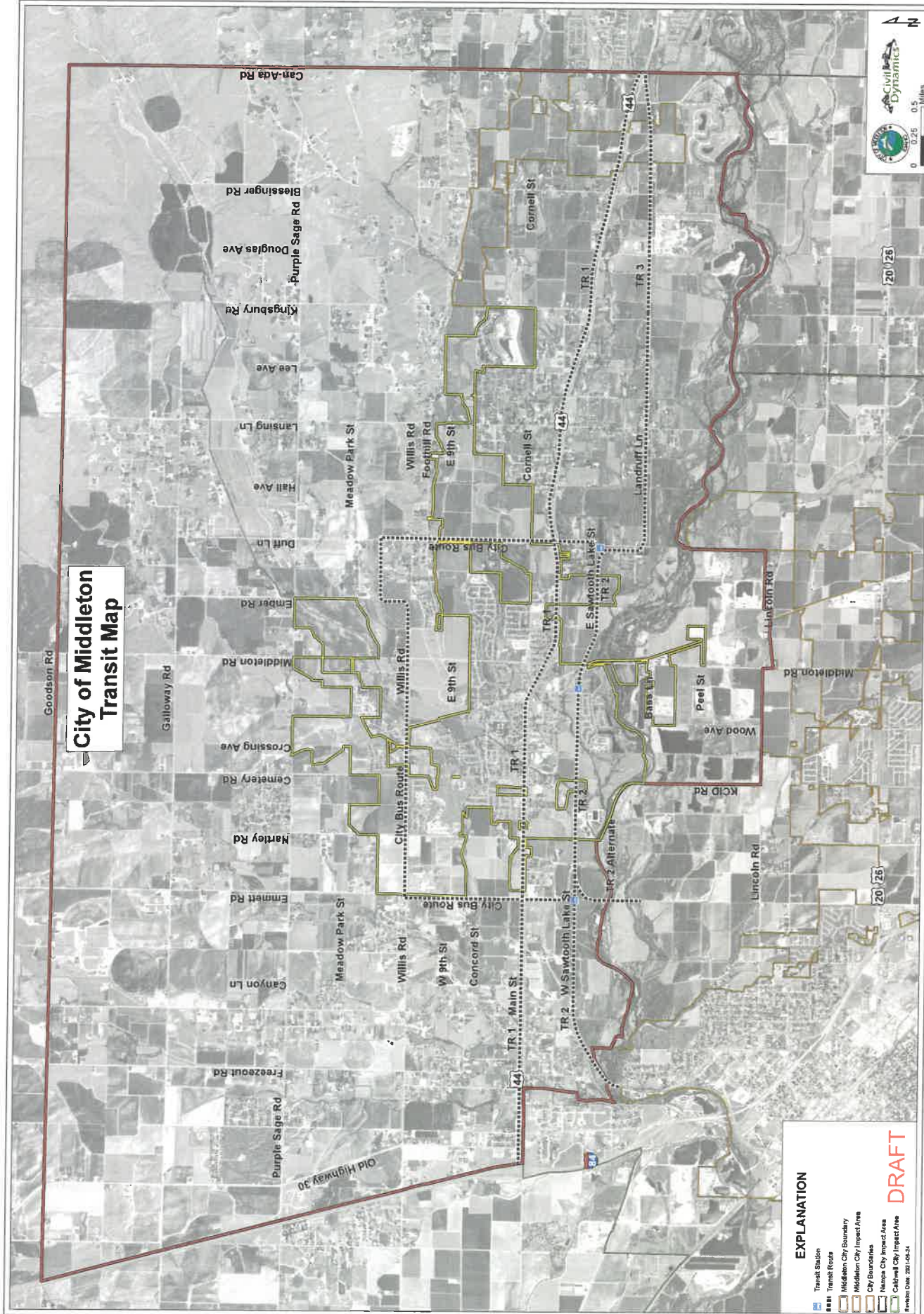
City of Middleton Transit Map

EXPLANATION

- Transit Station
- Transit Route
- Middleton City Boundary
- Middleton City Impact Area
- City Boundaries
- Nampa City Impact Area
- Caldwell City Impact Area

Prepared Date: 2011-06-24

DRAFT



**City of Middleton
Future Acquisitions Map**

EXPLANATION

Facilities

- Future School
- Future Park
- Future Trail

Roads and Trails

- Future Condition 2 Blue Line
- Future Condition 3 Yellow Line
- Future Condition 4 Red Line
- Future Condition 5 Green Line
- Future Condition 6 Purple Line
- Future Condition 7 Brown Line
- Future Condition 8 Grey Line
- Future Condition 9 White Line
- Future Condition 10 Black Line
- Future Condition 11 Blue Line
- Future Condition 12 Yellow Line
- Future Condition 13 Red Line
- Future Condition 14 Green Line
- Future Condition 15 Purple Line
- Future Condition 16 Brown Line
- Future Condition 17 Grey Line
- Future Condition 18 White Line
- Future Condition 19 Black Line
- Future Condition 20 Blue Line
- Future Condition 21 Yellow Line
- Future Condition 22 Red Line
- Future Condition 23 Green Line
- Future Condition 24 Purple Line
- Future Condition 25 Brown Line
- Future Condition 26 Grey Line
- Future Condition 27 White Line
- Future Condition 28 Black Line
- Future Condition 29 Blue Line
- Future Condition 30 Yellow Line
- Future Condition 31 Red Line
- Future Condition 32 Green Line
- Future Condition 33 Purple Line
- Future Condition 34 Brown Line
- Future Condition 35 Grey Line
- Future Condition 36 White Line
- Future Condition 37 Black Line
- Future Condition 38 Blue Line
- Future Condition 39 Yellow Line
- Future Condition 40 Red Line
- Future Condition 41 Green Line
- Future Condition 42 Purple Line
- Future Condition 43 Brown Line
- Future Condition 44 Grey Line
- Future Condition 45 White Line
- Future Condition 46 Black Line
- Future Condition 47 Blue Line
- Future Condition 48 Yellow Line
- Future Condition 49 Red Line
- Future Condition 50 Green Line
- Future Condition 51 Purple Line
- Future Condition 52 Brown Line
- Future Condition 53 Grey Line
- Future Condition 54 White Line
- Future Condition 55 Black Line
- Future Condition 56 Blue Line
- Future Condition 57 Yellow Line
- Future Condition 58 Red Line
- Future Condition 59 Green Line
- Future Condition 60 Purple Line
- Future Condition 61 Brown Line
- Future Condition 62 Grey Line
- Future Condition 63 White Line
- Future Condition 64 Black Line
- Future Condition 65 Blue Line
- Future Condition 66 Yellow Line
- Future Condition 67 Red Line
- Future Condition 68 Green Line
- Future Condition 69 Purple Line
- Future Condition 70 Brown Line
- Future Condition 71 Grey Line
- Future Condition 72 White Line
- Future Condition 73 Black Line
- Future Condition 74 Blue Line
- Future Condition 75 Yellow Line
- Future Condition 76 Red Line
- Future Condition 77 Green Line
- Future Condition 78 Purple Line
- Future Condition 79 Brown Line
- Future Condition 80 Grey Line
- Future Condition 81 White Line
- Future Condition 82 Black Line
- Future Condition 83 Blue Line
- Future Condition 84 Yellow Line
- Future Condition 85 Red Line
- Future Condition 86 Green Line
- Future Condition 87 Purple Line
- Future Condition 88 Brown Line
- Future Condition 89 Grey Line
- Future Condition 90 White Line
- Future Condition 91 Black Line
- Future Condition 92 Blue Line
- Future Condition 93 Yellow Line
- Future Condition 94 Red Line
- Future Condition 95 Green Line
- Future Condition 96 Purple Line
- Future Condition 97 Brown Line
- Future Condition 98 Grey Line
- Future Condition 99 White Line
- Future Condition 100 Black Line

Boundaries

- Future City Boundary
- Future Impact Area Boundary
- Future Acquisition Boundary
- Future Transit Stop

Scale

0 0.25 0.5 1 2 Miles

North Arrow

DRAFT

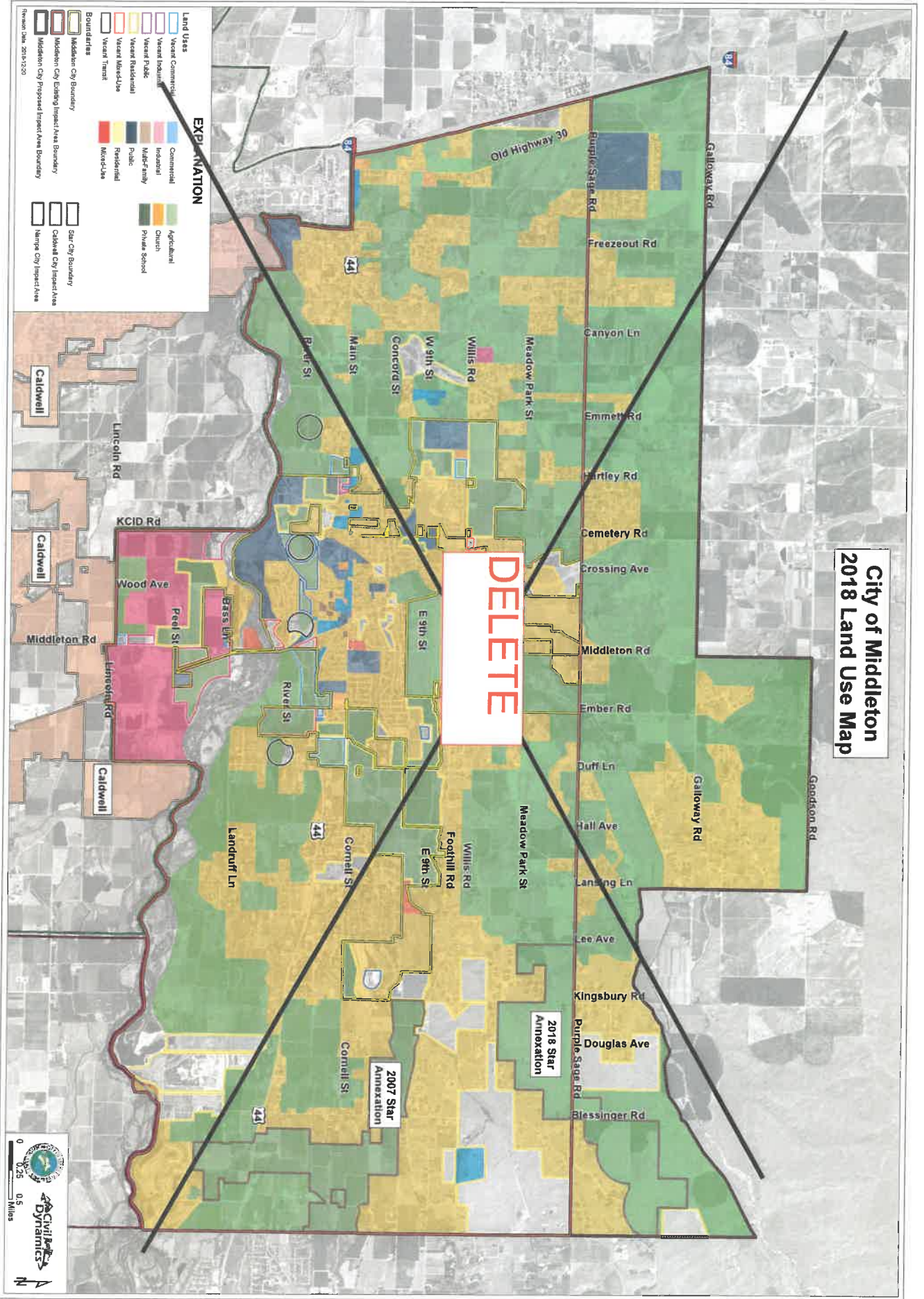
2025

Review Date: 2025-06-01

EXPLANATION

- Facilities**
- Future School
 - Future Park
 - Future Transit
- Reads and Trails**
- 22-23: Future Condition of Blue Lane
and of Pedestrian Described Trail
along Highway 44
- Future Roadway**
- Alternate Route
 - Transit Route
 - City Center Route
 - CHM arterial
 - CHM collector
 - Future Pedestrian/Bicycle
- Future City Boundary**
- Future Transit Stop
 - Future City Boundary
 - Nampa City Impact Area Boundary
 - Caldwell City Impact Area Boundary
- Symbols**
- Roundabout
 - 100% Designed
 - Future Roundabout
 - 50% Designed
 - Future Roundabout
 - Future Bridge
- Future City Boundary**
- Midtown City Boundary
 - Midtown City Existing Impact Area Boundary
 - Future Acquisitions Boundary
- Star City Boundary**
- Star City Boundary

City of Middleton 2018 Land Use Map



City of Middleton Crane Creek Park



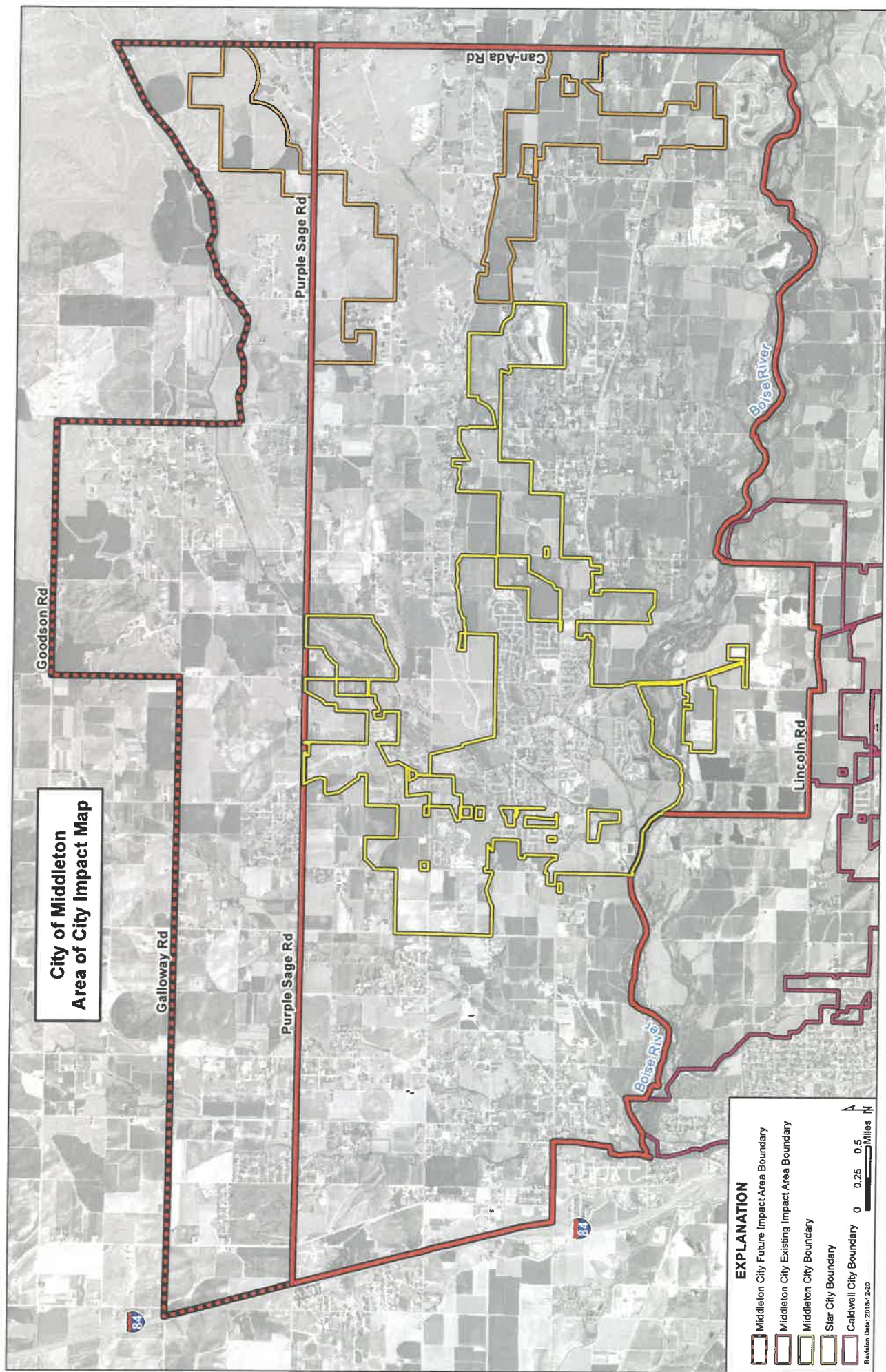


Road Future

- Revision Date: 2018-12-20

CURRENT COMPREHESIVE PLAN MAPS

City of Middleton Area of City Impact Map

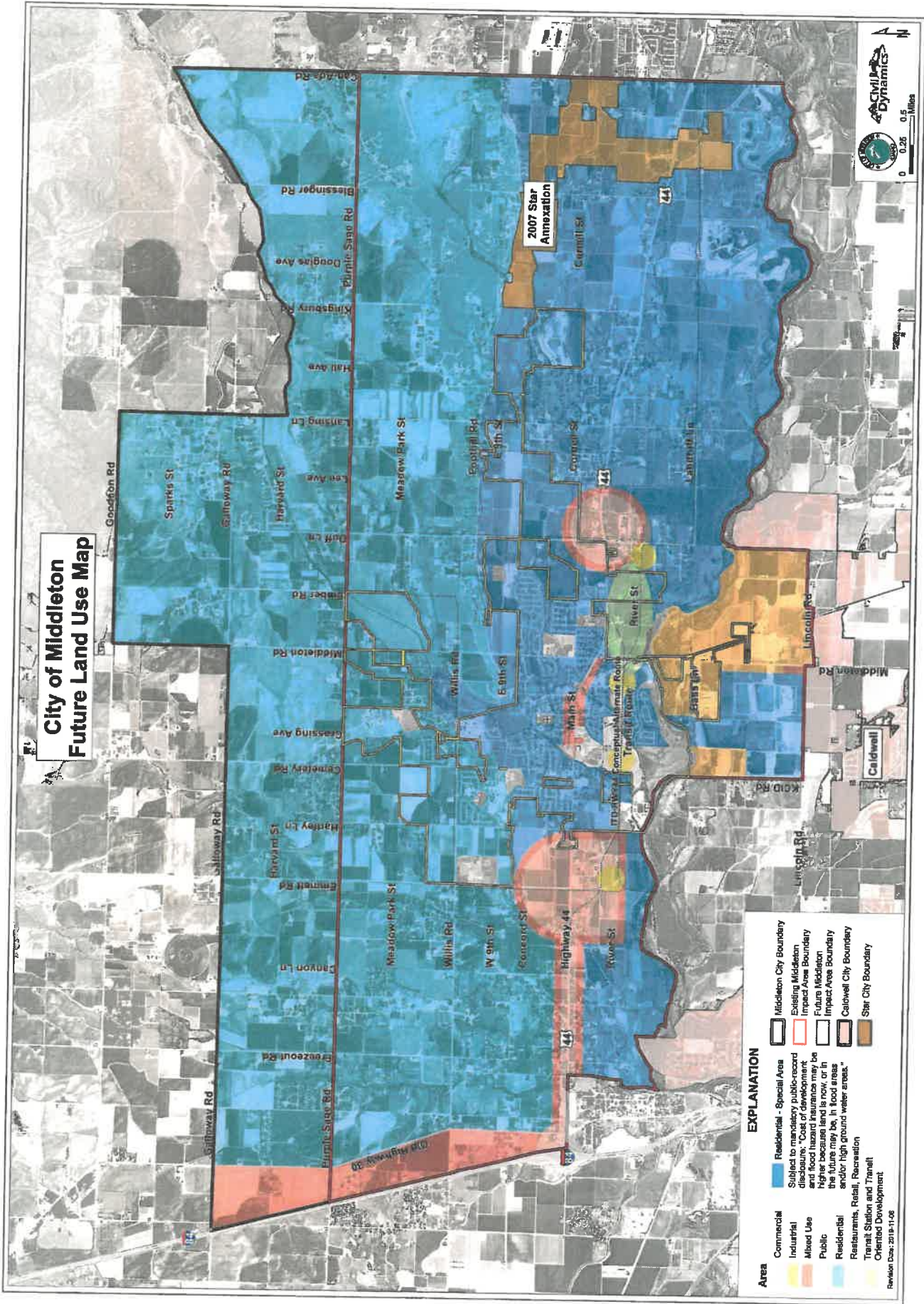


EXPLANATION

- Middleton City Future Impact Area Boundary
- Middleton City Existing Impact Area Boundary
- Middleton City Boundary
- Star City Boundary
- Caldwell City Boundary

Scale: 0 0.25 0.5 Miles
Revision Date: 2018-1-2-20

City of Middleton Future Land Use Map

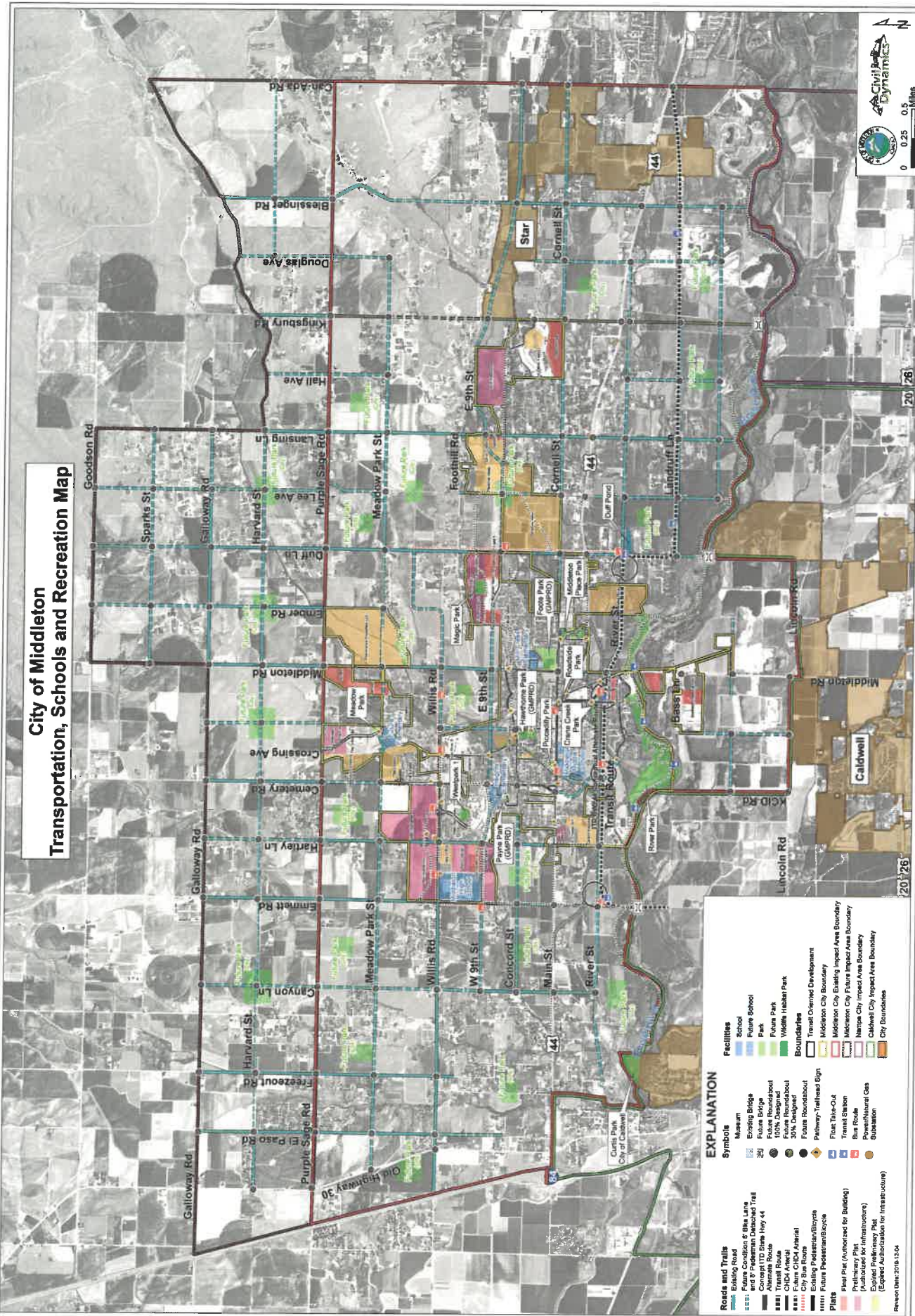


- Area**
- Commercial
 - Industrial
 - Mixed Use
 - Public
 - Residential
 - Restaurants, Retail, Recreation
 - Transit Station and Transit Oriented Development
- EXPLANATION**
- Residential - Special Area
 - Subject to mandatory public record
 - Cost of development
 - Higher because land is now or in the future may be, in flood areas and/or high ground water areas.
 - Middleton City Boundary
 - Existing Middleton
 - Impact Area Boundary
 - Future Middleton
 - Impact Area Boundary
 - Calwell City Boundary
 - Star City Boundary

Revision Date: 2018-11-08



Civil Dynamics

City of Middleton
Transportation, Schools and Recreation Map

City of Middleton Functional Classification Map

EXPLANATION

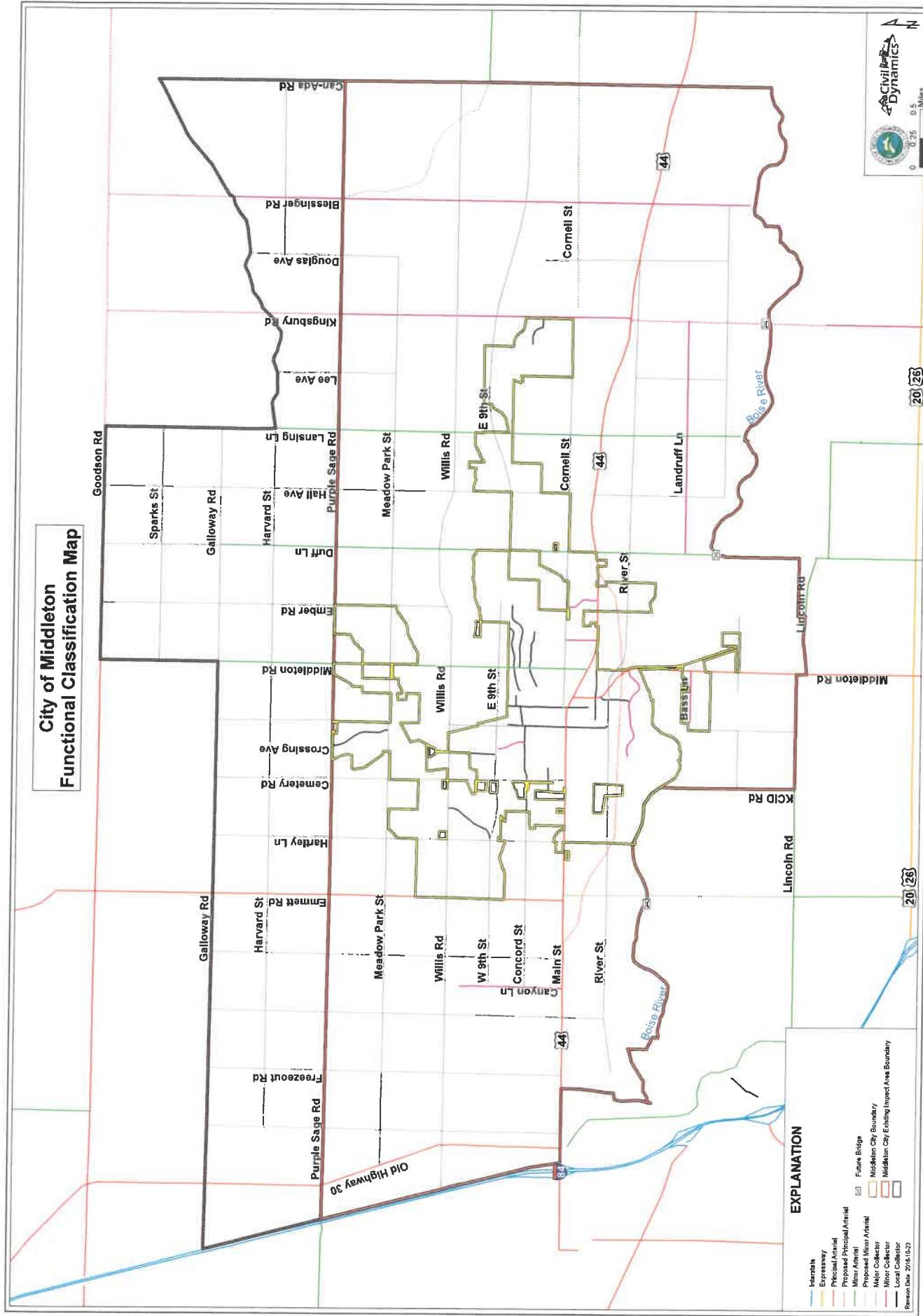
- Interstate
- Expressway
- Principal Arterial
- Proposed Principal Arterial
- Minor Arterial
- Proposed Minor Arterial
- Major Collector
- Minor Collector
- Local
- Future Bridge
- Middleton City Boundary
- Middleton City Existing Impact Area Boundary

Revision Date: 2016.10.23



0 0.25 0.5 Miles

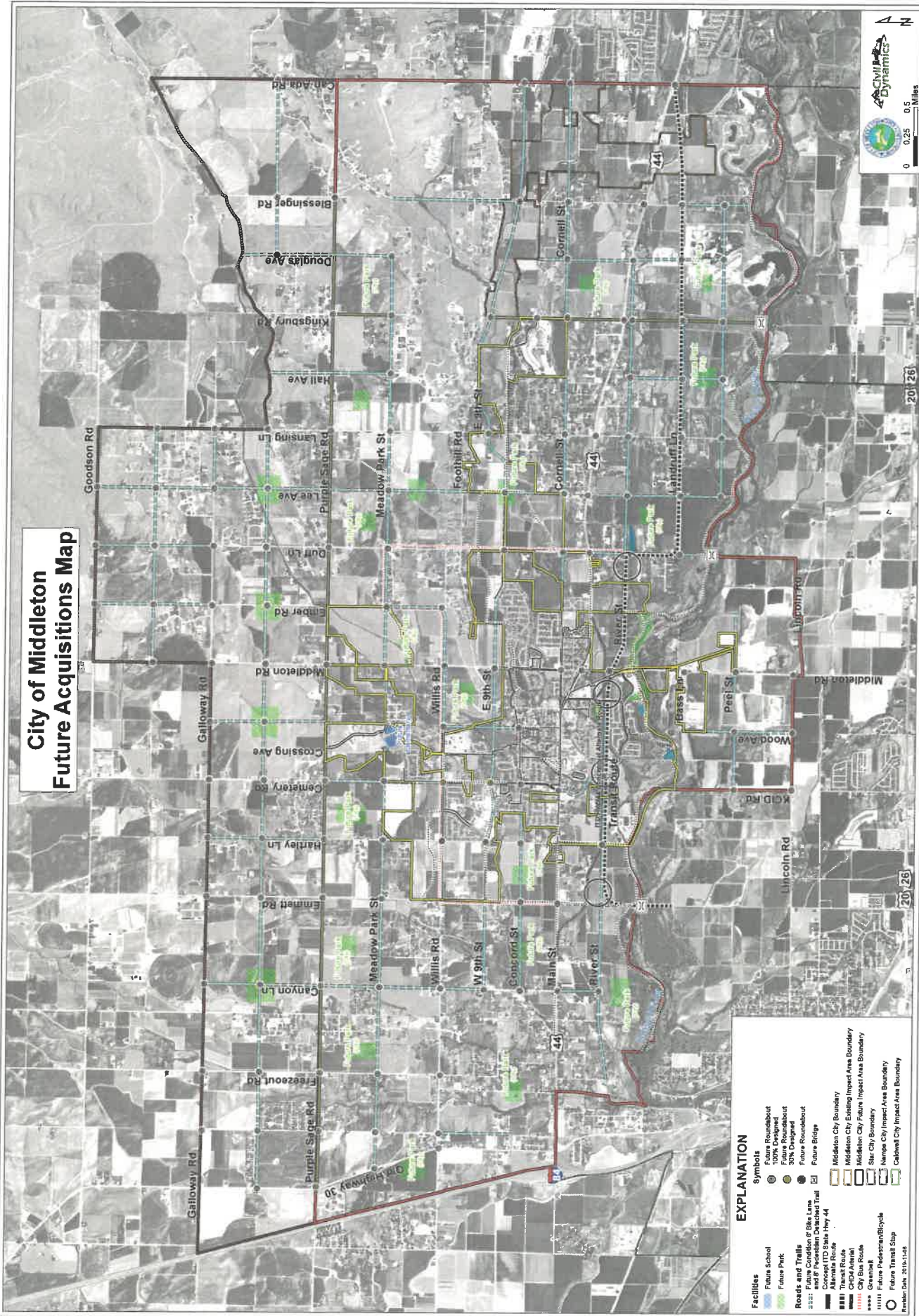
North Arrow



[illegible]

Transit Station
Main Transit Route
Middleton City Boundary
Middleton City Impact Area
City Boundaries
Nampa City Impact Area
Caldwell City Impact Area
Revision Date: 2017-09-01

[illegible]

[illegible]



Middleton Planning & Zoning Commission

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

In the Matter of the Request of Hess Properties LLC and KM Engineering LLP for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment for the River Walk Crossing Subdivision located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R33938011 and R339380):

A. Findings of Fact:

1. Hearing Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
2. Process Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
3. Application and Property Facts: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.
4. Required Findings per Middleton City Code 1-14-2(E)(7) and 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and the Idaho State Code, Title 67 and Title 50: See Staff Report for the hearing date of August 9, 2021, which Report is attached hereto as Exhibit "A" and incorporated herein by this reference.

B. Conclusions of Law:

1. That the City of Middleton shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. That due consideration has been given to the comments received from the governmental subdivisions providing services in the City of Middleton planning jurisdiction, comments received from individuals of the public via written comment and public testimony, and comments from City Planning Staff and City Engineer.
3. That notice of the application and public hearing were given according to law.
4. That Planning and Zoning Commission's public hearing was conducted according to law, and the City has kept a record of the application and related documents.
5. That codes and standards applicable to the application are the Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, and Middleton City Code 1-14, 1-15, 1-16, 5-1, 5-2, 5-3, and 5-4 and Idaho State Code, Title 67 and Title 50.
6. That City Services can be extended to the property to be annexed, and public facilities and services required by the proposed development will not impose expense upon the

public if the attached conditions of approval are imposed.

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

C. Decision and Recommendation:

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

1. City Council approve the annexation/rezone application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
2. City Council approve the preliminary plat application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
3. City Council approve the Development Agreement application subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
4. City Council approve the Comprehensive Plan map amendment subject to the Conditions of Approval set forth in the Staff Report for the August 9, 2021 Public Hearing attached hereto as Exhibit "A" and incorporated herein by this reference.
5. All four applications are further subject to the condition that prior to preliminary plat approval, Applicant works with the Idaho Transportation Department staff to ensure that the preliminary plat complies with the southern alternate route shown on the Comprehensive Plan Maps.

WRITTEN RECOMMENDATION AND DECISION APPROVED ON: September ____, 2021.

Ray Waltemate, Chairman
Planning and Zoning Commission

Attested by:

Roberta Stewart
Planning and Zoning Department



STAFF REVIEW AND REPORT Middleton Planning & Zoning Commission

River Walk Crossing Subdivision

Planning & Zoning Commission Public Hearing Date: August 9, 2021

Snapshot Summary:



Acreage	130 acres (119 inside preliminary plat boundary)
Current Zoning	Canyon County "Agricultural"
Proposed Zoning	R-2 Residential (57 acres); C-3 Heavy Commercial (36 acres); & M-U Mixed Use (26 acres)
Current Land Use	Restaurant, Retail & Recreation
Proposed Land Use	Commercial / Residential
Lots	36 commercial lots --- 81 single family homes --- 80 patio style homes for 55+ homebuyer --- 17 common lots – 1 cell tower lot – 1 historical lot
Density	Net density 1.9 acres.
Open Space	7.2%
Amenities	Extensive 10' and 12' walking paths along the Kennedy Lateral and Boise River, looping into Middleton's proposed "River Walk Loop"

- A. Application Requests:** Applicant submitted four applications: (1) preliminary plat, (2) annexation and rezone from Canyon County "Agricultural" zone to C-3, R-2 and M-U zones, (3) Development Agreement and (4) Comprehensive Plan Map Amendment to change the Future Land Use Map. Applicant has also submitted a floodplain application that is proceeding administratively along with these applications.
- B. Project Description:** Subdivision with (a) 36 commercial lots, (b) 81 single family home lots, (c) 80 patio style home lots for 55+ homebuyers , (d) 17 common lots, (e)

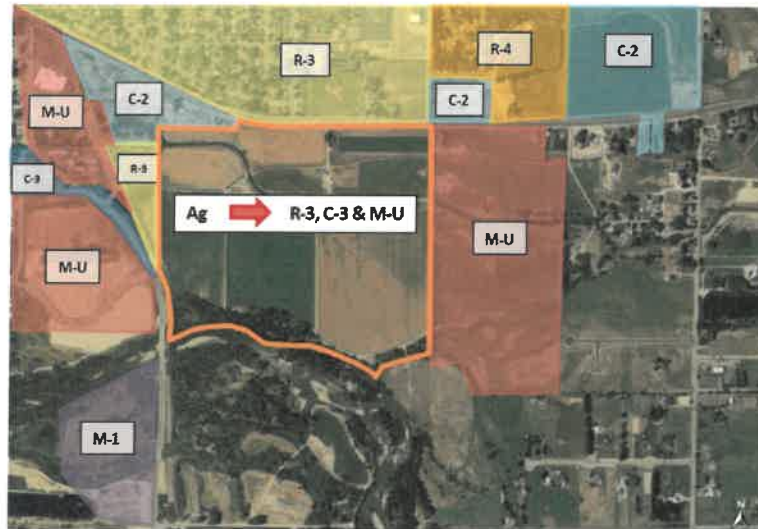
one cell tower lot and (f) one historical lot on 119 acres of vacant land located at 10669 Hwy 44 and 0 Hwy 44 (Tax Parcel Nos. R339380 and R3393811).

The requirement for a 55+ community will be created by a deed restriction in compliance with Idaho State law. This will ensure that the patio style homes remain a 55+ community.

Finally, the project also includes extensive 10' and 12' wide asphalt pathways that are part of the proposed Middleton River Walk Loop recreational trail.

- C. History, Current Zoning & Property Condition:** The project property is currently located in Canyon County and is zoned “agricultural.” The parcel has been used for farming for a large number of years.

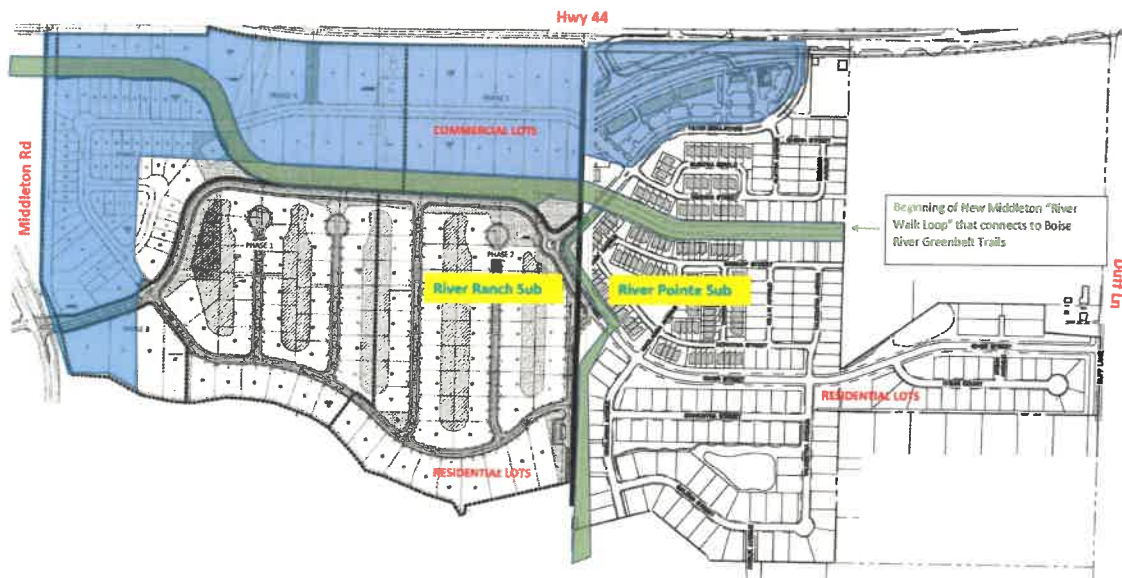
The project is surrounded on the north, west, and east by City property. Mixed Use zoned property is located on the east and west side of the property, and this zoning permits a mixture of commercial and residential uses. Residential R-3 is located to the north and pockets of C-2 commercial zoning surrounds the project.



The Future Land Use Map in the 2019 Comprehensive Plan has designated the project parcels “Restaurants, Retail, and Recreation”. Based on this land use designation, the previous governing boards intended this property to be used for commercial and other intensive uses.

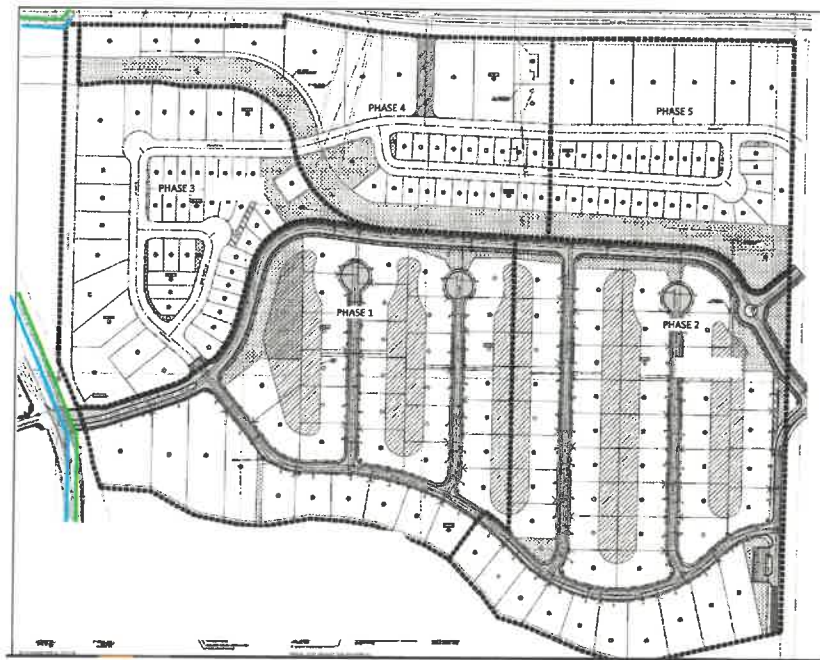
River Walk Crossing is being developed in collaboration with another large subdivision to the east known as River Pointe Subdivision. River Pointe is an 88 acre “Mixed Use” project that includes commercial lots blended together with single family homes and 55+ townhomes/patio homes. This Commission recommended approval of the River Pointe subdivision applications at a June 7, 2021, public hearing. If both projects are approved and completed, they will create a new and vibrant commercial center for

Middleton along with a new multi-mile River Walk Loop that will provide numerous gathering places for social and recreational uses.

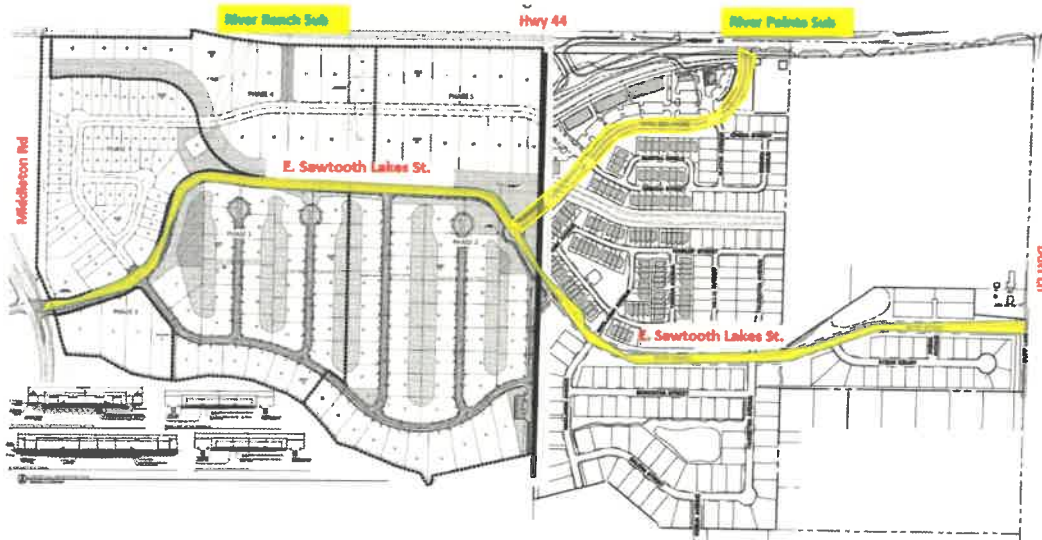


- D. **City Services:** Domestic water and sanitary sewer are located in Middleton Road adjacent to the project. See diagram below.

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



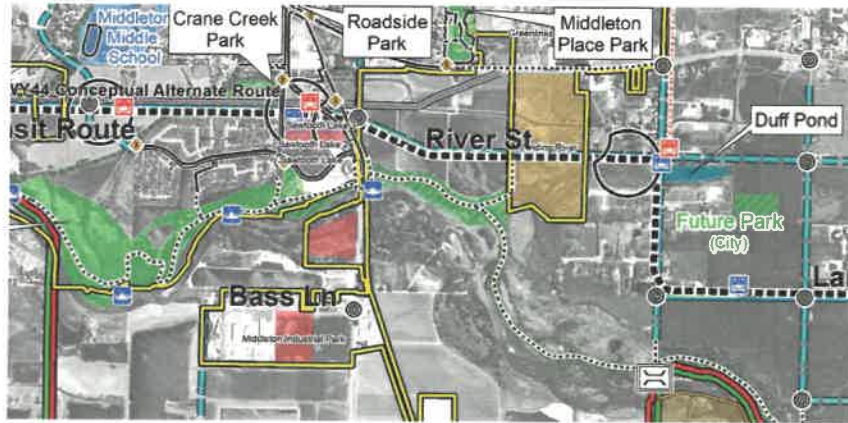
- E. **Traffic, Access & Streets:** Access to the project is through Middleton Road, Hwy 44, and E. Sawtooth Lakes St..



It is important to recognize that E. Sawtooth Lakes Street is a collector street that is a “planned” street set forth in the 2019 Comprehensive Plan’s *“Transportation, Schools & Recreation Map”*. (See snippet of Map below.) The Collector was previously named “River Street” on the Map, but Canyon County has since requested that we choose another name, so the name was recently changed to “E. Sawtooth Lakes Street”).

Sawtooth Lakes Street is an important street that will facilitate circulation and create needed connectivity. It will also greatly relieve traffic pressure on the Highway 44 downtown corridor by providing an alternate east/west route. Because it will be

instrumental in handling traffic, it will have no driveway access, and parking will not be allowed on the street.



F. Traffic Fees to Minimize impacts on the Community.

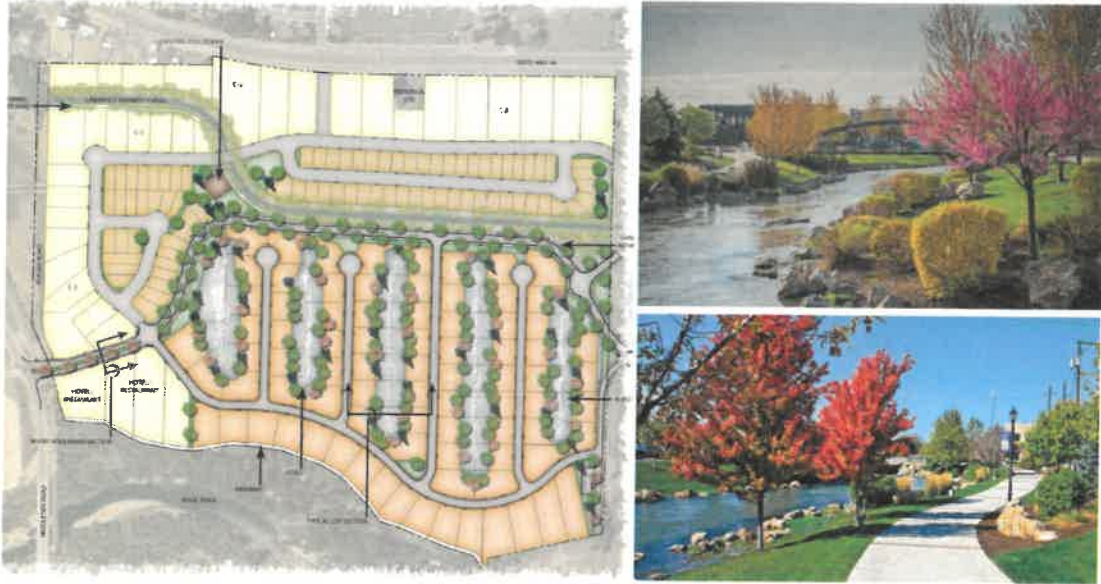
The Developer of the River Walk project will pay for much of its impacts on traffic and the surrounding community by improving roadways that front the property and by paying Traffic Impact fees and Traffic Proportionate Share fees. Under the new Mid Star Traffic Impact fee schedule (which was recently recommended for approval by this Commission), the River Walk Developer will contribute \$813,050 to the improvement of nearby intersections by paying \$5050 for each residential building permit (161 homes x \$5050). As to the commercial portion of the project, there are 36 commercial lots. The Impact fees are based upon uses and span \$3500 per unit to \$20,000 per unit depending on the use. Although it is difficult to predict exactly what types of uses will be developed in the commercial area, the commercial impact fees collected could add up to approximately \$300,000 to \$500,000 for a total of \$1.3 million in traffic impact fees.

In addition to the \$1.3 million in Mid-Star traffic impact fees, the Developer will be required to pay "Proportionate Share" traffic fees for intersections not included in the Mid Star CIP Schedule. Those fees may total between \$100,000 and \$200,000, but the final amount cannot be determined until City Council approves the Mid-Star fee schedule and ITD re-calculates the proportionate share fees.

Although the fees cannot be firmly established for a few more weeks, the Commission can still recommend approval of the applications and protect the City's right to collect these fees by simply recommending that the payment of all impact fees and proportionate share fees be made a condition of preliminary plat approval.

Planning Staff further recommends that a requirement to construct all City required improvements on Hwy 44 and Middleton Road be made a condition of preliminary plat approval.

G. Open Space, Pathways & Sidewalks: Applicant has exceeded the 5% Open Space requirement by providing 7.2% of open space in the form of extensive walking paths and small gathering places along the trails. These extensive pathways are in compliance with the Comprehensive Plan's *Transportation, Schools & Recreation* Map, and they will be integrated into the City's new River Walk Loop that is being designed.



- H. **Stormdrain and Pressurized Irrigation:** Stormdrain facilities and pressurized irrigation have been provided in the preliminary plat.
- I. **Middleton Rural Fire District:** The Middleton Rural Fire District has reviewed the preliminary plat. Deputy Chief Islas approved the preliminary plat with the standard comments. He further noted that Phases 1 and 2 may develop without a 2nd access, but no improvement may occur in Phase 3 and beyond until the second access to Duff Lane or Hwy 44 is completed.
- J. **Annexation and Rezone:** Applicant is requesting the annexation and rezone of 130 acres. Approximately 119 acres of the total 130 acres is part of the proposed preliminary plat that contains three zones: C-3 "Heavy Commercial (36 acres), R-2 "Large Lot Residential" (57 acres), and M-U "Mixed Use" (26 acres).



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

Planning Staff finds that Applicant's project meets all three of these requirements: (1) The property is contiguous; (2) sewer and water are available as shown above, and (3) the annexation does not adversely affect the City but benefits the City because (a) it provides a variety of housing and commercial lots, (b) creates extensive recreational

pathways, and (3) creates safe streets for vehicle and pedestrian circulation that will relieve traffic pressure in the downtown Hwy 44 corridor.

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

- K. **Preliminary Plat Application:** Developer is proposing five phases for the development of the plat:



A true copy of the River Walk Crossing Preliminary Plat under review is attached hereto as Exhibit "A".

Findings:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC and Supplement to ISPWC, and Idaho State Code except for those items specifically set forth as waivers to the code in the Development Agreement.

Planning Staff further 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 M below.)

- L. Development Agreement:** Any annexation and rezone generally requires a Development Agreement ("DA"). A copy of the proposed DA is attached to this Staff Report as Exhibit "B". The provisions generally set forth in the DA are as follows:
1. Project parcel to be annexed and rezoned to C-3, M-U and R-2.
 2. A concept plan generally matching the current preliminary plat shall be attached to the DA and incorporated by reference. Developer must develop the property generally consistent with the Concept Plan.
 3. Patio style homes on M-U lots will be deed restricted to 55+ homebuyer/occupancy in compliance with Idaho State Law.
 4. Because the patio style homes will be for 55+ homebuyers, setbacks requested are (1) 20' front yard, (2) 15' rear yard, (3) 5' side yard, and (4) 20' side street yard.
 5. Developer to construct, at its own cost, all road frontage improvements to Middleton Road, including its portion of the roundabout. The improvements may be completed in three incremental phases that correspond with final plat for phases 1, 2, and 3. If Middleton is not ready for the Middleton Road and roundabout improvements to occur, Developer may bond for the frontage work using the same incremental phases. (Please note this requirement will change depending on whether City Council approves the Mid-Star Impact Fee schedule. Much of this frontage work is included in the Mid-Star schedule, so there is an over-lap between required frontage improvements and impact fee payments that will need resolved.)
 6. Developer must construct, at its own cost, all road frontage improvements required by City and ITD for Hwy 44. The improvements are not required until final plat for phase 4.
 7. Owner/Developer shall pay all traffic impact and pro-rata/proportionate share fees required by the City.
 8. Developer may develop Phases 1 and 2 without a 2nd access (as approved by Middleton Rural Fire Dist.) but must construct a 2nd access prior to final plat of phase 3.
 9. Because of the large amount of commercial lots and need for market flexibility, Owner will not be required to go through the formal preliminary plat process to amend the phasing and lot configuration in the C-3 zone section of the plat. Instead, Owner can apply administratively to the Planning & Zoning Department with a \$1000 application fee to change phase configurations.

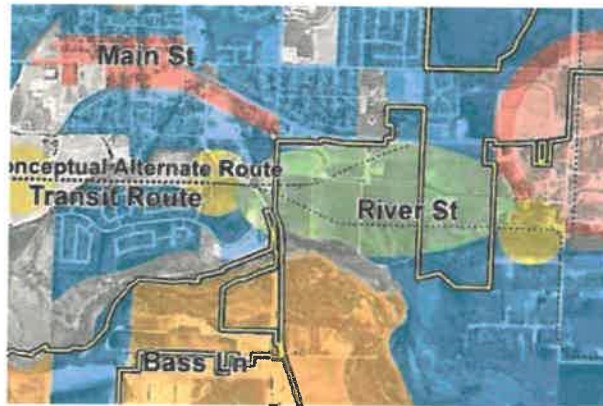
10. All 10' and 12' pathways must have a public access easement shown on the plat to ensure public recreational access. The pathways must be constructed prior to approval for Phase 3. Owner shall be responsible for repairing and maintaining the pathways.
11. Developer shall not be required to comply with MCC 5-4-10-7 regarding an 8' berm on streets that contain both commercial and residential uses. Instead, Developer must install a 15' landscape buffer on one side of the street or other. For areas where a residential lot directly abuts a commercial lot, the developer must install the 8' berm buffer required by MCC 5-4-10-7.
12. The existing cell tower may remain on site and operate at its current level, but if the use or intensity is changed, the owner must apply to the City for a Special Use Permit.
13. Developer will be allowed a minimum centerline radius of 90'.
14. Developer shall provide an east/west collector road. (Please note that Developer has met this provision by designing "E. Sawtooth Lakes Street".)
15. Developer must execute and record a cross-access easement and utility easement on the plat to ensure that no parcels are landlocked.
16. Only black wrought iron fencing will be allowed in the project.
17. All rear and side street elevations on commercial buildings must have enhanced architectural features to prevent unsightly building facades on Highway 44 and Middleton Road.
18. Owner is permitted two wall signs per commercial unit.
19. Developer is permitted to extract gravel for residential ponds if it obtains all City, State and Federal Permits and submits to the city all forms and plans required by MCC 1-15-16-2. Construction hours are Monday through Saturday 7 a.m. to 6 p.m., but once homeowners occupy Phase 1 homes, the hours must change to Monday through Friday 7 a.m. to 6 p.m.
20. CC&Rs shall set forth responsibility for maintaining common areas.
21. If Developer does not obtain final plat within 2 years of preliminary plat approval (or 3 years with a 1 year extension request), then Developer will be in default, and the City can apply to modify or terminate the DA. The underlying zoning will remain the same despite the termination/modification. Additionally, the preliminary plat will automatically become null and void.

22. Developer must bring each phase to final plat within 2 years (or 3 years with a 1 year extension request). If developer fails to do so, the preliminary plat will automatically be null and void.

Findings:

Planning Staff finds that the Development Agreement application complies with the Comprehensive Plan. See more detail below in Section M.

- M. Comprehensive Plan & Land Use Map:** The Future Land Use Map ("FLUM") in the 2019 Comprehensive Plan shows the project parcel as "Restaurant, Retail, and Recreation."



Although those uses will surely be in the project, there is also a residential component planned for the project. In light of that, Applicant is requesting that the FLUM show a "Commercial" use in the C-3 zoned portion of the project and "Residential" use in the M-U and R-2 portions of the project.

Finding:

Planning Staff finds that the change on the Future Land Use Map from "Restaurant, Retail & Recreation" to "Commercial" and "Residential" is in harmony with the Comprehensive Plan. Specifically, it complies with Goal 4 to concentrate commercial uses between Crane Creek Way and Duff Lane and to allow mixed uses within the city. Additionally, the proposed changes to the FLUM comply with Goal 11 to provide diverse housing and in-fill housing.

The Planning & Zoning Commission is also tasked with determining whether the other three applications for annexation/rezone, preliminary plat, and development agreement are in harmony with the "Goals, Objectives, and Strategies" of the 2019 Middleton Comprehensive Plan.

Findings:

Planning Staff finds that the project and all applications are in harmony as follows:

- a. Goal 3: The project provides safe vehicle and pedestrian facilities in light of the street improvements and public pathways shown on the preliminary plat. It also will reduce traffic trips because of the close proximity to commercial/retail development. Designing E. Sawtooth Lakes Street without driveway access also greatly assists with traffic flow and safety.*
- b. Goal 4: The project will establish a good quality of life with development that pays through impact fees and property taxes for the public services it receives when infrastructure is installed. The project also provides a buffer between residential and commercial development. Commercial development is encouraged to be near major roads. Additionally, quality lots for residential use increase the quality of life and general welfare of the City.*
- c. Goal 6: Water, sewer, and road systems have been expanded in an orderly manner consistent with population growth.*
- d. Goal 7: Project promotes commercial development and employment opportunities.*
- e. Goal 8: the project establishes a new commercial area without detracting from existing businesses.*
- f. Goal 10: Project provides parks and open space. The project also aggregates open space in large open spaces rather than dispersing open space into smaller sections.*
- g. Goal 16: The public pathways along the Kennedy Drain create a scenic and usable waterfront on the north side of the Boise River.*

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

- N. Comments Received from Surrounding Landowners:** 8/4/2021 letter from CPC Paving noting that it operated a mining/hot plant immediately south of the River Walk Subdivision. (Comment Letter is attached hereto as Exhibit "C")
- O. Comments from Agencies:** Comments from Middleton Rural Fire have already been discussed above. COMPASS forwarded a 7/29/2021 comment wherein it objected to this application because of the removal of the SH-44 alternative bypass. COMPASS noted that the bypass is critical to regional planning, and traffic will be adversely affected if the bypass is eliminated from the city. ITD also forwarded letters indicating its objection to the removal of the Hwy 44 alternate bypass. Canyon Highway District #4 reviewed the plat and submitted its standard comments about collecting proportionate share fees and requiring right of way dedication. It further expressed concern that the Duff Lane/Hwy 44 intersection will need improvement to counteract the traffic impacts. It further noted technical recommendations for the Middleton Road roundabout and realignment. It should also be noted that CHD4 has objected to the

removal of the 44 alternate bypass at the public hearing for the City's Comprehensive Plan Map Amendment. (Copies of all agency comments are attached hereto as Exhibit "D".)

P. Comments from City Engineer, Planning Staff & Floodplain Administrator:
Comments have already been discussed above. Copies of comments from City Engineer, Planner and the Floodplain Administrator are attached to this Staff Report as Exhibit "E".

Q. Applicant Information: Application was received and accepted on December 23, 2020. The Applicant is Hess Properties, LLC/KM Engineers, / 9233 W. State Street, Boise, ID 83714 / 208.639.6939 / sleonard@kmengllp.com

R. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	07/25/2021
Radius notification mailed to Adjacent landowners within 300'	07/23/2021
Circulation to Agencies	07/23/2021
Sign Posting property	07/23/2021
Neighborhood Meeting	11/24/2020

Planning Staff finds that Notice for the Planning & Zoning Public Hearing was appropriate and given according to law.

S. Applicable Codes and Standards:

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

T. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering four separate applications for Annexation/Rezone, Preliminary Plat, Development Agreement, and Comprehensive Plan Map Amendment. The Commission may recommend approval or denial and may set forth any necessary conditions of approval. To properly perform this task, the Commission must ultimately make findings of facts, conclusions of law, and a recommendation with respect to each separate application.

As to Findings of Facts, Planning Staff made findings of facts in compliance with Idaho State Law and Middleton City Code. (See findings of facts above in parentheses.) If the Commission agrees with the findings of facts in the Staff Report,

and after hearing public testimony, the Commission may simply state on the record that it accepts the findings of fact in the Staff Report and all, or a portion, of the facts stated during public testimony, setting the foundation for the recommendation.

As to Conclusions of Law, Planning Staff finds that the Commission has the authority to hear these applications in order that they may be recommended for denial or approval and that the 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 applications. If the August 9th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept and state these “conclusions of law” on the record.

As to the Recommendation, if the Commission is inclined to recommend approval of the applications based upon the above *Findings of Facts* and *Conclusions of Law*, then Planning Staff recommends the approval be subject to the following conditions:

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. All City Engineer review comments are to be completed and approved.
3. All Planning Staff review comments are to be completed and approved.
4. All requirements of the Middleton Rural Fire District are to be completed and approved.
5. All Floodplain Administrator review comments are to be completed and approved.
6. Developer to comply with all terms of the proposed Development Agreement.
(if the Commission is not inclined to approve portions of the DA, those discrete portions can be removed or excepted from the DA via a motion calling out the specific provisions to be removed.)

APPENDIX

EXHIBIT "A"

Proposed Preliminary Plat
under Review

PROJECT SITE

SCALE BAR

D ₂ O ¹⁸ O ₂ Masses					
Mass	Abundance	Mass	Abundance	Mass	Abundance
34	0.0043	36	0.0043	38	0.0043
36	0.0043	38	0.0043	40	0.0043
38	0.0043	40	0.0043	42	0.0043
40	0.0043	42	0.0043	44	0.0043
42	0.0043	44	0.0043	46	0.0043
44	0.0043	46	0.0043	48	0.0043
46	0.0043	48	0.0043	50	0.0043
50	0.0043	52	0.0043	54	0.0043
52	0.0043	54	0.0043	56	0.0043
54	0.0043	56	0.0043	58	0.0043
56	0.0043	58	0.0043	60	0.0043
60	0.0043	62	0.0043	64	0.0043
62	0.0043	64	0.0043	66	0.0043
64	0.0043	66	0.0043	68	0.0043
66	0.0043	68	0.0043	70	0.0043
70	0.0043	72	0.0043	74	0.0043
72	0.0043	74	0.0043	76	0.0043
74	0.0043	76	0.0043	78	0.0043
76	0.0043	78	0.0043	80	0.0043
80	0.0043	82	0.0043	84	0.0043
82	0.0043	84	0.0043	86	0.0043
84	0.0043	86	0.0043	88	0.0043
86	0.0043	88	0.0043	90	0.0043
90	0.0043	92	0.0043	94	0.0043
92	0.0043	94	0.0043	96	0.0043
94	0.0043	96	0.0043	98	0.0043
96	0.0043	98	0.0043	100	0.0043

Abstract A questionnaire for 411 respondents from



PRELIMINARY PLAT NOTES

- [illegible]

DOI: 10.1002/for

1. Identify the **main** purpose of the passage. Is the author trying to inform, persuade, or entertain? What is the **topic** of the passage? What is the **main idea**?
2. **Identify the main points** of the passage. What are the **key facts** or **arguments** that the author is making? What is the **main conclusion** that the author is reaching?
3. **Identify the supporting details** of the passage. What are the **examples** or **evidence** that the author is using to support their main points? What is the **main conclusion** that the author is reaching?
4. **Identify the author's tone** or **attitude**. Is the author **objective** or **biased**? Is the author **serious** or **humorous**? What is the **main conclusion** that the author is reaching?
5. **Identify the author's purpose**. What is the author's **main goal** in writing the passage? Is the author trying to **inform**, **persuade**, or **entertain**? What is the **main conclusion** that the author is reaching?
6. **Identify the author's audience**. Who is the author's **main audience**? Is the author writing for a **general audience** or a **specific group** of people? What is the **main conclusion** that the author is reaching?

8402 OF 8402

SHEET NO.	
1010	1010
1010	1010

LEGAL DESCRIPTION
A PORTION OF THE SEASIDE, U.S. OF THE

CONTACT INFORMATION
ORGANIZER:
NAME:
PHONE:
EMAIL:

1000

SURVIVAL CONTRAST



EXHIBIT "B"

Proposed Development Agreement

<p>DRAFT – PROVISIONS PROPOSED TO DATE.</p>
--

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 Watkins Properties L P , Hess Properties LLC, and (all owners inserted for both properties) (hereinafter referred to collectively as “Owner”).

RECITALS

WHEREAS, Owner owns +/- 129 acres legally described in Exhibit A attached hereto, which real property is commonly referred to in the Canyon County Assessor’s records as Parcel Nos. R3393800000 and R33938011 (“**Property**”); and

WHEREAS, Owner has applied to the City to annex and rezone the Property; and

WHEREAS, Owner 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 conditionally 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 ZONING ORDINANCE AMENDMENT

The City will adopt an ordinance amending the Middleton Zoning Ordinance to rezone the property as follows: property described in Exhibit "B" shall be rezoned from County "Agricultural" to C-3 (Heavy Commercial); property described in Exhibit "C" shall be rezoned from County "Agricultural" to M-U (Mixed Use); and property described as Exhibit "D" shall be rezoned from County "Agricultural" to R-2 (Large Lot Residential). The Ordinance will become effective after it is approved, signed, published and recorded according to law, all of which actions the City will perform with the Developer's cooperation.

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 **Applications.** Owner will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Owner will submit such applications regarding floodplain development permit review, preliminary plat and final plat reviews, and/ or any special use permits, if applicable, and any other applicable applications as may be required by the Middleton City Code, which shall comply with the Middleton City Code, as it exists at the time such applications are made except as otherwise provided within this Development Agreement.

3.2 **Concept Plan.** The Concept Plan attached hereto as Exhibit "E" represents Owner's current concept for completion of the project. Owner shall be bound by this Concept Plan and shall develop the project generally consistent with the Concept Plan. However, as the project evolves, the City understands that certain changes in that concept may occur. If the City determines that any such changes are significant due to potential impacts on surrounding property or the community, City shall require Owner to apply, in compliance with City Code, for a Development Agreement Modification to address the proposed changes to the Concept Plan.

3.3 **M-U Zone and Setbacks.** Only single-family homes may be built in the M-U Zone. Minimum setbacks for said single-family homes shall be twenty (20) feet in the front yard; fifteen (15) feet in the rear yard, five (5) feet in the interior side yard, and twenty (20) feet in any street side yard. Cornices, canopies, and eaves that

do not increase the enclosed building area, may project into any setback up to two (2) feet. Unenclosed covered patios and porches may project into the front/rear setbacks up to five (5) feet.

3.4 Deed Restrictions. Single-family home lots in the M-U Zone shall be exclusively held for purchase and occupancy by persons who are 55 years or older or to the extent allowed under Idaho State law. All requirements related to the 55+ homebuyer requirement for the homes located in the M-U Zone shall be accomplished by deed restrictions, the same being drafted and applied in compliance with the laws of the State of Idaho.

3.5 Middleton Road Frontage Improvements. Owner shall, at its own cost, construct all City required street improvements on Middleton Road as follows: (a) All City required frontages necessary to complete the entry road (E. Sawtooth Lakes Street) and access, which may be temporary or permanent, from Middleton Road shall be completed prior to Phase 1 final plat approval; (b) Before final plat for Phase 2 may be approved, Owner must construct and improve the remaining portions of the Middleton Road frontage, including the Owner's proportionate share of the planned roundabout at E. Sawtooth Lakes Dr ("**Middleton Road Straightening Project**"). If, however, the City has not yet approved the final design for the Middleton Road Straightening Project and/or is not ready for any reason to have the Middleton Road Straightening Project completed, then Owner shall pay a surety to the City in the form of a cashier's check, performance bond, or irrevocable letter of credit that shall include the estimated cost to construct Owner's proportionate share of one half (1/2) of the remaining portions of the Middleton Road Straightening Project multiplied by one hundred and fifty (150%) percent; and (c) prior to final plat approval for Phase 3, Owner shall construct all City required remaining portions of the Middleton Road Straightening Project, including the one half (1/2) portion that may have been the subject of a prior surety. However, if, for any reason, the City is still not ready to have the Middleton Road Straightening Project completed, then Owner shall, prior to final plat approval for Phase 3, submit a surety to the City in the form noted above based upon the estimated cost to construct the remaining portions of the Middleton Road Straightening Project multiplied by one hundred and fifty (150%) percent. *[This provision is subject to change based upon upcoming hearings and potential approval of an updated Capital Improvement Plan for Middleton's Traffic Impact Fee Schedule.]*

3.6 Highway 44 Road Frontage Improvements. Owner shall, at its own cost, improve all City required street frontages on Highway 44. Such improvements must be completed and accepted by the City before final plat approval for Phase 4 (as the phase is shown on the approved preliminary plat).

3.7 Traffic Pro-rata/Proportionate Share Fees. Owner shall pay all traffic impact and traffic pro-rata/proportionate share fees required by the City.

3.8 Completion of E. Sawtooth Lakes Street. Final plat for Phase 3 shall not be approved until a second access is constructed for the project. Owner may develop Phases 1 and 2 entirely without constructing a 2nd access that connects to Duff Lane, Middleton Road, Highway 44 or Boise Street. Owner agrees to enter into, and record, an agreement with the owner of the adjacent River Pointe Subdivision to complete, in the event that the River Pointe Subdivision is not developed, the portions of E. Sawtooth Lakes Street and/or Yetna Avenue located on the River Pointe Subdivision parcel to ensure access to either Duff Lane or Hwy 44. Final Plat for Phase 1 shall not be approved until Owner provides City with a copy of the recorded agreement between Owner and the River Pointe owner.

3.9 East/West Collector. Developer shall provide an east/west collector that connects to the subdivision to the east and provides access to Duff Lane. Parking shall not be allowed on this collector, and signs to that effect must be posted. No driveway access shall be allowed on the collector.

3.10 Pathways. The 10' wide asphalt pathways along the Kennedy Lateral shall be open for public use. Owner shall ensure that a public use easement is shown on the preliminary plat and final plat or otherwise created by a recorded instrument.

If the City so requires, Owner agrees to construct the pathways along the Kennedy Lateral below the embankment and nearer to the water level.

Owner shall improve and construct said pathways and obtain a license/easement from the pertinent Irrigation District(s) prior to approval of final plat for Phase 3 as the phase is shown on the approved preliminary plat. Owner and/or its successors and assigns are responsible for maintaining and repairing the portions of the pathway located within the Property.

3.11 Extraction of Gravel. Owner shall have the right to excavate the ponds as shown on the preliminary plat. Any extraction shall be in compliance with the following conditions:

1. Comply with all submittal requirements of MCC 1-15-16-2 "Submittal Requirements for Mining Applications" and submit (1) a site plan with phasing plan, (2) an "operations plan", (3) SWPPP (4) traffic plan (on site and off site) and (5) reclamation plan before submittal to other agencies.
2. Obtain a NOI prior to permit approval and beginning excavation.
3. Obtain Water Rights permit for ponds to remain on site and provide the City with a copy of the water right/permit.
4. Construction hours shall be Monday through Saturday 7 a.m. to 6 p.m. Once the first home is occupied in Phase 1, excavation in Phase 2 may only occur Monday through Friday 7 a.m. to 6 p.m.
5. Obtain all permits from Army Corp of Engineers and/or Idaho Department of Water Resources related to FEMA Special Flood Hazard Areas.

6. Access shall be via No. Middleton Road.
7. Comply with all mitigation and other standards of the City Code, particularly MCC 1-15-16-3 Standards for Mineral Extraction and Nuisance standards of MCC 8-1.
8. Excavation of ponds may occur until September 1, 2027, although this time-period may be extended for 1 additional year upon written request to the Planning & Zoning Official. Before final plat can be approved for any phase, the pond in that particular phase must be completed and filled and all excess materials must be removed from the phase.

3.12 Cell Phone Tower Facility. A cell tower facility has existed on the Property for a number of years. The cell tower facility may continue in its current location and at its present capacity. In the event the cell tower facility use is intensified or substantially changed, Owner shall apply per the requirements of the City Code for a special use permit to change the wireless communication activity. In the event Owner transfers the ownership of the property where the cell tower is currently located, Owner will ensure that the transfer documents include the requirements of this Development Agreement.

3.13 Landscape Buffer. Owner is not subject to the landscape buffer requirement of Middleton City Code 5-4-10-7(A) for all areas where a residential lot does not directly abut with a commercial lot but are located on the same street or similar proximity. Instead, Owner shall construct a landscape buffer at least 15' wide, and the landscaping may or may not include berming and/or fencing. The 15' wide buffer shall be required along all streets that are shared with both a commercial use and a residential use. The 15' wide buffer must be located entirely on one side of the street. It cannot be split between each side of the street.

At locations where a commercial lot directly abuts a residential lot, the landscape buffer requirement found in MCC 5-4-10-7(A) shall apply.

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

3.15 Design Requirements for Commercial Structures/Uses. Because all commercial buildings will be accessed off internal roads, the rear and street sides of the structures will face the frontage of Middleton Road and Hwy 44. To prevent unsightly elevations fronting the roadway, the rear and street side elevations of all commercial buildings shall have enhanced exterior elevations that shall include at least three (3) different design elements or architectural features. Specifically, said elevations shall have a combination of stucco, wood/cement siding, board & batt,

modern metal siding, synthetic stone/brick, and/or other accent such as wood beams, metal pop-outs, awnings, inset panels or similar accents.

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

3.17 CC&Rs. The conditions, covenants and restrictions for the Property shall contain at least the following:

- a) An allocation of responsibility for repair and maintenance of all community and privately owned landscaping, pressurized irrigation facilities, and amenities. Owner shall provide an operation and maintenance manual including the funding mechanism as an addendum to the CC&Rs and the repair and maintenance requirement shall run with the land and that the requirement cannot be modified and that the homeowner's association or other entity cannot be dissolved without the express consent of the City.
- b) A requirement that in the event any of the CC&Rs are less restrictive than any government rules, regulations or ordinances, then the more restrictive government rule, regulation or ordinances shall apply. The CC&Rs are subject to all rules, regulations, laws and ordinances of all applicable government bodies. In the event a governmental rule, regulation, law or ordinance would render a part of the CC&Rs unlawful, then in such event that portion shall be deemed to be amended to comply with the applicable rule, regulation, law or ordinance.

3.18 Floodplain. Owner shall comply with all applicable provisions of Title 4, Chapter 3 Flood Control Regulations and Title 5, Chapter 4, Section 13, Subsection 2, Subdivision Within Floodplain, of the Middleton City Code.

3.19 Floodway. All buildings shall be setback a minimum of 50 -feet from the floodway line as identified In Title 4, Chapter 3, Section 7, Subsection 5 Specific Standards of Middleton City Code.

3.20 Administrative Application for C-3 Zone Changes. In light of the large commercial component of this project and the need for commercial flexibility, Owner shall be allowed some flexibility with respect to the phasing and lot line configurations of the C-3 portion of the project. Specifically, Owner shall be allowed to pay a fee of \$1000 and make an administrative application to the City Planning & Zoning Official to change the phasing boundaries and/or number of phases in the C-3 Zone. Additionally, the administrative request may apply to alter lot lines to decrease or increase the number of commercial lots and make minor or insignificant reconfigurations of roadway and/or utilities within the affected Phase. If the

Planning & Zoning Official deems the changes to lot lines, roadways, and utilities too significant, Owner must utilize the Amended Preliminary Plat process found in the Middleton City Code.

3.21 Centerline Radius. Owner shall be allowed a roadway minimum centerline radius of ninety (90) feet.

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

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

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

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

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

4.2 If after a breach, the City Council determines that the zoning should be changed to another zone, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such change or other authorized action and will cease uses not allowed or permitted within the changed zone.

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

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

ARTICLE V GENERAL PROVISIONS

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

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

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

delivery if by personal delivery, upon deposit in the United States mail if sent by mail pursuant to the forgoing:

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

Developer: Watkins Properties L P
10038 Turner Drive
Middleton, Idaho 83644

Hess Properties, LLC
15031 Spyglass Lane
Caldwell ID 83607

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.

DEVELOPER:

By: _____

State of IDAHO)
SS.

County of _____)

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

Notary Public
My Commission Expires: _____

EXHIBIT "C"



August 4th, 2021

TERRY McENTEE, PRESIDENT
PAT McENTEE, VICE PRESIDENT

P.O. BOX 15010 - ZIP 83715
5040 SOUTH APPLE
BOISE, IDAHO

PHONE
(208) 338-0818

FAX
(208) 338-1329

E-MAIL: info@CentralPaving.com
Website: www.CentralPaving.com

City of Middleton
Planning and Zoning Department
PO Box 487
Middleton, ID 83644

Re: Public Hearing Notice – Annexation/Rezone, Preliminary Plat, Development agreement, and Comprehensive Plan Map Amendment (River Walk Crossing Subdivision)

Planning and Zoning Commission:

In response to the letter we received regarding the public hearing notice for the River Walk Crossing Subdivision, we would like to bring to your attention our mining/hot plant operation located on the property to the south end of the proposed subdivision. Central Paving Co., Inc. owns and operates a gravel pit and has a conditional use permit to erect and operate an asphalt hot plant. Our activities include the use of heavy equipment such as loaders, excavators, rock crushing equipment, asphalt hot plant, and tractor trailers. As you know this type of work can be disturbing for a residential area. We feel this is an important factor to consider due to the nature of the purposed development. Please reach out if you wish to discuss this matter further or have additional questions.

Sincerely,
Rebecca Strickland

Controller

EXHIBIT "D"

Comments from Agencies



CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

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

June 28, 2021

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

Hess Properties, LLC
c/o KM Engineering
5725 N. Discovery Way
Boise, Idaho 83713
Attention: Joe Pachner, P.E.

**RE: River Ranch Crossing Subdivision
Preliminary Plat- Middleton Rd & Traffic Impacts**

Dear Roberta:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat for the proposed River Ranch Crossing Subdivision dated July 2, 2021, and offers the following comments:

General

1. CHD4 has jurisdiction over, and operates and maintains Middleton Rd south of Sawtooth Drive adjacent to the proposed development on the westerly boundary. Additionally, CHD4 operates and maintains Duff Lane and Lincoln Rd which will be indirectly affected by the proposed development. By policy, CHD4 may consider adopting adjacent city standards for road section, access controls, and other urban features for projects within city area of impact and within one mile of city limits. This subject property is proposed for annexation into the City of Middleton.
2. CHD4 requests that the City include as part of any development agreement for the project a clause requiring dedication of public right-of-way for Middleton Rd (and any other public road as desired by the City) upon written request of the City, to facilitate construction of public roadway improvements independent of the timing of the proposed development.
3. The City should, through exactions or other fees, determine and require a proportionate share of the costs necessary to improve capacity at local intersections affected by new traffic from the development, including but not limited to Middleton Rd/Sawtooth Drive and Middleton Rd/Lincoln Rd. No other local funding sources for these improvements is currently available to CHD4.
4. The preliminary plat does not include consideration for re-alignment of SH 44 south of existing downtown Middleton. If alternatives for development of this bypass route are not included with this (and other nearby) preliminary plats or development plans, no other reasonable alternative alignment for SH 44 is available due to existing development north and south of the city. This will significantly limit the opportunity to add additional east-west traffic capacity within city limits to serve new growth and development. If the opportunity for a bypass/alternate route is abandoned now, it is gone forever in all practical terms.
5. Ember Street closely matches an existing road name in Canyon County (Ember Rd, located between Middleton & Duff north of Purple Sage Rd) and may cause confusion for emergency responders. As this road is not continuous, and will never connect to the existing Ember Rd, consider an alternate name.

Access

1. Middleton Rd is designated as a principal arterial on the functional classification maps adopted by CHD4, Canyon County, and the City of Middleton. The Sawtooth Drive collector road access to Middleton Rd is consistent with the Middleton Rd Corridor Plan (2016) adopted by the City and CHD4. There does not appear to be any other public road access proposed by the development, although future connection to Duff Lane through River Pointe Subdivision to the east appears to be planned.
2. The proposed Sawtooth Drive access to Middleton Rd appears to be offset approximately 45-feet south of the existing Sawtooth Drive approach to the west. CHD4 recognizes this offset is planned to accommodate a roundabout at the Sawtooth/Middleton intersection in the future; however this geometry will not accommodate any interim access as the left turn movements for the two Sawtooth Drive approaches will overlap, causing conflicts and potential safety concerns. To correct this conflict, the roundabout should be constructed prior to or in conjunction with the east Sawtooth approach, or the east Sawtooth approach should be temporarily located to align with the west Sawtooth approach until a roundabout can be constructed. Alternatively, the Sawtooth Drive approaches could be limited to right-in-right-out for interim operation.
3. The Ember Street connection east to River Street does not appear consistent with the preliminary plat for River Pointe Subdivision dated May 5, 2021.

Traffic Impacts

CHD4 has reviewed the Traffic Impact Study (TIS) dated November 24, 2020 for River Ranch Crossing, and provides the following comments:

1. The TIS dated 11/24/20 appears to include a re-alignment of SH 44 through portions of the development, and references a connection to SH 44 via "Marjorie Drive" referenced as a "Closed Right-of-Way". If this connection is not planned for use, the traffic impacts assumed for the Sawtooth Drive connection to Middleton Rd, and the future connection through River Pointe Subdivision to Duff are likely understated in the TIS.
2. The TIS states that both left and right turn lanes are warranted for the existing and 2025 build-out conditions at the Sawtooth Drive approaches to Middleton Rd. The proposed east Sawtooth Drive approach to Middleton Rd should not be placed into service (even for construction traffic) until these turn lanes have been constructed due to the existing high through volumes on Middleton Rd, and the potential for increased crash rates at the intersection. Construction of a roundabout at the intersection would replace the need for the auxiliary turn lanes.
3. The TIS states that the existing NB Duff Lane approach to SH 44 functions at LOS E under current (2020) conditions. To avoid further increase in delay at this intersection, and to prevent additional crashes caused by the increase in delay, CHD4 recommends delaying construction of a public road connection to Duff Lane serving River Ranch Crossing and/or River Pointe Subdivisions until adequate additional capacity is available at the Duff/SH 44 intersection.

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

Respectfully,



Chris Hopper, P.E.
District Engineer

CC: File: Middleton_Middleton Rd- River Ranch Crossing Subdivision

Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of *Communities in Motion 2040 2.0* (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: River Pointe and River Walk Crossing






Agency: Middleton

CIM Vision Category: Future Neighborhoods

New households: 274

New jobs: ±80

Exceeds CIM forecast: No

	CIM Corridor: Highway 44 Pedestrian level of stress: R Bicycle level of stress: R	Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.
	Housing within 1 mile: 1,080 Jobs within 1 mile: 540 Jobs/Housing Ratio: 0.5	A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 3.4 miles Nearest fire station: 2.5 miles	Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.
	Farmland consumed: Yes Farmland within 1 mile: 844 acres	Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.
	Nearest bus stop: >4 miles Nearest public school: 0.7 miles Nearest public park: 0.1 miles Nearest grocery store: 0.5 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

The proposed River Pointe and River Walk Crossing subdivision is situated on the south of State Highway 44 in the direct alignment of the SH-44 bypass. As you know, COMPASS works closely with member agencies to develop the regional long-range transportation plan for Ada and Canyon Counties. This plan identifies the vision for growth and the transportation system to support that growth. The long-range transportation plan also enables transportation agencies to maximize the use of the limited transportation dollars in a comprehensive and coordinated approach. The SH-44 bypass has been included in the region's long-range transportation plans since 2003. The current long-range transportation plan, *Communities in Motion 2040 2.0* (CIM 2040 2.0), identified the SH-44 bypass in Middleton as key to the overall efficiency and safety of this corridor. SH-44, including the Middleton bypass, is currently considered the third highest state system priority in CIM 2040 2.0, after Interstate 84 and US Highway 20/26.

Not only has this project been included in the long-range transportation plans since 2003, but it had its genesis a few years earlier in a corridor study that began in 1999. The corridor study later became an environmental assessment (EA). Multiple agencies have been working together to support the development, completion, and eventual adoption of the SH-44 EA. For the past eighteen years, decisions about regional land uses and the transportation system have been influenced by/depend on the future bypass.

This spring the Idaho Legislature passed HB362, which Governor Little signed on May 10, 2021, to increase sales tax distribution to the Transportation Expansion and Congestion Mitigation Fund, to allow for large infrastructure projects. This increase allows at least \$80M per year for capacity projects, with the added ability to bond. If the SH-44 EA can be completed and approved, the project could move forward with the newly available funding.

As recent and future growth will bring added traffic to SH-44, the bypass is needed to maintain a state route as an efficient corridor to access jobs, services, and other communities, while ensuring Middleton's downtown is safe for pedestrian access to nearby schools and businesses. COMPASS has committed almost \$4.7 million dollars in the regional transportation improvement program to construct South Cemetery Road, from Highland Drive to Willow Creek, linking SH-44 and Middleton Road. If the bypass does not come to fruition, there could be unintended consequences, such as drivers choosing to use the Cemetery Road extension to avoid the impending congestion through the City of Middleton due to growth. The bypass was designed to carry/serve this additional traffic. Local land use and transportation plans were developed based on this understanding of the need for a SH-44 bypass in Middleton. Without this bypass, we anticipate a degradation of other roads and an inability to effectively and safely serve future growth. 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).

More information about COMPASS and *Communities in Motion 2040 2.0*:

Web: www.compassidaho.org

Email info@compassidaho.org

More information about the development review process:

<http://www.compassidaho.org/dashboard/devreview.htm>



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

Regionally Significant: ☒

☒ Inflated

Key #: 20266

Requesting Agency: ITD

Project Year: 2023

Total Previous Expenditures: \$463

Total Programmed Cost: \$8,760

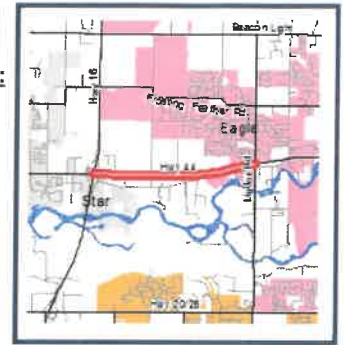
Total Cost (Prev. + Prog.): \$9,223

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
2021	0	90	0	0	0	0	90				0	90
2023	0	0	0	0	765	7,905	8,670				0	8,670
Fund Totals:	\$0	\$90	\$0	\$0	\$765	\$7,905	\$8,760				\$0	\$8,760

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

Regionally Significant: ☒

☒ Inflated

Key #: 20574

Requesting Agency: ITD

Project Year: 2024

Total Previous Expenditures: \$1,400

Total Programmed Cost: \$11,836

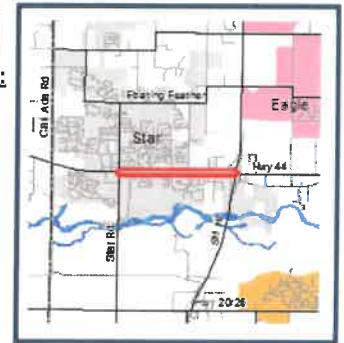
Total Cost (Prev. + Prog.): \$13,236

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

COMPASS PM:

Congestion Reduction/System Reliability
Freight Movement and Economic Vitality
Transportation Safety
Community Infrastructure

Federal PM:



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



DATE: June 22, 2021

TO: City of Middleton, Planning & Zoning
City of Middleton, Council

FROM: Victor Islas, Deputy Chief

SUBJECT: Fire District Review

PROJECT NAME: River Ranch Crossing

Fire District Summary Report:

Overview: This development can be serviced by the Middleton Rural Fire District. This development shall comply with the 2018 International Fire Code (IFC) and any codes set forth by the City of Middleton, Idaho.

Fire Response Time: This development will be served by the Middleton Rural Fire District Station 53, located at 302 E. Main St., Middleton, Idaho. Station 53 is 0.6 miles with a travel time of 2 minutes under ideal driving conditions to the proposed entrance of the development.

Accessibility: Roadway Access, Traffic, Radio Coverage

Access roads shall be provided and maintained following Appendix D and Section 503 of the IFC. Access shall include adequate roadway widths, signage, turnarounds, and turning radius for fire apparatus.

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

Note: The current proposed entrance design off Middleton Rd to E. Sawtooth Lake Dr. will be sufficient for development of phases 1 & 2. Development of phases 3, 4 and 5 will require additional access.

The fire district requires that Autoturn models be submitted for review. Autoturn models should reflect the utilization of a 36' long fire engine and 50' ladder truck.

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

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

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



The developer shall provide a designated access point(s) to watercourse and bodies of water as requested by the Fire District for emergency services. Access shall have an unobstructed width of not less than 12 feet exclusive of shoulders with an unobstructed vertical clearance of not less than 13 feet 6 inches. The drivable surface shall be capable of supporting the imposed load of fire apparatus weighing at least 35,000 pounds. The access shall be protected from unauthorized vehicles using MaxiForce collapsible bollards. The access shall also be marked with signs on both ends of the access point reading "Emergency and Authorized Vehicles ONLY".

The applicant shall work with City of Middleton, Canyon County and Fire District to provide an address identification plan and signage which meets the requirements set forth by each agency. Addressing shall be placed in a position that is plainly legible and visible from the street or road fronting the property, as set forth in International Fire Code Section 505.1

Upon commencement of initial construction of a new structure, a clear visible freestanding sign or post shall be erected and maintained in place until the permanent address numerals are attached or otherwise displaced upon the premises at completion.

Specialty/Resource needs: None

Water Supply:

Water supply requirements will be followed as described in Appendix B of the 2015 International Fire Code unless agreed upon by the Fire District.

1. Fire Flow: One- and two-family dwellings not exceeding 3,600 square feet require a fire-flow of 1,000 gallons per minute for a duration of 1 hours to service the entire project. One- and two-family dwellings in excess of 3,600 square feet require a minimum fire flow as specified in Appendix B of the International Fire Code.
2. Water Supply: Acceptance of the water supply for fire protection will be by the Fire District and water quality by the City of Middleton for bacteria testing.
3. Water Supply: Final Approval of the fire hydrant locations shall be by the Star Fire Protection District or their designee in accordance with International Fire Code Section (IFC) 508.5.4 as follows:
 - a. Fire hydrants shall have a Storz LDH connection in place of the 4 ½" outlet. The Storz connection may be integrated into the hydrant, or an approved adapter may be used on the 4 1/2" outlet.
 - b. Fire hydrants shall have the Storz outlet face the main street or parking lot drive aisle.
 - c. Fire hydrants shall be placed on corners when spacing permits.
 - d. Fire hydrants shall not have any vertical obstructions to outlets within 10'.
 - e. Fire hydrants shall be placed 18" above finished grade to the center of the Storz outlet.
 - f. Fire hydrants shall be provided to meet the requirements of the City of Middleton.
 - g. Show all proposed or existing hydrants for all new construction or additions to existing buildings within 1,000 feet of the project.

(208) 286-7772

11665 W. STATE ST., SUITE B
STAR, IDAHO 83669

River Ranch Crossing

MIDDLETON RURAL FIRE DISTRICT



STAR FIRE PROTECTION DISTRICT

Inspections:

Final inspection by the Fire District of the above listed including hydrant flow must be completed before building permits are issued

Additional Comments:

Streetlights shall be turned on once residential building begins, Lighting is essential in assisting first responders with identifying entrances safely while responding to calls for service.

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STAR, IDAHO 83669



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Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028
(208) 334-8300 • itd.idaho.gov

June 28, 2021

Roberta Stewart
City of Middleton, Planning & Zoning
1103 W. Main St.
P.O. Box 487
Middleton, ID 83644
Phone: (208) 585-3133
rstewart@middletoncity.com

VIA EMAIL

RE: River Ranch Crossing – ITD Site Plan Comments

Dear Ms. Stewart,

The Idaho Transportation Department (ITD) appreciates the opportunity to review the proposed River Ranch Crossing Preliminary Plat (dated 6/2/2021) that is planned for distribution at the city of Middleton's upcoming July 12th public hearing. We realize the city also requires ITD's formal traffic impact study (TIS) comments prior to the public hearing that will describe acceptability of the proposed SH-44 access across from Marjorie Avenue as well as any other improvements needed to mitigate for impacts to the State Highway System. Based on the provided Preliminary Plat, ITD is unable to provide any comments on the TIS.

The department is actively moving forward with the draft SH-44 corridor plan with intent to secure approval of the associated environmental document from the Federal Highway Administration (FHWA). The corridor plan includes the Middleton Alternate Route, which bisects River Ranch Crossing. River Ranch Crossing's Preliminary Plat does not provide any setback for the future alternate route. ITD does not expect the city to require the developer to dedicate land towards the future alternate route, but it is necessary for future right-of-way to be preserved. Project costs will increase astronomically to the point of making the alternate route unfeasible if residential houses and/or commercial buildings are allowed to construct within future right-of-way limits.

We also compared River Ranch Crossing's Preliminary Plat with the city of Middleton's Comprehensive Plan and Maps adopted on December 4, 2019, and available from the City's website. The Preliminary Plat does not comply with the comprehensive plan. The map titled, "Map 3: COMPREHENSIVE PLAN – Transportation, Schools, and Recreation Map includes the road features "ITD HWY 44 Conceptual Alternate Route" and River Street. The alternative route is not included on the River Ranch Crossing Preliminary Plat. River Street is included in the



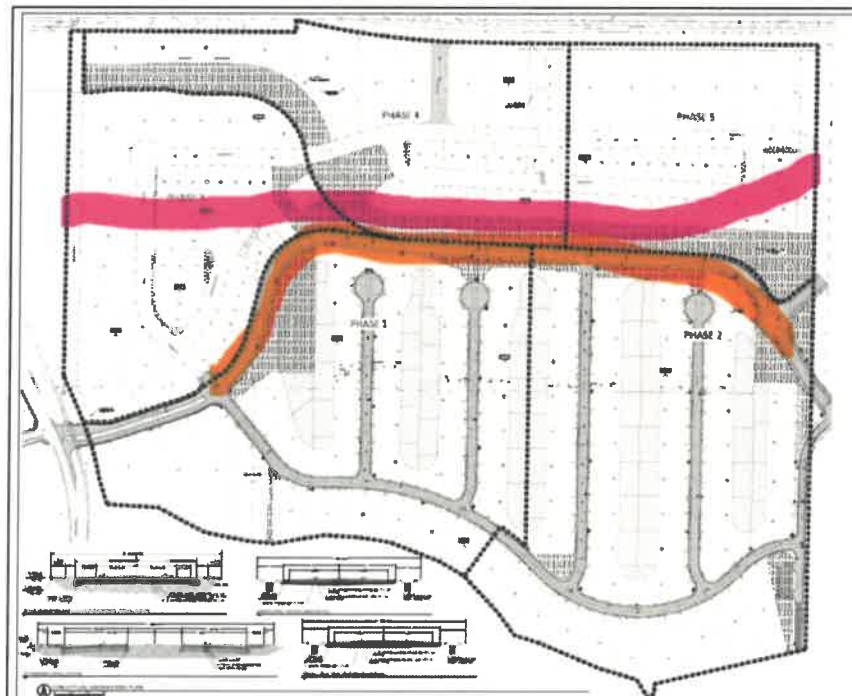
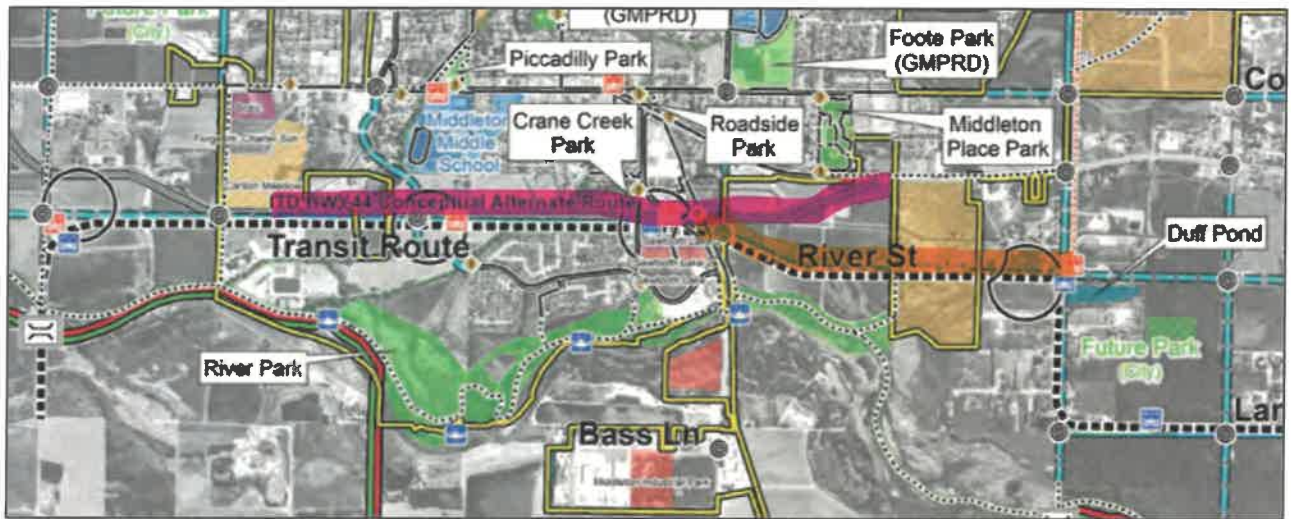
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Preliminary Plat but does not maintain the intent of what is shown in Map 3 that serves as an arterial route between the SH-44 Alternate Route and Duff Lane. Please see diagrams below.





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Included on the City's website, Planning and Zoning page, Comprehensive Plan, 2019 Comprehensive Plan Updated Maps, is the "City of Middleton Crane Creek Park" map that includes a 100-foot wide "River Street (Future)" feature. River Street as shown in the Preliminary Plat is only 60-feet wide.

At this time, ITD is unable to complete our review of the River Ranch Crossing TIS based on the above-described concerns. We support economic development within the city of Middleton, but cannot support a development that is in conflict with the SH-44 corridor plan that we have been working on for years with our local agency partners.

Please accept this letter as ITD's formal objection to the development unless significant changes to the preliminary are implemented.

I ask that as the city of Middleton evaluates future development, it be mindful of how the development's traffic accesses SH-44 and whether it is in alignment with the draft SH-44 corridor plan. This plan has been developed to serve the needs of your growing community and the needs of travelers on the State highway. ITD looks forward to working with the City as you plan and grow your community and together we continue ITD's mission of "Your Safety. Your Mobility. Your Economic Opportunity."

Sincerely,

Erika R. Bowen, P.E.

ITD – District 3

Development Services Technical Engineer

Cc:

Caleb Lakey – ITD

Matt Stoll – COMPASS

Dan Lister – Canyon County

From: [Erika Bowen](#)
To: [Roberta Stewart](#)
Cc: [Joe Pachner](#); [Stephanie Hopkins](#); [Becky Crofts](#); [Amy Woodruff](#); [Tyler Hess](#); [Sarah Arjona](#); [Mark Wasdahl](#); [Jayme Coonce](#); [Caleb Lakey](#); [Dan Lister](#); mstoll@compassidaho.org; [Jake Melder](#)
Subject: RE: [EXTERNAL] Revised River Ranch Crossing for ITD review
Date: Monday, June 28, 2021 8:40:10 AM
Attachments: [image003.png](#)
[19-053 Preliminary Plat 06.2.2021 Signed COPY.pdf](#)
[6-28-2021 River Ranch Crossing Site Plan - ITD Comments.pdf](#)

Hi Roberta-

ITD reviewed the provided preliminary plat that will be presented to the Planning and Zoning Commission on July 12th. At this time ITD is unable to complete our review of the River Ranch Crossing Traffic Impact Study based on a number of concerns regarding the Preliminary Plat and how it does not comply with the City of Middleton's Comprehensive Plan nor ITD's draft SH-44 corridor plan. Please find details of our concerns in the attached letter.

Thanks,

Erika R. Bowen, P.E.

ITD District 3 Development Services Technical Engineer

From: Roberta Stewart <rstewart@middletoncity.com>
Sent: Thursday, June 17, 2021 1:52 PM
To: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>; Erika Bowen <Erika.Bowen@itd.idaho.gov>; Mark Wasdahl <Mark.Wasdahl@itd.idaho.gov>; Jayme Coonce <Jayme.Coonce@itd.idaho.gov>
Cc: Joe Pachner <Joe@kmengllp.com>; Stephanie Hopkins <shopkins@kmengllp.com>; Becky Crofts <bcrofts@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Tyler Hess <tyler@hesspropertiesidaho.com>
Subject: [EXTERNAL] Revised River Ranch Crossing for ITD review

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Hi Erika and Sarah: you have been working with Stephanie Hopkins of KM Engineers on review of this River Ranch Crossing preliminary plat in Middleton, Idaho. It is the large commercial/residential plat that is closely connected to Brian Burnett's River Pointe Subdivision, which you recently reviewed.

This is the 4th version of River Ranch's plat, and it is the version that we will be taking to the Planning & Zoning Commission for public hearing on July 12, 2021. It is not terribly different from the last version you reviewed, but it is different. One of the differences is the fact that the Hwy 44 bypass Right of Way is missing per emails between Mayor Rule and Caleb Lakey. Earlier, Sarah had asked that the right of way be re-inserted into the plat, but the City is not requiring that right of way, as you know.

We are requesting that you re-review and revise as necessary your earlier Traffic Findings and Technical Report. If you need me to resend Burnett's River Pointe pre-plat to see how the 2

subdivisions connect, please let me know and I will send it right away. Thanks for your help.

Roberta L. Stewart

PLANNER

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

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

www.middleton.id.gov



From: Sarah Arjona <Sarah.Arjona@itd.idaho.gov>

Sent: Monday, April 19, 2021 10:36 AM

To: Stephanie Hopkins <shopkins@kmengllp.com>; Erika Bowen <Erika.Bowen@itd.idaho.gov>; Mark Wasdahl <Mark.Wasdahl@itd.idaho.gov>; Jayme Coonce <Jayme.Coonce@itd.idaho.gov>; Becky Crofts <bcrofts@middletoncity.com>; Rachel Speer <rspeer@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Roberta Stewart <rstewart@middletoncity.com>; Spencer Kofoed <Spencer@tcpidaho.com>; Tyler Hess <tyler@hesspropertiesidaho.com>; Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>; 'Brian Burnett' <invest1977@yahoo.com>

Cc: Joe Pachner <Joe@kmengllp.com>

Subject: RE: [EXTERNAL] River Ranch Crossing and River Pointe layouts

Stephanie,

Can you provide a site plan with the SH-44 future alternate route overlay please?

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Stephanie Hopkins <shopkins@kmengllp.com>

Sent: Monday, April 19, 2021 10:27 AM

To: Erika Bowen <Erika.Bowen@itd.idaho.gov>; Sarah Arjona <Sarah.Arjona@itd.idaho.gov>; Mark Wasdahl <Mark.Wasdahl@itd.idaho.gov>; Jayme Coonce <Jayme.Coonce@itd.idaho.gov>; Becky Crofts <bcrofts@middletoncity.com>; Rachel Speer <rspeer@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Roberta Stewart <rstewart@middletoncity.com>; Spencer Kofoed <Spencer@tcpidaho.com>; Tyler Hess <tyler@hesspropertiesidaho.com>; Mary Wall <mwall@breckonld.com>; Jon Breckon <jbreckon@breckonld.com>; 'Brian Burnett' <invest1977@yahoo.com>

Cc: Joe Pachner <Joe@kmengllp.com>

Subject: [EXTERNAL] River Ranch Crossing and River Pointe layouts

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Hi all,

Please see attached for two exhibits that depict the River Ranch Crossing Subdivision and the River Pointe Subdivision. These exhibits demonstrate the connectivity between the two proposed subdivisions and proposed points of access for each separately.

We look forward to further discussion regarding both projects today.

Thank you,

Stephanie Hopkins

Land Planner

KM ENGINEERING

5725 N. Discovery Way | Boise, ID 83713

208.639.6939

EXHIBIT "E"

CITY COMMENTS

Engineering

Planning

Floodplain



June 21, 2021

TO: Roberta Stewart, Planner, City of Middleton

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

RE: River Ranch Crossing Subdivision – Revised Preliminary Plat

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

MCC 5-4-3: Traffic Impact Analysis. Required unless waived through other mitigation.

MCC 5-4-4.2.f. Add benchmark information.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0.

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

MCC 5-4-10-2.J Correct street names – typical of all sheets. Street is east-west, avenue is north-south, and court is cul-de-sac. There are no other designations.

Overlay the roundabout design at the intersection of Sawtooth Lake Drive and S Middleton and configure the lots/rights of way accordingly. Contact us if you need CADD files or other information. If the River Ranch Sawtooth access comes on prior to the roundabout, the construction drawings will be approved using the 70' section on PP2.0 but the roundabout rights of way will be dedicated.

Note 5. Separate out as needed. No lot drainage or irrigation in front easement area.

Show utilities in SH44 right of way.

Add note no direct lot access to S Middleton or Sawtooth Lake Drive.

Note 2 revise.

Add note access for Lot 18/19/ 20/21/22 Block 1 to be full cross access/ingress/egress finalized at final plat. Identify and show utilities for service to all.

Irrigation layout is required.

Submit a stand alone phasing plan. The heavy dashed line obscures utilities and details.

Extend 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Connect to water at Boise Street and S Middleton.

Extend all utilities to Phase 3, Phase 4 and Phase 5. 12" water may be required in commercial zone.



Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy.

Show hydrant location, streetlight location, and add a note or show fiber installation.

Streetlights required on S Middleton.

Need a street section for S Middleton. Use City's three lane urban.

Swales are not permitted for stormwater management. Stormwater cannot comeingle in irrigation facilities or on site ponds.

Submit cross section for the mining sites/ponds.

Dimension all rights of way including ITD right of way.

Identify what is happening at northwest corner/boundary area with Boise Avenue (if extended) and access to Lot 18- Lot 22, Block 1.

Secondary access is needed either at Boise Street area or at Township Rd. extended. If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot and the 90d turn established. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments. Add call out if applicable.

Typical 60 ft street section (local road), please add section, including structural components.

Centerline radii and intersection radii are required to meet City code. Please review and revise or follow up with variance or address in development agreement.

Dimension rights of way - all.

Clearly show pathway(s) with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing.

Well to be abandoned note: Add per IDWR.

Identify and callout septic to be abandoned.

Review the title report and clearly show the easements listed or submit a narrative detailing how each is shown or not applicable.

Boundary is missing bearing/distance east area. Plat boundary needs stamped.



August 2, 2021

TO: Roberta Stewart, Planner, City of Middleton

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

RE: **River Ranch Crossing Subdivision – Preliminary Plat 2nd Review**

Thank you for the opportunity to review the above referenced preliminary plat submittal. Every effort was made to identify all the review comments, but additional comments may come up as the application goes forward. All comments below are a condition of preliminary plat prior to Council hearing.

MCC 5-4-4.2.k. Please add the lot count table, per phase, to PP1.0. The table needs to identify the number of lots for each phase/use: commercial, residential, common lots, etc.

MCC 5-4-10-2.J Correct street names – typical of all sheets. Add street name at the east end of River intersection/roundabout.

How does Lot 1 Block 6 access?

Irrigation layout is required. Need to provide irrigation water to the lots and area north of the Lawrence Kennedy if water rights are appurtenant. If no water right, add a note or otherwise detail the status.

Label 12" water main from east boundary/connection with River Pointe, through Sawtooth Lake Drive, to the connection at Middleton and Sawtooth Lake Dr intersection.

Submit preliminary engineering design/inverts for sewer. Profile not required. Include crossing of Lawrence Kennedy. This is a condition of preliminary plat prior to Council hearing.

Please update the street section for S Middleton. Use the Middleton Road corridor plan section (revised comment).

Swales are not permitted for stormwater management and a variance to allow swales will not be supported. Need to provide preliminary stormwater management design for the area north of Lawrence Kennedy.

Secondary, public, improved access is needed either at Boise Street area or at Township Rd. extended (or approved other). If River Pointe comes on and the secondary access is not needed, the proposed right of way area can be added back to adjacent lot. Add a note.

What is happening with irrigation water management and delivery to Anchored Investments? This is the parcel directly west and across Middleton Road. An irrigation ditch bisects the River Walk property and continues west to this parcel. Add easement or call out if applicable.

Centerline radii and intersection radii are required to meet City code. 60 ft will not be supported by the City and Middleton Rural Fire. 10 mph speed limit doesn't seem realistic or something the PD wants to manage.

Clearly show **pathway(s)** with easement: south boundary, each side of Lawrence Kennedy, and add pathway from end of Century to Sawtooth with pedestrian crossing. Add pathway cross section.

What is the status of Lot 3 Block 2? Provide access and extend water and sewer service.



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

PLANNER COMMENTS – RIVER RANCH CROSSING SUBDIVISION

June 17, 2021

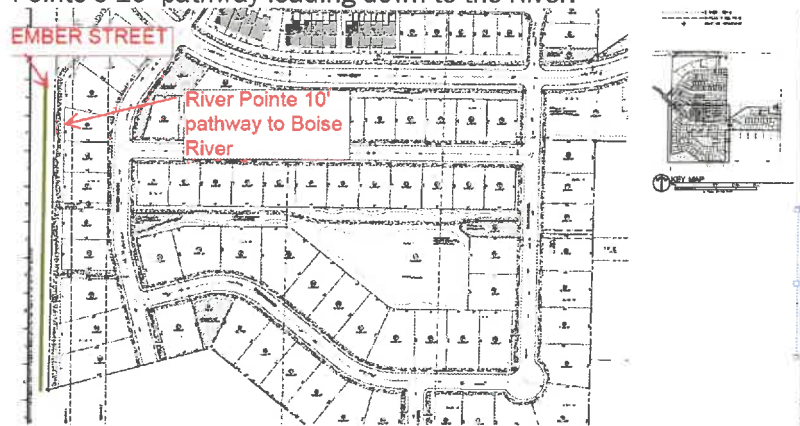
1. Change name of "River Street" to "E. Sawtooth Lakes Street."
2. Add street name "Yetna Avenue" to eastern road that connects to River Pointe's Yetna Avenue.



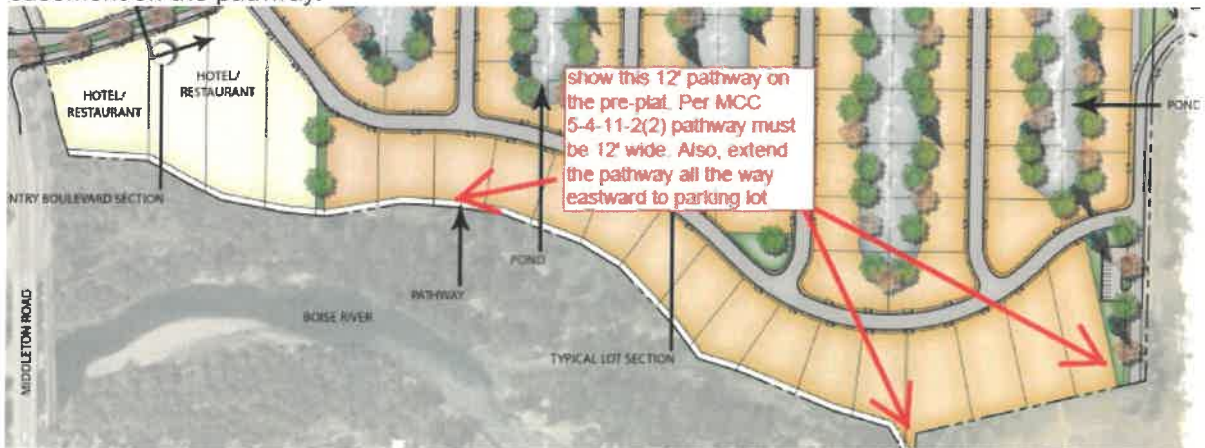
3. Tony Almeida at Canyon County is reviewing all proposed street names. Regardless, roads running east to west must end with "street", and roads running north/south must end with "Avenue." Those names must be changed on the pre-plat at the very least. Tony may find other issues.
4. Connect to 10' asphalt paths on both sides of canal as shown on the Burnett/River Pointe preliminary plat. Pathway to be on both sides of the canal. See below diagram
5. Add a public access easement to 10' pathways on both side of canal.
6. Delete 5' concrete sidewalk on north side of River Street where 10' asphalt path is located. Sidewalk is redundant. But you still need to loop the sidewalk to the east on to the 10' pathway somehow.



7. Delete sidewalk on the east side of Ember Street because a 10' asphalt pathway is on the western boundary of River Pointe. There is no need for a 5' sidewalk to be right next to River Pointe's 10' pathway leading down to the River.



8. Add 12' asphalt pathway on south boundary of pre-plat as shown on concept plan. It is not called out on pre-plat. Extend path all the way eastward to parking lot. Place a public access easement on the pathway.



9. Maximize parking lot stalls at southeast corner of plat as much as is reasonably possible.
10. Submit full landscape plan with legend of landscape plantings
11. Add Watkins ownership information to front of plat. Only Hess ownership is noted.
12. Correct data table to show 79 M-U lots rather than 80.
13. Correct data table to show 34 C-3 lots, not 17. Also, could not find the 1 common lot noted in the C-3 zone. Remove data note if it is wrong.
14. Please make sure the following R-2 "pie shaped lots" have 90' wide frontage at the front setback line. Show dimensions on plat to confirm: B/8 L10; B8/L9; B8/L20; B7/L29.
15. Make sure the following M-U "pie shaped lots" have 50' wide frontage at the front setback line. Show dimension on plat to confirm: B4/L55; B4/L32; B4/L54; B4/L12; B4/L13; B5/L3.
16. Can't find Lot 17, Block 1 in the C-3 zone. Renumber if it is missing. Not sure.
17. Correct Note 7 on common lots. Can't find Lot 17/B1. Also, correct L9/B5 to be the actual lot of L8/B5.
18. Figure out how to show both the future Roundabout in southwest corner of the plat ALONG WITH the temporary access currently shown on the plat. Maybe do an inset schematic on the plat to ensure that both versions of entry into the subdivision are shown. Need to explore



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this with Amy. I don't think the roundabout will be ready to go for 2 years but the entry way needs to be constructed next year.

19. Add note that all private lanes have a public access easement or show via easement???
20. Change L32/B8 and L11/B4 from a common lots to private lanes. They do not need lot and block designation because they are deemed "private lanes" in our Supplement to the ISPWC. Correct legend/Data to match recount of common lots
21. Show easement for utilities to landlocked lots at Block 1, Lots 18, 19, 20 and 21.
22. Need to show at least 5% open space for entire pre-plat, not just the residential portion. Add note to plat with overall open space percentage noted. Open spaces are large areas for gathering. It can also include the pathways along the canal. Parking lot by river. Large common lots can also be included, but small useless common lots should not be included in calculation. If you don't meet the 5% threshold, consider making a portion of Lot 18, Block 1 a park with public access from Middleton Road. It is a dead corner, and it could become a feature of the River Walk Loop. (Just an idea, not a formal request.)
23. Need to show on plat or state in Narrative any amenities such as shade structures, patio gathering areas...etc. The canal pathway will be like Indian Creek, and there should be "cut-out" areas with hard surface, benches, shade, or other amenities to make the River Walk an enjoyable place to walk, rest, and gather.
24. Need to ensure there is a sufficient buffer between the commercial zone and residential zone. The 8' high berm/fence required by MCC 5-4-10-7 may not be appropriate in this "planned" community. It is too segmented and the fence to "dividing". We can solve the problem by requiring a 15' wide landscape buffer on the commercial zone. No berm required and no fence required?? Let's discuss what will be best to keep a good open design but still separate the patio homes from the commercial and parking lots. We will put the agreement in the DA to avoid the 8' high berm in MCC 5-4-10-7.
25. Show Mailbox clusters on the pre-plat
26. Add note to preliminary plat that all lots in the M-U zone portion of the preliminary plat are deed restricted to 55+ homebuyers.
27. Revise Note 4 to add "E. Sawtooth Lake Street" also can't have driveway access.
28. Add note that all wells shall be abandoned per IDWR regulations.
29. Add note that all septic systems shall be removed and recompacted per geotechnical report standards
30. Because Plat was recently changed, determine if new drainage calculations need to be sent to Amy??

Roberta L. Stewart

Middleton City Planner

From: [Roberta Stewart](#)
To: [Stephanie Leonard](#); [Joe Pachner](#); tyler@hesspropertiesidaho.com; [Spencer Kofoed](#)
Cc: [Amy Woodruff](#); [Becky Crofts](#)
Subject: FW: Planner Comments for River Ranch Crossing
Date: Tuesday, June 29, 2021 12:55:00 PM
Attachments: [image002.png](#)
[River Ranch Preplat Comment Summary.pdf](#)
[image001.png](#)

Hi All: we're hoping you will still be able to get your revised River Walk pre-plat to us and Amy by end of day tomorrow so we have time to prep for the July 12th P&Z hearing. There is one final revision we would like you to add to the pre-plat unless there is a good reason not too. We think the 12' wide asphalt pathway that traverses the entire southern boundary of the project needs to be set aside as a common lot. Right now it is merely shown as a simple pathway/easement. Making it a separate common lot will help with fencing issues. The homeowners can then put their fences on the rear boundary of their property without offending that 12' wide path.

Roberta L. Stewart

PLANNER

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rstewart@middletoncity.com

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From: Roberta Stewart
Sent: Tuesday, June 22, 2021 1:17 PM
To: Stephanie Hopkins <shopkins@kmengllp.com>; Joe Pachner <Joe@kmengllp.com>; tyler@hesspropertiesidaho.com; Spencer Kofoed <Spencer@tcpidaho.com>
Cc: Becky Crofts <bcrofts@middletoncity.com>; Amy Woodruff <amy@civildynamics.net>; Joel Grounds <joel@precisionengineeringllc.com>
Subject: FW: Planner Comments for River Ranch Crossing

Hey River Ranch: Amy sent her engineering comments yesterday, and it appears there is a lot of work that needs to be done in a very short amount of time. Please make all her changes and send the revised preliminary plat to us by Wednesday, June 30th. The July 4th holiday will make it difficult for us to review your plat and get prepared for the hearing, so we need your revised plat a little "extra" early.

There are two critical things on Amy's list that we need "for sure": Please drop in the roundabout design. You can get it from Joel Grounds at Precision Engineering or from Amy. I've cc'd Joel on this email. Without that roundabout, we will simply have to stall your application. It must be shown appropriately.

Second thing we need is another access. It is probably going to be too difficult to work out an agreement with Burnett to finish "E. Sawtooth Lakes Street." I think the best bet is to punch through to Boise Street somehow or even punch township road to make a 2nd access onto the newly straightened Middleton Road. PLEASE work with Amy on this soon and get this 2nd access dialed in. she had a great idea of making it only ROW that can revert if the road to Duff Lane is ultimately built by Burnett.

The 2nd issue is timing for that 2nd access. Deputy Fire Chief requires 2nd access by 30 lots, and we require 2nd access by 50 lots. I'll start the conversation with Deputy Chief Islas to see if we can get you all the way through the 85 lots in Phases 1 and 2 before the 2nd access is required. Because you have a "double entry" at Middleton Road, he may be inclined to allow these extra lots before the 2nd access is triggered. Also, that emergency access will help. **Please follow up with Deputy Chief Islas to get it dialed in before the July 7th P&Z hearing. I'm going to leave it to you guys to get his approval and also get him to note it on his comments.**

Also, if you like, I will add a provision to the DA to give you minimum 90' centerline turning radius. Deputy Fire Chief is comfortable with 90' but nothing lower than that.

Also, again, I think you need to choose a new name for the project because there is another River Ranch project to the east of your project.

I'll complete all the legal notices for the July 12th hearing. If we can't pull these items together by then, we will have to table the hearing to August. Thanks,

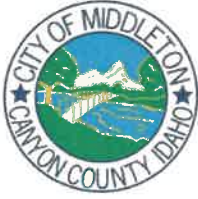
Roberta L. Stewart

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From: Amy Woodruff <amy@civildynamics.net>
Sent: Monday, June 21, 2021 3:47 PM
To: Roberta Stewart <rstewart@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>; Joe Pachner <Joe@kmengllp.com>; tyler@hesspropertiesidaho.com; Spencer Kofoed <Spencer@tcpidaho.com>
Cc: Becky Crofts <bcrofts@middletoncity.com>
Subject: RE: Planner Comments for River Ranch Crossing

Please find attached.

Thank you.

Amy Woodruff
453-2028

From: Roberta Stewart [<mailto:rstewart@middletoncity.com>]
Sent: Thursday, June 17, 2021 2:30 PM
To: Stephanie Hopkins; Joe Pachner; tyler@hesspropertiesidaho.com; Spencer Kofoed
Cc: Amy Woodruff; Becky Crofts
Subject: Planner Comments for River Ranch Crossing

Hi All: I usually send my comments to Amy for review before forwarding to the developer, but time is short, so I'm going to simply ship them out to everyone today. Be prepared to shift a little on my comments if Amy sees something that is "not good."

I've attached a copy of Burnett's River Pointe pre-plat that got through P&Z. Use it to figure out pathway connections and street names as noted in the comments.

Later today or tomorrow, I will send over an email regarding the provisions in the proposed DA.

I will be sending this June version of your preliminary plat to ITD, CHD4, SHPO, and Fire Dept today for updated comments.

Please let me know if you have any comments or questions. thanks,

Roberta L. Stewart

PLANNER

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UPDATED PLANNER COMMENTS – RIVER RANCH CROSSING SUBDIVISION

July 29, 2021

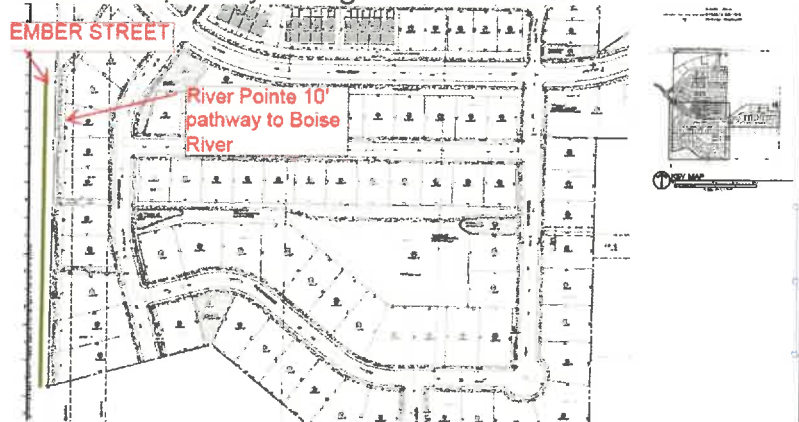
1. You need to remove all references to “River Street” on PP 1.0. Change to “E. Sawtooth Lakes Street.”
2. Remove reference in Note 4 to “River Street”.
3. Add street name “Yetna Avenue” to eastern road that connects to River Pointe’s Yetna Avenue.



4. Get rid of all road designations that do not end in “Street” or “Avenue. Roads running east to west must end with “street”, and roads running north/south must end with “Avenue.” Those names must be changed on the pre-plat at the very least. No “Courts”.
5. Connect to 10’ asphalt paths on both sides of canal as shown on the Burnett/River Pointe preliminary plat. Pathway to be on both sides of the canal. See below diagram
6. Add a public access easement to 10’ pathways on both side of canal.
7. Delete 5’ concrete sidewalk on north side of River Street where 10’ asphalt path is located. Sidewalk is redundant. But you still need to loop the sidewalk to the east on to the 10’ pathway somehow.



8. Delete sidewalk on the east side of Ember Street because a 10' asphalt pathway is on the western boundary of River Pointe. There is no need for a 5' sidewalk to be right next to River Pointe's 10' pathway leading down to the River.



9. Maximize parking lot stalls at southeast corner of plat as much as is reasonably possible.
10. Submit full landscape plan with legend of landscape plantings
11. Add note to plat that there is a sewer and water utility easement to reach the landlocked parcels at Lots 18-21, Block 1.
12. Add Watkins ownership information to front of plat. Only Hess ownership is noted.
13. Correct data table to show 79 M-U lots rather than 80.
14. Correct data table to show 34 C-3 lots, not 17. Also, could not find the 1 common lot noted in the C-3 zone. Remove data note if it is wrong.
15. Please make sure the following R-2 "pie shaped lots" have 90' wide frontage at the front setback line. Show dimensions on plat to confirm: B/8 L10; B8/L9; B8/L20; B7/L29.
16. Make sure the following M-U "pie shaped lots" have 50' wide frontage at the front setback line. Show dimension on plat to confirm: B4/L55; B4/L32; B4/L54; B4/L12; B4/L13; B5/L3.
17. Can't find Lot 17, Block 1 in the C-3 zone. Renumber if it is missing. Not sure.
18. Correct Note 7 on common lots. Can't find Lot 17/B1. Also, correct L9/B5 to be the actual lot of L8/B5.
19. Add note that all private lanes have a public access easement or show via easement???
20. Change L32/B8 and L11/B4 from a common lots to private lanes. They do not need lot and block designation because they are deemed "private lanes" in our Supplement to the ISPMC. Correct legend/Data to match recount of common lots
21. Show easement for utilities to landlocked lots at Block 1, Lots 18, 19, 20 and 21.
22. Need to show at least 5% open space for entire pre-plat, not just the residential portion. Add note to plat with overall open space percentage noted. Open spaces are large areas for gathering. It can also include the pathways along the canal. Parking lot by river. Large common lots can also be included, but small useless common lots should not be included in calculation. If you don't meet the 5% threshold, consider making a portion of Lot 18, Block 1 a park with public access from Middleton Road. It is a dead corner, and it could become a feature of the River Walk Loop. (Just an idea, not a formal request.)
23. Need to show on plat or state in Narrative any amenities such as shade structures, patio gathering areas...etc. The canal pathway will be like Indian Creek, and there should be "cut-out" areas with hard surface, benches, shade, or other amenities to make the River Walk an enjoyable place to walk, rest, and gather.
24. Make sure the 15' landscape buffer required by the DA is shown on the pre-plat
25. Show Mailbox clusters on the pre-plat



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26. Add note to preliminary plat that all lots in the M-U zone portion of the preliminary plat are deed restricted to 55+ homebuyers.
27. Add note that all wells shall be abandoned per IDWR regulations. Your comment to Amy's same request is that no wells will be abandoned. Does that mean there are no wells present? Or does that mean there are wells present but you do not intend to abandon them. This is county property so I'm assuming there has to be a well present.
28. Add note that all septic systems shall be removed and recompact per geotechnical report standards. Is there septic present on property? I'm assuming so. It must be abandoned and a note to that effect put on the pre plat.
29. Please add a note that all M-U lots will be deed restricted as a 55+ active lifestyle community in compliance with the laws of the State of Idaho.
30. No roundabout has been inserted on the first page.
31. Please update open space for entire plat, not just residential portion. There must be at least 5% open space overall.

Roberta L. Stewart

Middleton City Planner



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August 04, 2021

Hess Properties, LLC
15031 Spyglass Lane
Caldwell, Idaho 83607

Re: Floodplain Development Comments for River Walk Crossing Sub, R33938 and R33938011, Middleton ID 83644

Hess Properties, LLC:

This letter is in response to your floodplain development permit application for the subject subdivision.

Please complete your Floodplain Development Permit Application:

- 1) Please Sign and Date application
- 2) Please provide the City with Panel 16001C0125J and how it applies to your development as on description of work item 4
- 3) Because you answered description of work item 6 as YES you must also mark item 7 YES or NO
- 4) Remove base flood elevations on "complete for new structures and building sites. See note 7 below.
- 5) On "complete for subdivisions and planned unit developments" section item 2 you marked YES on question, "does the plat or proposal clearly identify base flood elevations (BFE's). The plan shows squiggly lines where the BFE's are located per FEMA mapping. That is NOT appropriate. The lines should be straight and in the same locations as the FEMA map indicates (see attached FIRMette). Also see note 7 below.

Please revise your preliminary plat to show the following items:

- 6) As your property boundary is within 50' of the floodway please show a line designating the 50' no-build offset, per City Code (CC) 4-3-7-5-E.
- 7) Designate the BFE (base flood elevation) for EACH buildable lot, by lot and block. The BFE will be the elevation on the highest corner of any lot.
- 8) Add a note on the plan that all construction and lots in the floodplain must meet CC 4-3 standards.



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- 9) Add a note on the plan that designates exactly which lots on the plan are inside the Boise River floodplain , FEMA Panels #253. And that residential lots, lowest floor and building utilities must be built a minimum of 1.0' above BFE. For commercial lots, lowest floor must be built 2.0' above the BFE or be built floodproofed to 2' above BFE.
- 10) Add a note that all structures built in the special flood hazard area (SFHA) must have elevation certificates provide. One before construction can commence and one after construction is completed and before CofO will be issued.
- 11) Designate on the plan which areas are in the AE zone, 0.2% zone by screening or hatching or some other means per attached FIRMette.

Sincerely,

Bruce Bayne

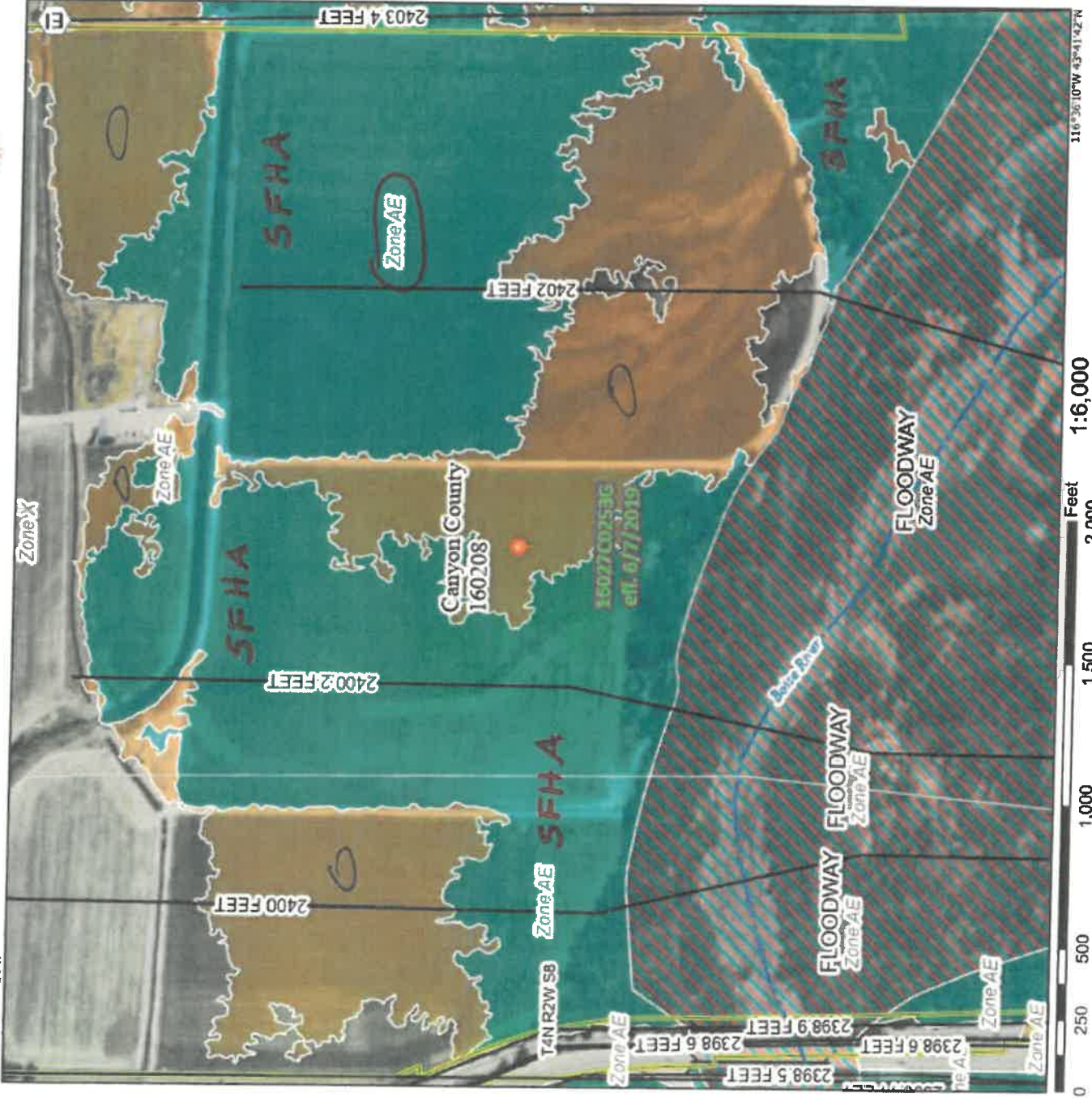
Bruce Bayne
208-585-3133
bbayne@middletoncity.com

Attachment:

National Flood Hazard Layer FIRMette



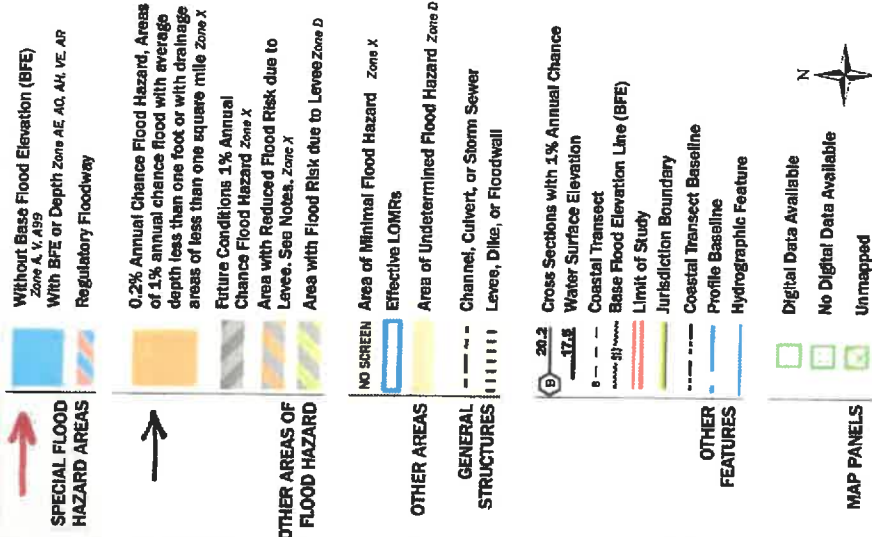
116°36'47"W 43°42'8"N



Basemap: USGS National Map: OrthoImagery: Data refreshed October, 2020

Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT



The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps. If it is not valid as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 8/4/2021 at 12:49 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is valid if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmapped areas cannot be used for regulatory purposes.



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Planning and Zoning Department

Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ _____

Application Accepted by: _____

Date Application Accepted: _____

Applicant:

Hess Properties, LLC.	208.409.0864	tyler@hesspropertiesidaho.com
Name	Phone	Email
15031 Spyglass Lane	Caldwell, Idaho	83607
Mailing Address	City, State	Zip

Property Owner(s):

Hess Properties, LLC. & Watkins Properties, L P	208.409.0864	tyler@hesspropertiesidaho.com
Name	Phone	Email
15031 Spyglass Lane	Caldwell, Idaho	83607
Mailing Address	City, State	Zip Code

Representative:

KM Engineering, LLP. - Stephanie Leonard	208.639.6939	sleonard@kmengllp.com
Name	Phone	Email
9233 West State Street	Boise, Idaho	83714
Mailing Address	City, State	Zip Code

Site Information:

10669 Highway 44	Middleton, Idaho	83644
Street Address	City, State	Zip Code

Assessor's Tax Parcel No(s): R3393800000 & R3393801100

Total Acres of Site: +/- 130 Subdivision: n/a Lot(s): _____ Block(s): _____

Description of Work (Complete for all Work):

1. Proposed Development Description

- ☒ New Building
- ☐ Manufactured Home
- ☐ Improvement to Existing Building
- ☐ Filling
- ☐ Other: _____



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Planning and Zoning Department

Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ _____

Application Accepted by: _____

Date Application Accepted: _____

2. Size and location of proposed development (attach site plan):

+/-130 acres at the SE corner of Middleton Road and SH-44

3. Is the proposed development in a Special Flood Hazard Area (Zones A or AE)?

☒ Yes

☐ No

4. Per the floodplain map, what is the zone and panel number of the area of the proposed development?

Zone(s): AE Panel No. 16027 C0253G & 16001 C0125J ?

5. Are other Federal, State or local permits obtained?

☐ Yes

☒ No

6. Is the proposed development in an identified floodway?

☒ Yes Southwest part of site, outside proposed building envelopes.

☐ No

7. If yes to No. 6, "No Rise Certification" with supporting data attached?

☐ Yes

☒ No - will be submitted with final design and/or building permit

Complete for New Structures and Building Sites:

1. Base Flood Elevation at the site: 2,402 feet NGVD
2. Required lowest floor elevation (including basement): 2,403 feet NGVD
3. Elevation to which all attendant utilities, including all heating and electrical equipment will be protected from flood damage: 2,403 feet NGVD

Complete for Alterations, Additions, or Improvements to Existing Structures:

1. What is the estimated market value of the structure? \$ _____
2. What is the cost of the proposed construction: \$ _____
3. If the cost of the proposed construction equals or exceeds 50% of the market value of the structure, then the substantial improvement provision shall apply.

Complete for Non-Residential Floodproofed Construction:

1. Type of floodproofing method: _____
2. The required floodproofing elevation is: _____ feet NGVD
3. Floodproofing certification by a registered engineer is attached
☐ Yes
☒ No



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Planning and Zoning Department

Floodplain Development Permit Application

Rev: 8/20/2019

Fee Paid: \$ _____

Application Accepted by: _____

Date Application Accepted: _____

Complete for Subdivisions and Planned Unit Developments:

1. Will the subdivision or other development contain 50 lots or 5 acres
☒ Yes
☐ No
2. If yes, does the plat or proposal clearly identify base flood elevations?
☒ Yes
☐ No
3. Are the 100-year floodplain and floodway delineated on the site plan?
☒ Yes
☐ No

I hereby certify that all the information requested and as submitted is correct to the best of my knowledge. I understand that additional information or requirements may be required per the Floodplain Administrator.

Applicant Signature

Date

FOR OFFICE USE ONLY

1. Permit Approved – Before Construction: _____ Date
2. Elevation Certificate Attached – Before Construction: _____ Date
3. CONDITIONS: _____

4. Local Administrator Signature: _____ Date
5. Permit Approved – After Construction _____ Date
6. Elevation Certificate Attached – After Construction: _____ Date
7. As-Built Lowest Floor Elevation: _____ feet NGVD
8. Work Inspected By: _____ Date
9. Local Administrator Signature: _____ Date



STAFF REVIEW AND REPORT

Middleton Planning and Zoning Commission

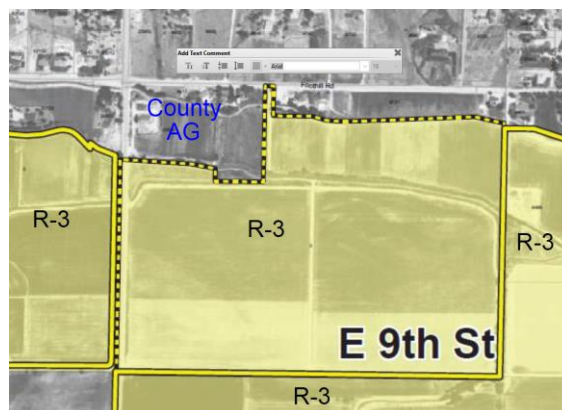
Waterford Amended Preliminary Plat Application

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

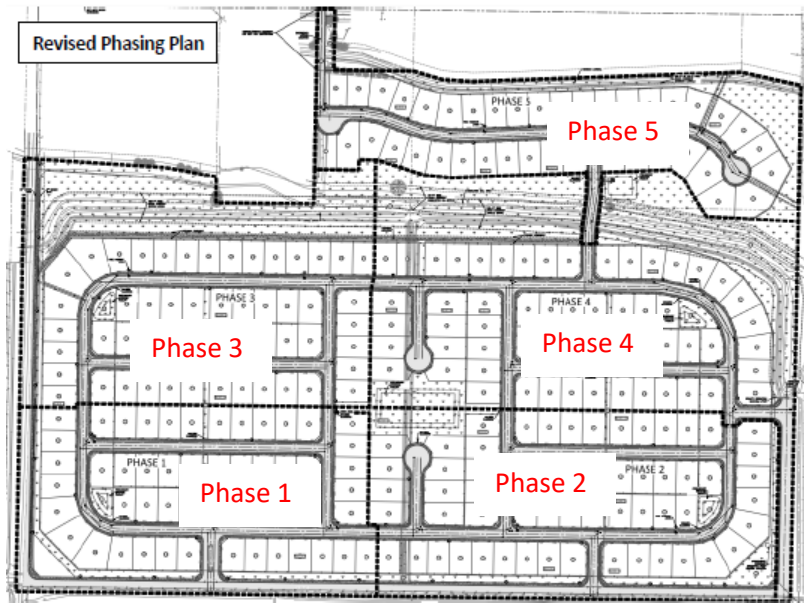
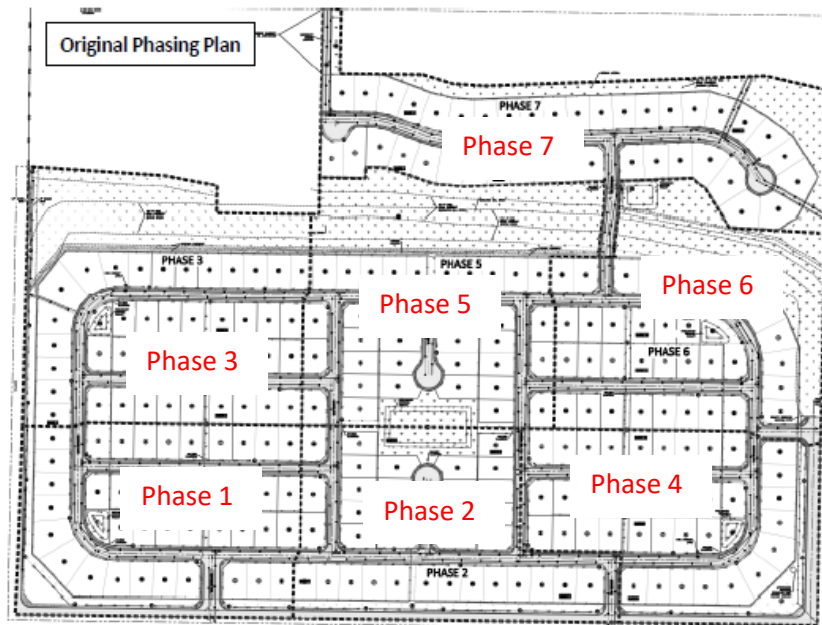
- A. **Planning & Zoning Commission Hearing Date:** September 13, 2021
- B. **Project Description:** Amended Preliminary Plat of Residential subdivision with 262 buildable lots and 16 common lots on 99 acres of vacant land located at 0 Duff Lane (Tax Parcel #R3386101000 and R3386100000).
- C. **Application 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)
- 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:**
- | | |
|---|------------|
| 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 Statute 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: 9/8/2021

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

From: Stephanie Hopkins <shopkins@kmengllp.com>
Sent: Wednesday, August 25, 2021 11:30 AM
To: Jennica Reynolds <jreynolds@middletoncity.com>
Cc: Roberta Stewart <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](https://www.kmengllp.com)
208.639.6939

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

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

Thank You,
Jennica Reynolds
Deputy Clerk, Planning
City of Middleton
208-585-3133
jreynolds@middletoncity.com

From: Stephanie Hopkins <shopkins@kmengllp.com>
Sent: Tuesday, August 24, 2021 10:39 AM
To: Jennica Reynolds <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. 7th 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>; Patrick Connor <pconnor@hubblehomes.com>

Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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>

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

To: Stephanie Hopkins <shopkins@kmengllp.com>; Patrick Connor <pconnor@hubblehomes.com>

Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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

From: Stephanie Hopkins <shopkins@kmengllp.com>
Sent: Thursday, August 12, 2021 3:56 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>; Patrick Connor <pconnor@hubblehomes.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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>
Sent: Monday, August 9, 2021 3:18 PM
To: Patrick Connor <pconnor@hubblehomes.com>; Stephanie Hopkins <shopkins@kmengllp.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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.

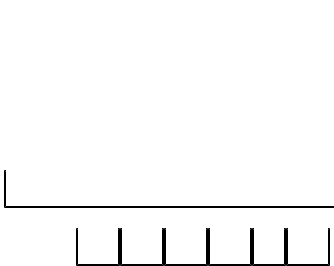
Thank you for your patience.

Thank You,

Jennica Reynolds
Deputy Clerk, Planning
City of Middleton
208-585-3133
jreynolds@middletoncity.com

From: Patrick Connor <pconnor@hubblehomes.com>
Sent: Monday, August 9, 2021 3:02 PM
To: Jennica Reynolds <jreynolds@middletoncity.com>; Stephanie Hopkins <shopkins@kmengllp.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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
o (208) 433-8800
p (208) 695-2001
m (214) 564-2812

From: Jennica Reynolds <jreynolds@middletoncity.com>
Sent: Monday, August 9, 2021 2:49 PM
To: Patrick Connor <pconnor@hubblehomes.com>; Stephanie Hopkins <shopkins@kmengllp.com>
Cc: Roberta Stewart <rstewart@middletoncity.com>; Amy Woodruff <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

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 9th 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

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

The map consists of three main components. On the left, there is a north arrow pointing upwards, labeled with a large 'N' inside a circle. Below the north arrow is a plan scale bar with markings at 0, 30, 60, 120, and 180 feet, labeled 'Plan Scale'. To the right of the scale bar is a small inset map of the state of Utah, with a box indicating the location of 'SODDINGTON, UT'. Below this inset map is a line labeled 'LOCATION MAP'. The main part of the map is a circular 'VICINITY MAP' showing a street grid. A shaded rectangular area is labeled 'PROJECT SITE'. Surrounding streets include '100TH ST', '90TH ST', '80TH ST', '70TH ST', '60TH ST', '50TH ST', '40TH ST', '30TH ST', '20TH ST', '10TH ST', '9TH ST', '8TH ST', '7TH ST', '6TH ST', '5TH ST', '4TH ST', '3RD ST', '2ND ST', '1ST ST', '0TH ST', 'N', 'E', 'S', 'W'. Other labels include 'STATE HIGHWAY 12', 'STATE HIGHWAY 10', 'STATE HIGHWAY 8', 'STATE HIGHWAY 6', 'STATE HIGHWAY 4', 'STATE HIGHWAY 2', 'STATE HIGHWAY 0', 'STATE HIGHWAY 12', 'STATE HIGHWAY 10', 'STATE HIGHWAY 8', 'STATE HIGHWAY 6', 'STATE HIGHWAY 4', 'STATE HIGHWAY 2', 'STATE HIGHWAY 0'. A line points from the 'PROJECT SITE' label to the shaded area.

SITE DATA	
PROPOSED ZONING	R-3
COMPREHENSIVE PLAN DESIGNATION	RESIDENTIAL
AREA CALCULATIONS	
RESIDENTIAL BUILDABLE LOT AREA	55.33 ACRES
COMMON AREA	21.80 ACRES
EMERGENCY ACCESS LOT	0.23 ACRES
TOTAL	77.36 ACRES
TOTAL AREA OF SITE	98.86 ACRES
OVERALL LOT DATA	
SINGLE FAMILY RESIDENTIAL LOTS	262
COMMON LOTS	16
EMERGENCY ACCESS LOT	1
TOTAL LOTS	279
MINIMUM PROPERTY SIZE	8,284 SQ. FT.
AVERAGE PROPERTY SIZE	9,198 SQ. FT.
GROSS DENSITY	2.64 UNITS/ACRE
NET DENSITY	3.37 UNITS/ACRE

ANY REVISIONS OF THIS PLAT SHALL COMPLY WITH THE CONCURRENCE REQUIREMENTS IN EFFECT AT THE TIME OF THE REVISION.

2. MINOR BUILDING SETBACK DIMENSIONS IN THIS SUBDIVISION SHALL BE SUBJECT TO THE DISCRETION OF THE CITY ENGINEER AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT.

3. THE SUBDIVISION SHALL BE OPEN TO ALL TRAFFIC AND TO ALL UTILITIES, INCLUDING COMPANIES WHICH INCLUDE THE METROPOLITAN WATER SUPPLY COMPANY, AND TO ALL UTILITIES, INCLUDING THE CITY OF LOS ANGELES, HEREINAFTER, IN COMPLIANCE WITH THE CDD CODE SECTIONS 31.000-31.005(1), AND THE CITY OF LOS ANGELES ORDINANCES 18.01-18.05, AND WATER RIGHTS AND WILL BE DELEGATED FOR ASSESSMENTS FROM SAN ANTONIO TO THE CITY OF LOS ANGELES.

4. DIRECT LOT ACCESS TO DUFF LANE, E. 9TH STREET AND LEE AVENUE IS PROHIBITED.

5. THE LOT 10 COMMON TO STREET FRONT OF-AND IN THE SUBDIVISION BOUNDARY CONTAIN A 10.00 FOOT WIDE EASEMENT FOR THE CITY OF LOS ANGELES.

6. ALL INTERIOR LOT LINES CONTAIN A 5.00 FOOT WIDE EASEMENT EACH SIDE, FOR PUBLIC AND PRIVATE UTILITIES, LOT DRAINAGE AND ROADWAY.

7. LOT 13, BLOCK "A", LOT 9, BLOCK 2, LOT 9, BLOCK 3, LOTS 12 AND 13, BLOCK 4, LOTS 1 AND 2, BLOCK 5, LOTS 1 AND 2, BLOCK 6 AND 6, BLOCK 7, LOT 1 AND 2, BLOCK 8, LOTS 1 AND 2, BLOCK 9, LOTS 1 AND 2, BLOCK 10, LOTS 1 AND 2, BLOCK 11, LOTS 1 AND 2, BLOCK 12, LOTS 1 AND 2, BLOCK 13, LOTS 1 AND 2, BLOCK 14, LOTS 1 AND 2, BLOCK 15, LOTS 1 AND 2, BLOCK 16, LOTS 1 AND 2, BLOCK 17, LOTS 1 AND 2, BLOCK 18, LOTS 1 AND 2, BLOCK 19, LOTS 1 AND 2, BLOCK 20, LOTS 1 AND 2, BLOCK 21, LOTS 1 AND 2, BLOCK 22, LOTS 1 AND 2, BLOCK 23, LOTS 1 AND 2, BLOCK 24, LOTS 1 AND 2, BLOCK 25, LOTS 1 AND 2, BLOCK 26, LOTS 1 AND 2, BLOCK 27, LOTS 1 AND 2, BLOCK 28, LOTS 1 AND 2, BLOCK 29, LOTS 1 AND 2, BLOCK 30, LOTS 1 AND 2, BLOCK 31, LOTS 1 AND 2, BLOCK 32, LOTS 1 AND 2, BLOCK 33, LOTS 1 AND 2, BLOCK 34, LOTS 1 AND 2, BLOCK 35, LOTS 1 AND 2, BLOCK 36, LOTS 1 AND 2, BLOCK 37, LOTS 1 AND 2, BLOCK 38, LOTS 1 AND 2, BLOCK 39, LOTS 1 AND 2, BLOCK 40, LOTS 1 AND 2, BLOCK 41, LOTS 1 AND 2, BLOCK 42, LOTS 1 AND 2, BLOCK 43, LOTS 1 AND 2, BLOCK 44, LOTS 1 AND 2, BLOCK 45, LOTS 1 AND 2, BLOCK 46, LOTS 1 AND 2, BLOCK 47, LOTS 1 AND 2, BLOCK 48, LOTS 1 AND 2, BLOCK 49, LOTS 1 AND 2, BLOCK 50, LOTS 1 AND 2, BLOCK 51, LOTS 1 AND 2, BLOCK 52, LOTS 1 AND 2, BLOCK 53, LOTS 1 AND 2, BLOCK 54, LOTS 1 AND 2, BLOCK 55, LOTS 1 AND 2, BLOCK 56, LOTS 1 AND 2, BLOCK 57, LOTS 1 AND 2, BLOCK 58, LOTS 1 AND 2, BLOCK 59, LOTS 1 AND 2, BLOCK 60, LOTS 1 AND 2, BLOCK 61, LOTS 1 AND 2, BLOCK 62, LOTS 1 AND 2, BLOCK 63, LOTS 1 AND 2, BLOCK 64, LOTS 1 AND 2, BLOCK 65, LOTS 1 AND 2, BLOCK 66, LOTS 1 AND 2, BLOCK 67, LOTS 1 AND 2, BLOCK 68, LOTS 1 AND 2, BLOCK 69, LOTS 1 AND 2, BLOCK 70, LOTS 1 AND 2, BLOCK 71, LOTS 1 AND 2, BLOCK 72, LOTS 1 AND 2, BLOCK 73, LOTS 1 AND 2, BLOCK 74, LOTS 1 AND 2, BLOCK 75, LOTS 1 AND 2, BLOCK 76, LOTS 1 AND 2, BLOCK 77, LOTS 1 AND 2, BLOCK 78, LOTS 1 AND 2, BLOCK 79, LOTS 1 AND 2, BLOCK 80, LOTS 1 AND 2, BLOCK 81, LOTS 1 AND 2, BLOCK 82, LOTS 1 AND 2, BLOCK 83, LOTS 1 AND 2, BLOCK 84, LOTS 1 AND 2, BLOCK 85, LOTS 1 AND 2, BLOCK 86, LOTS 1 AND 2, BLOCK 87, LOTS 1 AND 2, BLOCK 88, LOTS 1 AND 2, BLOCK 89, LOTS 1 AND 2, BLOCK 90, LOTS 1 AND 2, BLOCK 91, LOTS 1 AND 2, BLOCK 92, LOTS 1 AND 2, BLOCK 93, LOTS 1 AND 2, BLOCK 94, LOTS 1 AND 2, BLOCK 95, LOTS 1 AND 2, BLOCK 96, LOTS 1 AND 2, BLOCK 97, LOTS 1 AND 2, BLOCK 98, LOTS 1 AND 2, BLOCK 99, LOTS 1 AND 2, BLOCK 100, LOTS 1 AND 2, BLOCK 101, LOTS 1 AND 2, BLOCK 102, LOTS 1 AND 2, BLOCK 103, LOTS 1 AND 2, BLOCK 104, LOTS 1 AND 2, BLOCK 105, LOTS 1 AND 2, BLOCK 106, LOTS 1 AND 2, BLOCK 107, LOTS 1 AND 2, BLOCK 108, LOTS 1 AND 2, BLOCK 109, LOTS 1 AND 2, BLOCK 110, LOTS 1 AND 2, BLOCK 111, LOTS 1 AND 2, BLOCK 112, LOTS 1 AND 2, BLOCK 113, LOTS 1 AND 2, BLOCK 114, LOTS 1 AND 2, BLOCK 115, LOTS 1 AND 2, BLOCK 116, LOTS 1 AND 2, BLOCK 117, LOTS 1 AND 2, BLOCK 118, LOTS 1 AND 2, BLOCK 119, LOTS 1 AND 2, BLOCK 120, LOTS 1 AND 2, BLOCK 121, LOTS 1 AND 2, BLOCK 122, LOTS 1 AND 2, BLOCK 123, LOTS 1 AND 2, BLOCK 124, LOTS 1 AND 2, BLOCK 125, LOTS 1 AND 2, BLOCK 126, LOTS 1 AND 2, BLOCK 127, LOTS 1 AND 2, BLOCK 128, LOTS 1 AND 2, BLOCK 129, LOTS 1 AND 2, BLOCK 130, LOTS 1 AND 2, BLOCK 131, LOTS 1 AND 2, BLOCK 132, LOTS 1 AND 2, BLOCK 133, LOTS 1 AND 2, BLOCK 134, LOTS 1 AND 2, BLOCK 135, LOTS 1 AND 2, BLOCK 136, LOTS 1 AND 2, BLOCK 137, LOTS 1 AND 2, BLOCK 138, LOTS 1 AND 2, BLOCK 139, LOTS 1 AND 2, BLOCK 140, LOTS 1 AND 2, BLOCK 141, LOTS 1 AND 2, BLOCK 142, LOTS 1 AND 2, BLOCK 143, LOTS 1 AND 2, BLOCK 144, LOTS 1 AND 2, BLOCK 145, LOTS 1 AND 2, BLOCK 146, LOTS 1 AND 2, BLOCK 147, LOTS 1 AND 2, BLOCK 148, LOTS 1 AND 2, BLOCK 149, LOTS 1 AND 2, BLOCK 150, LOTS 1 AND 2, BLOCK 151, LOTS 1 AND 2, BLOCK 152, LOTS 1 AND 2, BLOCK 153, LOTS 1 AND 2, BLOCK 154, LOTS 1 AND 2, BLOCK 155, LOTS 1 AND 2, BLOCK 156, LOTS 1 AND 2, BLOCK 157, LOTS 1 AND 2, BLOCK 158, LOTS 1 AND 2, BLOCK 159, LOTS 1 AND 2, BLOCK 160, LOTS 1 AND 2, BLOCK 161, LOTS 1 AND 2, BLOCK 162, LOTS 1 AND 2, BLOCK 163, LOTS 1 AND 2, BLOCK 164, LOTS 1 AND 2, BLOCK 165, LOTS 1 AND 2, BLOCK 166, LOTS 1 AND 2, BLOCK 167, LOTS 1 AND 2, BLOCK 168, LOTS 1 AND 2, BLOCK 169, LOTS 1 AND 2, BLOCK 170, LOTS 1 AND 2, BLOCK 171, LOTS 1 AND 2, BLOCK 172, LOTS 1 AND 2, BLOCK 173, LOTS 1 AND 2, BLOCK 174, LOTS 1 AND 2, BLOCK 175, LOTS 1 AND 2, BLOCK 176, LOTS 1 AND 2, BLOCK 177, LOTS 1 AND 2, BLOCK 178, LOTS 1 AND 2, BLOCK 179, LOTS 1 AND 2, BLOCK 180, LOTS 1 AND 2, BLOCK 181, LOTS 1 AND 2, BLOCK 182, LOTS 1 AND 2, BLOCK 183, LOTS 1 AND 2, BLOCK 184, LOTS 1 AND 2, BLOCK 185, LOTS 1 AND 2, BLOCK 186, LOTS 1 AND 2, BLOCK 187, LOTS 1 AND 2, BLOCK 188, LOTS 1 AND 2, BLOCK 189, LOTS 1 AND 2, BLOCK 190, LOTS 1 AND 2, BLOCK 191, LOTS 1 AND 2, BLOCK 192, LOTS 1 AND 2, BLOCK 193, LOTS 1 AND 2, BLOCK 194, LOTS 1 AND 2, BLOCK 195, LOTS 1 AND 2, BLOCK 196, LOTS 1 AND 2, BLOCK 197, LOTS 1 AND 2, BLOCK 198, LOTS 1 AND 2, BLOCK 199, LOTS 1 AND 2, BLOCK 200, LOTS 1 AND 2, BLOCK 201, LOTS 1 AND 2, BLOCK 202, LOTS 1 AND 2, BLOCK 203, LOTS 1 AND 2, BLOCK 204, LOTS 1 AND 2, BLOCK 205, LOTS 1 AND 2, BLOCK 206, LOTS 1 AND 2, BLOCK 207, LOTS 1 AND 2, BLOCK 208, LOTS 1 AND 2, BLOCK 209, LOTS 1 AND 2, BLOCK 210, LOTS 1 AND 2, BLOCK 211, LOTS 1 AND 2, BLOCK 212, LOTS 1 AND 2, BLOCK 213, LOTS 1 AND 2, BLOCK 214, LOTS 1 AND 2, BLOCK 215, LOTS 1 AND 2, BLOCK 216, LOTS 1 AND 2, BLOCK 217, LOTS 1 AND 2, BLOCK 218, LOTS 1 AND 2, BLOCK 219, LOTS 1 AND 2, BLOCK 220, LOTS 1 AND 2, BLOCK 221, LOTS 1 AND 2, BLOCK 222, LOTS 1 AND 2, BLOCK 223, LOTS 1 AND 2, BLOCK 224, LOTS 1 AND 2, BLOCK 225, LOTS 1 AND 2, BLOCK 226, LOTS 1 AND 2, BLOCK 227, LOTS 1 AND 2, BLOCK 228, LOTS 1 AND 2, BLOCK 229, LOTS 1 AND 2, BLOCK 230, LOTS 1 AND 2, BLOCK 231, LOTS 1 AND 2, BLOCK 232, LOTS 1 AND 2, BLOCK 233, LOTS 1 AND 2, BLOCK 234, LOTS 1 AND 2, BLOCK 235, LOTS 1 AND 2, BLOCK 236, LOTS 1 AND 2, BLOCK 237, LOTS 1 AND 2, BLOCK 238, LOTS 1 AND 2, BLOCK 239, LOTS 1 AND 2, BLOCK 240, LOTS 1 AND 2, BLOCK 241, LOTS 1 AND 2, BLOCK 242, LOTS 1 AND 2, BLOCK 243, LOTS 1 AND 2, BLOCK 244, LOTS 1 AND 2, BLOCK 245, LOTS 1 AND 2, BLOCK 246, LOTS 1 AND 2, BLOCK 247, LOTS 1 AND 2, BLOCK 248, LOTS 1 AND 2, BLOCK 249, LOTS 1 AND 2, BLOCK 250, LOTS 1 AND 2, BLOCK 251, LOTS 1 AND 2, BLOCK 252, LOTS 1 AND 2, BLOCK 253, LOTS 1 AND 2, BLOCK 254, LOTS 1 AND 2, BLOCK 255, LOTS 1 AND 2, BLOCK 256, LOTS 1 AND 2, BLOCK 257, LOTS 1 AND 2, BLOCK 258, LOTS 1 AND 2, BLOCK 259, LOTS 1 AND 2, BLOCK 260, LOTS 1 AND 2, BLOCK 261, LOTS 1 AND 2, BLOCK 262, LOTS 1 AND 2, BLOCK 263, LOTS 1 AND 2, BLOCK 264, LOTS 1 AND 2, BLOCK 265, LOTS 1 AND 2, BLOCK 266, LOTS 1 AND 2, BLOCK 267, LOTS 1 AND 2, BLOCK 268, LOTS 1 AND 2, BLOCK 269, LOTS 1 AND 2, BLOCK 270, LOTS 1 AND 2, BLOCK 271, LOTS 1 AND 2, BLOCK 272, LOTS 1 AND 2, BLOCK 273, LOTS 1 AND 2, BLOCK 274, LOTS 1 AND 2, BLOCK 275, LOTS 1 AND 2, BLOCK 276, LOTS 1

1. DOMESTIC WATER MAINS WILL BE PROVIDED BY THE CITY OF MIDDLETON. WATER MAINS SHALL BE INSTALLED TO THE CITY OF MIDDLETON WATER SERVICE WASTEWATER TREATMENT PLANT. WATER MAINS WILL BE LOOPED THROUGHOUT THE SUBDIVISION.
2. SANITARY SEWER SERVICE WILL BE PROVIDED BY THE CITY OF MIDDLETON. THE PROPERTY WILL BE SERVED BY THE CONNECTION TO THE CITY OF MIDDLETON WASTEWATER TREATMENT PLANT.
3. WATER AND SEWER LINE SIZES AND LOCATIONS ARE PRELIMINARY AND WILL BE REFINED DURING FINAL DESIGN.
4. ALL DOMESTIC WATER MAINS AND SANITARY SEWER WILL BE INSTALLED IN ACCORDANCE WITH THE DAHD DEPARTMENT OF ENVIRONMENTAL QUALITY AND CITY OF MIDDLETON'S REQUIREMENTS.
5. STORM DRAINAGE FROM THE ROADSWAYS AND LOTS SHOULD BE COLLECTED IN CURBS AND GUTTERS, ROUTED TO THE STORM WATER DETENTION PONDS SHOWN ON THE PLAN. THE STORM WATER DETENTION POND SHALL BE DESIGNED IN ACCORDANCE WITH THE DAHD DEPARTMENT OF ENVIRONMENTAL QUALITY AND CITY OF MIDDLETON'S REQUIREMENTS. THE STORM DRAINAGE FACILITIES SHOWN ARE PRELIMINARY AND SHALL BE DETERMINED DURING FINAL DESIGN.
6. THE PRESSURE AND GRAVITY IRRIIGATION IMPROVEMENTS SHOWN ARE PRELIMINARY AND SHALL BE DETERMINED DURING FINAL DESIGN.
7. FIBER AND DRY UTILITIES TO BE INSTALLED GENERALLY ADJACENT TO

COMMON AREA LOT

- O FOUND 1/2 INCH REBAR
- FOUND 5/8 INCH REBAR
- FOUND BRASS CAP
- ⊕ FOUND ALUMINUM CAP
- Δ CALCULATED POINT

PROPOSED IMPROVEMENTS

- SEWER LINE
- WATER LINE
- STORMDRAIN LINE
- PRESSURE IRRIGATION LINE
- SEWER MANHOLE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- SINGLE WATER SERVICE
- DOUBLE WATER SERVICE
- DRAINAGE ARROWS

EXISTING IMPROVEMENTS

- SANITARY SEWER LINE
- WATER 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
- TREE DECIDUOUS

**DAVIS JOELL
(RS)**

06-40

EXISTING GRADE CONTOUR

32' 33' T.S.N., R.Z.W.
5' 1' T.L.N., R.Z.W.

N.A. CORNER SECTION
FOUND ALUMINUM CAP

SHEET NO.	SHEET TITLE
PP1.0	PREPLAT
PP2.0	CONCEPTUAL ENGINEERING PLAN

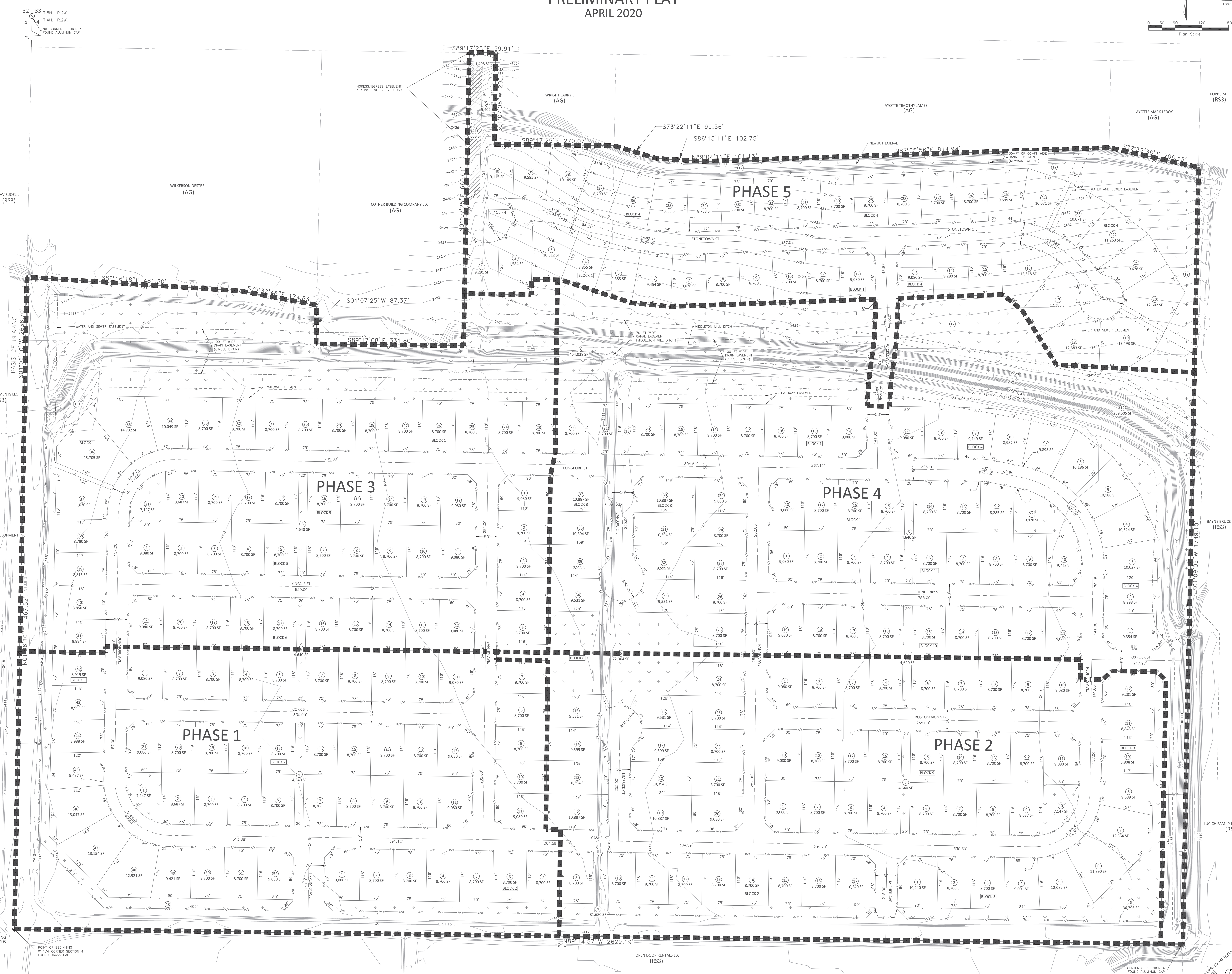
LEGAL DESCRIPTION
A PORTION OF THE NORTHWEST 1/4 OF SECTION 4, TOWNSHIP 4 NORTH, RANGE 2
WEST, 30-05-MEDIAN, CO. OF MEDFORD, CLATSOP COUNTY, OREGON.

CONTACT INFORMATION

PROVIDENCE PROPERTIES
701 S. ALLEN ST. #104
MERCER, ID 83642

KM ENGINEERING, LLP
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1. ALL SURVEY DATA IS BASED ON THE NAD83 STATE PLANE COORDINATE SYSTEM (IDAHO WEST 1103) AND VERTICAL (NAD83) DATUM.




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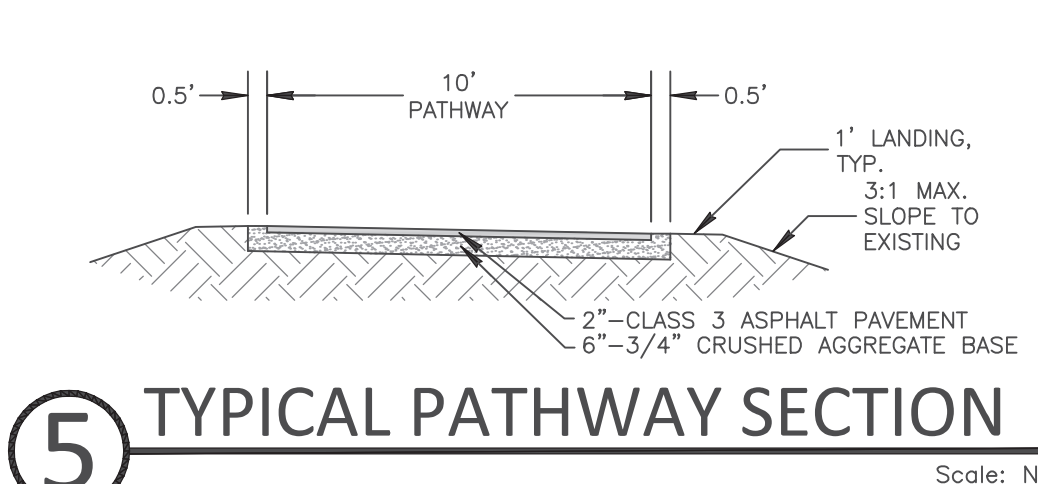
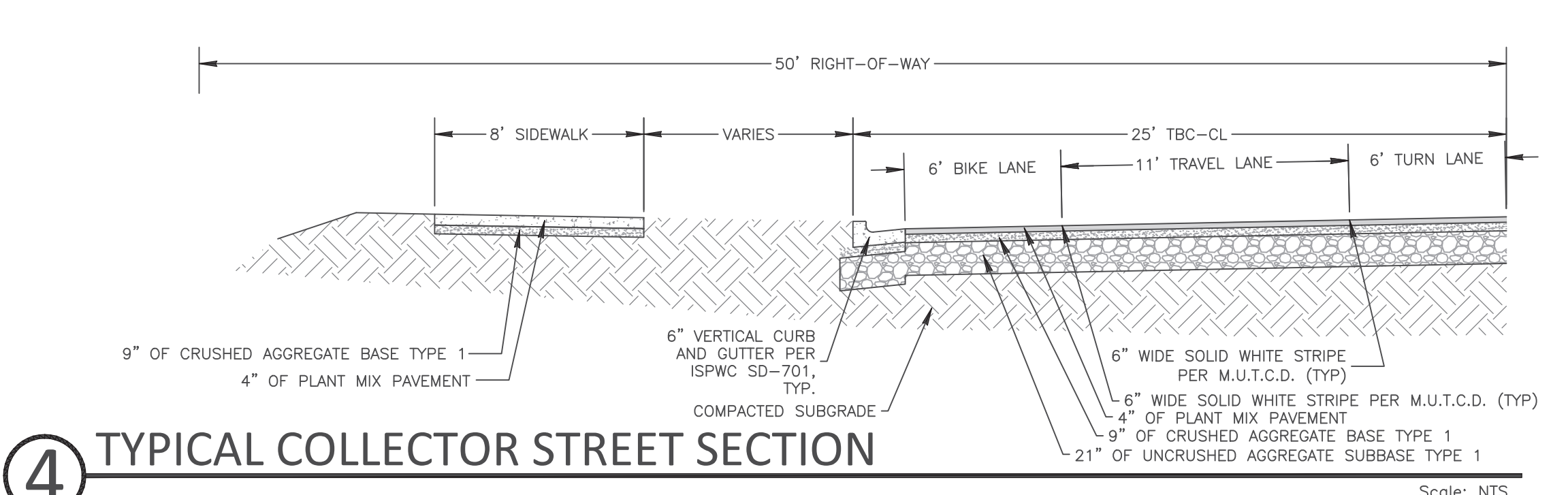
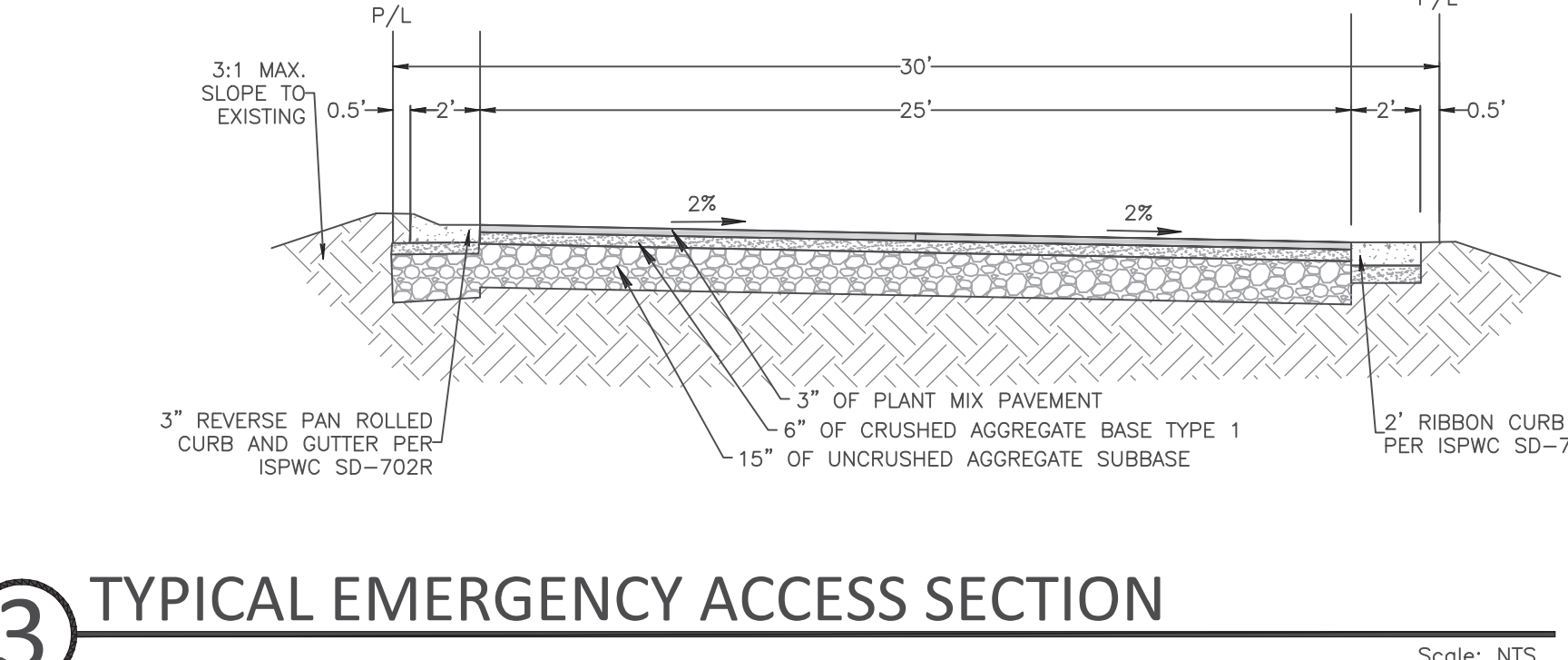
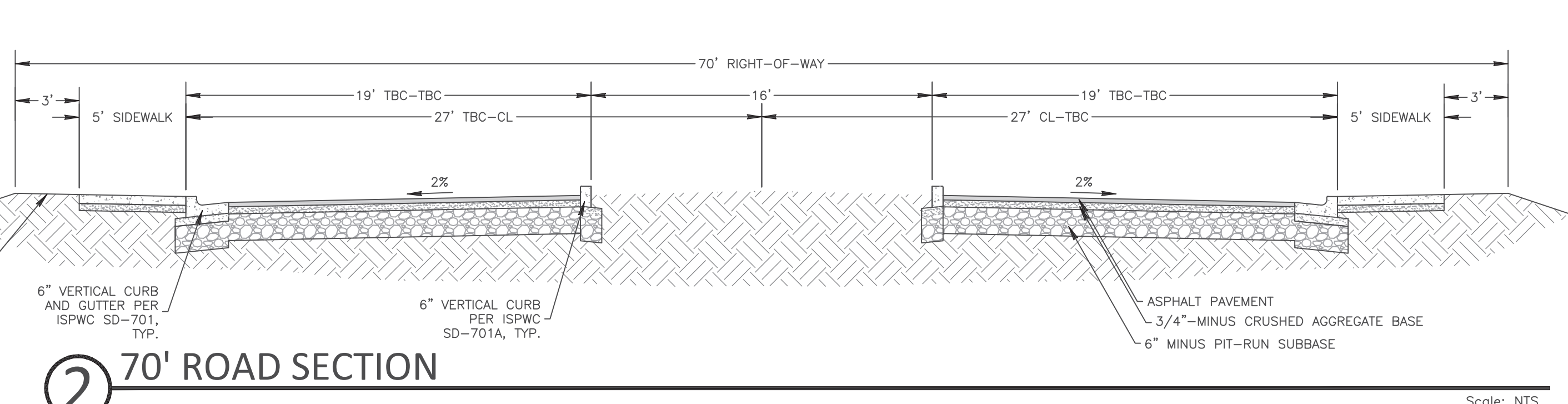
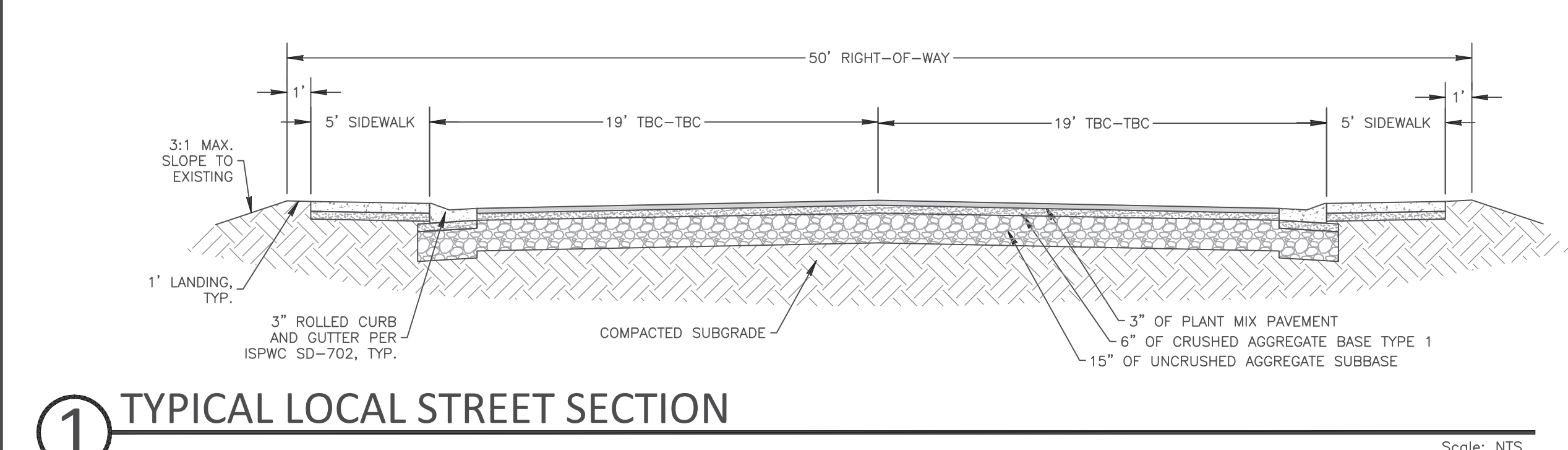
WATERFORD SUBDIVISION
MIDDLETON, ID
PRELIMINARY PLAT



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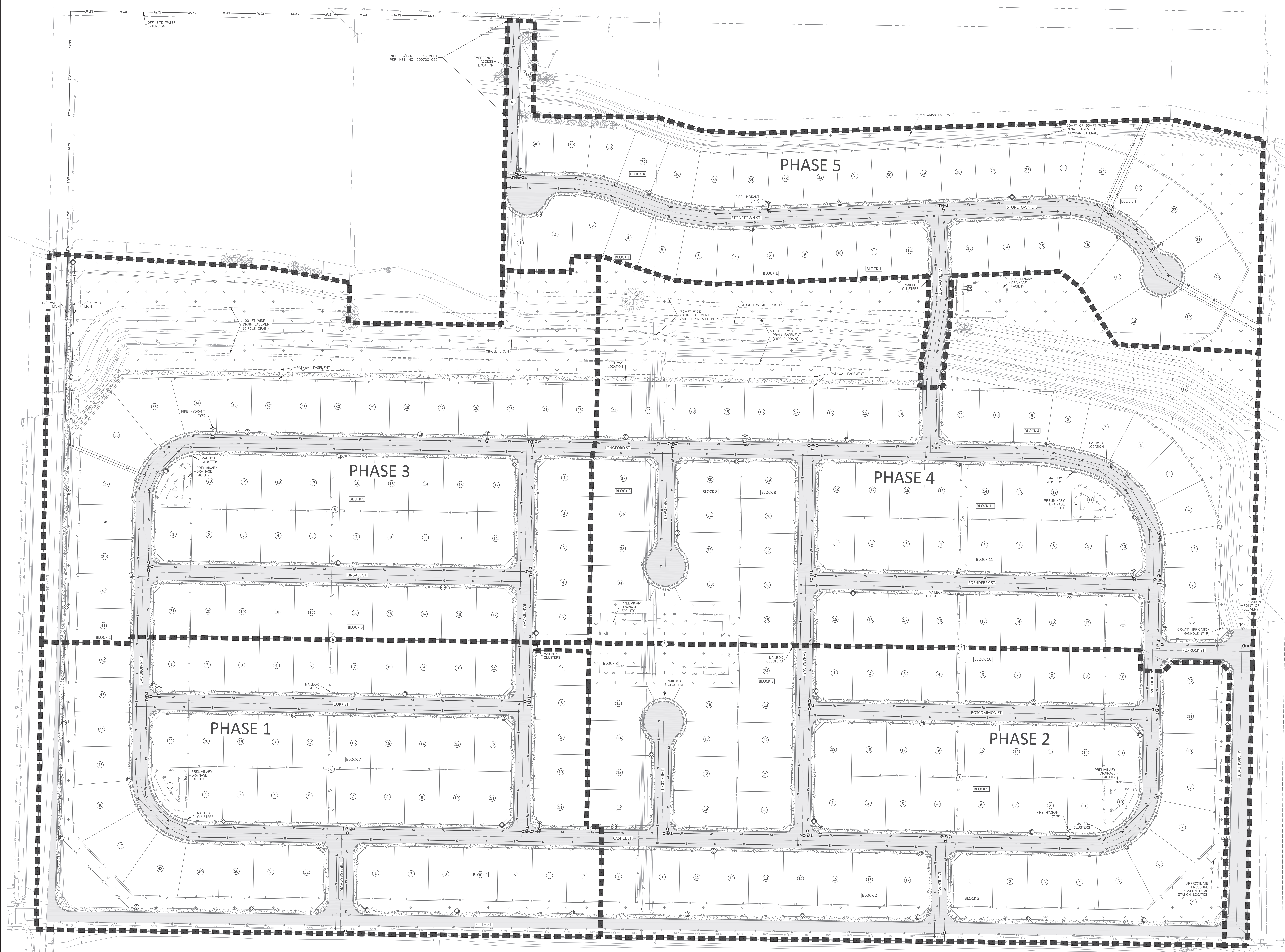
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LEGEND

—	BOUNDARY LINE
---	OFFSITE BOUNDARY LINE
---	PROPOSED LOT LINE
○	FOUND 1/2" INCH REBAR
○	FOUND 5/8" INCH REBAR
○	SPICE
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
—	WATER 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



WATERFORD SUBDIVISION
MIDDLETON, ID
CONCEPTUAL ENGINEERING PLAN

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DATE: 07/13/2021
PROJECT: 18-177
SHEET NO: PP2.0