
**MIDDLETON CITY PLANNING AND ZONING
COMMISSION MINUTES
NOVEMBER 8, 2021**

The November 8, 2021 Planning and Zoning Commission Meeting was called to order by Chairman Ray Waltemate at 5:30 p.m.

Call to Order - Pledge of Allegiance

Roll Call: Chairman Ray Waltemate, and Commissioners Jackie Hutchison, Janet Gregory, Kip Crofts and Heidal Summers were present.

Action Items

- 1. Consent Agenda (items of routine administrative business)**
 - a. Consider approving October 18, 2021 regular meeting minutes.**

Chairman Waltemate called the items.

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

- 2. Public Hearing: (Request to be Tabled) Applications by Infinite Real Estate for annexation/rezone, preliminary plat, development agreement, and comprehensive plan map amendment with respect to the Pheasant Heights Subdivision located at 0 Emmett Road. (Tax Parcel Nos. R34445012A2 and R34445012B0). The proposed preliminary plat consists of 137 single-family homes and 4 common lots on 45.76 acres on land currently zoned Canyon County "Agricultural." As part of the Annexation request, the Applicant is requesting a Comprehensive Plan Map Amendment and a zone change to R-3 (Single-Family Residential). – Jennica Reynolds**

Motion: Motion by Chairman Waltemate to table Item 2 to a date certain of December 6, 2021. Motion seconded by Commissioner Hutchison and approved unanimously.

- 3. Public Hearing: (Request to be Tabled) Application by Value Land, LLC and JP Wagoner Planning for preliminary plat with respect to the Artesian Springs Subdivision located at 10348 Hwy 44 (Tax Parcel No. R33916) zoned R-3 (Single Family Residential). The proposed preliminary plat consists of 40 single-family homes and 7 common lots on 13.56 acres.**

Motion: Motion by Chairman Waltemate to table Item 3 to a date certain of December 6, 2021. Motion seconded by Commissioner Gregory and approved unanimously.

Motion: Motion by Chairman Waltemate to approve the Findings of Facts, Conclusions of Law and Order for the Special Use Permit pertaining to Carlton Meadows Subdivision. Motion seconded by Commissioner Hutchison and approved unanimously. (This motion was stated and approved during the previous items motions.)

- 4. Public Hearing: application by Joe Austin and David Sterling/T-O Engineers for annexation/rezone, preliminary plat, and development agreement with respect to the Willow Wood Estates Subdivision located at 0 Cemetery Road (Tax Parcel Nos. R37579001 and R37579011). The proposed preliminary plat consists of 63**

residential lots and 10 common lots on 21 acres of vacant land. Applicants are requesting a rezone to R-3. – Roberta Stewart

Chairman Waltemate called the public hearing open at 5:35 p.m.

Planner-Roberta Stewart presented a power point presentation (Exhibit A) of the staff report (Exhibit B). She added comments from COMPASS (Exhibit E) and comments from CHD4 (Exhibit F) into the record. Both were received November 8, 2021, the day of the hearing.

Applicant: Representative: David Sterling – T-O Engineers

Presented a power point presentation (Exhibit G) and then explained that phase 2 cannot begin until after next winter, because the irrigation will be put in the winter of 2022 when the water is out.

Chairman Waltemate opened the public comment portion at 5:53 p.m.

Mike McDougall: Concerned about the impact on the schools. Not against growth, but against uncontrolled growth.

Waltemate: The TIS will help to pay for traffic improvements. City does not determine what the schools do.

Stewart: If residents want infrastructure built now, they can pass a 20-30 million-dollar bond that the taxpayers pay for. Or infrastructure/roads and traffic improvements are built and paid for by the developer, which is always a step behind the growth.

Hutchison: Even if we stopped all development today, homes would still go up from approvals years ago.

Janet Gibson: She agrees with McDougall and is concerned about the growth.

Wendy McDougall: The city can have an impact on the schools by denying to R-3 development.

Michael Cimolino: When was the property purchased? Is this property owner the original owner? He is concerned about the availability of sewer and water capacity with the growth.

Mike Graefe: He is concerned about water capacity. He would like R-3 changed from 3 houses per gross acre to 3 houses per buildable acre.

Chairman Waltemate closed the public comment portion at 6:28 p.m.

Applicant: Representative: David Sterling – T-O Engineers

- The property owner is the applicant and built a house on it in 2013.
- They are following the City's Comprehensive Plan and Zoning requirements and are providing 14.6% open space.
- The School District cannot according to Idaho Law receive Impact fees. The School District has neglected to comment on any development.
- There was a neighborhood meeting held in February. The application was submitted in March according to City Code.
- Development and improvements come into the City piecemeal, which is why the City has a Comprehensive Plan to plan for the growth. And roadways are not built overnight.

Discussion by Commission:

Summers: Doesn't love the "single meandering pathway" It is a sidewalk in her estimation. She does like the cluster mailboxes.

Waltemate: Development Agreements stay with the land. The only thing the Planning and Zoning Commission can do is make sure applications meet City Code and are compliant with the Comprehensive Plan Map. Then they make the recommendation to City Council to either approve or deny the application.

Motion: Motion by Chairman Waltemate that the Middleton Planning & Zoning Commission accept the general facts as set forth in the Planning Staff's Willow Wood Estates presentation and Staff Report for the applications of annexation & rezone, preliminary plat, and development agreement. Motion seconded by Commissioner Hutchison and approved unanimously.

Motion: Motion by Chairman Waltemate to recommend to City Council the approval of the application of Joseph Austin and David Sterling for annexation of the 21 acres in the Willow Wood Estates Subdivision located at 0 Cemetery Road with at rezone from county Agriculture to R-3 subject to the conditions of approval set forth in the Staff Report for this hearing. Motion seconded by Commissioner Gregory and approved unanimously.

Motion: Motion by Chairman Waltemate to recommend to City Council the approval of the application of Joseph Austin and David Sterling for Development Agreement with respect to the Willow Wood Estates Subdivision, subject to the conditions of approval set forth in the Staff Report for this hearing. Motion seconded by Commissioner Gregory and approved unanimously.

Motion: Motion by Chairman Waltemate to recommend to City Council the approval of the application of Joseph Austin and David Sterling for preliminary plat subject to the conditions of approval set forth in the Staff Report for this hearing. Motion seconded by Commissioner Hutchison and approved unanimously.

Motion: Motion by Chairman Waltemate to recommend approval to City Council the application by Joe Austin and David Sterling/T-O Engineers for annexation/rezone, preliminary plat, and development agreement with respect to the Willow Wood Estates Subdivision located at 0 Cemetery Road (Tax Parcel Nos. R37579001 and R37579011). The proposed preliminary plat consists of 63 residential lots and 10 common lots on 21 acres of vacant land. Applicants are requesting a rezone from County Agriculture to R-3. Motion seconded by Commissioner Hutchison and approved unanimously.

Public hearing closed at 6:40 p.m.

5. Consider approving the Findings of Facts, Conclusions of Law and Recommendation for Willow Wood Subdivision. – Roberta Stewart

Motion: Motion by Chairman Waltemate to approve the Findings of Facts, Conclusions of Law and Recommendation for Willow Wood Subdivision. Motion seconded by Commissioner Hutchison and approved unanimously.

Public/Commission/Staff Comments:

Brian Sheets: The commission has all the tools to deny an application. You do not have to say yes or agree to what the planner said. He believes that the TIS should be complete before the recommendation should be sent to City Council. Traffic is a nightmare, exit 25 is a problem. Health, safety, and welfare is a concern and should be taken into account.

Terry McCoy: Not looking forward to being annexed into the City. He is a member of this community. He believes more variety should be given to different zoning. We should not allow such high density at such a rapid growth.

Michael Cimolino: Wants to see a link on City website on the front page for agenda, and budgets. Tonight, he saw approval based on legality. Why even have the public opinion?

Mike Graefe: Problem is residents are not coming to meetings in general. We can't stop developing, but we can control it. Residents own a big part of what happens in the City.

Commission Comment:

Waltemate: Appreciates the constructive criticism. The commissioners do take time to review the packets. His job is to conduct the Public Hearing according to State Law. Development Agreements are tied to the land, not the developers. The purpose of this is to make sure that what is originally proposed with the rezone is tied as a conceptual plan and recorded as part of the Development Agreement. We appreciate feedback because it makes us all better people.

Adjourn: Chairman Waltemate adjourned the meeting at 7:02 p.m.

ATTEST:


Jennica Reynolds, Deputy Clerk, Planning
Approved: December 6, 2021



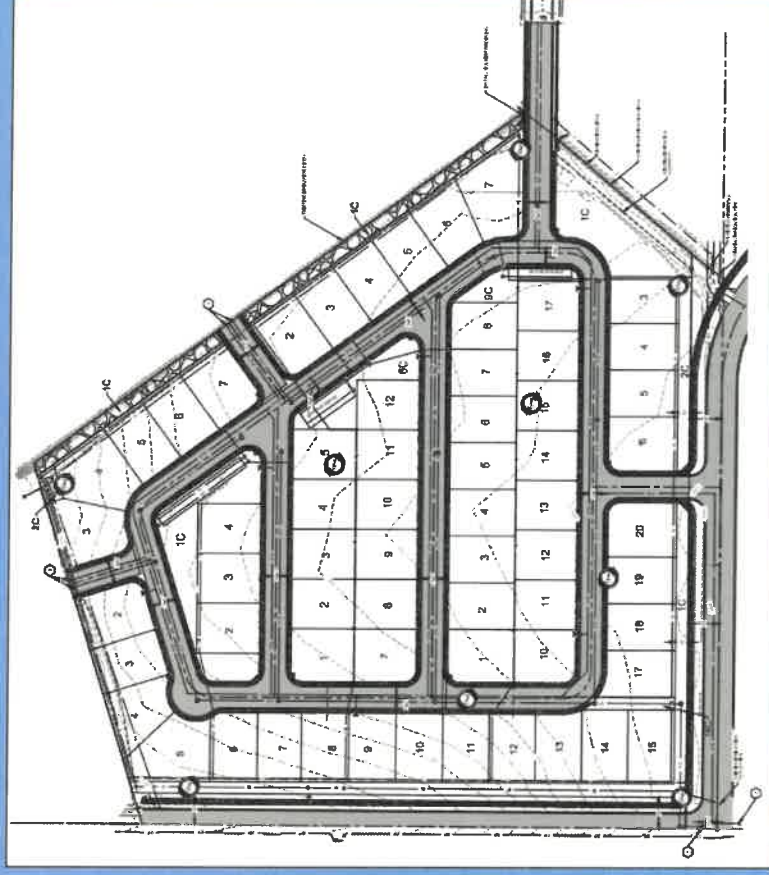
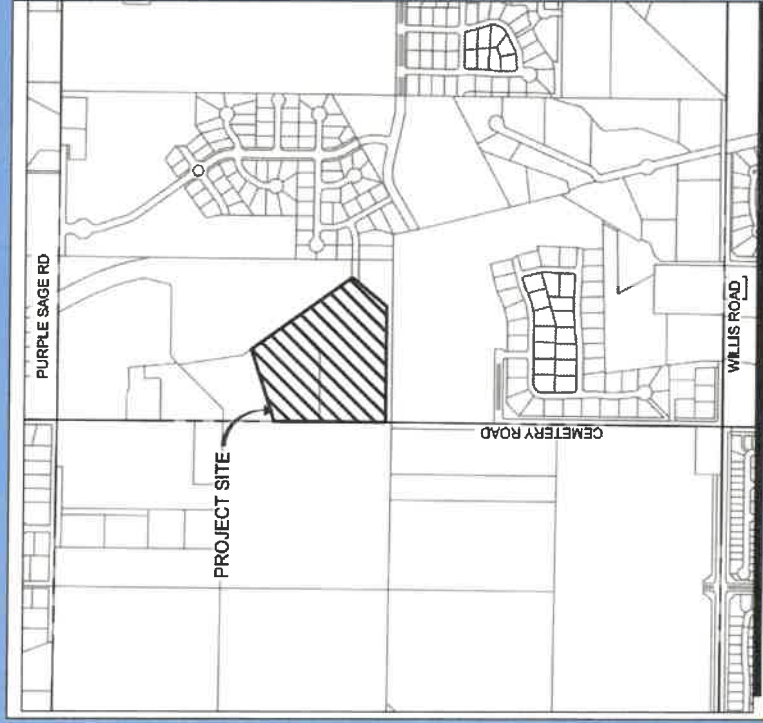
Ray Waltemate, Chairman





Willow Wood Estates Subdivision

Annexation / Preliminary Plat / Development Agreement Applications

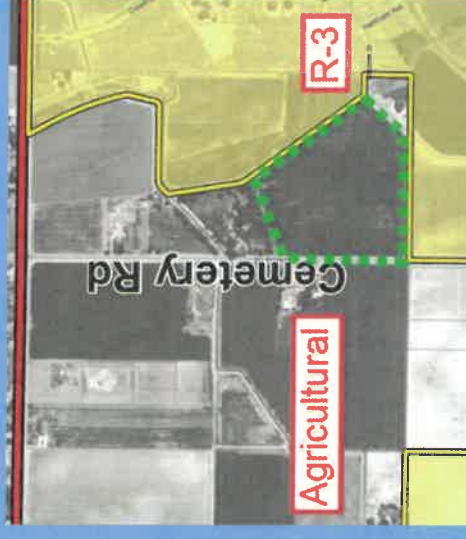


(Exhibit A)

Project Description: Residential subdivision with 62 buildable lots and 10 common lots on 21 acres of vacant land located at 0 Cemetery Road (Tax Parcels Nos. R37579011 and R3757901). The amenities include two large common lots with greenspace, tot lot, seating areas, and meandering pathways.

Applications: The project includes 3 applications: (1) Annexation/Rezone to R-3, (2) Development Agreement, and (3) Preliminary Plat.

Current Zoning & Property Condition: The property is currently located in the County and zoned Agricultural. The property to the east and south is within City limits and zoned R-3. The property on the north and west is County property and zoned Agricultural.

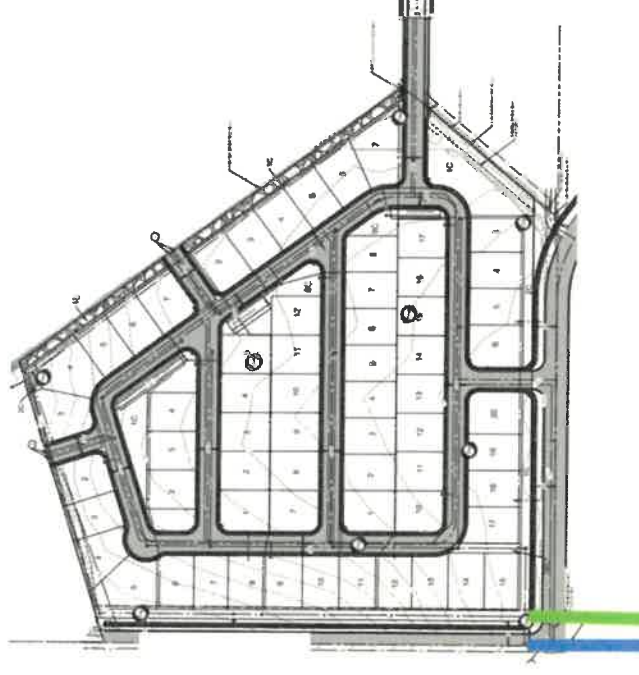


City Services: City water and sewer are located immediately west and south of the project and are easily accessible to the project.

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

City Water

City Sewer



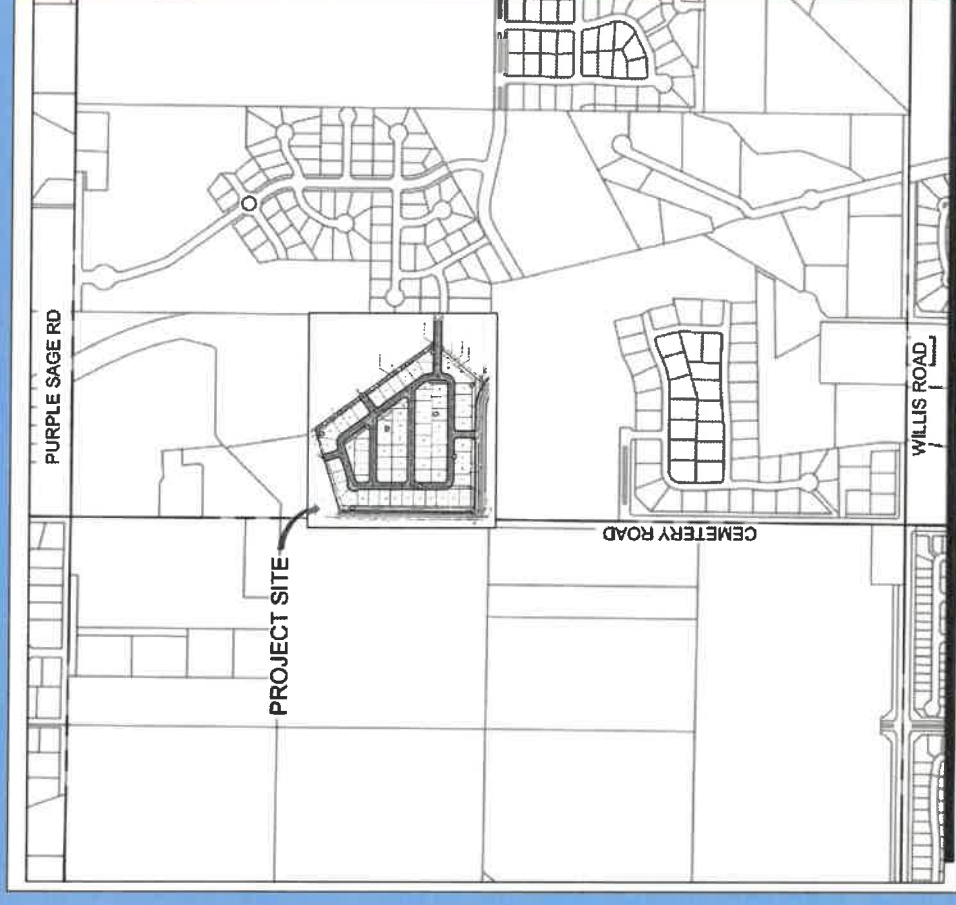


Traffic, Access & Streets:

Access to the subdivision is via Cemetery Road to Meadow Park Street. Explorer Street from The Crossings at Meadow Parks is a second access from the East.

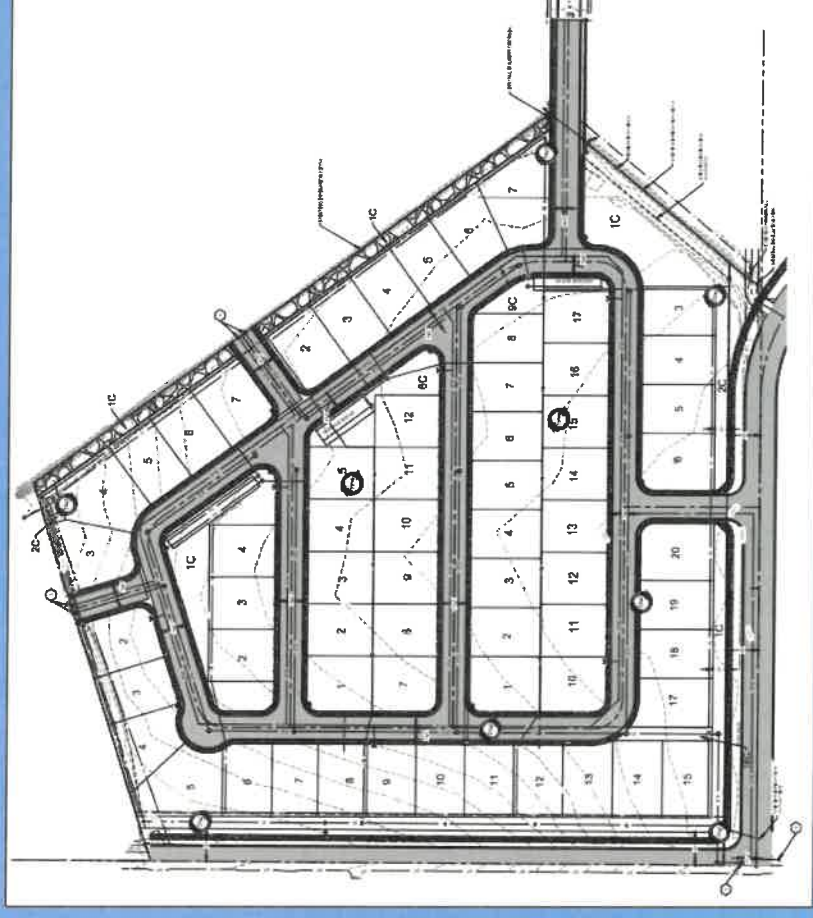
Developer will be required to improve, at its own cost, the ½ road portions of Cemetery Road and Meadow Park Street. This requirement will be included in the Development Agreement.

Applicant completed a Traffic Study which is currently being updated. It will show percentage of impacts this subdivision will have on surrounding intersections, and Developer will be required to pay for those impacts via a proportionate share traffic fee that must be paid prior to final plat approval for phase 1. Again, this requirement will be set forth in the proposed Development Agreement.



Pathway, Sidewalks & Open Space: Developer has provided 5% open space in compliance with the code by providing large common lots containing meandering pathways, seating areas, and a tot lot.

Middleton Rural Fire District: Like many agencies, the Middleton Rural Fire District has a long queue of Middleton, County and Star subdivision projects to review. As a result, Deputy Chief Islas has not had an opportunity to submit comments on this preliminary plat yet. But this will not affect the P&Z Commission's ability to recommend approval of this application so long as the Commission makes compliance with future Fire District comments a condition of approval.



Annexation and Rezone: Applicant is requesting that the entire 21 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acre.

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

As to a rezone request, the Commission must make two findings before approving such a request: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is in harmony with the Comprehensive Plan.

FINDINGS:

Planning Staff finds that Applicant's project meets all three of the annexation requirements. (1) The property is contiguous; (2) sewer and water are available as shown above, and (3) the City will benefit from the housing provided and street improvements that are made, and the project will not adversely affect the public health and welfare because City services can be provided efficiently and economically.

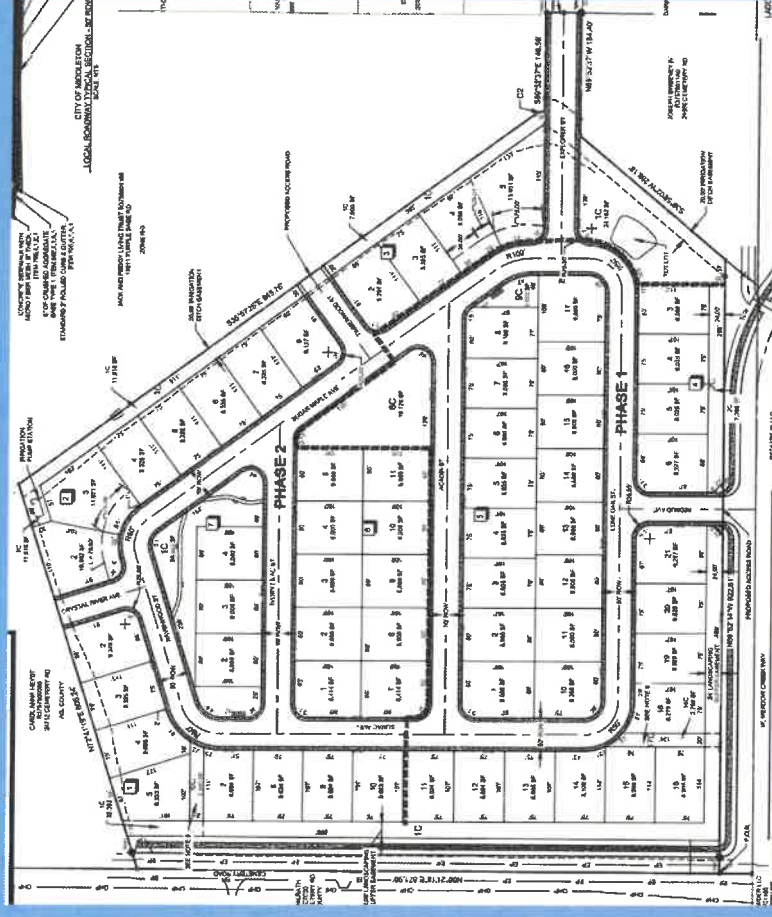
As to rezone, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services. And, as will be shown in more detail below, Planning Staff finds that the rezone is in harmony with the City's Comprehensive Plan.



Preliminary Plat: The preliminary plat shows two phases for development, and it complies with all Middleton codes and standards. The only exception from code is applicant's request to lower the code required turning radius of 125' to 90'. Both City Engineer and the Middleton Rural Fire Department have agreed that the 90' radius is an adequate and permissible turning radius. Waivers to code are allowed as a condition to preliminary plat approval per MCC 1-15-2.

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code except for the waiver noted above.

Planning Staff further finds that the preliminary plat is not materially detrimental to the public health, safety and welfare as noted earlier. Additionally, the preliminary plat is in harmony with the Middleton Comprehensive Plan as will be shown in more detail below.



Development Agreement: Annexation and rezone requests generally require a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have merely added six new provisions:

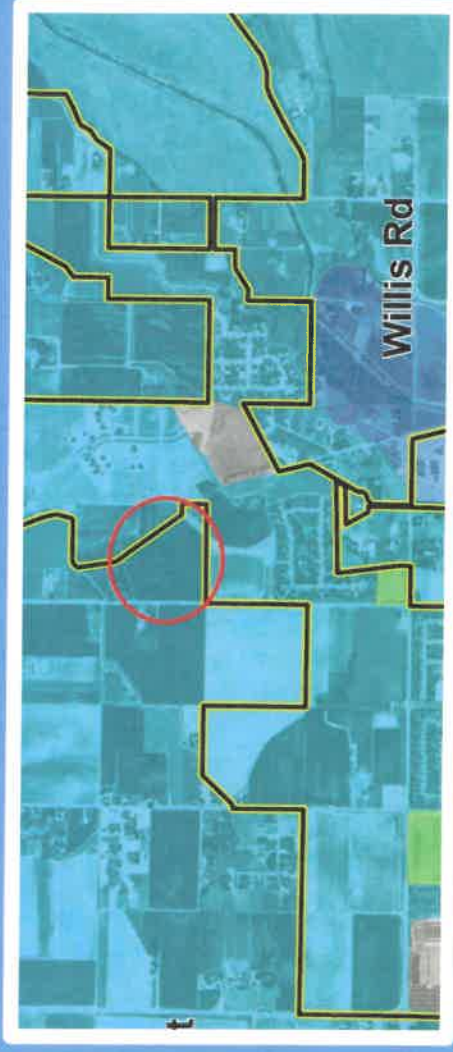
- a. A concept plan shall be attached to the Development Agreement, and Developer shall construct the project "substantially consistent" with the concept plan.
- b. Developer shall, at its own cost, improve the 50' half-road portions of Cemetery Road and Meadow Park Street and dedicate the same to the City.
- c. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
- d. All construction shall be in compliance with R-3 zoning.
- e. If Developer does not bring phase 1 to final plat within 2 years of preliminary plat approval (or 3 years with a 1 year extension request), then the Developer will be in breach of contract, and City will have the option of terminating the Development Agreement. The preliminary plat will also become null and void, and the property will remain R-3 zoning.
- f. After final plat approval for Phase 1, Developer will obtain final plat approval for each successive phase within 2 years (or 3 years with a 1 year extension) of the final plat approval for the previous phase.



- A. Comprehensive Plan & Land Use Map:** Applicant's project complies with the Comprehensive Plan Land Use Map because the project parcel is designated "Residential" on the Land Use Map, which matches the residential use planned for the site.

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

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



Comments Received from Surrounding Landowners: None.

Comments from Agencies: Comments from Black Canyon Irrigation District were received on November 2, 2021. Black Canyon merely reminded applicant of piping requirements. COMPASS submitted a comment letter on Friday, November 5th after the agenda was posted. The Comment letter set forth standard informational items regarding public transportation options and pathways. (Admit at Exhibit "E")

Comments from City Engineer and Planning Staff: Were provided as Exhibit "D" to the Staff Report.

Applicant Information: The applications were accepted on March 16, 2021. The applicants are Joseph Austin (Owner) and Dave Sterling of T-O Engineering. 2471 S. Titanium, Meridian 83642.

Notices & Neighborhood Meeting:

Dates:

- | | |
|---|------------|
| ▪ Newspaper Notification | 10/24/2021 |
| ▪ Radius notification mailed to Adjacent landowners within 300' | 10/22/2021 |
| ▪ Circulation to Agencies | 10/22/2021 |
| ▪ Sign Posting property | 10/22/2021 |
| ▪ Neighborhood Meeting | 02/17/2021 |

Planning Staff finds that Notice was given in compliance with Idaho State law and the Middleton City Code.

Applicable Codes & Standards: Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, an Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329, and 50-222.



Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the three applications for (1) Annexation/Rezone, (2) Preliminary Plat, and (3) Development Agreement. The Commission must make recommendations to City Council for approval or denial of the applications.

Per State law and the Middleton City Code, the recommendations must be based upon findings of facts and conclusions of law.

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

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton City Code to be considered in making a recommendation on the applications. If the Commission finds that tonight's public hearing was held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.





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

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Owner/Developer shall construct, at its own cost, all frontage improvements to Cemetery Road and Meadow Park Street and dedicate the same to the City of Middleton.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.
7. All turning radii must be increased to at least 90'
8. A seating area for the Tot Lot shall be added to the preliminary plat.

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

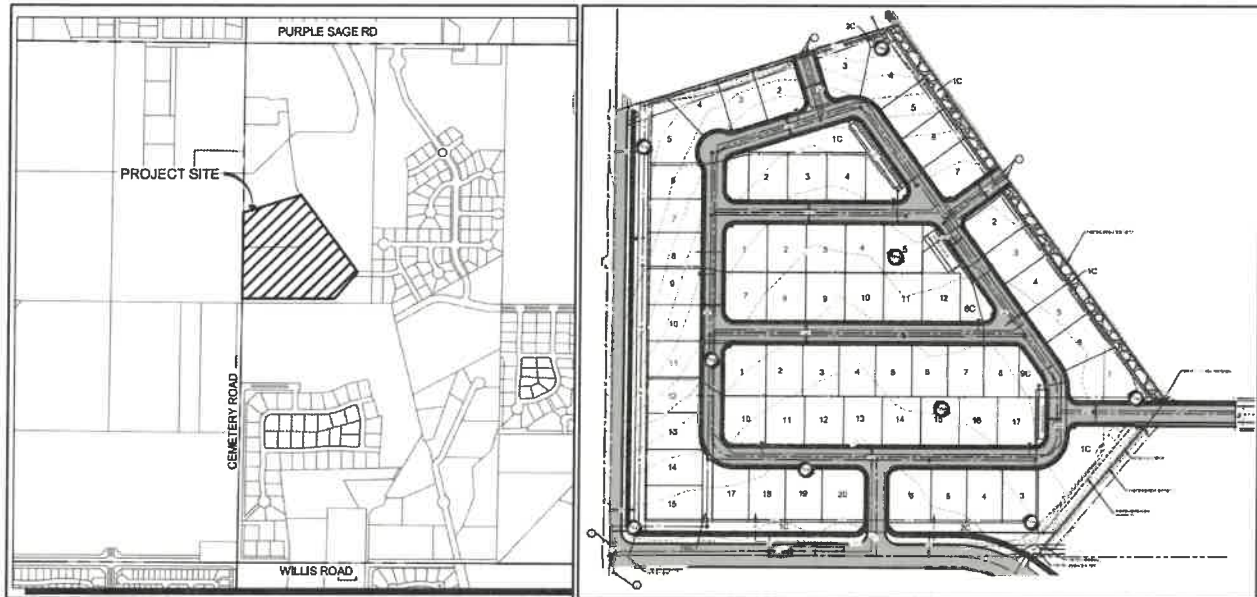


(Exhibit B)

STAFF REVIEW AND REPORT Middleton Planning and Zoning Commission

Willow Wood Estates Subdivision

Snapshot Summary



DESCRIPTION	DETAILS
Acreage	21 acres
Current Zoning	County Agricultural
Proposed Zoning	R-3 (Single Family Residential)
Current Land Use	Residential
Proposed Land Use	Residential
Lots	62 residential lots and 10 common lots.
Density	3.0 homes per acre
Open Space	5.00%
Amenities	Two large common lots with green space, tot lot, pathways and seating areas.

- A. **Planning & Zoning Commission Hearing Date:** November 8, 2021
- B. **Project Description:** Residential subdivision with 62 buildable lots and 10 common lots on 21 acres of vacant land located at 0 Cemetery Road (Tax Parcels Nos. R37579011 and R3757901). Amenities include two large common lots with greenspace, tot lot, seating areas, and meandering pathways.

- C. **Application Requests:** Applicant has three applications: (1) annexation and rezone to R-3 zoning, (2) preliminary plat, and (3) Development Agreement.
- D. **Current Zoning & Property Condition:** The property is currently located in the County and zoned Agricultural. The property to the east and south is within City limits and zoned R-3. The property on the north and west is County property and zoned Agricultural.
- E. **City Services:** City water and sewer are located immediately west and south of the project and easily accessible to the project.



F. **Traffic, Access & Streets:**

Access to the subdivision is via Meadow Park Street and Explorer Street that connects to The Crossing at Meadow Parks.

Developer will be required to improve, at its own cost, the ½ road portions of Cemetery Road and Meadow Park Street. This requirement will be included in the Development Agreement.

Applicant completed a Traffic Study which is currently being updated. It will show percentage of impacts this subdivision will have on surrounding intersections, and Developer will be required to pay for those impacts via a proportionate share traffic fee that must be paid prior to final plat approval for phase 1. Again, this requirement will be set forth in the proposed Development Agreement.

- G. **Pathway, Sidewalks & Open Space:** Developer has provided 5% open space in compliance with the code by providing large common lots containing meandering pathways, seating areas, and a tot lot.

- H. **Storm drain and Pressurized Irrigation:** Storm drain facilities and pressurized irrigation have been provided and are approved by the City Engineer.
- I. **Middleton Rural Fire District:** The subject property is in the Middleton Rural Fire District. The Fire District is backed up with review of Middleton, Canyon County and Star preliminary plats and has not had a chance to issue comments on this application.

This will not affect the P&Z Commission's ability to recommend approval of this application so long as the Commission makes compliance with future Fire District comments a condition of approval.

- J. **Annexation and Rezone:** Applicant is requesting that the entire 21 acre project parcel be annexed into the City of Middleton and rezoned to R-3 zoning, which permits three single family homes per gross acre.

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

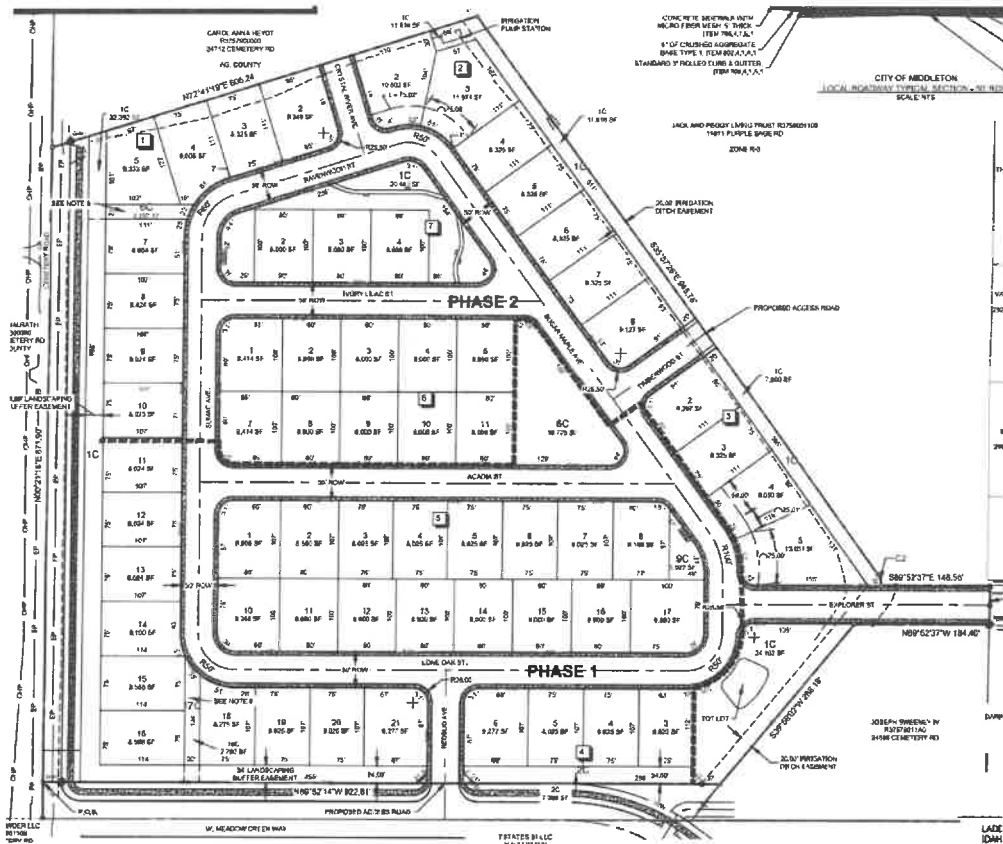
As to a rezone request, the Commission must make two findings before approving such a request: (1) the rezone will not adversely affect the City's delivery of services and (2) the rezone request is in harmony with the Comprehensive Plan.

FINDINGS:

Planning Staff finds that Applicant's project meets all three of the annexation requirements. (1) The property is contiguous; (2) sewer and water are available as shown above, and (3) the City will benefit from the housing provided and street improvements that are made, and the project will not adversely affect the public health and welfare because City services can be provided efficiently and economically.

As to rezone, Planning Staff finds that the rezone will not adversely affect the City's ability to deliver services. And, as will be shown in more detail in section M below, Planning Staff finds that the rezone is in harmony with the City's Comprehensive Plan.

- K. **Preliminary Plat Application:** The preliminary plat shows two phases for development, and it complies with all Middleton codes and standards. The only exception from code is applicant's request to lower the code required turning radius of 125' to 90'. Both City Engineer and the Middleton Rural Fire Department have agreed that the 90' radius is an adequate and permissible turning radius.



[A copy of the proposed preliminary plat is attached as Exhibit "A".]

Findings:

Planning Staff finds that the preliminary plat complies with dimensional standards and requirements of the Middleton City Code, ISPWC, Supplement to ISPWC, and Idaho State Code except for the waiver noted above.

Planning Staff further finds that the preliminary plat is not materially detrimental to the public health, safety and welfare as noted directly above in the section on Annexation/Rezone. Additionally, the preliminary plat is in harmony with the Middleton Comprehensive Plan as will be shown in more detail in Section M below.

- L. Development Agreement:** Annexation and rezone requests generally require a Development Agreement ("DA"). Applicant and City Staff have used the City's form for the DA, and have merely added six new provisions:

- a. A concept plan shall be attached to the Development Agreement, and Developer shall construct the project "substantially consistent" with the concept plan.

- b. Developer shall, at its own cost, improve the 50' half-road portions of Cemetery Road and Meadow Park Street and dedicate the same to the City.
- c. Developer shall pay additional pro-rata or proportionate share fees for all traffic impacts and intersection controls affected by the subdivision.
- d. All construction shall be in compliance with R-3 zoning.
- e. If Developer does not bring phase 1 to final plat within 2 years of preliminary plat approval (or 3 years with a 1 year extension request), then the Developer will be in breach of contract, and City will have the option of terminating the Development Agreement. The preliminary plat will also become null and void, and the property will remain R-3 zoning.
- f. After final plat approval for Phase 1, Developer will obtain final plat approval for each successive phase within 2 years (or 3 years with a 1 year extension) of the final plat approval for the previous phase.

A copy of the proposed Development Agreement is attached as Exhibit "B".

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

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

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

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

- O. Comments from Agencies:** Comments from Black Canyon Irrigation District were received on November 2, 2021. Black Canyon merely reminded applicant of piping requirements. Agency comments are attached as Exhibit "C".

- P. Comments from City Engineer and Planning Staff:**

Copies of Engineering and planning comments are attached as Exhibit "D".

- Q. Applicant Information:** Application was accepted on March 16, 2021. Applicants are Joseph Austin (Owner) and David Sterling/T-O Engineering. 2471 S. Titanium, Meridian ID 83642. (208) 323-2288.

R. Notices & Neighborhood Meeting:	Dates:
Newspaper Notification	10/24/2021
Radius notification mailed to Adjacent landowners within 300'	10/22/2021
Circulation to Agencies	10/22/2021
Sign Posting property	10/22/2021
Neighborhood Meeting	02/17/2021

S. Applicable Codes and Standards:

Idaho Standards for Public Works Construction, the Middleton Supplement to the Idaho Standards for Public Works Construction, Middleton City Code 1-14, 1-16, 5-1, 5-2, 5-3, and 5-4, an Idaho Code Secs., 67-6503, 67-6513, 67-6511, 50-1301 through 50-1329, and 50-222.

T. Conclusions and Recommended Conditions of Approval:

The Planning & Zoning Commission is tasked with considering the three applications for (1) Annexation/Rezone, (2) Preliminary Plat, and (3) Development Agreement and making recommendations to City Council for approval or denial of the applications.

Per State law and the Middleton City Code, any recommendation must be based upon findings of facts and conclusions of law.

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

As to Conclusions of Law, Planning Staff finds that the Planning & Zoning Commission has the authority to hear this application and to recommend approval or denial of the application. Additionally, Planning Staff notes that all public notice requirements were met. Planning Staff further set forth the portions of the Idaho State Code and Middleton Code to be considered in making a recommendation on the applications. If the November 8th public hearing is held and conducted in compliance with Idaho State Statute and the Middleton City Code, then the Commission may accept these conclusions of law by passing a motion to accept the conclusions of law set forth in the staff report and at the public hearing.

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

1. City of Middleton municipal domestic water, fire flow and sanitary sewer services are to be extended to serve the subdivision.
2. Owner/Developer shall construct, at its own cost, all frontage improvements to Cemetery Road and Meadow Park Street and dedicate the same to the City of Middleton.
3. Owner/Developer to pay all City required proportionate share traffic fees.
4. All City Engineer review comments are to be completed and approved.
5. All requirements of the Middleton Rural Fire District are to be completed and approved.
6. Sewer and water capacity to be reserved at the time City approves the construction drawings for the project.
7. All turning radii must be increased to at least 90'
8. Add note to preliminary plat that seating will be provided in tot lot area.

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

Prepared by Middleton Planner, Roberta Stewart

Dated: 11/2/2021

EXHIBIT "A"

Preliminary Plat under review

EXHIBIT “B”

Proposed Development Agreement

After Recording, mail to
Middleton City Administrator
1103 W. Main St.
Middleton, ID 83644

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 Joseph L. Austin and Deborah Austin, husband and wife, referred to hereafter as Developer (**Developer**).

RECITALS

WHEREAS, Developer owns approximately 21 acres of real property located at 0 Cemetery Road (Tax Parcel Nos. R3757901 and R37579011, Middleton, Canyon County, Idaho, legally described in Exhibit A attached hereto and incorporated herein by this reference (**Property**); and

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

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

AGREEMENT

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and in consideration of the recitals above, which are incorporated below, and the mutual covenants, representations, and

performances herein bargained for, relied on, and expected, the parties agree as follows:

ARTICLE I LEGAL AUTHORITY

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

ARTICLE II ANNEXATION AND ZONING ORDINANCE

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

ARTICLE III CONDITIONS OF DEVELOPMENT

3.1 Applications. Developer will develop the Property subject to the conditions and limitations set forth in this Development Agreement. Further, Developer shall submit such applications regarding 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 "B" represents Developer's current concept for completion of the project. Developer shall be bound by this Concept Plan and shall develop the project substantially consistent with the Concept Plan.

3.3 Frontage Improvements. Developer shall, at its own cost, improve the fifty foot (50') half-road portions of Cemetery Road and Meadow Park Street per City standards and codes and dedicate the same to the City.

3.2 Proportionate Share Fees: Developer shall pay City required traffic proportionate share fees in the amount of _____ dollars (\$_____) prior to final plat approval for Phase 1. Payment of the proportionate share fees will be a condition of approval for Phase 1 final plat.

3.3 Final Plat Deadline & Termination of Agreement. Developer shall obtain City Engineer's signature on the final plat for Phase 1 within two years of the

Development Agreement – _____

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

3.4 Two Year intervals for Final Plat. After final plat approval for Phase 1, Developer shall be required to obtain the City 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, Developer 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 Developer 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 Developer must resubmit the preliminary plat for said phases in order to continue to develop the Property.

ARTICLE IV FAILURE TO COMPLY WITH AGREEMENT

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

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

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

4.2 If after a breach, the City Council determines that the zoning should remain R-3, or as otherwise provided in the Idaho Code, then the Developer hereby consents to such reversion or other action and will cease uses not allowed or permitted in the R-3 zone.

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

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

ARTICLE V GENERAL PROVISIONS

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

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

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

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

Developer: _____

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 City.

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

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

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

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

5.8 If any term, provision, commitment or restriction of this Agreement or the application thereof to any party or circumstance shall to any extent be held invalid

or unenforceable, the remainder of this instrument shall remain in full force and effect.

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

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

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

CITY OF MIDDLETON

ATTEST

By: _____
Steven J. Rule, Mayor

By: _____
Becky Crofts, City Clerk

State of IDAHO)
 ss.
County of Canyon)

I, a notary public, do hereby certify that on this _____ day of _____, 2021, personally appeared before me Steven J. Rule, who declared that he is the Mayor of the City of Middleton, Idaho and signed this Development Agreement as Mayor of the City of Middleton.

Notary Public
My Commission Expires: _____

[Signatures on following page]

JOSEPH L. AUSTIN

State of Idaho)
 ss.
County of _____)

I, a notary public, do hereby certify that on this ___ day of _____, 2021, personally appeared before me Joseph L. Austin, who declared that he signed this Development Agreement in the capacity of Developer and Owner of the Willow Wood Estates Subdivision.

Notary Public
My Commission Expires: _____

DEBORAH R. AUSTIN

State of Idaho)
 ss.
County of _____)

I, a notary public, do hereby certify that on this ___ day of _____, 2021, personally appeared before me Deborah R. Austin, who declared that she signed this Development Agreement in the capacity of Developer and Owner of the Willow Wood Estates Subdivision.

Notary Public
My Commission Expires: _____

EXHIBIT “C”

Agency Comments

From: [Carl Hayes](#)
To: [Roberta Stewart](#)
Subject: Willow Wood Estates Subdivision
Date: Tuesday, November 2, 2021 2:48:42 PM
Attachments: [image001.png](#)

Standard piping requirements apply as this project borders the C-East 18.1-3.4 Lateral.

Thank you,

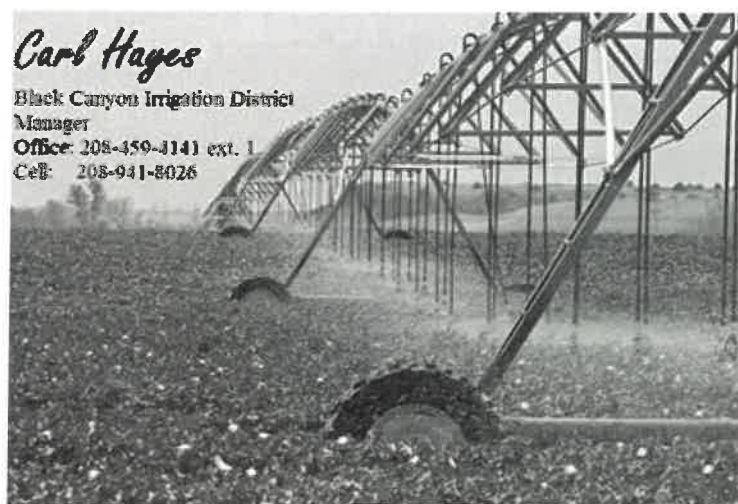


EXHIBIT “D”

City Engineer & Planner Comments



October 15, 2021

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

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

RE: Willow Wood Estates Subdivision – Revised Preliminary Plat

Thank you for the opportunity to review the above referenced preliminary plat submittal. We are in receipt of two pages, both stamped and sealed by David N. Sterling, PE, 13063 ID, dated July 30, 2021.

MCC 5-4-4.2.b. Please add Preliminary Plat and information to top of C0.01.

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

Revise Note 5 to reference Idaho Code and the irrigation district. Dimension irrigation easements (all), dimension common lots. Please identify and detail the easement for the irrigation/drainage facility along the east boundary.

Please add a note detailing all irrigation and/or drainage to be relocated out of rights of way.

Add street names to C0.01.

Extend 16" water main in Cemetery to north project limits. Terminate with hydrant.

Please extend the 8 inch sewer main at the end of Sumac Ave to the Cemetery right of way.

Revisit streetlight location – streetlights required every 400 ft.

Revise stormwater management to retention facilities.

The boundary is required to be surveyed and section corners referenced. Topography needs to be shown – utilities, irrigation, adjacent. Contours alone are not topography.

Add centerline radii and intersection radii, dimension rights of way.

There are multiple text/line/drafting conflicts that need to be corrected.

The traffic buffer on Cemetery and Meadow Park is required to be 24 ft

Add typical section for Meadow Park Street. Local structural section is 3/6/15.

Please show the location of the driveway to the west.

The intersection at Timberwood is atypical and needs to be revisited

Verify the spelling of Sweeney name.

Revise Note 3. Only utilities and access for front lot easement.

C0.01.

- Keynote 1, Keynote 2 - connection to "Estates at Meadowpark"
- Note 1. Add "unless otherwise noted"
- Note 2. Add "unless otherwise noted"



CITY OF MIDDLETON

P.O. Box 487, 1103 W. Main St., Middleton, ID 83644
208-585-3133 Fax (208) 585-9601
citmid@middletoncity.com
www.middleton.id.gov

October 4, 2021

Planner Comments

Willow Wood Estates Subdivision – Pre-Plat dated 7/29/2021

1. Please send copy of the agreement showing you have right to control (or own) 9th Street Right of way, proving that you will be able to improve and dedicate the Right of Way upon completion of construction.
2. Does the current annexation legal description and sketch include the 9th Street Right of Way? How is that going to be handled?
3. The Traffic Study indicates that this 63 lot subdivision has no material effect on any nearby intersections, removing the need to collect proportionate share dues. We need to get Amy Woodruff's opinion on that conclusion.
4. Missing a landscape plan
5. Need to show perimeter fence around entire subdivision. Either show it on the pre-plat or add it to the landscape plan.
6. Change name of Redbud Street to Redbud Avenue since it is a north/south roadway.
7. Add note to the "Notes" section stating that L16/B1 is a private drive. Also note that it has a public easement applied to the entire drive. Finally, put an additional call-out note regarding the easement next to the drive on the pre-plat.
8. Block 1, Lots 7, 8 and 9 need widened to 75'
9. Block 1, Lot 4; Block 2, Lots 3 and 4; Block 3 Lots 6 & 7 need notations to show they are at least 75' wide at the 25' setback line.
10. L7/B1 size needs to be increased to 8000.
11. You are a little over the density allowed, but it is by just a hair so we're inclined to overlook it. But, you have multiple lots that don't have enough frontage width or minimum size. If you can't get these deficient lots to meet the minimum code standards, then you may have to remove a lot from the plat to make more room. If you can get all lots to meet minimum dimensional standards, then I don't think the City will mind that you are a "touch" over the density allowed. Up to you.
12. I can't find the following common lots on the plat: L8/B3 and L13/B4. Please remove notation and renumber lots or show me where they are.
13. What is planned for the little landlocked parcel L2C/Block 2? Why is that parcel there?
14. Show mailbox clusters on the pre-plat
15. You are overstating your open space. When I count the 3 large common lots together, it is a little over an acre, which may get you to 5%. One of the 3 common lots may not really be sufficient to deem "Open Space" in the spirit of the Code, but we can try. We cannot include the landscape buffers and smaller endcap buffers in the open space count. They do not meet the spirit of the "Open Space" code. If you add an amenity on one of the bigger common lots, that will help create the sense of meeting the 5% open space requirement. A playground, or gathering structure, benches...etc., something to

provide 5% gathering space for the residents. Whatever you choose needs to be shown on the pre-plat.

16. I can't tell if you have the landscape berm required by MCC5-4-10-2 and MCC 5-4-10-6. If that common lot along Cemetery will serve as the required buffer, then put a little call-out note showing that it has a landscape buffer easement on it.
17. Will there be any phasing? If so, please create a phasing page.
18. Please change or add the following notes to the "Note" section:
 - a. Change Note 1 to state "building setbacks and dimension standards shall be in accordance with the Middleton city Code at the time of building permit issuance."
 - b. All streets proposed in this subdivision are public streets and shall be constructed in accordance with Middleton standards for public streets
 - c. Domestic and fire protection water shall be provided by the city of Middleton
 - d. Sanitary sewer collection shall be provided by the City of Middleton
 - e. Any re-subdivision of this plat shall comply with the applicable zoning regulations in effect at the time of the re-subdivision.
 - f. All existing wells shall be abandoned per IDWR regulations. All septic systems shall be completely removed and the area recompact per geotechnical report.
 - g. Sewer and Water capacity shall be reserved when City approves the construction drawings.
 - h. All lots are hereby designated as having a permanent easement for public utilities and pedestrian walkways over the 10' adjacent to any public right of way. This easement shall not preclude the construction of hard-surfaced driveways and walkways to each lot.
 - i. All lots contain a 10' wide easement adjacent to any rear lot line or subdivision boundary for public utilities.
 - j. All interior lot lines contain a 5' wide easement, each side, for public and private utilities, drainage and irrigation facilities.
19. Please type out a formal response to each comment explaining whether you agree to the change requests or why you disagree with the change request.

Sincerely,

Roberta L. Stewart

Middleton City Planner

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: Willow Wood Estates






Agency: Middleton

CIM Vision Category: Future Neighborhoods

New households: 63

New jobs: 0

Exceeds CIM forecast: No

	CIM Corridor: Purple Sage Road 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: 750 Jobs within 1 mile: 70 Jobs/Housing Ratio: 0.1	A good jobs/housing balance – a ratio between 1 and 1.5 – reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.
	Nearest police station: 2.3 miles Nearest fire station: 2.2 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: 927 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: 1.1 miles Nearest public park: 1.3 miles Nearest grocery store: >4 miles	Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle.

Recommendations

This proposal is on the fringe of the City of Middleton surrounded by farmland and removed from employment centers. Cemetery Road is identified in the *Middleton Connects 2015 City Vision Map* as having a Public Use Pathway and Bike Lane in the future. The Picadilly Park Park and Ride is approximately is about 2 miles away. This stop is not currently served, but *ValleyConnect 2.0* proposes future service at this location with an express route from Happy Day Transit Center to Saint Luke's regional hospital in Meridian, via Hwy-44, with 30-minute frequencies.

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>



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Fiscal Impact Analysis Supplemental for the Development Review Checklist

The purpose of the fiscal impact analysis is to better estimate expected revenues and costs to local governments as a result of new development so that the public, stakeholders, and the decision-makers can better manage growth. Capital and operating expenditures are determined by various factors that determine service and infrastructure needs, including persons per household, student generation rates, lot sizes, street frontages, vehicle trip and trip adjustment factors, average trip lengths, construction values, income, discretionary spending, and employment densities.

The COMPASS Development Checklist considers the level of fiscal benefits, how many public agencies benefit or are burdened by additional growth, and how long the proposal will take to achieve a fiscal break-even point, if at all. More information about the COMPASS Fiscal Impact Tool is available at:

www.compassidaho.org/prodserv/fiscalimpact.htm.

Overall Net Fiscal Impact

Net Fiscal Impact, by Agency

City 

County 

Highway District 

School District 

Break Even: 1 Year



Exhibit "F"

CANYON HIGHWAY DISTRICT No. 4

15435 HIGHWAY 44
CALDWELL, IDAHO 83607

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

November 8, 2021

City of Middleton, Idaho
Planning & Zoning Department
1103 West Main Street
Middleton, ID 83644
Attention: Roberta Stewart, Planning and Zoning Administrator

RE: Cemetery Road-Willow Wood Subdivision—Preliminary Plat

Mrs. Stewart:

Canyon Highway District No. 4 (CHD4) has reviewed the preliminary plat dated 7/30/21 for Willow Wood Estates Subdivision. The development consists of approximately 21 acres with 63 buildable lots. The development is located on parcels R3757901000 and R3757901100. The development is requesting annexation, preliminary plat, and R-3 zoning from Middleton City. The Subdivision is located on the east side of Cemetery Road approximately 2,770' north of Willis Road

CHD4 offers the following recommendations:

General

By agreement with the City, CHD4 maintains Cemetery Road 0.5 miles north of Willis Road to Purple Sage Road. Under this agreement, CHD4 may provide comment on development or other permit activity, which may affect traffic operations or maintenance of Middleton Road.

Cemetery Road

At time of improvement drawing review the following shall be shown:

- CHD4 policy requires a 5-year moratorium on road cuts in any newly rebuilt road. Cemetery Road was rebuilt in 2020.
 - New utilities are shown to extend 100' north of the subdivision's south property line in existing Cemetery Road.
 - Applicant shall remove and rebuild full width of road beginning approximately 25' south of the quarter corner and extend north beyond the perpendicular sewer crossing and terminate at next available warm joint. This includes any borrow ditches and road appurtenances.
 - If utility construction in Cemetery Road extends beyond depicted limits—Middleton City shall take over maintenance responsibilities of Cemetery Road.

Please consider extending sewer east, via Meadow Creek Way, to prevent additional utility cuts on Cemetery. Can this be addressed through improvement plans from Estates at West Highlands (see email dated 11/8/21)?

CHD4 asks the City to consider the following:

- Centerline is offset approximately 2.5' west from section line. Widen Cemetery Road from section line per Middleton typical section.

Access to Cemetery to come by future Meadow Creek Way shown as Meadow Park Street on Willow Wood plan.

Traffic Impact

Traffic mitigation will be addressed through subdivision frontage improvements and impact fees.

Please feel free to contact with any questions on this matter.

Respectfully,



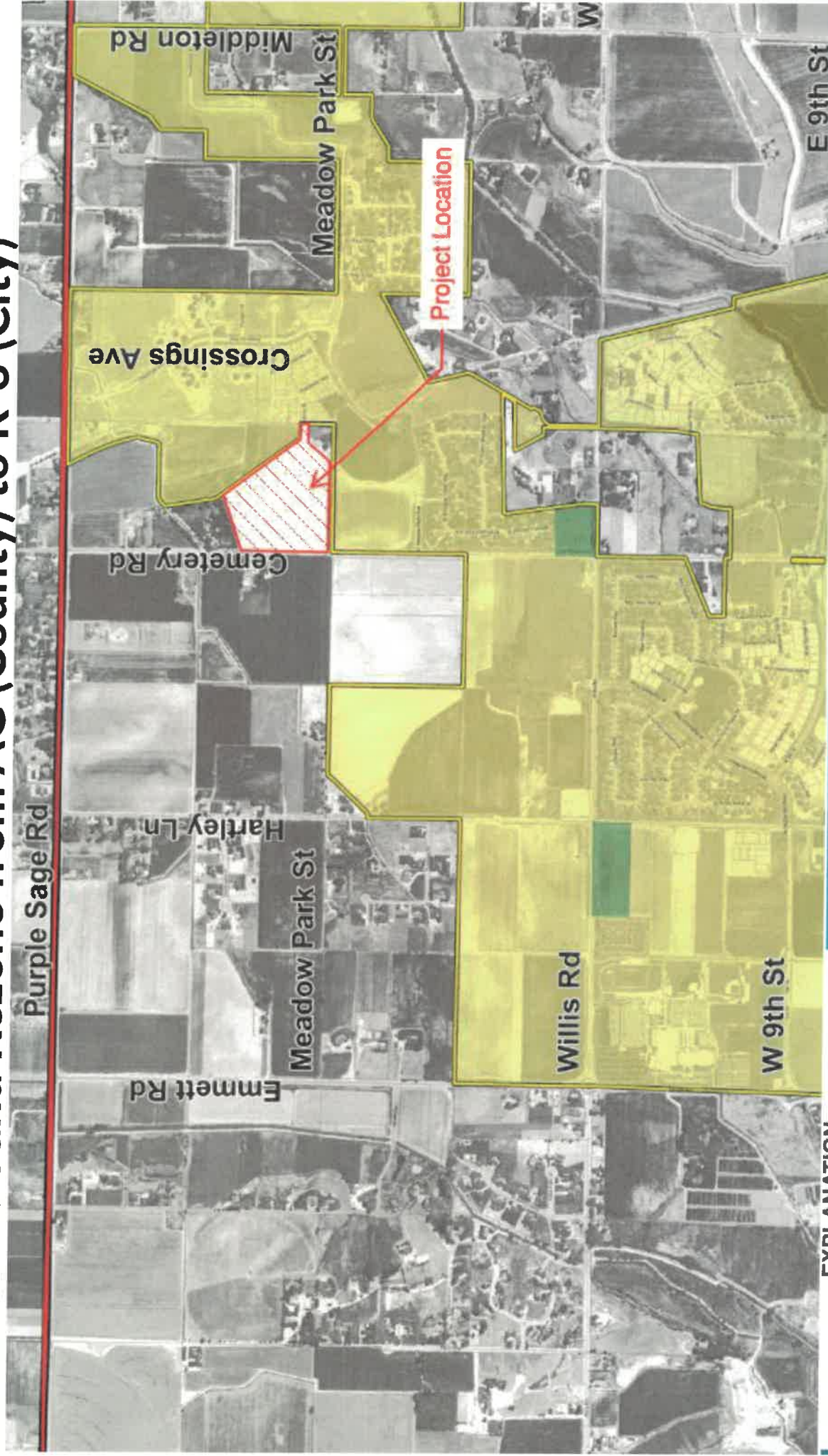
Lenny Riccio, E.I.T.
Assistant District Engineer
Transportation Planner
Canyon Highway District No. 4

WILLOW WOOD SUBDIVISION



10

Annexation and Rezone from AG (County) to R-3 (City)



EXPLANATION

Zoning		
A-R	M-U	Parcel Boundaries
C-1	R-3	from Canyon County
C-2	R-4	Assessor 2017-01-26
C-3	R-4T	Middleton City Boundary
I-P	M-F	Middleton City Impact Area
M-1	none	



T.O ENGINEERS

[illegible]

Preliminary Plat Layout

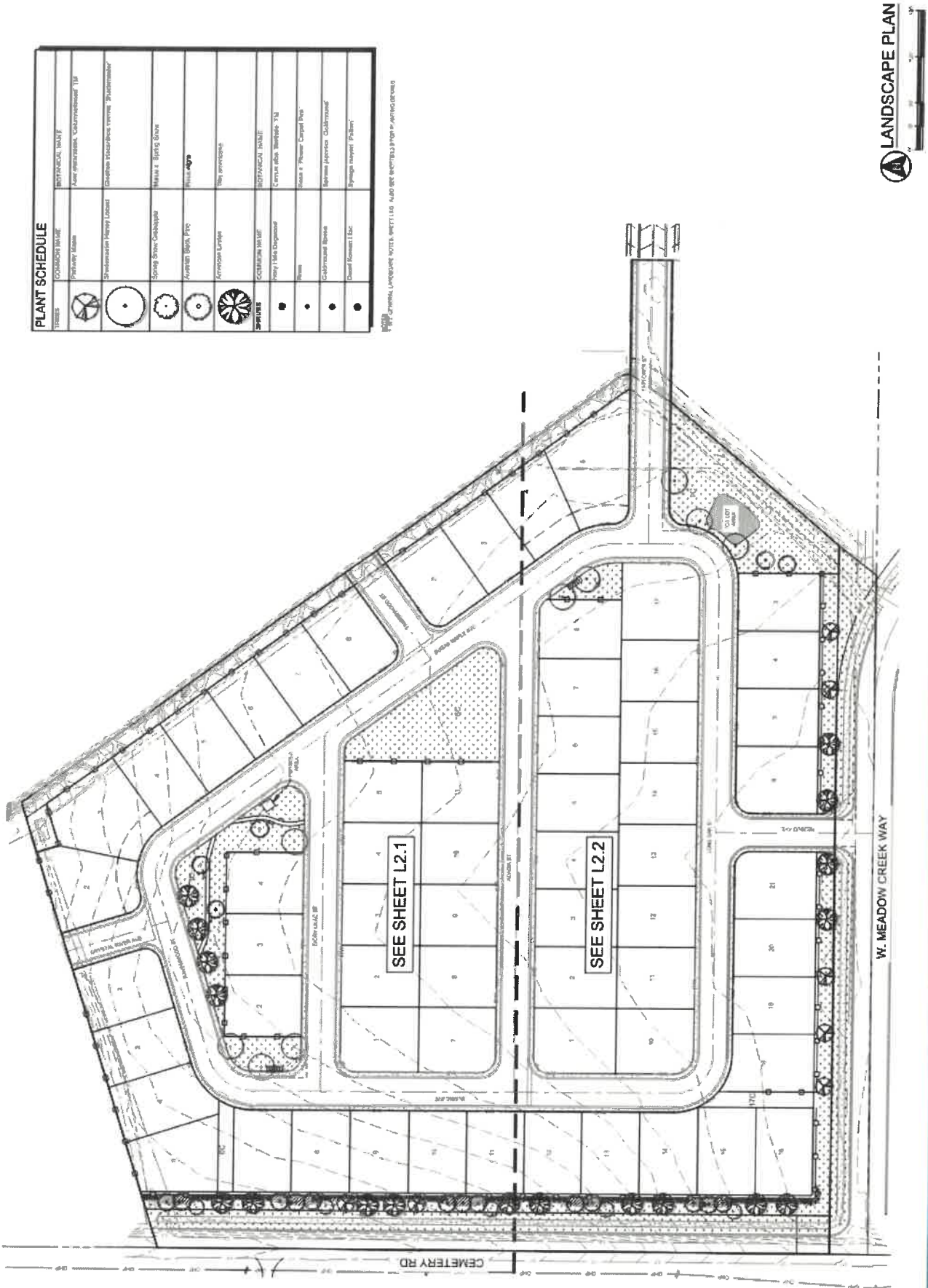
AREA AND LOT SUMMARY

TOTAL AREA	±904,260 SF	20.8 ACRES
TOTAL RESIDENTIAL AREA	±525,968 SF	12.1 ACRES
TOTAL COMMON/OPEN SPACE AREA	±130,843 SF	3.0 ACRES
INTERIOR COMMON/OPEN SPACE AREA	±47,586	1.1 ACRES
RIGHT OF WAY AREA	±199,863 SF	4.6 ACRES
TOTAL NUMBER OF LOTS	72	
TOTAL NUMBER OF BUILDABLE LOTS	62	
TOTAL NUMBER OF COMMON LOTS	10	
PROPOSED DENSITY	2.99 UNITS/ACRE	
AVERAGE RESIDENTIAL LOT SIZE	±8,483 SF	0.19 ACRES
MINIMUM LOT SIZE	8000 SF	0.18 ACRES
PERCENTAGE TOTAL OPEN SPACE	14.47%	
PERCENTAGE INTERIOR OPEN SPACE	5.26%	



T.O. ENGINEERS

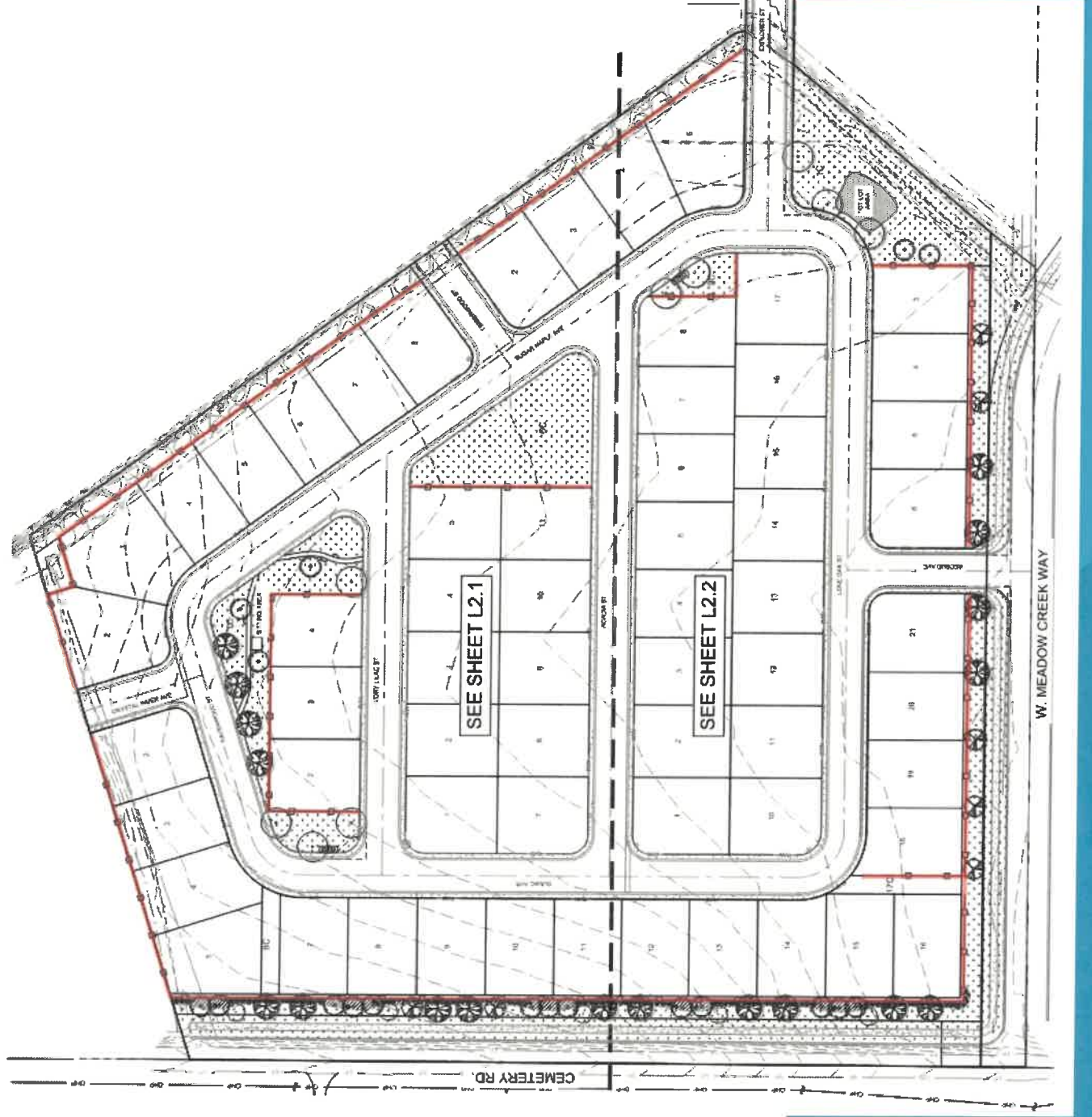
Preliminary Plat Layout



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THE NEW YORK PUBLIC LIBRARY
ASTOR LENOX TILDEN FOUNDATION
500 5TH AVENUE
NEW YORK 17, N.Y.

FENCING PLAN





4) Willow Wood Estates - Annexation/Rezone, Preliminary Plat & DA

November 8, 2021 - Planning & Zoning Public Hearing

Please check

[illegible]

[illegible]